

Lee C. White Oral History Interview –JFK #6, 4/9/1970
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Biographical Note

White, Lee C.; Legislative assistant to John F. Kennedy (1954-1957); assistant to Joseph P. Kennedy, member of the Hoover Commission (1954-1955); Counsel, Small Business Committee, Senate (1957-1958); Assistant Special Counsel to the President (1961-1963). White discusses the rise of communications satellites and how that situation was handled. He also discusses John F. Kennedy's [JFK] stance on executive privilege, comparing JFK's presidency to President Dwight D. Eisenhower's, among other issues.

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Lee C. White – JFK #6

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Sixth Oral History Interview

with

LEE C. WHITE

April 9, 1970
Washington, D.C.

By William W. Moss

For the John F. Kennedy Library

MOSS: All right. Mr. White, let me ask you about the communications satellite business first of all. Do you recall the way the issue first came to the White House office, how you first became aware of it?

WHITE: It's a little hazy in my mind. I do know that I was not the focal or central guy in the staff to whom this thing first came.

MOSS: Do you recall who was handling it?

WHITE: That's what I'm trying to remember, who the fellow was. It might have been Ralph Dungan.

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I'm not sure. I think it could have been him. It could have been -- no, I don't think it could have been Dutton [Frederick G. Dutton]. It seemed to me it was after he left. Do you have a date on it? That might help me.

MOSS: Yes, well it began to break in the spring of '61, pretty early.

WHITE: Oh, well, in that case it could have been Dutton. There were two things that Dutton left me when he - sort of a present. One of them was stockpiles. I can't remember the other one, and it may well have been that he was goofing around with communications satellites.

MOSS: Because I have the President referring the problem to the [National Aeronautics and] Space Council in, let's see, it's April, I believe, April-May '61.

WHITE: Well that could have been. That sounds reasonable. It could have been Fred, because that

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coordinating role that he played. It would be the easiest thing in the world is just to ask him, he's in town. But I sort of got into it late, and I would guess -- subject to being corrected by somebody whose memory is a lot better, that it flowed from Dutton's departure.

MOSS: Okay, so you think you probably got in at about the time that Dutton departed.

WHITE: Yes, which means the end of '61, after November, around Thanksgiving -- the Thanksgiving mMassacre, we have noted. Well, really there were three of us in it, and I would guess that the dominant role was played by Nick Katzenbach [Nicholas deB. Katzenbach], who was then the Assistant Attorney General in charge of the Office of Legal Counsel. Ed Welsh [Edward C. Welsh], of course as the Secretary of the Space Council, was deeply involved. And I was there really as the White House staff guy there to sort of work

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with the agencies in the drafting, and so forth.

MOSS: Was Abe Chayes [Abram J. Chayes] from [Department of] State still involved in it at this time?

WHITE: Yes, he was involved in it, and of course New Minow [Newton N. Minnow] was involved in it. Newt, if I recall correctly, reported that the only damn thing that the FCC [Federal Communications Commission] was unanimous on was their position on COMSAT or communications satellite [Corporation]. Somehow or other he wasn't able to persuade anybody in the White House, the Budget Bureau and elsewhere, that even though they were unanimous, that they were right.

MOSS: Why was that, do you know?

WHITE: No, I think it was just partly the merits of it, and partly the politics of it.

MOSS: Well, if you came on board with the problem, in about December, this was the same time that the

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plan for the publicly owned corporation was submitted. This was 6 December. Do you recall where the idea came from?

WHITE: I believe that it probably emerged from some discussions that Katzenbach and Ed Welsh and I had, but that the creation itself was probably more Katezenbach's than anybody else. I don't know whether it, you know, sprung out of his mind, or from that of somebody on his staff. But in our discussions of it, I think it was he who spoke about the possibility of a hybrid.

There was, as you know, great concern on our part at the White House that the President was going to get his head bashed in by Kefauver [Estes Kefauver] and some of the others. And indeed a lot of thought was given to the TVA [Tennessee Valley Authority] approach. I'm trying to remember. I don't know, there must be in President Kennedy's files somewhere a series of memos. I remember

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writing some. I supposed given the pain of death I could find some damn things in my own house -- copies of memos to the President on it that summarized the issues. But this was big enough and important enough for him to have focused on personally. And he did.

