

**Archibald Cox Oral History Interview – JFK#1, 11/25/1964**  
Administrative Information

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**Biographical Note**

Cox, Solicitor General, US Department of Justice (1960 - 1965), discusses legislative work with the labor movement, and his position as Solicitor General, among other issues.

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## Archibald Cox – JFK #1

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Oral History Interview

with

ARCHIBALD COX

November 25, 1964  
Washington, D.C.

By Prof. Richard A. Lester

For the John F. Kennedy Library

LESTER: I think, Archie, we ought to try to run this chronologically, and therefore I'll start in with the first question by asking when you first met the then Senator Kennedy [John F. Kennedy] and under what circumstances. Anything you want to tell me about that first meeting?

COX: Except for possibly one or two entirely casual social encounters in Boston or probably at Harvard, the first I had to do with him in any professional or political way was shortly after he became a member of the Senate. I came to Washington and testified at his request before the Committee on Education and Labor on various bills that it was considering proposing amendments to the Taft-Hartley Act. I don't think any of those bills ever went anywhere, and I don't think there was anything of particular significance in either of the bills or our discussions at that time.

LESTER: That was about what—1956?

COX: That would have been—well, perhaps earlier than that, but sometime in the early 50's. Then I think the first meetings we had that led to doing any work together would have been in 1957; it must have been.

LESTER: Well, on April 8, 1957 he, the Senator, wrote a letter asking for comments and suggestions growing out of the McClellan Committee hearings, and perhaps it was about that time.

COX: Well, it would have been just about that time. Perhaps shortly before. I know I was on a trip with my daughter showing her historic Virginia, and I came down and stopped off and met with Ralph Dungan [Ralph A. Dungan] in the Senator's office, and also with the Senator, and talked about setting up a mechanism for suggesting legislation growing out of the McClellan Committee hearings. Unless you have something on paper that shows contrary, I think that was the stage at which we talked about setting up a sort of informal committee of experts.

LESTER: Well, I have a letter dated October 15, 1957, in which he says he is appointing you to head up a group to meet and so that must have been the first information about the informal group that we got, but you probably had met with him earlier.

COX: That's right and that undoubtedly grew out of previous conversations which had begun in that April. I guess it was still also in April of 1957 that there was some talk about legislation dealing with trust funds.

LESTER: That's right. His letter of that date indicates much discussion on the two bills that were introduced by Senator Douglas [Paul H. Douglas] and Senator Ives [Irving McNeil Ives]—dealing with welfare benefits.

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COX: The committee was pretty much confined to regulation of the internal affairs of unions, growing out of the McClellan Committee investigation. The committee, as I remember it, was chosen simply in an effort to get a representative group of people who were familiar with the problem. The Senator laid down very few guidelines, except that he wanted the best advice he could get. We did confine the committee pretty much to those who were in the east, and they tended to be from the northeast simply because the men could then get together more readily whereas if someone was out on the west coast it would mean delays, correspondence, and difficulty getting them together.

LESTER: As a matter of fact I think all our meetings pretty much were in Boston, weren't they?

COX: Well, we met once in New Haven, and we met at least once in Cambridge. The committee, in fact, was—I guess you were the farthest south, in Princeton.

LESTER: Right.

COX: And we met, you recall, several times during the fall of 1957.

LESTER: Fall and winter of that year.

COX: Fall and early winter of that year. Then in December of that year, I think, I submitted to the Senator the proposals which our committee had developed, which dealt essentially with union elections, trustees, and receiverships, and was—one other?

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LESTER: Financial reporting—conflict of interest?

COX: Well, I think the conflict of interest came in later. I don't think our committee was as much concerned with that as it was with—

LESTER: Trusteeships and democracy.

COX: Trusteeships, union memberships, and expulsions, and union elections. I submitted our draft to the Senator and he had also in front of him some other proposals, particularly one by Arthur Goldberg [Arthur J. Goldberg], later Secretary of Labor, Mr. Justice Goldberg, which proceeded on a quite different theory. It was an effort to set up something based almost entirely on the AFL-CIO [American Federation of Labor and Congress of Industrial Organizations] Ethical Practices Committee and its codes, and, in effect, it subjected to government regulation pretty much only those unions that weren't subject to the code. It was—I know it seemed to me, and I guess to those of the committee that I talked to about it—rather inadequate, and the Senator had the two papers before him. He then introduced a bill which was a combination of some of the things that we had proposed, and some of the things from Arthur Goldberg's proposal, and also particularly in terms of financial reports, I think there were some materials that had come from another source. But I'm not sure, Dick, whether the bill was introduced before he met with Al Hayes [Albert J. Hayes] and George Meany to sort of sound out the labor unions about what their response to this legislation was going to be.

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LESTER: You weren't present at any of those meetings?

COX: No, I wasn't present. He went pretty much without staff. I'm not quite clear at the moment whether he had one meeting himself with Hayes and Meany, or whether the only time he went he went with Senator McClellan [John L. McClellan] and Senator Ives.



LESTER: I did hear about that time that he went apparently with one or two other senators. The burden was put on him....

COX: Yes, they were all “peaches and cream” and he was left to carry the onus of proposing the legislation. I judge that the labor union executives gave him a very rough time. As you know as a negotiator and mediator, they can be very rough on someone, especially on someone who wasn’t used to it, and I think he came out of the meeting much concerned about the actual response he was going to encounter.

LESTER: Do you think probably this was before he actually introduced the bill?

COX: I think so. I think it was after we had gotten a draft so he had something to talk about, and then the bill he actually put in was somewhat milder as a response to those talks. One of the interesting things about it was, for example, that he took out of the bill, that he first put in, any provision for supervision or regulation of union elections.

LESTER: He took it out before he introduced it, you mean.

COX: Before he introduced it. Then later, when we got to the point of the hearings, the election bill went in. I mention

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it because I thought this—even at the time and even more so in retrospect—I think this is an interesting illustration of his capacity for emphasizing the timing of something, and keeping at his long range objectives even though realizing at the moment that he had to make haste slowly.

LESTER: I guess it was in the hearings initially wasn’t it, Archie, when Senator Kennedy said that this bill was developed in part with the help of a number of people in the eastern universities who were not unfriendly to labor and Meany then said, “Well, God save us from our friends.”

COX: That’s right. Of course Meany’s testimony even before the Senate Labor Committee was very hostile, very hard-nosed, and at that stage the labor movement was just going to fight everything.

LESTER: Well now, did you deal with any people in the labor movement with respect to this? Were you meeting with Arthur at all, Arthur Goldberg?

COX: No, I saw very little of Arthur at that stage. Each of us was aware that the other was dealing with the Senator, and we sometimes passed messages through him as it were. I had some dealings with Tom Harris

[Thomas Everett Harris], who was Associate General Counsel at the AFL-CIO, and perhaps more casual conversations with some of the other labor union lawyers who were interested, but at the stage of the hearings there was very little effort to sit down and work things out.

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LESTER: Did you do anything except appear at the hearings at that time?

COX: Well, I appeared at the hearings, and following the hearings there was a lull.

LESTER: You didn't deal with the other Senators much, either with Ives or with others on the committee?

COX: Well, I did have, either then or later. A number of meetings with them—that came later.

LESTER: When Kennedy was present?

COX: Sometimes with him present and sometimes without him present, but you'll remember that after the hearings and the very hard-nosed position of the labor movement....

LESTER: I wanted to see if you had any views as to how Kennedy conducted the hearings or anything during that period such as dealing with his associates?

COX: Well, he didn't preside. He wasn't chairman of that subcommittee was he?

LESTER: I think he was.

COX: Yes, I guess he was.

LESTER: Yes, I'm pretty sure he was, because he—yes, he was, I'm absolutely positive of that because he presided at the time I testified. I'm sure he was.

COX: Well, I think here we're talking a little bit at cross purposes. I think that the stage at which the thing came alive was after Senator Knowland [William Fife Knowland] had introduced some bills in the Senate which went way beyond anything that the Senate

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Labor Committee would have done. You'll remember that the Majority Leader, then Senator Johnson [Lyndon B. Johnson], gave assurances that the Senate Labor Committee would produce a bill within thirty days or some stated period, and at that stage, of course, everything went into high gear. Then there were, I would guess, two major avenues that the thing went down: (1) the subcommittee had a number of executive sessions in which the Kennedy Bills were marked up—revised.

LESTER:                   Were you present at any of those?

COX:                       I was very much present at all of those. I took a very active part. Senator Kennedy worked very closely in those meetings with Senator Ives and Senator Cooper [John S. Cooper], who was then on the Labor Committee, and both of whom were very helpful, and both of whom were very essential from Senator Kennedy's standpoint in working something out. At that stage I'm quite sure I did have dealings with a number of labor union lawyers. In addition, there were conversations that I didn't have any part in, that I can now recall, between Senator Kennedy, Arthur Goldberg, and Senator Ives, and I think this thing was finally hammered out at a meeting one evening with Senator Ives and Senator Kennedy, and I suppose Arthur Goldberg, and perhaps some other labor union people—Senator Morse [Wayne L. Morse] may possibly have been there, but I doubt it. At any rate that was when the Kennedy-Ives Bill was finally buttoned up. It was ultimately called up, and, you recall,

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it passed through the Senate with relatively little difficulty. There was only one crisis, as I remember, in the Senate, which did involve—it had to do with the right of a member to sue the union or its officers in a manner much like a minority stockholders' suit, and the labor unions were very opposed to this. We hadn't had anything like it in our bill, but Senator Ervin [Sam J. Ervin, Jr.] and some of the others were backing it very hard, but that was finally ironed out in a hurried conference in the Majority Leader's suite. We were there....

LESTER:                   Were you present?

COX:                       I was there. For the labor movement, Andy Biemiller [Andrew J. Biemiller] was there and Tom Harris was there, and perhaps one or two others, because I remember Senator Ervin and I finally agreed on some language which was satisfactory to Senator Ives and Senator Kennedy, and the Labor people indicated they would swallow it, and the rest of that bill was fairly clear sailing as I remember. Of course Senator Kennedy had to be very careful that there were provisions in it that satisfied Senator McClellan and I remember having several meetings with him. At that stage he was far more interested in racketeering, and less interested in things like organizational picketing and secondary boycotts, which he later did become quite interested in.

