

# 'We Haven't Heard the Last of LBJ'

This is the twelfth of 12 installments of a special series excerpted from the book My Brother Lyndon.

By Sam Houston Johnson

I had been watching the California primary returns on television in my suite at the Watergate Hotel, having turned off the sound in order to dictate a memo to my secretary. When I saw the sudden frenzy on the screen, the look of horror on every face, I turned on the sound and heard what had happened.

I was driven to the White House right away. There were no lights on in the family quarters when we arrived, so I assumed Lyndon was still unaware of Kennedy's death. I was correct: He had gone to bed an hour before it happened.

When he was finally awakened he stared at us with total disbelief in his eyes. "Oh, my God!" he said. "Not again. Don't tell me it's happened all over again."

The next few hours were a kind of controlled bedlam. Reporters, photographers, and politicians swarmed into the White House. The phones were ringing constantly, and people scurried back and forth with anxious looks on their faces. Lyndon stood in the center of all the frenzied activity, his mouth set tight, his eyes clouded with concern.

"We've got to protect Ted Kennedy," he said to one of his aides. "That family seems to be cursed. This may be a plot or just another madman like Oswald, but I'm not taking any chances. I want the Secret Service to provide protection for every candidate—including Teddy Kennedy."

"But he's not a candidate," someone reminded him.

"That doesn't make any difference," he said. "I want him protected anyway."

"The laws may not permit it, Mr. President. They're pretty specific about such —"

"I don't care what the law says! I'm going to have him protected if I have to issue a special executive order to do it. So you call the Secret Service right away."

As usually happened in such cases, he got his way without any undue fuss from the legal people.

"... in the early part of 1970, I would expect my brother Lyndon to come out of hibernation . . ."

The Democratic primary campaign was resumed under a cloud of unease and despair. The assassinations of Kennedy and Martin Luther King, and the President's sudden withdrawal from politics, all within a space of a few short weeks, had unsettled the party. The Democratic convention in Chicago, with its threat of violence by student radicals and adult demonstrators against the war, would prove to be even more unsettling.

Assuming he would stick to his guns on the crucial Vietnam issue, Humphrey had the nomination locked up before the convention started. Any attempt by him to back away from our commitments in Southeast Asia would automatically work against him. We all knew he was being tempted but nevertheless felt he would ultimately stay with LBJ.

Still undecided as to whether he would appear at the Stockyard Stadium for the big birthday party Mayor Daley had planned for him, Lyndon and a small group of staff members and friends flew down to Texas to follow the convention activities on television.

Our conversation was casual and lighthearted, but there was an edge of tough determination in Lyndon's manner. "I'm not going to let those smart-alecks take over that convention," he said. "I haven't worked all my life just to have my own party repudiate me at the last minute."

With the tension beginning to build at Chicago, there were certain disconcerting signs of an incipient revolt that could easily lead Lyndon to drastic action. Mayor Daley, whom the Kennedys had always courted despite the hatred he aroused among the most fervent Kennedyites, let it be known that he wanted Teddy to run. And Senator McCarthy offered to go along.

The so-called "Teddy threat," which was blown up to major proportions by TV, never materialized. Early this year Ted Kennedy told a Look reporter that he

never considered running. If that was so, why did he bother to set up a special command post under the skillful management of his brother-in-law, Steve Smith? I seriously doubt that they were merely testing their machine for 1972.

I also doubt that an old pro like Mayor Daley would go out on a limb without some indication that Teddy might openly declare his candidacy. But, of course, they were practical enough to see that Lyndon's people had firm control of everything; that they had enough votes to give Humphrey the nomination on the first ballot.

Lyndon stayed away. He didn't go to his birthday party.

Although he tried to mask his feelings, I knew how bitter he felt inside. He had hoped to make a graceful triumphant exit from public life — he had certainly earned it—but all knew that wouldn't be possible in the hostile atmosphere that hung over Chicago.

Aside from the angry demonstrators battling the police downtown, there were a lot of diehard LBJ foes inside the convention hall itself. Democrats have always hollered and clawed at each other, but there was a certain meanness in this crowd I'd never seen before. Their mood affected everyone.

I was glad Lyndon stayed home.

Not even his lame-duck status could save him from the nagging tensions of the Presidency.

The Abe Fortas matter, for example, was still pending when Nixon won the election in early November.

When it became apparent that Nixon would be the Republican nominee for President, Chief Justice Warren had sent my brother a letter announcing his intention to retire from the Supreme Court, but there was an unusual hitch to his plan: He stipulated that his retirement become effective upon the confirmation of a new chief justice. Realizing that Warren had never liked Nixon,

on, the Republicans denounced the "contingent retirement" as a transparent move to deprive Nixon of the chance to name Warren's successor.

To no one's surprise, Lyndon had nominated his good friend and adviser, Justice Abe Fortas, to replace Warren; but his choice of Homer Thornberry to replace Fortas was somewhat unexpected. Fortas's judicial qualifications were known to everyone, but Homer Thornberry's were somewhat less apparent.

He was one of Lyndon's oldest friends, whom I especially remember because he would always start laughing at my brother's jokes even before Lyndon got to the punch line. Aside from this rather amazing ability to sense what LBJ was going to say, I had no personal notion of his legal capacities. Having heard of the dual choice before it was announced, I immediately drafted a memo suggesting a procedure that might facilitate Senate confirmation of both men.

I urged, for example, that he submit only one name at a time. First of all, he should request Fortas's elevation to chief justice, simultaneously asking his old southern friends on the Senate Judiciary Committee to give him some suggestions on the man to replace Fortas. Because of Fortas's liberal reputation, those southerners might wish to oppose him—but they would go along with Lyndon if he gave them some indication that they could name (or approve) his successor.

If they knew he had already picked Thornberry, without consulting them, they would naturally be resentful and hostile toward both men. He couldn't afford not to ask their advice.

Then, after he had gotten Fortas confirmed, he could pretend to give full consideration to their various suggestions—and finally reach the conclusion that Thornberry was the best compromise choice. I personally felt

Judge Jim Coleman, former governor of Mississippi, would be a better choice.

I was, in other words, merely setting forth a familiar LBJ formula and I had expected him to follow some variation of that formula. But, before I had a chance to give him the memorandum, Lyndon violated his own time-tested procedure and announced his dual nomination to the press.

The reaction was predictable. The powerful southerners on the Judiciary Committee—old Senate colleagues who had backed him on many other occasions or who had offered only token resistance on others—now felt they had been ignored and consequently balked. So did a number of senators outside the committee. Both nominations, which could have been confirmed if submitted in the aforementioned manner, went down the drain.

Lyndon, of course, was bitter and a bit mystified by the Fortas-Thornberry affair. He simply couldn't get used to the fact that he was being treated like a lame-duck President who no longer had the power to pressure Congress into accepting his suggestions.

Perhaps it was just as well that he didn't succeed in elevating Abe Fortas to the position of chief justice. The subsequent controversy concerning Abe's dubious connection with the Wolfson Foundation (which forced his resignation) would have been doubly embarrassing for everyone, including my brother.

Lyndon has been very quiet during the months of what the newspapers call his "exile" at the ranch. But probably in the early part of 1970, I would expect my brother Lyndon to come out of hibernation with a number of strong statements on domestic and foreign affairs. No one knows more about the government of these United States than Lyndon Johnson, no one has a deeper concern for his country. And since he is not a naturally reticent man, it would be most uncharacteristic for him to remain silent.

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