I think that what we told him was that even though many of us preferred -- I don't know if many of us, whether I'm reputing to others my own prejudices -- that I would have preferred a TVA-type approach, because of my obvious bias, having been at TVA, and having seen that it could perform in a totally satisfactory fashion in an activity that is proprietary in character. But the communications industry simply had not grown up that way in this country, and getting it through the United States Congress would be impossible.

An extra piece of the equation was -- I think this was accepted by all, it came from the

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Space Council, or the space-oriented agencies -- that if we didn't get off our ass and get something done, the Russians would. So it wasn't a case of being able to sort of leisurely go through a two-year educational process in the public and in the Congress, trying to get the best arrangement. So we were clearly and unmistakably seeing an acceptable accommodation, compromise, call it what you will. I have no reason to doubt today that that

one element of it that was described as a piece of the decision had to be taken into account was accurate. I think it was. I don't know, but the important thing was I don't know damn well that back then everybody accepted it as accurate. And so the President... You know, it was part of that catching up syndrome on space. This was an area where we had every reason to believe that we had technical competence to do it, if we'd only figure out the

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machinery or the method, the organizational structure to accomplish it.

MOSS: What led you to believe that the Russians were moving fast in this direction?

WHITE: Well as I say, my guess is this was an input from the space-oriented groups.

MOSS: But there was no attempt to go behind that, behind the advice and get the details?

WHITE: I can't answer that question because I can't remember. I assumed that somewhere along the line Bundy's [McGeorge Bundy] people were involved in it. All I do know is that that piece, that building block was there.

[Interruption]

MOSS: We were talking about the COMSAT thing, and I'd just asked you about the business of the Russians getting into the business. I think you'd finished your point on that, if I'm not mistaken.

Now, when the White House sent the bill to Congress, they had a provision for two classes

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of stock, one which was public and voting, and the other which was more or less for the companies, non-voting but gave them a break on their rates later, was figured into their...

WHITE: Well, you're more familiar with it than I am now, but that sounds right.

MOSS: Now, why was this put in? Do you recall? Why was it set up this way?

WHITE: I'm just running now on brute memory and it's a long time ago but my recollection is it was simply a carry through on the compromise concept to give them a piece, a very major piece, of the action, and yet at the same time to give this a flavor where they would not have control over it.

MOSS: Okay. Now but when it got into the Congress, they cut out the two classes of stock and in effect made it one class of stock, but still had a provision for

non-voting securities. Was this just

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a different way of doing the same thing, or was there something really significant about this change?

WHITE: I'm sorry I can't be helpful on that. I simply don't remember. But if I were to guess, I would guess that it was not a major shift that was contemplated.

MOSS: Okay. Let me ask you, then, about the activities of some of the senators on the thing. Kerr [Robert S. Kerr], of course, has a reputation of being the AT&T [American Telephone & Telegraph Company] man on the thing. Is this a valid characterization of his role? Was he really lobbying for AT&T on the thing?

WHITE: Well, the senator's dead, now, and it's a little hard to, you know, talk about him as though he weren't dead. There was that general impression, but I'm not so sure that that's fair to him. I don't think he was necessarily an AT&T man in the

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sense that they got to him and he was in effect carrying their water. I think basically he was a private enterprise man and was willing to accept the concept of compromise, recognizing just as well as the administration did that either extreme alternative -- and the word extreme is only for relative purposes here -- would have trouble. He was very, I think, genuine in his effort to be cooperative and to work out arrangements that would be least deviating from a private enterprise approach. I don't know if that's a fair characterization of him, but I remember some conversations. He was a key man, and we did call on him, discuss it with him. He was a very quick-minded fellow, and he understood exactly what the hell was going on without any road maps being necessary. I don't think of him as kind of a villain of the piece.

MOSS: Okay, how about Kefauver, Morse [Wayne Morse], Gore [Albert A. Gore],

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the people who were on the public ownership side of things?

WHITE: Well, they had a very valid position, and I think pursued it as vigorously and as effectively as they knew how, and I couldn't condemn them. It was somewhat uncomfortable for many of us in the administration to be the butt of that type of presentation on the Senate floor, and yet it would have been so much easier to have joined in the type of criticism that they leveled. But we truly believed -- whether

correctly or incorrectly, I still to this minute believe correctly -- that we had gone that approach, there still wouldn't be a communications satellite organization operated by the government. So what it meant was we had to kind of, to use a President Johnson [Lyndon B. Johnson] term, and just "hunker down" and take our beating and get the damn thing through. And that's kind of the way it went.