LESTER: Was there anything about the way things were handled by Senator Kennedy at that time that you might want to comment

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on during these early negotiations on the Kennedy-Ives Bill—getting the Kennedy-Ives Bill through?

COX: Well, I think the thing that always interested and impressed me the most about working with the Senator was that, unlike so many public figures, especially in the legislative branch, he had tremendous interest in the substance, the merits of these problems even down to rather small details, and he really did seem to be interested in getting to the bottom of it as a matter of his own satisfaction as well as part of his job as legislator. I suppose I might say that it was an intellectual interest. Many people have commented on the tremendous knowledge of details of labor laws that he acquired during that period.

LESTER: Do you know how he acquired them, Archie? How much did he get from you, or say how much from Ralph Dungan who was working on it, how much from other people on the staff?

COX: Well, I think he had a sticky mind. I think when somebody explained something to him the facts, the phrases, and content stuck in his mind, and he was able to use them. I would say that nearly all of this came through his ears rather than from reading, and I think—well, Ralph, of course, knew nothing about it to begin with.

LESTER: Oh, that's right—not when we first met.

COX: So in a sense Ralph was getting an education on the subject through '58 and '59 too.

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LESTER: What I had in mind was, apparently Ralph didn't prepare memos explaining the whole thing.

COX: No, when things got on the floor—I don't know now whether I'm talking about Kennedy-Ives or next year, Kennedy-Ervin—but when things were on the floor we would prepare a very short memorandum on every amendment that might be called up—on every issue that might be called up—suggesting the points that he should make in objection to it or whether it should be accepted or not, and he would carry those with him, or stuff them in his pocket.

LESTER: Would you go over them with him in advance?

COX: Well, usually not. There was very little sort of advance briefing as I remember it now. I think we gave them to him. Sometimes he would look at them and sometimes he wouldn't. My impression would be it was very likely to be done very quickly. The amendment would be called up. Both Ralph Dungan and I were on the floor. The Senator would ask, "What position should I take on this?" We'd pull out the memo as fast as we could and try to summarize it orally. The thing moved at a pace where there was some opportunity to do that, and he would then make those points that he was able to grasp, and that seemed to him to be sufficiently telling. But to go back to your basic question, I think I would say that he learned about the problems from all the witnesses in the hearings, from what anybody might have

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said in the executive session, and from all kinds of sources.

LESTER: You think he got them orally. He wouldn't pour over the hearings in the evening?

COX: No, I certainly have no impression he ever did. He kept it a good secret if he did. No, I think it was from listening to the oral discussion, and the Labor Committee had a number of experts around at that time. Bernstein [Michael J Bernstein] on the Republican side was very familiar with all these details. Then there was another Bernstein who was Wayne Morse's assistant and Sam Merrick [Samuel V. Merrick] who was working with Wayne Morse. So there was a good deal of discussion among the technicians which he would follow attentively, and pick things up out of, or insist that we explain. I think it might also be worth saying at this point that in terms of the committee executive sessions marking up the bill, and also on the floor of course, one of his efforts was always to build the widest consensus he could get, and he had a good deal of flexibility in accept amendments or working out something that would accept part of an amendment and didn't go to the heart of the thing—in an effort to draw in people who would go with him and thus avoid unnecessary issues.

LESTER: I don't suppose Senator Hill [Lister Hill] wanted to be too closely associated with this so the Chairman of the Senate Labor Committee wouldn't....

COX: I don't recall that Senator Hill took a very active part.

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LESTER: How about the Majority Leader? Did he participate much in all this?

COX: No. Of course, I mentioned he did participate in this one critical thing on Kennedy-Ives and in a sense sponsored the conference that resulted in what seemed to be a breaking point although it wasn't a very important issue.

LESTER: He didn't have any particular views, though, about the substance or contents of the bill?

COX: I wasn't aware of his having any, particularly that year.

LESTER: Well, then the bill did go through the Senate, I guess ninety to one, but didn't get anywhere in the House?

COX: And got nowhere in the House. You remember the Speaker [Sam Rayburn] held it. I think that during that session the Senator had some contact with Stewart Udall [Stewart L. Udall] and Frank Thompson [Frank Thompson, Jr.].

LESTER: In the House Labor Committee.

COX: Yes, but how far the contacts went I don't know. I went out to the west coast.

LESTER: Yes, you were out there.

COX: I had no further connection with the bill that year, and my guess, if I had to make one, Dick, would be that the Senator didn't make any major effort from there on. And of course the labor movement, particularly the steelworkers, the coal miners, and the railway labor unions all bitterly opposed—I guess we're not concerned with their strategy, but I can't help remarking that that was where they made

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their greatest mistake. If they'd only let that bill go through they would have been a lot better off in the end, and I suppose that perhaps—well I don't know, it's hard to tell.

LESTER: Would Kennedy, you think, have tried to tell them that? Any of them individually? Would he have likely gone around warning them, trying to persuade them, arguing with them?

COX: Well, I think he would have argued chiefly with Arthur Goldberg. I doubt that he had built his contacts with them sufficiently at that time for him to approach very many in those terms.

LESTER: Well, of course, Archie, he was on the House Labor Committee in Congress. Wouldn't he have met most of these people or don't you think he had?

COX: Well, I may be all wrong you know. I don't have the feeling that at that stage he felt he had a very solid base of friendship with people in the labor movement.

LESTER: Then after you returned from the west coast—that was when?

COX: Well, I came back to law school the following January. During the early fall I think Ralph Dungan conducted most of the talk with the labor movement. Now, we've gone through the election of '58, but I think despite the fact that was on the surface pretty favorable, by the beginning of the next session I think the labor movement had begun to soften a little, and it had begun to realize that some

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legislation had to go through, and Ralph had had talks with them. There were no particular objections to the provisions of Kennedy-Ives dealing with financial accounting and internal affairs, except small things. Most of the questions were what would be included in the way of "Sweeteners," as they came to be called.

LESTER: The things the labor movement wanted?

COX: Wanted done to Taft-Hartley, and on that unhappily, Senator Kennedy was in a dilemma. From the standpoint of straight principle, the internal affairs bill should have been kept entirely separate from Taft-Hartley. From the standpoint of legislative strategy, it would be a good deal easier to get it through, except for the labor unions' opposition, because if you kept the two entirely separate you could object to the pressure that many of the Republicans and all the business organizations applied to use this as an excuse to revise Taft-Hartley and deal with labor management relations by saying, "Well, that should be another package." But the labor unions wanted some "price," to put it in those terms, if they were going to support this bill. There were also one or two things where there was a feeling that something had to be done promptly. One thing that somebody almost had to do something about right away was the so called "no-man's land." I never could think of a reason for putting that off. The National Labor Relation's Board refused

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to exercise its full jurisdiction but the Supreme Court held that the states couldn't move into the resulting gap. The result was that nobody would do anything in that area; it was an

indefensible position. But we did, rightly or wrongly in retrospect, include the so-called “Sweeteners” in the bill.

LESTER: I know, I had written the Senator about this and I was very strong for not doing it, but I assumed it was a political decision.

COX: Well, I think the feeling was that the labor movement just would not go along unless some of this was included. Particularly the building trades would not go along. In the short run terms of how could you get this legislation through if the labor unions really opposed it, perhaps the only alternative would have been to make compromises with the Southern conservatives or Republicans.

LESTER: I think the labor movement, if I recall it correctly, thought in the election of '58 that they had gotten quite a number of people in, so their situation in the House was better than it had been.

COX: They thought they had done better than they had. Yes.

LESTER: And so I think they were a little more vigorous because of what they thought they could get.

COX: And then, of course, I suppose that by the spring of '59 people were beginning to think of longer range political developments. For the building trades to be friendly to

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Senator Kennedy was something that had longer range importance, but I think the decisions were made more immediately in terms of which particular combination of forces would get the best legislation and that the long-range political developments were only the larger context.

LESTER: Well, now at this time was Jim Mitchell [James P. Mitchell], Secretary of Labor, beginning to develop what the administration wanted in the legislation as well?

COX: Mitchell came along—I don't really know the story. Mitchell came along and he changed the outer dress of the bill a little. He really took all the Kennedy internal regulation provisions almost without any change in substances, and then coupled them with, I guess, the minimum that he had to concede to Senator Mundt [Karl E. Mundt] and Curtis [Carl T. Curtis], and perhaps to Gerald Morgan [Gerald D. Morgan] in the White House, in terms of secondary boycotts and restrictions on organizational picketing and things like that. Mitchell's proposals, as I saw the thing, never loomed very large up on the Hill in that session. The real pressure from the business organizations was through Goldwater [Barry M. Goldwater] and Curtis, McClellan



and the Southern, conservative Democrats, and not through the administrative Republicans.

LESTER: Well then, since Senator Ives was not up for re-election he disappeared so to speak from the Senate scene. Senator Kennedy had to get somebody else—technically?

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COX: Well, of course technically he sought originally to get Senator Ervin to go along, and Senator Ervin did in the very beginning. He had been very helpful and quite understanding, I would say, about the problems back during the consideration of Kennedy-Ives when it was on the Senate floor. He was on the McClellan Committee and he agreed to co-sponsor the bill. Then as we began to feel, and to some extent to accommodate ourselves to, the suggestions made by the labor movements....

LESTER: Did these come heavily through Arthur Goldberg?

COX: Well, yes, although by this stage there was a good deal more direct communication between Ralph and the people for the labor unions—between me and people for the labor unions—Ralph and I together....

LESTER: When you say the people—people in the individual unions, do you mean?

COX: Well, I mean people like Lou Sherman [Louis Sherman] of the IBE, Connerty of the Laborers, Tom Harris of the AFL-CIO, the Retail Clerks, I have an idea that Ralph talked to Beirne [Joseph Anthony Beirne] of the Communications Workers or somebody on behalf of Beirne. I probably have forgotten some of the others. One of the fellows we saw a great deal of was Cy Anderson [C.H. Anderson] from the Railway Brotherhoods, although he became important more as you got to the stage of counting votes, in terms of the development, because Cy, I guess, is a political operator and not an idea man. At this point the unions were being

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far more open in their efforts to shape the frame of the bill, and I think Arthur had somewhat less contact with it. For one thing, Dick, what was the situation of the Steelworkers?

LESTER: Well, I know they were not very strong for it.

COX: No, but I was thinking more of their bargaining. You remember the Steelworkers and Arthur were in New York when we got to the stage of the Conference Committee because they were negotiating, and I think he was in the negotiations most of that spring and summer.

LESTER: I think he was. I suppose their agreement probably expired about the end of May, and they probably were in negotiations from April on.

COX: I would be very surprised if Arthur's oral history didn't say that he was in on every really major decision except as it had to be made on the spot, and of course there were a number of those as the thing got on the floor.

LESTER: Well, then as it developed up to passage in the Senate, I gather from what you said Senator Ervin sort of....

COX: He sort of lost enthusiasm. I take it he was beginning to feel contrary pressures from his Southern associates and from home, and we were, in some provisions, moving a little more toward the labor movement.

LESTER: Dealing with Senator McClellan quite a bit?

COX: No. I think the first year, as I remember it, we saw more of Senator McClellan than the second year. The second year

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Senator McClellan had pretty definitely committed himself to supporting a toughening of the secondary boycotting provisions, restrictions on organizational picketing, and had really gone quite a way over to the business community's point of view. I think that was one of the misfortunes—that the more conservative Democrats were really almost the thrust of the opposition the second year.

LESTER: Why do you think that was? Was there anything in any way that involved the Senator in this in terms of his political ambitions or in terms of his handling of it?

COX: No, I think his handling of it was certainly an effort to avoid that because after all that must have been why he chose Senator Ervin to co-sponsor it with him. Well, I think there was probably a concurrence of pressures that do develop in writing labor legislation. You would expect the Southern Senators, as of the present time, to more nearly be expressing the view of the business community. Perhaps in the background there was some feeling that the Majority Leader's political ambitions would not be advanced by Senator Kennedy having a resounding success with this legislation.

LESTER: Well, I think when he first started in on it many people thought this was political death for a Democrat. But then, since it went so well with the Kennedy-Ives....

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COX: Yes. I would say that. I don't recall—I don't think I ever talked to him, the Senator, in these terms. I would say that Ralph and I, and others speculated about it, and there had been the feeling that this pretty nearly would make or break him. To get the nomination and get the election he had to get a bill through. On the other hand, it was a tightrope. If the bill that went through was too restrictive, that would be death. It wasn't going to be a bill that was too pro-union, so there was no worry about that. The question would be whether there was any bill at all and to both get a bill, and not have it too restrictive was an exceedingly delicate task.

But there were various little things, Dick, that developed when the bill was on the Senate floor that began....

LESTER: And you and Ralph both were on the floor at this time?

COX: Oh yes. The critical—well, let me pursue this matter and put it in one place what the Majority Leader did. If you go and look at some of the critical votes on the bill when it was in the Senate the sponsors of the bill on a couple of very close roll calls didn't get votes which were normally thought of as being the Majority Leader's sure votes to control as he wanted. One, for example, was Senator Chavez [Dennis Chavez]. He either wasn't there or voted wrong. You'd say, "Why? Is the Majority Leader behind this?" There were also—when we got to the conference I will

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refer to this again—there was a ruling by the House Parliamentarian [Lewis Deschler] which seemed contrary to what you would expect with respect to some things that would help Senator Kennedy get a better bill from his point of view. Indeed, at the time the rulings were made, it seemed essential to getting any bill at all. Then you'll recall that in the House the votes which would have been necessary to defeat the Landrum-Griffin substitute, which most conspicuously fell away, were the Texas votes—I'll come back to the conference, Dick, a little later. The critical stage in the Senate you'll recall was the vote on the so-called McClellan Bill of Rights. That caught us entirely off balance.

LESTER: You mean you had not anticipated it?

COX: No, not as a serious issue and it took us by surprise. The adoption of that amendment, which I think was something that required some votes that the Majority Leader, one would have thought, could have against it, came very close to ending the possibility of passing any bill.

On the other hand, there was no clear inference one could draw about the Majority Leader's part in it. The amendment was added very late in the afternoon and the Senate recessed the minute it passed. The Majority Leader on the way up the aisle, grabbed Senator

Kennedy's arm and said: "Bring the professor." We went into his office. A very small number of other people were there. I think one

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or two were from the labor movement. Possibly one other Senator was present. Then the Leader said to call the Parliamentarian and get him down. Under the parliamentary rules if an amendment is adopted, if then there is a motion to reconsider and that motion is tabled, then there is no way you could ever go back to that same provision again. Then the Leader said, "What you have to do is get the professor here to find some material on either side of the amendments that you can dispense with. Then we'll file a motion to delete this whole thing or to substitute something else for it, which includes additional material on either side." This is apparently done not by subject matter, as you or I might suppose, Dick, but simply counting words. Happily Senator McClellan had put in his Bill of Rights as new Title I. All that preceded it was a preamble containing a lot of findings. Well, you know that we didn't mind striking those out. What succeeded it was some quite unimportant provision. So it was determined to procedurally go that route and to find some way of rewriting the Bill of Rights. I guess everybody interested in the bill sat up all that night—I think we had one day in between, or maybe it was just the next morning—working out a Bill of Rights which the labor unions thought they could live with, and which I and the other more or less independent people thought was workable. The McClellan Bill was wholly

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unworkable. One version, the one I worked on, was worked over in the little room downstairs in the bowels of the Capitol somewhere, between myself, Ralph Dungan, and a host of labor union lawyers, Tom Harris, David Feller [David E. Feller], Connerty of the Laborers, Lou Sherman, and maybe others. We finally got something which seemed to us to meet the necessity, both of the political situation and also the substance of it. In additions, Senators Clark [Joseph S. Clark] and Church [Frank Church] had drawn up their revision of the Bill of Rights, I think pretty much on their own but maybe with some of their staff. Then there came the matter of sort of merging theirs with ours. Then, finally, the center of the whole thing shifted over to Senator Kuchel's [Thomas H. Kuchel] office because someone proposed that, in order to get the moderate Republican votes, it would be well to have him sponsor this. There were some last minute changes made in his office in a conference that I did not attend, and I think possibly even one or two changes were made on the floor in consultation with Senator McClellan. So when the whole thing worked out there was a good deal of agreement on it, and some of the provisions in Title I that finally emerged, that give trouble, are the result of that patchwork process. You see, when the bill went over to the House, the House made no chances in Title I and this meant that the Conference Committee could make no chances in Title I. All of that means that no one had really sat down

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and gone over the thing from the technical point of view with the aim of removing any bugs and thinking how each provision would actually work. Of course, the Senator was very much the center, either directly or through Ralph or myself, in the efforts to build the consensus to substitute this for the McClellan Bill of Rights.

As I remember it now, that was really the critical moment on the Senate floor. There were other close votes, but that was really the important one. Then the Bill went over to the House.

LESTER:                   And when you got it over there, how much did the Senator try to influence it over there through his friends like Stewart Udall and Frank Thompson?

COX:                       Well, there was much more contact on the House side than there had been the preceding summer. I had several meetings with Stewart Udall, Frank Thompson, Mrs. Green [Edith S. Green], and Jim O'Hara [James G. O'Hara]—I'm trying to think of one more—oh, Carl Elliott [Carl A. Elliot], and at one stage I had a meeting with a somewhat larger group under the sponsorship of the group I named. The larger group included, Giaimo [Robert N. Giaimo] from Connecticut, Daniels [Dominick V. Daniels] from Jersey City, and other liberals—I was ostensibly there on my own but I suppose that nobody doubted that I wasn't there because of my contacts with Senator Kennedy. They went pretty much on their own course, but they were very much in touch with the Senator, and in touch with

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my thinking which reflected the Senator's thinking. I must say, Dick, it's a digression but it was in the course of those meetings and subsequent consideration in the House that I persuaded Mrs. Udall [Ermalee Udall] that she should be for Senator Kennedy rather than for Adlai Stevenson [Adlai E. Stevenson], which I think led to Stewart being for Senator Kennedy which was not an unimportant thing at the convention somewhat later.

In the House, of course, everything fell apart. Perhaps it would have anyway, but I think one of the unhappy things was that there still remained a considerable part of the labor movement that just didn't read the future correctly. They had Congressman Roosevelt [James Roosevelt] and Congressman Teller [Ludwig Teller], and another group of members in the House Labor Committee—they were led by Congressman Shelley [John F. Shelley], who instead of making their weight felt on the best middle-of-the-road bill they could get, were playing with something that quite clearly impossible. I think this made it more difficult over there. I suspect that the votes just weren't available, but Carl Elliot getting sick was no help.

LESTER:                   But there was no evidence, I guess, that the Speaker over there wasn't supporting insofar as he could the Elliott Bill?

COX:                       He certainly was supposed to be. On the other hand, on the critical vote those Texas votes weren't there. Now one thing that may have played a large part in that—I don't really know about this but it's

perhaps worth setting down for other people to investigate as one of the whispers.

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The Elliott Bill did have in it a provision overruling the *Denver Building Trades* case with respect to a secondary boycott, as it was held to be at the site of construction, and permitting picketing, at the sites of construction. The President now, then the Majority Leader, was supposed to have been quite close to some of the executives of Brown and Root, the big Texas construction company. It was, of course, very largely a non-union outfit. I feel quite sure that they were exerting all the influence they could in their own self-interest to keep that change from coming into law. They may have made their weight felt on the Texas Congressmen quite apart from anything the Speaker or Majority Leader was doing, but a number of people wandered. One way or another the votes sure weren't there.

LESTER:                Then you got....