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I'm not sure it was the wisest thing in the world, but at least it did get through. There was a little bit of uncomfortableness on the part of some of us who regard ourselves as liberals, that the first time that the new cloture provisions were used was on this bill. But it's another thing where you just had to kind of hold your nose and just ride it out, and that's what happened.

MOSS: I asked you about Kerr and AT&T. AT&T had the reputation on this thing of really pulling out all the stops on the lobbying. Was this so, and did you feel it at the White House, directly or indirectly?

WHITE: I can't remember any, so I won't say no. I certainly don't remember any, and yet it's totally conceivable that it could be the case, just never got to me.

MOSS: Was there very any doubt that there were enough

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votes in the Senate to break the filibuster on this cloture business?

WHITE: That's Larry O'Brien's [Lawrence F. O'Brien] business. My guess is that they thought that they could do it, although as I say, everybody was holding their nose.

MOSS: Did you get involved at all in the selection of the incorporators afterwards?

WHITE: Yes, a little bit.

MOSS: Okay. What were some of the criteria that you were working on for incorporators?

WHITE: Well, Dungan, Ralph, he had the basic responsibility, but this looked like pretty juicy stuff, and every damn guy and his brother who wanted on would call everybody -- and I just happened to be one of the everybodies and feed it to Ralph. I think Ralph was probably in the best position to answer what he had in mind. But basically it seemed to be people of stature

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and some capacity for exercising wise leadership in the initiation of sort of a unique organization.

MOSS: Was it dumped completely in the staff's lap or did the President have a direct say-so in it?

WHITE: Well, the way you put the question is too easy. Of course, the President made the final decision. As to whether or not on that relative scale from zero to a hundred, he sort of just glanced at the names that Dungan had put together and accepted them, I can't say. But I would guess, on the basis of some of the other experiences that I'm familiar with, that it was nowhere near zero in terms of presidential involvement. It was probably not, well, it couldn't have been 100 percent in the sense that he took each individual guy and went over him with a fine tooth comb and then sat down and looked him in the eye and made up his own mind. I

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would guess it's somewhere in the 60 percent category, with his going over all of them with Ralph and asking who they were, what they did, and who was their sponsor, and how did the name get on the damn list. On this one I think that it's fair to say that the then Vice President played a very major role, because he was chairman of the Space Council and interested in it. There were some candidates that I think had the LBJ brand on them.

MOSS: Were there any candidates who were being pushed very hard that you definitely didn't want to touch?

WHITE: That's interesting, and I think the answer is yes, but I can't identify them because I can't remember. But I do remember a little bit of queasiness on this score, partly because of who they were and partly because of who was pushing them.

MOSS: Okay. Can you think of anything else that ought to be said on the COMSAT thing?

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WHITE: Not much. I think it does offer itself as a pretty good illustration of the type of problem that an administration bumps into, on occasion, where it brings to bear a whole host of different factors and considerations. I don't even know today whether one could regard it as successful handling of an admittedly difficult assignment. But with just the general feel that I have for it, I think it falls in that category of a reasonable solution to a very sticky problem and I think it has worked relatively well. I presume it's the sort of thing that a doctor's thesis could be written about very handily,

because you can almost get your arms around it, not quite, but it's got so many of those elements that professional White House staff people think of as the ingredients for their daily grist.

MOSS: All right, what sort of elements are you talking about now? You've mentioned the public-private

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issue, but in more detail...

WHITE: That's right. I'll characterize that a different way, which is the practical political realities of the situation. Now, if you accept the fact, as the President did, that something had to be done and it had to be done rapidly, then the assignment became different than the one that was frequently put to people on the White House staff, which is: what is the best, the optimum way to do something? I believed then -- I think I believe now -- that if it didn't require congressional approval or enactment, that I might have been willing to go a TVA route -- you know, if all the votes, somehow or other, got vested in me -- because I think it would have been more effective more rapidly. By the same token, it's tough as hell once you go that route, to find a legitimate and satisfactory way of the government divesting itself. We've got that problem right now in the

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nuclear fuel plants that the federal government owns and how to dispose of those on a fair and legitimate basis.

It had the extra element of international considerations hinging right smack on what has traditionally been domestic problems, so that different characters were playing a role in it that otherwise might not even bump into each other. It had another element in it, namely the relationship between the executive and the regulatory agencies. There was, as I say, New Minow pleased as a damn peacock that he got seven of those guys together, and there was the Administration saying, "Well, thanks a bunch, but we're going a different way." As far as I know, Newt was a good soldier about it and didn't go around crying anywhere or go into Congress opposing it because it was different from what the commission had recommended. They had the element of importance. It had the element of technological

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movement. Some issues are basically sociological; this was technological as well as having an impact on people's lives. So for those reasons it strikes me as being a peculiarly interesting topic to show a President and his Administration in action on a problem that is relatively easy to understand and comprehend.

MOSS: I remember reading that there was some issue as to whether this should be a

system that would serve only the free world, or should be global in scope and should get Soviet participation, Chinese participation and so on. Do you recall discussions on this issue?

WHITE: No. There were some, I'm sure, but I just couldn't reconstruct them for you.

MOSS: Let's move on to executive privilege then. The earliest thing seems to be this Arleigh Burke speech in January right after you came into office. Do you recall who besides Salinger [Pierre E. Salinger] was

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involved in the toning down of the speech?

WHITE: That was early. My recollection is it went something like this. The Defense Department sent the thing over for clearance and Pierre got it. Pierre didn't know what the hell to do with it, so he sent it to the Sorensen [Theodore C. Sorensen] apparatus. The piece of the Sorensen apparatus who happened to be available was me, so I got it. You know, it's like handing a guy a grenade and taking the pin out. I read the goddamn thing, and I said, "My God." If you hadn't asked me, well, you know, so some admiral -- certainly a very important one -- wants to make a speech, that's up to him; but if you have the burden of having been handed the thing in advance.... I called Pierre and I said, "I don't know what the hell you want me to do with this thing, but if you want me to say that I don't see any problem in this, I can't do that." He said, "I don't know what the hell it's all about." So I said, "Well, I'd

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better get Sorensen into this." Sorensen got into it. And I think Sorensen took it to the President -- I'm not sure you'll have to ask him -- I can't remember, but I would not be surprised if he did. But I'm sure he was equally as appalled as I was. I can't even remember now what it was that the admiral said, but it just struck me, I do have a clear recollection of thinking, "My God, this guy certainly hasn't been reading any of the things that his President has been saying when he was a candidate."

MOSS: As I understand it, he was being particularly belligerent in his tone and talking about victory over Communism and this kind of thing, at the same time that you were awaiting the release of the RB-47 fliers.

WHITE: Right. I'm not sure I'm an expert in anything, but I know I'm not expert in international matters and the big sweep at security stuff, but any

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fairly careful reader of the newspapers would have taken that speech, in draft form or in form for clearance, and said, "My God, you know, this is..." It didn't take any sophisticated understanding or knowledge or even any closeness to President Kennedy to recognize that, yes, this was trouble. I don't know that you've got this in the, necessarily in the right spot or pigeonhole. I don't know if this is really executive privilege, so much as censorship.

MOSS: Well, it comes into the same general area, I think. And I wanted to see if I could clear up one question, too. On both sides, the Burke people seemed to have blamed the White House for leaking the fact that it was reviewed, and the White House blamed Burke's people for leaking the fact that it was reviewed and toned down. You don't know anything about that?

WHITE: I don't know anything about it. All I do know is

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that I don't think, I know I didn't have any, I wouldn't have leaked it because it's not my bag. But I can't imagine that.... Well, I don't know, maybe the White House might have felt this was.... A guy like Sorensen may well have thought that. You know, in that first flush there, there was an awful lot of desire to show how vigorous and energetic the new President was.

MOSS: Okay. One of the reasons I used this was, we'll be coming later to the DOD [Department of Defense] business and the reviewers of speeches before the Stennis's Committee. But before we get to that, the episode with J.R., Peru, ICA [International Cooperation Administration]...

WHITE: Porter Hardy.

MOSS: Porter Hardy's committee, right. Now, there was a position taken at State that Rusk could invoke executive privilege without getting it directly

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from the President, that as a deputy of the President in effect he could also invoke executive privilege for his subordinates. Who was responsible for formulating this position, do you recall? Was it Chayes at State, or did it come from the White House?

WHITE: No, it was kind of a carry over from the State Department legal staff. I'm not sure it was only legal, it may have been other policy people that the new Secretary inherited. This is an old story. It goes all the way back to President Washington [George Washington]. And they, I think, believed, do you know, you must make an argument for it, that the President shouldn't have to bear the brunt. Let one of his

subordinates, a secretary, take the burden. Phil somebody or other was the guy; the staff man working on it. Phil, he's from Knoxville, Tennessee. If you need his name, I can give it to you -- if you don't want it.....

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MOSS: I think we can find it probably.