COX:                    Then the bill went to conference. It was one of the longest and, I guess, the toughest conferences on record. The first part of it was given over to consideration of the changes that the House made in the provisions relating to reporting, particularly to the provisions relating to employer's reports and to the kinds of bonds that union officials would have to file and to the provisions imposing fiduciary duties on union officials and making them amenable to suit. We spent a lot of time in the conference on that. Also in some ways that was putting off the rough stage because the

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real feeling was going to be on the changes made in the Taft-Hartley Act by Title VII. In the conference the Senate side was controlled by liberal Democrats. Senator Kennedy had all the votes he needed on the Senate side. Senator Morse would always be available for anything he wanted; sometimes he would be more pro-union, as might Senator McNamara, but in the end the votes were always there. On the other hand, on the House side, the Committee was stacked for a far more pro-business bill because Congressman Barden [Graham A. Barden] and Congressman Landrum [Phillip M. Landrum] were wholly part of the Southern Democrat-Republican coalition and could be counted on to vote with the Republicans for the Landrum-Griffin bill leaving us only Frank Thompson and Perkins [Carl D. Perkins] from Kentucky. The main effort as I saw it develop was to play to get such House Republican agreement with the things the Senator was proposing as would be enough, added to the pressure to get a bill through, to produce a final agreement. The really difficult sections were organizational picketing, secondary boycotts, and the problem of the *Denver Building Trades* case and the problems of the construction unions. The others; as I am remembering now, were relatively easy. For example, the no-man's-land thing fell into place after considerable discussion. In the conference, most of the arguing on the House side, at least as it impressed itself on me, was with Congressman Barden, and Congressman Landrum. On the Senate side, the

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burden was really carried by Senator Kennedy and by Wayne Morse who, of course, as you know is an expert in labor matters. The staff there was permitted to speak only when spoken to. We were present most of the time. Once in a while we were put out of the room, and speaking when spoken to could very easily be that the Senator would say, "Well, I'd like Professor Cox to answer that." There were a number of incidents which perhaps left an unduly sharp impression on my mind. I was the favorite whipping boy, for Barden and Landrum.

LESTER: I recall that. I think that even got into the papers.

COX: Yes. Quite early in the conference Congressman Landrum attacked me personally with, as I remember it, various adjectives bordering on "communist" and things like that, to which, on that occasion, Senator Morse made some vehement replies. The most heated incident of all I guess came much later when Senator Prouty [Winston L. Prouty] had a proposal, which I forget, I think it had to do with this *Denver Building Trades* problem, and he had had it typed with many carbons or mimeographed, and passed it around. Congressman Barden said, "I'd like to ask the professor what he understands about this." So I answered what I understood it would do. Then Congressman Barden got red in the face, and drew himself up—this was after eight or nine days of conference—and accused me of attempting to deceive conferees, said this had been the reason the conference hadn't gotten anywhere, I was always

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putting in front of them language that pretended to say one thing but that when he asked questions about it it became apparent that it had just the opposite effect. Well, Senator Kennedy really—his Irish temper, I should say, got the better of him.

LESTER: At least he used it.

COX: He used it, and he really told Congressman Barden off, and of course he had him at a time where he was quite right because this hadn't even been my proposal at all. It had come from Senator Prouty.

LESTER: And Congressman Barden asked for your opinion.

COX: Yes, I had simply told him from the beginning in straight forward fashion what I had thought it would do. I don't think it did quite what Senator Prouty had intended it to do but of course that happens all the time when drafting things. There were a number of incidents of that kind.

Coming back to sorting out the main development in the conference—it operated on two levels. We were in the old Supreme Court Chamber which is quite a long, long room if

you remember it. It operated in a formal sense across the table with the House Conferees, on one side and we on the other. Actually all the solutions were worked off out in the wings. Usually I would think between Congressman Griffin [Robert P. Griffin], Senator Kennedy, Senator Dirksen [Everett M. Dirksen], Frank Thompson, with myself, and Kenneth McGuinnis (who had been brought

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in by the House Republican members as their aide) doing the technical drafting and fitting it into the existing decisions. The thing came to a head when we got a solution for organizational picketing and the secondary boycott; and with that there was willingness on the part—and apparent willingness—on the part of the Republicans to accept an overruling of the *Denver Building Trades* case. This made enough of a package, with the other things that had been done, to reach a compromise.

Then the big question became whether the provision overruling the *Denver Building Trades* case wouldn't be subject to a point of order in the House. As I remember it, that afternoon after checking the parliamentary precedents, Ralph and I, with some talk with the Senator, were satisfied that it would be subject to a point of order. I think we had an informal statement from Deschler, the House Parliamentarian, that it would be all right. We went to bed—it was quite late—we went to bed thinking, "It's made." You may remember when you were a young boy thinking, "What's going to happen tomorrow is too good to be true." That was the way I went to bed that night. The next morning word came from Frank Thompson that Deschler had said he would have to advise the Speaker to sustain any point of order against this provision if it were put in the conference report.

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I was with the Senator when he got this word and it was just as if the whole floor of the building had collapsed, because at this point, as I said before, it was even more apparent that his future was probably rode on getting a conference agreement on this thing that could pass both Houses and which would not be intolerable to the labor movement. I delivered myself of exclamations to the effect that "they can't do this, it's contrary to all the precedents." It was a terrible disappointment. The Senator's only comment was, "You sound like a lawyer who has just lost a case. Tell me what I do now." I felt then that if he ever became president and we were ever in a jam at least he surely wasn't going to go to pieces. There wasn't a minute, in what must have been a terrible disappointment to him too, that seemed to upset him in the slightest, or to throw him off of his aplomb.

Well, the thing was patched together. It was a somewhat less satisfactory bill, I think, from both the standpoint of its merit and the standpoint of his immediate or long range political interest.

LESTER:                   Well, Archie, he didn't want to have his name associated with it finally.



COX: Well, I don't know whether he made a conscious decision on that or whether it went that way. In the press conference he had immediately after the conference agreement was

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announced I think it was even before it passed, but of course passage was certain, they asked him how should this be known and he did not claim any ownership, but neither did he say it should be known as Landrum-Griffin. He simply gave the colorless answer it should be known as the Labor-Management Reporting and Disclosure Act of 1959. Landrum and Griffin were anxious to claim it as theirs. I drew what may be the superficial inference and that was that he didn't know whether he wanted to claim it or not. That would also, of course, be in keeping with his rather unassuming character. I can't imagine Jack Kennedy ever saying publicly that something should be known as the Kennedy Bill even if he hoped it would. So I think that you can draw a number of different inferences from what happened. My own guess would be that probably he had a number of different motives in his mind and there is no way of saying which was the more important. I think it is fair to say he was by no means certain that stage whether the bill would be good or bad for him politically. Of course I think it was more good than bad, but it had some of each. The Machinists still hold the bill against the Kennedys. It was a factor in this last Senate election in New York. This is partly, of course, because of Al Hayes and his general philosophy opposing any regulation of labor unions. His attitude, I think you'll agree, isn't representative of the rest of the labor movement.

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LESTER: So far as you know though he didn't have any direct criticism about his performance in connection with the bill and the conference.

COX: Oh no, I think that the labor unions felt that he did everything anybody could have done.

LESTER: Was Arthur Goldberg in on this much? You said that he wasn't.

COX: Arthur was in New York, I know. They were in negotiations. I talked with Arthur once or twice on the phone. I have no doubt the Senator talked to him once or twice although I can't remember actually being in the room when it happened. There was a great deal of discussion with Arthur and others. I guess Ralph and I had most of it, and then reported to the Senator. There was a great deal of discussion with representatives of all the unions at that stage. For example, when we were talking about exempting the garment industry from the secondary boycott section, and the hot cargo section, their lawyers came down to Washington, and we talked over how this should be done. Lou Sherman was very much around for the building trades, Dick Grey [Richard J. Gray] himself was around. I had several meetings with Dick Grey, who was then President of the building trades department, Cy Anderson was there, Tom Harris, and Dave Feller were

both around. The Retail Clerks were very much interested in the no-man's land problems. There was discussion with all of them. I think even the Teamster representative—Sid Zagri [Sidney Zagri] was making himself heard.

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LESTER: Well, then, is that all you wanted to say really on the....

COX: Well, unless you think of specific things, I think I've covered it as I remember it now.

LESTER: Then we could move on to the, what would be the next part of it. Would the next thing be the development of the kind of a brain trust for the 1960 campaign?

COX: Well, I suppose so. Yes. I was teaching at Harvard during all this time. Also, it came in the summer.

LESTER: I might ask you, Archie, was Ralph Dungan the only one on the Senator's staff that you saw much of? Or did you see Ted Sorensen [Theodore C. Sorensen] or the others at all?

COX: I saw very little of—well I saw them because I was in and out of the room.

LESTER: You didn't discuss it?

COX: I would say Ted had almost nothing to do with this. I suppose the Senator must have occasionally discussed the political implications with him, but he had nothing else to do with it. I don't think Mike Feldman [Myer Feldman] had anything to do with it. Ted Reardon [Timothy J. Reardon, Jr.] didn't do that kind of work anyway, so that Ralph was the one. Ralph at that time was on the staff of the Labor Committee rather than in the Senator's own office, but there wasn't anybody else who was into the substance of it all. As I say, I don't think Sorensen even on the political question....

LESTER: And Robert Kennedy [Robert F. Kennedy] wasn't?

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COX: I saw him very seldom. I don't know how much his brother talked to him.

LESTER: Because he was counsel for the McClellan Committee.

COX: Yes, he was concerned that we put something in that had effect on the Teamsters, but I don't recall discussing other things with him, and I don't think at that stage that his advise had any important effect on his brother's views.

LESTER: You had no evidence that his brother was talking with him about this?

COX: Oh, I know he talked to him occasionally. He would say, "Well, Bobby says we ought to do this." My answer was usually why we shouldn't. To tell you the truth this was one of the few things he mentioned in which Bobby wanted to go much farther, like outlawing all industry-wide unions in transportation. That's the one that sticks in my mind.

LESTER: You mean he wanted to put that in the bill?

COX: Something like that. He was terribly worried about the power of the Teamsters, and he had various ideas....

LESTER: Stemming from that?