WHITE: Oh, what the hell was his name? I know him so well, too. He used to be a TVA lawyer.

MOSS: Well, we can run it down.

WHITE: And I think Abe Chayes sort of didn't necessarily want to rock the State Department boat. I don't know how much personal involvement he had in it, I don't think very much. But President Kennedy made it clear to me and to the others that he understood what executive privilege is all about, and he wanted not to yield it up and to say we'd never invoke it. But unlike President Eisenhower [Dwight D. Eisenhower] and perhaps many of the people in the State Department and elsewhere in the government, he'd just come from the Congress. And he had a very strong belief that to exercise executive privilege was not a very smart thing to do tactically, because not only do you have the problem of whatever the substantive issue is that's involved, but

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that could become secondary to the issue of withholding information. He had the impression that that second battle was perhaps a tougher one to wage than the first one. So we tried to work out processes that would demonstrate this basic presidential philosophy, which was to give them everything that you possibly can. Now when you got to somethings that were so clearly -- that any reasonable man would recognize as improper, and if you could make a case for it, well then, we'd try to work our way through these things. And we were also sensitive to the Moss subcommittee and its efforts. What was the name of his staff man?

MOSS: I don't know. I'd have to check the *Directory* [*Congressional Directory*] to do it.

WHITE: Oh, Sam somebody. Sam was a holy terror. I remember saying that two years after we kept getting cuffed around, our biggest damn mistake was not

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sticking that guy in a job someplace in the Administration. He wanted one, but for some reason didn't get it out.

On the Porter Hardy thing, that was sitting on the President's desk the day when -- I think it was a letter dated... He'd been raising hell with the Eisenhower people. It was a letter to President-elect Kennedy, dated December something or other, that said, "Old buddy, I'll be with you on about January 21st." Hell, I don't think it was much later, the 25th or so, that he came in. Porter Hardy's a pretty aggressive and pretty tough competitor.

I don't know who it was that came up with the idea. I'd like to claim it because I think it's a pretty good one, and for all I know I was. We worked out some kind of arrangement whereby we'd go to him and say, "Mr. Chairman, this particular report has to do with people in the Peruvian government, and is extremely candid. We believe,

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in order for this whole inspection process and investigation process to be effective, that the writers of it have to know that they can be as candid as they want without fear that one day this material will surface in a committee report or some other way. Now, we can appreciate how you would understand that if the executive branch refuses to give you something, that you're entitled to think the worst of it. We don't want you to think the worst of it, but we want to preserve this, and what we're willing to do is to let you, as chairman of the committee, look at it without any restrictions, satisfy yourself. If you have any questions we'll do our -- you know, if we're wrong, if we've covered up something, we ought to be criticized for it." You know, it's a nice Pollyanna attitude. "But if now, then we would hope that you could satisfy the members of your subcommittee without divulging

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the information, because you will, we hope, appreciate as we do the legitimate sensitivity of it."

And thereby, as I viewed it, this had the advantage of demonstrating to a responsible member of the Congress, if he would take it on that basis, so that the confidentiality of it was moved one step further to him, then he could conclude, as best he could, whether or not the government was deliberately trying to hide something from him that showed malfeasance or misfeasance or nonfeasance or any other goddamn kind of feausance. And I must say he was pretty good about it.

MOSS: Now, did he go to State to look at these papers, or did State take the papers to him?

WHITE: He wanted to send a staff man. I'm a little hazy on this. What the hell is Phil's name? He could tell you all this, he's got a good memory. He broke his leg once, if that will help any.

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MOSS: I was thinking of the later issue, recently, between Fulbright [J. William

Fulbright] and DOD on that Vietnam supposed treaty business, where Fulbright was asking to see the correspondence or whatever. The Defense Department said, "Come down to us," and Fulbright says, "No, by golly, you bring it to me." It was an issue of prerogatives and so on.

WHITE: Well, on that I don't have any view. My own view normally is not to begin to clutter up issues with personalities and avoidable tensions. I think one of the problems however, though, is what do you bring them. You know, if you make some selection, he may feel that it's an inappropriate one, or you may feel that you will have zeroed in on something that otherwise he might not. And part of the process is to live openly.

I must say, both President Kennedy and President Johnson had strong feelings on this that, you know, these were public matters that could be justified for

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retention and secrecy only when you had specific reasons, because, as I say, their own experience in the Congress had been so strong in them. They knew the tendency of the congressmen to assume if they weren't shown something it's because the government had something to hide.

Maybe now it's beginning to clear up for me. The distinction was between "hide" and "keep secret." There's a big distinction. And what we tried to do is to find a device, a mechanism, for letting them know you're not trying to hide things and sweep them under the rug, but that a reasonable man would appreciate that the divulgence, not only in that particular instance could be detrimental to the best interests of the nation, but that it could have a very heavy psychological impact on the minds of men who were writing reports. I think that was a very valid point. The difficulty I had with people in the

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State Department at the staff level was their belief that if you ever gave anything, you somehow or another -- especially under pressure -- began to erode the executive privilege, you know, you could never go back. Having given something you could never go back. I had the relatively naive attitude -- not only I, this was a reflection of the Presidential attitude -- that the only time that you make these battles was when you know that you're right and when you can win them. Ultimately it gets down to what the public will accept. If you're going to stand on executive privilege and, you know, prevail in the sense that no court is ever going to make you divulge it, and lose in the sense that the congressional or political opponent can beat your head in, and the press can beat your head in, I don't think that's very much of a victory.

So, although I was not personally very

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deeply involved in the McNamara [Robert S. McNamara] business on the speeches, in the blue-penciling, it was clear as a bell that there was a situation where the President said, "Let's go to the mat," what he was talking about is the great American public. They were the ones who were going to decide and judge as to whether or not Secretary McNamara was being unreasonable and arbitrary when he told Thurmond [James Strom Thurmond, Sr.] to go to hell. And that, I think really, is what it boils down to.

MOSS: I was going to ask, in that regard, how durable a device this arrangement with Porter Hardy was, and could it be used across the board in any situation? Was it limited?

WHITE: No, no. I don't remember too many instances, but we got into a problem with the Commerce Department in the minutes or in the records of some of the meetings on whether to permit export

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licenses for strategic goods. Fountain [Lawrence H. Fountain] was the head of the -- Was Fountain head of the subcommittee? Anyhow, we tried the same device. Sometimes the guy says to hell with that. He's not going to get stuck reading that stuff and being the one who has it in the least. You know, the bona fides of the department is made then, because they can claim legitimately and honestly, "Well, we offered this. So we're not trying to hide, but we think we have to make some of this material available on a basis that will protect the process."

MOSS: Okay. Getting into the DOD thing.... Well, let me see the stage for it a little bit by asking if you were involved at all in the General Walker [Edwin A. Walker] business. This seems generally to be the thing that triggered Thurmond's ire -- this and reports of other blue-penciling on military speeches.

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WHITE: My involvement in the Arleigh Burek thing was just sort of, as I said, initial aberration, you know, because we were new there. Pierre didn't know what the hell to do with it, so he just handed the grenade to somebody else, and I happened to be the somebody else.

MOSS: Can you speculate on the President's reaction, or did you observe the President's reaction to sort of being caught between the need to maintain civilian control and charges of being soft on Communism, that was involved in this whole Thurmond...

WHITE: No, I must say I was not anywhere near the center of that. I think some of the materials that I may have worked up on how we'd handled less explosive

issues were used, but I was not sitting in the President's office and participating or observing that, so I can't help you.

MOSS: Okay. Did you get involved in the 1962 Hardy

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business, with the matter of aid to Cambodia that went to build a Russian-sponsored hospital? Can recall that at all?

WHITE: It doesn't strike any responsive chords.

MOSS: Okay. Can you think of anything else that we ought to cover on executive privilege?

WHITE: No, but I think it would be a good idea to talk to Porter Hardy if you haven't, to get his reaction. Porter Hardy is a good illustration in my mind, of a tough-minded guy who had a reputation for gobbling people up wholesale. I must say though, there's something reasonable about that man to me. He was not unreasonable, and I think -- he's going to have to answer this -- he was persuaded, President Kennedy really meant right, that really wanted to do right, and that he was not trying to hide things, he was not trying to protect a group of incompetents or others who may have made blunders or mistakes. One of the important factors, then, I think emerges:

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the level and degree of confidence that the congressional group have in that process. They recognize executive privilege. They know damn well they can't go to court and prevail. There is that constant seeking out of the guidelines, and I think frankly, we haven't mentioned it, but one of the significant things was the decision under the prodding of Congressman Moss to come out with a very formal letter, signed by the President. And well, I'll tell you, that was a presidential letter, that wasn't any non-presidential letter, or one that was kind of casually handled. He understood executive privilege, and he'd be damned if he was going to let anybody else use it. Executive privilege, as far as he was concerned.... And I don't know whether one president can bind another one any more than one congressman can bind another one because again, these issues aren't resolved in court. They're resolved in the

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arena of public opinion.