COX: Stemming from that. The one I mentioned—I don't mean it was his pet; it was just an idea that came along in due course. Well, going back, I went back to Harvard that fall, and I don't recall doing any work with the Senator—

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LESTER: Did he send you things to comment on or anything?

COX: Well, none that I remember. In January he did decide—I guess I haven't even got the dates right now—but he did determine late that fall that he was going to announce shortly after the first of the year, and there came a point sometime before he announced when he decided that he would have to change his method if drawing upon the academic community. Up to that point he had drawn on anyone and everyone without regard to party or their particular affiliation if they had one, or their loyalty if they had one.

LESTER: On a personal basis.

COX: On a personal basis.

LESTER: They may have written in to him or he may have called them?

COX: Well, he did that but it was also a little more than that. He had had for a time—I don't know just how long—Deirdre Henderson who was living in Boston, and who was in his Boston office, and had done work I think for Bart Leach's [Barton W. Leach] Defense Policy Seminar. She was a girl who was more than a secretary, something of a researcher, but not on a very high level, and she would go around and prod people on various things that he would have to take a position on or make a speech. There was no professor or equivalent who was regarded as the head of it, and there was no effort to regard this as a group that was promoting Senator Kennedy's candidacy.

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LESTER: You see looking back at it, Archie, of the group who worked on the bill none except for you and me did much afterwards did they?

COX: No.

LESTER: So he didn't really try to use that group in any way.

COX: Oh no, not at all. Well, for example if he was interested in the defense thing he would call—at the earlier stage he would call on Bart Leach who certainly never would have helped promote his candidacy because he was very much for Symington [Stuart Symington, II] and had never taken any politically active role anyway. However, the Senator did conclude that he had to make this somewhat more formal, that Ted Sorensen ought to have somebody that he could get in touch with, and that the people who felt they didn't want to help promote his candidacy at least should have an opportunity to disassociate themselves. Sometime before the first of the year, I met him in his apartment in Boston and he asked me whether I would be willing to do it. How that came about I don't know.

LESTER: You mean how he chose you?

COX: Why he picked on me, because I had never taken any active part in politics.....

LESTER: You did campaign in Massachusetts.

COX: No, not in his campaigns or anybody else's. I'd helped various people legislatively, sometimes Democrats and sometimes Republicans.

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LESTER: Well, Ken Galbraith [John Kenneth Galbraith] too, and Arthur Schlesinger [Arthur M. Schlesinger] were working sort of Stevenson, weren't they?

COX: Somewhat. I think Arthur was trying to get into the position of being the honest broker. I think he had doubts as to whether Stevenson was going to make it, and he had a certain affinity for Hubert Humphrey [Hubert H. Humphrey], but I think Arthur was looking to be the honest broker at least among the intellectual side of the liberal Democrats, and perhaps Ken for the same reason. In any event neither of them felt that they ought to take the lead. This is all inference. I suspect that from the Senator's point of view that neither of them was particularly desirable to have as the name of chief brain-truster or whatever you'd call him.

LESTER: Well, it occurred to me that although he was on the Democratic Advisory Council where these fellows were active, particularly Ken, I never recalled the Senator in any meeting of the Democratic Advisory Council, and I don't think that he participated really in this kind of activity at all at that time. So he wouldn't have normally run into these fellows much anyhow or been drawn into anything that was active in that connection.

COX: Well, he did—

LESTER: And also there were meetings that these fellows had with Stevenson during the intervening years, and they had been, so to speak, Stevenson's brain trust so he wouldn't be so likely to call on them, I think, in this connection.

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COX: I guess incidentally in one respect I was wrong. I guess I did join with you in doing some briefing or advising of Stevenson.

LESTER: Yes.

COX: Not a great deal.

LESTER: Were you at that—

COX: I was at one big meeting where we discussed labor policy.

LESTER: Bill Wirtz actually was supposed to have been there too, wasn't he?

COX: Yes. Well, we had a meeting shortly after the Senator announced at the Harvard Club in Boston, to which were invited all the people who had contributed papers and advice or had come down to testify, and had written letters enough to have shown some real interest.

LESTER: Did you decide with some others those that you wanted to or thought maybe you might like to—

COX: I think probably I got up the list after talking with Deirdre and getting what I could from the Senator's office. We included those whom we knew, and (I think we) excluded those who we thought clearly would not be interested in helping the Senator. For example, I don't know this to be the case, but a name that comes to mind as an example would be Henry Kissinger. I wouldn't be surprised if before that the Senator had gotten some advice from Henry, but Henry obviously was close to Rockefeller [Nelson A. Rockefeller], and when it came to a

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political campaign you would not expect to include him. It was a rather large group because we desired to interest as many people as we could. As I remember the meeting it served three purposes: (1) to thank them for what they had done in the past; (2) to express the desire that as many of them who were willing would help in the future; and (3) to indicate that although it would still be very informal, there would be a somewhat greater degree of organization with my serving as the point of focus, communicating with Ted Sorensen and the Senator.

LESTER: Incidentally it occurred to me, Archie that the Senator for all the assistance that he got, in a sense never paid very much for it. He didn't use his money in any way to try to get people to work for him.

COX: No, not at all so far as I know.

LESTER: No, but I mean in the academic community.

COX: Oh, no, no, no.

LESTER: We did this and the only thing that I can recall he ever did was to send us cuff links at Christmas, gold cuff links. But he didn't attempt, in any way, to influence people through any financial or other resources that he might have had.

COX: Oh, no. No. I guess he paid our expenses.

LESTER: Yes, I think we submitted our expenses to Ralph, but that was all. Just the travel expenses.

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COX: Just the travel expenses of the group.

LESTER: Yes. He tried to use an appeal, so to speak, that was intellectual, or to appeal in terms of the person's view. He didn't try to induce him in any other form.

COX: No, definitely not. No. And of course one of the reasons he was able to do that was because he was so receptive to being persuaded on the merits of the views without being concerned simply with the political repercussions.

LESTER: It's an interesting thing that he recruited as many as he did.

COX: Well, there were hours upon hours of time put in by people from the Cambridge area particularly, but later from around the country.

LESTER: When you think of it, Stevenson was never able to do this although Stevenson had a great deal of appeal. He, himself, didn't do this kind of thing. He didn't get anything like the real help, in the end, from people that Kennedy had gotten.

COX: Well, that's true. I wonder why the difference.

LESTER: I don't know. In part I suppose Stevenson did more on his own, and he used more of his own immediate associates, like Bill Wirtz. I was thinking, you see, that Bill Benton and Averell Harriman [William Averell Harriman] and others had to set up this thing for Stevenson, and draw the people in. Stevenson didn't really draw them in so much himself. He wasn't the person who organized this.

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He was a participant, but the whole thing was financed and organized for him by others.

COX: Maybe he really didn't enjoy the eggheads as much as the Senator did.

LESTER: I was at two, possible three of those meetings, and I think he enjoyed the discussion in a sense, but I think some issues he didn't stay with. The right-to-work issue, for example. The whole right-to-work issue, you may recall the meeting, you were there, I think that left him rather cold.

COX: I don't think he really had any interest in labor at all. I don't think it aroused his interest.

LESTER: But it was interesting that Kennedy could attract at an early stage so many people to work for him as you say, who put in the long hours with no direct compensation, no immediate possibility of gain.

COX: Well they did get the feeling you see, that they stood a significant chance of really having something reflect their effort and views. To illustrate that I recall that during March, say of 1960, there was some kind of Russian proposal about a test ban. I forget the details of it. No sooner were there rumors of that than people at MIT [Massachusetts Institute of Technology] whom I didn't know began to call me up. They wanted to come and see me. They had a proposed statement for Senator Kennedy to make, and they came over to my office. We talked it over and rewrote the thing. I was able to put a lawyer's organization

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choice of words to it, and sent it. I guess that actually I talked to him on the phone about it. They were attracted because they did feel that they would be heard and that there was substantial chance they might be able to influence what he did. He could communicate with such people, and he was responsive to what these people had to say. Of course, the amount of influence that any one of them had was probably fairly small, but at least it did fall into his mind along with all the rest.

LESTER: Well, the thing that interested me is to think back and see that he didn't participate in this partly intellectual activity or program forming, or discussion much, and then he was able, after he announced his candidacy, to draw as many people in as he did. Very quickly. It didn't look at that time as though he had anything like the possibilities that developed later, even with his announcement.

COX: Well, I suppose that at the time of his announcement you'd put his chances pretty high wouldn't you?

LESTER: Well, I don't—

COX: Not fifty-fifty, but approaching it I would say.

LESTER: Well, I would have thought that the intellectuals would have favored Humphrey or Stevenson—if he perhaps pushed for it, that is, they would have. The interesting thing is that Kennedy went ahead and did this. Why didn't somebody like Humphrey, why didn't someone else start this kind of program to try to attract the intellectuals?

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COX: Well, I don't know why they didn't. I suppose that Kennedy—one, of course he did have an affinity for the intellectual community and a tremendous respect for the intellectual community. Two, he must have felt that the support of the intellectual community was valuable, which perhaps others didn't



feel to the same extent, but of course it took both because you remember Nixon [Richard M. Nixon] tried during the election campaign to organize my colleague Lon Fuller [Lon L. Fuller], as his number one man intellectual for Nixon. It just never came off. Everybody knew it was window dressing, and Nixon met with them once or twice, but he wasn't able to impart to them any sense of participation, and observers certainly never believed it as being anything at all. I don't know just where the idea originated or why.

LESTER: Of course, he may have gotten it from Roosevelt [Franklin D. Roosevelt], but the thing that strikes me is that he put so much emphasis on this at that early stage.

COX: No, no, I think it's an important point. They got, particularly at the early stage, quite a lot of useful speech material and ideas out of it. The procedure varied a good deal from case to case. Sometimes Ted would call and ask me about a specific thing. Sometimes, occasionally, the Senator himself would call. For example, I think I talked to him myself about the test ban on that March occasion.