The President didn't want any damned Secretary or agency head going around claiming executive privilege, because it was his Administration as well as theirs. He's the one who always griped, as any other head of a big organization does, about only finding out

about these damned things when they're beyond reclaim or repair or when the prices of, you know, things escalate, and then it's a major thing instead of a little thing.

So the process, I think, worked rather effectively. Whenever anybody in one of the agencies had an executive privilege problem if they didn't know that I was the guy while I was there, all they would have to do was call the White House and within two minutes somebody else knew that I was. We began to grapple with the problem. I don't remember any instances where it was necessary to cut anybody's legs off. It worked, I think, fairly well and

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did not become anywhere near the problem under Presidents Kennedy and Johnson that it was under President Eisenhower.

MOSS: So what specific things did you do when you were called by somebody in an agency on a question?

WHITE: Most of the time we'd said, "Give it to them, for Christ's sake."

MOSS: Well, then what were the toughest ones you had to handle other than the ones we've mentioned?

WHITE: I really can't remember. There were a few others, but they really don't jump.... One of them, again, was the Commerce Department on another matter -- I don't know what the hell that was. You know, it just kind of depends on which end of the telescope you customarily look through. These guys were always looking through the other end of it, and they were going to preserve that privilege.

MOSS: While we're talking about Commerce, were you

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involved in the gripe by Moss that the Business Council -- the successor to the Business Advisory Council, or more or less successor -- was having secret meetings with the Administration?

WHITE: Yeah, Mike Feldman [Myer Feldman], I think, was wrestling with that one, but I was around and saw it happened. Old Luther Hodges really got all steamed up about it -- he was too slow to anger but once he got angered, boy, he was a holy terror. I'll say, I think John Moss, who used to give us some fits over there, performed a very, very valuable service, keeping the pressure on the executive branch. And I will confess to one other piece of this that -- not quite as lofty as some of those others that I mentioned -- I always had the impression that one of the ways to kind of ride over some of these hurdles -- and you do think of them as problems, especially when you don't have the time to back off and be philosophic about it -- is just

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give them every damn thing, those guys would have so much paper they wouldn't know what to do with it anyhow. You know, you're practically safe by just giving them warehouses full of it, and then they have got to sort it through. But, I think, the President was very anxious that his Administration not be regarded as a closed one.

MOSS: All right. Well, were in fact off the record meetings going on between this Business Council and the...

WHITE: Oh, I think so. I don't think it's so much that they were off the records as the fact they were secret. People may have known they were happening, but you couldn't find out what happened there. It's a classic dilemma -- the chairman or the important members of an advisory committee say, "Look, we'll come. We'll give you the best information, the best analysis, the best arguments we can think of. But we're businessmen, and you've got to protect us. This

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has to be confidential." And the guy says, "Well, now, what the hell, I'm a public official. How can I say yes to that?" And he says, "Well, I'll tell you how you can say yes to it, because if you say no to it, we're going to have a different presentation for you. We're going to give you one, that if you're going to make it public will be suitable for public. Now which do you want?"

So I'm on the Moss side of it. And I had the same problem in a smaller context when I got to the Federal Power Commission because it has advisory commissions up its gazoo. And those guys have a hard time steering their way through those -- on one side rocky shoal and the other the edge of the water. I think an administration has to, on those issues, kind of sacrifice some degree of contribution that could be made in order to satisfy the public that they are not engaged in some sinister, secret dealings. It's tough though.

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MOSS: Did the question of the reputation of the Administration with the business community enter into this at all, the fact that they were taking a lot of lumps from people like the Chamber of Commerce and the NAM [National Association of Manufacturers]?

WHITE: Might have. I just don't know, I wasn't close enough to it. But it wouldn't surprise me that somebody would have said, well, you know, "Screw them." That particular -- this is way off the topic, and I'm not sure that we covered it before -- Business Council was made up of some fine people. It really burned me up, in the summer of 1963, have you heard the story about the series of meetings that President

Kennedy had on the civil rights problem where he pulled in leadership groups, it was with labor leaders and education leaders and clergy? One of the groups was Business Council. The President of the United States, accompanied by the Vice President of the United States and the Attorney

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General of the United States, all walked into the East Room of the White House. There were about sixty or seventy of these guys, and those goddamn idiots didn't stand. You know, there's nothing that was written in the Bible or in the Constitution that says anybody has to stand, but just common decency would have seemed to call for that. I don't think the President even noticed it. But a whole lot of us who weren't presidents noticed it. Then, when we told him about it, I think he really got mad.