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I think maybe I can put two illustrations, Dick, of the way things were made useful. One of the major speeches he had to make that spring was before the American Society of Newspaper Publishers, I think it was, and this was a date we knew well in advance. Ted Sorensen was getting up material for the speech. We had two suggestions. One was that he might—in contrast with all the other candidates who were clearly going to talk foreign policy—talk about collective bargaining, and his philosophy toward collective bargaining, labor unions, and management. The other was he would come forward with some other rather specific, significant program with respect to Africa, since that continent was then coming into more and more prominence.

Well, the first was done simply by my sitting down, and preparing what I thought was his philosophy or what I would urge him to adopt as his philosophy. Some of the materials our group sent along were prepared in that way—by some specific individual who had a rounded knowledge of the field.

The other way is illustrated by what we got up but never came to fruition with respect to Africa. A sizeable group of us, Frank Keppel [Francis Keppel], who is now Commissioner of Education, and was then the Dean at Harvard, a number of people at MIT—I forget whether Walt Rostow [Walt Whitman Rostow] was there. He might well have been—and people at Harvard like Rupert Emerson

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had a number of meetings in which ideas were put forward. Then someone would develop an outline of notes, possibilities, and circulate it around for people to fill in. Deirdre would usually trot around so as to make these people give her comments orally to save time and for them and for us, and we would then get up to a not too complete outline of what might be

made into a speech and send it down to Ted Sorensen. The upshot, in the illustrations I've chosen, was that the Senator ended by making neither speech, and talked instead about his concept of the presidency, which was much better.

LESTER: Archie, how much would you orally explain to Sorensen the contents of these memoranda, or did they pretty much operate from the written material?

COX: Well, either over the telephone or in writing. Also during the spring I began to try to interest people away from the Boston area, to get them to prepare reports. For example, I can't remember his name but there was an economist in Boulder at the University of Colorado who did some things on the west. I eventually got some people in Stanford to set up a little nucleus there.

LESTER: Did you do much of this so-to-speak recruiting or did some of it come out of Kennedy's office?

COX: I guess I did more of it than anybody.

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[PART II]

LESTER: Before we were interrupted by the change of the tape we were talking a little bit about the way you were operating, Archie, in connection with the setting up of this group serving as sort of a brain trust. How did you operate with respect to Ted Sorensen?

COX: Well, before the convention most of this was done in writing or over the telephone. If I came to Washington at all during that time, it was very seldom. There was once or twice when the Senator was back in Boston that we met, but I don't recall anything of significance. The initial group was in the Harvard-Boston area, made up primarily of Harvard-MIT men, but we did include some people especially when we went in the campaigns into the summer and fall we did include people at other universities. I mentioned before, I guess, the man at the University of Colorado as an illustration. He was very good on the development of the west, and you asked me were some of them names gotten from the Senator's office. Of course that was true to a degree. For example, I had never dealt with Robert Alexander at Rutgers about Latin America, but Ted Sorensen had been in touch with him in the past, so he became a source of advise for material in that way. During the primary it was mostly suggestions for speeches, sometimes just substantive matter, or statements that he might want to issue on some problem.

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LESTER: Did Ted come up with many of them suddenly or did you usually have time to prepare?

COX: Well, sometimes one of each. I don't think the volume as I now remember it was enormous. I think I was fairly busy because I was in a sense serving as the focus for all of this, but I was able to be out west with you arbitrating in Chicago.

LESTER: That's what I was thinking. I didn't recall that you had so many of these duties during that period when we were arbitrating that locomotive engineers' case.

COX: No, I don't think there were. Of course you must remember by that time the primaries were over and the convention was coming up but it was a matter I guess by then of rounding up delegates except for a few set speeches like the one before the American Society of Newspaper Publishers. Well, then shortly before the convention—

LESTER: Well, I don't know if you want to say anything about that meeting we had with Adlai Stevenson. I don't know that that really comes in with Kennedy.

COX: I should doubt it. Shortly before the convention the Senator asked me, if he were nominated, would I be willing to come to Washington and head up the Washington end of the speech writing, and research organization, with Ted Sorensen travelling with him and heading it up there. This comes before the convention. Indeed, I think I physically came to Washington before the convention and I think at that stage the

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Senator thought he was going to get the nomination, and I arranged to take leave of absence to do the Washington work.

LESTER: That is a leave of absence for the fall term?

COX: For as much as necessary to get through the campaign. I think, although it should be covered up for a time, I think it's perhaps worth nothing for a complete history that one of the questions which the Senator raised was whether I would be able to work with Ted Sorensen, whom he described as exceedingly difficult to work with. My reply, as later events proved, was unduly sanguine. I said I could think of only one person in my life I hadn't been able to get along with, so I felt sure I would be able to get along with Ted Sorensen. There was never any close clear definition of what I would do, or of my relationship to the others. We did begin shortly before the convention, and then of course more so after it, to make plans for the organization

during the campaign. It was my job to recruit speech writers, to try and to get more intellectual groups at the universities interested in contributing suggestions for speeches and programs and the like, and I did both of those. I also helped with the things that had to be done, moving on now after the convention, during that rough session of the Congress.

LESTER: Did you have much contact, Archie, with people here in Washington in the Democratic organization or with the Senators or with other political people and their staffs?

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COX: Well, not a great deal. There was really not much contact with John Bailey [John Moran Bailey], for example. At the beginning there was a fair amount. For example, I became the chairman of the thing you spoke of earlier—the Democratic Advisory Council committee. Indeed, if it still exists, I think I am still the chairman. But of course, it doesn't exist.

LESTER: Democratic National Advisory Council. Because that had been set up presumably in part to help a candidate.

COX: That's right, but actually it disappeared. Well, I saw Bobby once in a long time, I saw somewhat more of Fred Dutton [Frederick G. Dutton], and some of his people, checked with Scoop Jackson [Henry M. Jackson] occasionally. In theory the way it was going to work was that Goodwin [Richard N. Goodwin] and Sorensen would travel, and I would have a stable of speech writers back here in Washington, Joe Kraft [Joseph Kraft], Bill Attwood [William H. Attwood], Bob Yokum [Robert Yoakum], Jim Sundquist [James L. Sundquist] who's now over in Agriculture and who was then, I think, Senator Clark's aide.

LESTER: In recruiting people for speech material did it work well?

COX: The recruitment of people in a way never jelled, and I must say from my standpoint it was not the happiest experience. I think there were several things that entered into it. One, Ted Sorensen was certainly determined that nobody would get closer to the Senator and future President than he would. He was very jealous of his position in that respect, and either because he found it easy from habit or for that purpose, there was a tendency for him to deal with Mike

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Feldman who was here in Washington, and leave out the speech writers, and myself when it came to communications.

LESTER: How much was it, Archie, that the spur of the moment and the pressure that they had to get a speech that he was the fellow who was doing the writing, and preparing it, and it was more difficult to pull in and utilize effectively memoranda that had been prepared, or statements that were prepared, or documents that were prepared?

COX: Well, I think there was a good deal of that.

LESTER: The reason I ask is because I've been in a few campaigns for the Senate in the state, which are on a different scale, of course, and I don't know in his campaigns the extent to which Roosevelt, for example, used the brain trust that he had, and how he used them and the extent to which say Rosenman, if he were the fellow writing the speeches, was able to use them.

COX: Well, I think if you were to look at Roosevelt's speeches, which I did on several occasions, particularly when Kennedy was speaking at the same place, you would find it as much more a set speech and much more of a rounded discussion of some topic.

LESTER: Of course, he gave fewer speeches, didn't he?

COX: Yes. But they were longer speeches. They were directed to a much smaller part of the populous. On, I think all these things entered in, but it didn't work out well. For instance,

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Bill Attwood had been a very good writer for Stevenson. He threw up his hands and left, and went writing for Stevenson. Joe Kraft worked out very well. He became quite close to the Senator and later, the President.

I think there was a lot of what Charlie Murphy said one day. I had lunch with him. He was doing for Lyndon Johnson the same thing that I was supposed to be doing for Kennedy, and I remember I said to Charlie, "What have you been doing?" He said, "Well, I'll tell you exactly. I sit up all night writing a speech. I send it to George Ready [George E. Reedy] who throws it in the scrap basket. George writes another speech. Then he gives it to Lyndon. Lyndon looks at the first line of it, throws it in the scrap basket, and gives the speech he gave the night before." I'm sure there was a great deal of that, nor do I mean to imply our efforts came to nothing. For example, the speech that was delivered at the New York Economic Club was prepared by us. The first draft was done by Ken Galbraith. I marked that up quite a lot. I think I got some ideas from you.

LESTER: Yes, I did send in some pages.

COX: Then I sent it to Ted and to the Senator's father [Joseph P. Kennedy, Sr.] who had a few comments on it. That is the only one that I know the father was consulted about. The speech that was finally delivered in that instance quite clearly bore the marks of its sources and the substance of it came from those I indicated. There were others. There was some labor speeches which—

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LESTER: I was going to ask you about the Labor Day one, but I just wanted to say when the Senator was in Princeton he apparently knew the people who were contributing, because he knew that I was asked to send in something, which surprised me. On the Labor Day speech at Detroit, Archie, you must have worked some on that, didn't you?

COX: That one, as released to the press, was very much as I did it. Also it was not regarded as a very happy speech. He didn't get the response that day that he would have liked to have gotten from that crowd.

LESTER: He didn't give the speech that was released, did he? I mean he started in giving it.

COX: Well, I think he started giving it and then felt that it wasn't getting any response. I must say I think that the speeches that I wrote did not lend themselves to getting a response from a crowd, and I think the speech writing group tended to be writing more of the kind of speech that Adlai Stevenson delivered in his campaigns than the kind of speech that Jack Kennedy wanted to deliver in his campaign. And then of course there was another element. The Senator never was one—I guess even after he became president—for very tidy lines of communication. His method was to throw everybody in, and let them all fight for their ideas, and those that emerged to the top won out.

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LESTER: Another thing, Archie I got a little impression that he didn't like long speeches. He wanted to keep them shorter than maybe some.

COX: I don't think that played a part. I don't know if that was true of the things sent in by Jim Sundquist, for example, who was written speeches for Truman [Harry S. Truman]. His output tended to be the Truman type, with a lot of snappy punch lines in it. They weren't the Stevenson type. So there was a variety of offerings. I think perhaps a number of the ideas came through—the Peace Corps idea was in some of the things we had sent, but quite naturally the ultimate speech took a different form.

LESTER: But at the earlier stages when he was a Senator, and he spoke two times in New Jersey, I think he had some difficulty because he read and spoke too fast, and some of the things he had in the speeches didn't get over very well. Now I don't know whether he was conscious of that, so that when speeches were prepared for him Sorensen would be conscious of trying to adjust them more to his style.

COX: Of course, really all through the campaign, over and over again, he would not give the speech that was prepared for release and given to the press, and you'll remember the press complained of this dreadfully. He tended, as Nixon did and as Charlie Murphy's story indicates, to do the same speech over and over again. Well, perhaps all I really was indicating was some tensions within the organization....

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LESTER: Well, you felt after awhile that your group wasn't being very effective.

COX: Very clearly. I and all of us did. Sundquist was upset. Bill Attwood, as I say, left. If it hadn't been for the fact that it would have had a clearly adverse effect on the campaign I would have left. I don't suppose it would have made any difference, but it is subject to the one-day-wonder comment anyway. I think I would have said I might much better go back to my teaching, I'm not contributing to anything here.

LESTER: Was the Senator fully conscious of this you think?

COX: I think he was. I say that for two reasons. First, fairly early, really before he hit the road, I met with him, had breakfast with him one day, and I said I wished he would define the relationships here a little bit more, I didn't know whether I was in charge of my own research, speech writing house or not, but it seemed to me that Ted Sorensen was always going to Mike Feldman who theoretically was under me and I didn't know anything about what he was doing, and that I didn't think this was a very good way to run it. Well, he said he would. I suspect he never did because I don't think that was his method. I think his method was to count on people to elbow their way and the strongest man would come to the surface.

LESTER: Did Sorensen deal directly with some of the people in the universities like Walt Rostow, Ken Galbraith, Arthur Schlesinger and some others directly?

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COX: Well, Arthur and Ken kept me very much informed and if they talked to him I'm sure they let me know they had talked to him and sent me a copy, because Arthur and Ken were both very well aware of just how uncomfortable I felt with this problem, and indeed I would periodically get messages from the Senator through Arthur or Ken to the effect that he was aware of this, and he was sorry, and he appreciated my being a good soldier, not saying or doing anything about it. I think it was just a conjunction, one, of his way of doing things, and, two, of my not being awfully anxious to elbow to the center of the stage.

LESTER: Now, Archie, whose idea was it to have that meeting we had in Hyannis Port?

COX: I think it was the Senator's.

LESTER: Because Ted Sorensen wasn't there. He probably knew about it.

COX: No, he wasn't there. I don't think he was anywhere around at the time. He certainly wasn't at the meeting. No, I'm sure it wasn't Ted's idea. It must have been the Senator's idea, and of course it led to one very important thing. He had never met Paul Samuelson [Paul A. Samuelson] before.

LESTER: He had not?

COX: No. He didn't know Paul and after it was all over he spoke of how much Paul had impressed him. I think he contrasted him a little with Seymour [Seymour E. Harris] whom he liked, but he never knew how reliable Seymour's ideas and expressions would be.

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LESTER: Well, Seymour talked at great length toward the end about the balance-of-payments problem. I thought that out of that meeting there were two or three things that the Senator might have gotten that he hadn't had an impression about before. Certainly one was the problem of the international balance of payments. Seymour talked so long about it I think the Senator was after that conscious of that problem.

COX: Let's stop and eat some lunch.

LESTER: When we stopped for lunch, we were just talking about the meeting that Senator Kennedy had in August 1960 at Hyannis Port during a day when you were there with—



COX: Seymour Harris, Ken Galbraith, yourself, and Paul Samuelson. I think we were the only ones that went out on the boat and talked economics. Governor Harriman had been there, and Walter Reuther [Walter P. Reuther] had been there.

LESTER: Walter Reuther and Jack Conway [Jack T. Conway] had been there.

COX: Yes, I guess it was another time when I was at Hyannis Port that Governor Harriman was there.

LESTER: Well, as we were saying, out of that, Archie, I think that one thing that became quite evident to the Senator was that there was going to be a real problem of balance of payments, which I think he hadn't been so conscious of before. You may recall we started at first in the House trying to make a forecast of what the economic situation would be over the

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next six months, and Paul Samuelson had written on that I guess for one of the European papers or magazines and I and Paul had forecasts that I believe were fairly right over the next six months. We thought that probably the trend would be sort of slightly downward with increased unemployment. One other thing that stuck in my mind out of that meeting was the discussion of the handling of Federal Reserve and monetary policy and possible problems with respect to Chairman William Martin [William McChesney Martin, Jr.]. That looked as though it would be quite a problem with respect to interest rates and tight money. The Senator was cautioned about how to handle that if he became elected, but apparently that didn't loom anything like as large as it might have looked at that point.

COX: No, it was a question that kept coming up during the campaign, you know, what would he do with Chairman Martin.

LESTER: But it never entered so far as he was concerned in any way I could see in any discussion in the campaign.

COX: No, I know I was being asked it all the time by financial writers and commentators, and I suppose he must have been asked occasionally. The answer was always along the line that we were confident they could work together, that these differences aren't ever as sharp in practice as the way you fellows talking in abstract principles attempt to draw them. That is about what happened, isn't it Dick?

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LESTER: Yes, pretty much. It was worked out. I think maybe it influenced his choice of Secretary of Treasury.

COX: I suppose so.

LESTER: But there were two other things I remembered. One of them was Ken Galbraith's remarks that he was particularly conscious of the need to ask people to sacrifice because he had said that the Labour Party in England in the previous election not so far back had, he thought, lost the election because they had not called on people to sacrifice. The Labour Party told the people everything they were going to get for them, but had not asked anything from them. The other thing was—perhaps this was the Senator's way of sampling opinion—he asked us what we thought of his acceptance speech, I don't know if you remember that.

COX: No, it hadn't stuck in my mind.

LESTER: I think that I was the only one who felt that the statement I guess that Arthur Schlesinger may have put in the speech, about malice toward all, was not in good taste.

COX: It was a twist in the words—

LESTER: Yes, that's right.

COX: Of Lincoln's [Abraham Lincoln] Second Inaugural.

LESTER: That's right—it was a crack at Nixon. But I don't know, Archie. Did you have any other meetings of that kind with the Senator during the campaign?

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COX: That was the only extensive round table talk that I recall. I think the original plan was to have more.

LESTER: That's the impression I got.

COX: This happened to be the first one set up. I think that it was exceedingly useful. I think it brought into the foreground of his consciousness the complexity with some of these problems—that if you cut interest rates, it had this wealth of ramifications into all other things that you weren't able always to control.

LESTER: Well, the one thing that struck me also, Archie, was that he was willing to sit and listen, and to discuss at such length, and particularly the long presentation toward the end, and I thought that most people would become quite impatient with the whole discussion because it got to be so lengthy.

COX: Well, of course he was interested in these things. As the discussion ran into some of the details of international payments, it began to bore him because it got so only a technician could follow it. At least there was a good deal I couldn't follow.

LESTER: Well, there were too many facts and figures also. Then after that, Archie, I guess you probably covered some of it in the discussion of how you were operating in Washington. You were in the campaign some, weren't you?

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COX: Well, I went on a couple of swings. We began with the notion that we would operate exclusively in Washington, and send the stuff to Ted Sorensen and Dick Goodwin. Then there was the feeling that people in Washington didn't have a sufficient sense of a speech to a political crowd, so we started traveling a bit. I went from New York City, from the Liberal Party dinner there on the swing through New Jersey, and then to Harrisburg, Pennsylvania, and then back down to Baltimore and Washington. Then I went on the trip from the Bean Dinner in St. Paul-Minneapolis up into the northern peninsula, and one of the things I never could quite understand was how that slight, plainly eastern figure, with a great deal of dignity, could have such an effect upon a crowd of upper peninsula miners or workers from the Mesabi Range. Yet he did have an extraordinary ability to communicate this "let's keep moving ahead!" to them at an emotional level, if not on an intellectual level, which was quite an extraordinary thing.

LESTER: Well, then you came back, and after the election occurred what happened?

COX: Well, I went back to Cambridge. I had no part in the Adam Yarmolinsky-Sarge Shriver [R. Sargent Shriver, Jr.]-Ralph Dungan recruitment operation. I was back teaching at that time.

LESTER: And then they must have gotten in touch with you, though, about taking some kind of position.

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COX: Well, yes. Just a few rumors reached me through Tony Lewis of the *New York Times*. In fact Tony Lewis had the story that I was going to be offered the position of Solicitor General from Sarge Shriver, I guess, well before I knew it. A day or two before Christmas, the President-elect called me, and asked me if I would accept the position. After checking with my family I did.

LESTER: Well, then you came down to the new Administration, and I think we ought to get pretty much your meetings with the President subsequent to joining the Administration.

COX: Well, of the chief things that I had contact with the President about, one was the flags of convenience labor problems—the jurisdiction of the labor board over that whole issue. I think most of that, Dick, is very thoroughly recorded on paper, and there is no purpose in stating that here.

LESTER: Is there anything you need to add?

COX: There's nothing I need to add except a little bit toward the end. This had been a matter of extensive inter-departmental discussions, chaired by Arthur Goldberg, and finally there was a meeting in the Cabinet Room with the President present, and I think by that time Arthur had gone on the Court, and Bill Wirtz must have been Secretary. Things had pretty well developed to the point where the Labor Department was of the view the government should take the position that the National Labor Relations Board had jurisdiction over these

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flag-of-convenience vessels, but everybody else, including the White House staff, were taking the opposite position that the Defense and State Departments urged. The President threw something of a bomb shell into the discussions by saying, "Well now, what about the telegram or statement I made on this subject the fall of 1960?" Despite the elaborate staff work no one had ever thought of it. It came out that he had sent quite the outspoken telegram to Joe Curran [Joseph E. Curran], about how something must be done to prevent these foreign flag vessels from undermining the standards of American seaman. The President said that if McNamara [Robert S. McNamara] (the undersecretary was the one who happened to be there, Ros Gilpatric [Roswell L Gilpatric]), told him that the national defense required this that he would have the Solicitor General do what the national defense required, and would arrange to live with the statement as best he could, but he sure wasn't feeling very happy about changing his position just like that.