MOSS: Let's see, I've got about maybe ten minutes worth of tape here on this side of the reel, and perhaps we can talk about the executive order 10988, the Employee Management Cooperation business.

WHITE: Yes, that's getting kind of current, hasn't it?

MOSS: Yes. Well, let me start off by asking how did it first come to your attention or to the President's attention?

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WHITE: I don't know. It came to my attention.

MOSS: Okay.

WHITE: Ted Sorensen called me up and said, "Hey, would you go over to Arthur Goldberg's office. They've got a meeting on some business about the federal employees." There was a task force, and he was on it.

MOSS: Yes, the task force was set up in June '61.

WHITE: He couldn't go, I was his alternate.

MOSS: Okay, the task force set up in June, '61, the report came out about six months later, in December '61. And so Sorensen designated you as the man to go to the task force meetings, right?

WHITE: Yes. He was a member of it, and I think he signed it, with others, but I was the particular fellow he asked to attend it.

MOSS: Do you recall why other departments with large groups of employees were excluded from the task force, for instance, Interior, Commerce with its

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Weather Bureau and National Bureau of Standards, HEW [Department of Health, Education and Welfare] with the Social Security Administration, the Public Health Service, and so on. Why were these departments excluded from the task force?

WHITE: I haven't the vaguest idea. Partly, of the ones you're talking about, it may stem from the fact that they wanted to get something done, to the extent that they had the principal departments with large, very large federal employee numbers, that were more likely to get something done without occupying the attention of guys who were interested but not as centrally interested. I don't know.

MOSS: Okay. It usually seems to happen on these task forces that the principals, the Secretaries, designate somebody to actually do the meeting work. Now, who were the others who were designated, say from Defense and Post Office [Department] and so

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on, do you recall?

WHITE: No, but I can tell you who.... I had the goddamnedest telephone call from John Pomfret of the *New York Times*. He no longer writes, he's up there now in the management. In fact, I think he handles their labor relations and I see they're about to go out on strike. Pomfret was then handling that labor beat. He called me up and really unnerved me. He said, "Listen, you were at a meeting over at Arthur Goldberg's, Secretary Goldberg's office the other day, on this executive order." He said, "And this guy and that guy and that guy were there." He said, "There's one name, the name of one guy that came through garbled. Could you tell me who it was?" The son of a gun, it was almost as though he'd been there. He'd heard everything that was going on. He got the most complete report, and I couldn't tell whether he was tweaking

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or not. I assumed he was. So you call John Pomfret or find an article that he wrote, and that will spell out everything for you. Pat Moynihan [Daniel P. Moynihan], of course, was the designate that rose to the most prominence from that little group. DOD probably had Carl Runge [Carlisle P. Runge], I don't know. It sounds like his bag.

MOSS: Who from Budget, do you recall?

WHITE: Probably Bob Turner [Robert C. Turner], but I'm not sure.

MOSS: Okay, let me ask if your considerations included the professional services, such as the Foreign Service, Public Health Service, and so on, in addition to the...

WHITE: I don't have a mental block, but very little of that stuff stuck in my mind.

MOSS: Okay. What about the question of employee unions and so on. The executive order that came out authorized the unions and so on, so long as the question of a strike was laid low. How did this

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come out in the discussions of the task force, do you recall?

WHITE: I don't know of any dissent to the no strike concept. I don't think there was anybody in the room who argued for it. I hope the whole thing isn't resting on my frail recollection, but for whatever it's worth, I do recall not a voice being raised saying that if employees are going to organize, you can't take away from them their ultimate weapon. Everybody started with the assumption, how do you devise substitutes for, you know, there's never going to be a complete substitute but, at least, move toward that.

MOSS: What did the task force consider in the way of the form of collective bargaining that would take place under the federal employee union management relationship?

WHITE: I can't be any clearer or unequivocal on this than I was on anything else involved in this whole

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damn topic. I have the impression that the attitude was this was going to be advisory. Nobody really believed that the Postmaster General was going to have to be bound by whatever the employee organization produced. And he certainly had an obligation to hear them out, but that there was no transfer or partial movement of authority from the executive to the employee group.

MOSS: Okay, let's cut it here.

[END OF INTERVIEW]

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