The meeting broke up on that note, and Bill Wirtz and I rode back together in his car. I said to Bill, "Well, it seems to me that one way we can get the President off the spot for the present is to agree with the Defense Department in these particular cases in the Supreme Court, which involve only Honduran vessels, which are somewhat different from the Liberian and Panamanian vessels, and really don't hurt the labor unions any anyway because they are vessels that go to

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Honduras and carry Honduran products. Maybe something will happen before we ever have to come to grips with it with the other vessels." Bill and I agreed on that position and I

cleared it over the phone with the President, or possibly with Mike Feldman. That was the position the government took in the Supreme Court, but it was an amusing episode.

LESTER: And that the President remembered the telegram, I suppose.

COX: Oh yes. I still don't know whether he remembered it or whether somebody had pointed it out to him because it was one of these telegrams, you know, which the chances are he wouldn't even have seen during the campaign anyway. In fact I had an awfully uncomfortable feeling that maybe I was the fellow that sent the telegram since most labor things went over my desk.

LESTER: But you didn't recall it?

COX: I couldn't remember it. Or it might have been that somebody else had written it, and I looked at it quickly and said o.k. But one way or another he either remembered it or it was pointed out.

The second thing of major concern—and much greater concern—that the President was intensely interested in was the various cases dealing with reapportionment. I don't recall ever talking with him about them in any detail. The first big case, *Baker v. Carr*, came up very shortly after the change in administration, within a couple of months.

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The previous Administration or the previous Solicitor General had decided to go into the case on the side of those who were arguing that the federal court had jurisdiction, and really the question for me was whether to go ahead with that or to back up. That was decided simply in very brief words between the Attorney General and myself. I told him I intended to go in unless he objected, and he said he didn't object. The President became increasingly interested, as did the Attorney General himself, especially after *Baker V. Carr* was decided.

The government's general approach to the cases that were heard in the fall of 1963, was formed at a meeting between Ted Sorensen, Sarge Shriver, Steve Smith [Stephen E. Smith], the Attorney General, Larry O'Brien [Lawrence F. O'Brien], and myself. We discussed them at some length and decided that we would not support the one-man-one vote principle one hundred per cent, but would try to be on the side of reapportionment, with a somewhat less extreme view. Whether the Attorney General ever talked to the President about it or whether they knew each other's thinking so well that that was necessary, I can't say. I felt I knew the President's thinking well enough to make it unnecessary. I'm quite sure I never talked to him about it. Although I do know, as I say, that he had a great interest in it.

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Then, the final position was taken by the Attorney General, Ted Sorensen, a number of people in the Department and myself. That was in the Colorado case. In that particular one, while I acquiesced and supported the view, we went somewhat beyond what my own views would have been as to what was desirable for the government to do. As in the case of

the foreign flag vessels I guess it didn't make a great deal of difference because the Supreme Court went way beyond the government in each instance.

LESTER: Well, Archie, you said something earlier about Ted Sorensen. Since you've been Solicitor General I take it there have been few occasions in which you have had any disputes.

COX: None that I can think of.

LESTER: And I take it that subsequent discussions weren't really influenced by your earlier difficulties.

COX: Not at all. I think any discussions I had in Ted's office or with Ted in the government were always entirely pleasant. I think perhaps one reason was that at least as far as I was concerned the lines of responsibility were a little more clear cut. I was master of my own house. I never felt any friction with Ted since I've been here.

To go on to the other things that were of concern between me as Solicitor General and the White House—I was in on both steel crises in '62, and again in '63. In '62 the increase was announced by Bethlehem [Bethlehem Steel] first, wasn't it?

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LESTER: I believe Roger Blough [Roger M. Blough] announced it.

COX: I guess Blough did do it.

LESTER: Bethlehem followed right away.

COX: Actually when it was announced and the President made his initial statement, I was on my way out west. It illustrates his way of working but is otherwise of other importance. I arrived in Tucson to speak to the Bar Association about 11:30 at night, Tucson time.

LESTER: When you arrived?

COX: Yes.

LESTER: To speak the next day?

COX: To speak the next day. This, of course, was well after one o'clock here in Washington, and the telephone operator at the hotel was all in a dither because the President had called. I said, "Oh, well, I'll call back in the morning; they can't want me now." "No, the President himself was on the line," she said, "and he wants to talk to you." I returned the call. There was the President asking, "What

shall I do?" Well, this was his way of course. He'd reach anybody he thought might have any idea anywhere, and I made a few noises. I hadn't been thinking about these problems for ages. I didn't call him back the next morning after I'd had a chance to think a little bit, and I talked to him and he said to come on back. I was at the meeting that took place at the White House to decide what his posture should

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be. Should he send a message to Congress? Should he seek legislation at that stage? Others can fill this in much better than I can. The various people, chiefly McNamara and Dillon [C. Douglas Dillon], but also—

LESTER: Arthur Goldberg?

COX: Well, now it's funny I don't remember Arthur being at that meeting where we were calling the heads of the steel companies to see if—oh there was a fellow in Commerce, from Sears Roebuck who was very helpful on that. And you remember that they succeeded in persuading Block and the others not to follow U.S. Steel, and the price increase was ultimately withdrawn. So, it worked out very happily. I think the President, if the others had followed, would have let it go ahead. I don't think he was inclined to press the fight to the limit on the hill or anything like that. Joe Fowler [Henry H. Fowler] of the Treasury, and I were both rather inclined to urge him to adhere to his strong stand.

LESTER: Take it to Congress?

COX: Take it to Congress. I was somewhat amused that Joe and I were the two people that had gone through stabilization jobs in the Korean War period and had watched the steel companies get a price increase and the coal miners and steel workers get wage increases and destroy any stabilization. I suppose our background was what made us a little more stiff-necked about this than the other people present. But of course it all worked out most happily.

[-68-]

LESTER: Well, in the sense that was one of the most significant domestic crisis the President had to face, and I take it from what you've said the same appearance and being calm and not being upset at least not outwardly and visually, was true then too.

COX: Yes, oh yes. Then the next year there was pretty general agreement that if we could at least try and confine it to selective increases, that an increase was inevitable. I don't think Walter Heller [Walter Wolfgang Heller] was terribly happy the next year but everyone else seemed to feel that it was in the cards. I rather wish that some of the people like Clark Clifford [Clark M. Clifford], who were

dealing with the steel companies for the President, had been a little bit tougher in their bargaining. I think that maybe they could have held the increase to a little bit less, but there was at that time no disagreement as to general lines to be followed.

LESTER: Well, Archie are there any other experiences or interesting situations?

COX: Well, I should mention the—what came to be known as the “mud lumps” problem, which had to do with the interpretation of the Submerged Lands Act. I probably saw more of the President on that subject than almost any other during his tenure, but that is something where again there are voluminous papers. I don’t recall anything significant in the conversations that we had there in the White House.

[-69-]

LESTER: You didn’t see him on any number of occasions socially or anything of that sort?

COX: No, certainly nothing that is really worth mentioning. You see most of the work of this office is with the Supreme Court. Right after the change in administrations he called me on a number of things. He called me on what the constitutional position should be on aid to education and a few things like that, while he was sort of getting the lines of authority familiar to himself and straightened away.

LESTER: He wouldn’t use his brother to get in touch with you?

COX: Well, at that early stage he’d call up anybody he wanted to talk to and then later he used his brother and Nick Katzenbach [Nicholas deB. Katzenbach], and Byron White[Byron R. White] much more on the legal advice. He very seldom called me direct. I think the “mud lumps” things was about the only significant matter he asked me to handle personally which was outside the area of the Supreme Court work.

LESTER: Well, is there anything else, Archie, that you think should be mentioned?

COX: No, I don’t think there is.

LESTER: Would you like to attempt to sum up your impressions of the President in terms of the way he operated, the kind of mind he had, and so forth?

COX: Well, that’s not easy to do. I commented before about the retentiveness and “stickiness” of his mind. For a politician



[-70-]

he was, as I'm sure any number of people will comment, an intellectual to an unusual degree. He had an extraordinary degree of interest in the substance of things, which went beyond this "stickiness" and remembering the details. I think he remembered them because—

LESTER: He made them part of him?

COX: Yes, he must have spent some time puzzling over them quite apart from when he was actually using them in a conference or on the floor or in enacting a bill.

LESTER: An interesting question might be, Archie, when he did all of this reflection and what-not because from what you've said earlier, working on this labor bill, there was not much evidence that he really read up on it very much. He got it mostly orally.

COX: Well, I suppose he must have mulled things of this kind over some in odd times.

LESTER: But, he never gave the impression of a fellow who was really working hard at something in a sense, did he?

COX: No, I think that's true. I think that's true.

LESTER: And he moved from one thing to another.

COX: He moved from one to another, but he apparently had capacity to move from one to another in such a way that he didn't become so completely engrossed in one that he couldn't shift into another gear very quickly.

[-71-]

LESTER: Was there any evidence, particularly, of change over time or difference in terms of the way he handled things?

COX: Well, I wouldn't know.

LESTER: From the time you first knew him until the end?

COX: Simply, of course, I suppose this is true of anybody who becomes president, Certainly you had a feeling after he had been in office a year or two years that here is a fellow who is much more in command than

you felt when he first went into the office. Now, I don't mean at all to give an impression of weakness or ineffectualness at first. That isn't it, but you could see that here is someone who has become accustomed to being top fellow in the room all the time.

LESTER: In terms of personal relations or things of that sort he didn't change?

COX: No. Oh no.

LESTER: He didn't seem to be more distant?

COX: Just his carriage was a little more assured. Of course, I think he never lost the old quality of being an observer of himself even as he was acting.

LESTER: Well, if there's nothing else?

COX: No, I think we can end it now.

[END OF INTERVIEW]

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