

# 'The Long, Hard Effort Was

This is the last of 15 excerpts from former President Johnson's book, "The Vantage Point," an account of his presidency, to be published shortly.

## "THE LAST YEARS: HEADLINES AND HISTORY"

I must admit that the results of the New Hampshire primary surprised me. I was not expecting a landslide, I had not spent a single day campaigning in New Hampshire, and my name was not even on the ballot. And the fact that I received more votes, as a write-in candidate, than Senator McCarthy—49.7 per cent as against 42.2 per cent—seems to have been overlooked or forgotten. Still, I think most people were surprised that Senator McCarthy rolled up the vote he did. I was much less surprised when Bobby Kennedy announced his candidacy four days later. I had been expecting it.

During the four and a half years of my Presidency I had never been able to establish a close relationship with Bobby Kennedy. It was not so much a question of issues; on most matters of national importance we had similar views, after he became a Senator. We even agreed on Vietnam for a long time. We did not come to any sort of parting of the ways on that question until 1966. Perhaps his political ambitions were part of the problem. Maybe it was just a matter of chemistry. I honestly do not know. I recognized and admired his leadership qualities. He had surrounded himself with loyal and able men and women, and he had organized them effectively.

When tragedy struck him down, I was glad that my last meeting with Bobby Kennedy had been friendly.

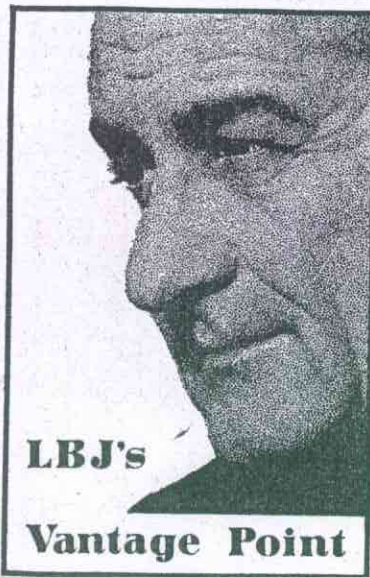
Shortly after 10 a.m. on April 3 he came into the Cabinet Room with his campaign aide Ted Sorensen and met with Walt Rostow, Charles Murphy, and me for more than an hour. The discussion was an open and frank one. Both Murphy and Rostow took notes.

The following notes reflect the tenor of that session:

The President opened the meeting by referring to his speech of March 31st, in which he announced the new initiative with respect to Vietnam and his intention not to run for reelection.

Senator Kennedy: Your speech was magnificent. I regret we have not had closer contact. Will be glad to try to help in minimizing controversy and to keep in touch through anyone you say. Your position is unselfish and courageous and taken in the interest of the United States.

The President then said he would be glad to hear anything Senator



Kennedy had on his mind.

The President: I expressed it in my speech. I want to keep the Presidency out of this campaign. I'm not that pure but I am that scared. The situation of the country is critical. I will try to run this office so as to have as much support and as few problems as possible.

I will tell the Vice President about the same things I'm telling you. I don't know whether he will run or not. If he asks my advice, I won't give it.

If I had thought I could get into the campaign and hold the country together, I would have run myself. If I campaign for someone else, it will defeat what I am trying to do.

My objective is to stay out of pre-convention politics. I have no plans to get into it. That might change at any time. I might have to disagree with you tomorrow. I might say who I'm going to vote for, but I do not plan to do so.

I do not want to mislead you or deceive you, and I must preserve my freedom of action, but I want to follow the course stated in my speech (keeping the Presidency out of the campaign) if I can. But I must be free to react to future developments.

I am no king maker and don't want to be. I did not talk to (Mayor) Daley about this in Chicago.

Sorensen: Will people in your administration be free to take part in pre-convention politics and support

# 'Over Now, and I Was Glad...'



candidates?

The President: I will need to think about that.

Senator Kennedy: If you decide later on to take a position, can we talk to you prior to that?

The President: Yes, unless I lose my head and pop off. I will try to honor your request.

Senator Kennedy: I wanted to know, because if I should hear reports that you are doing so and so, I wanted to know whether to believe them.

The President: If I move, you'll know.

The President: I will need to think that he held no enmity for him. He said frankly that he felt much

closer to the Vice President, who had been everything the President could be as Vice President.

He had never thought of his administration as just the Johnson Administration, but as a continuation of the Kennedy-Johnson Administration. It was carrying on a family matter. He had never fired a Kennedy appointee, and has asked most of them to stay when they wanted to leave. He wanted Sorensen to stay — and the country would be better off if he had.

President Kennedy had always treated him well as Vice President, although he spoke very frankly and sometimes sharply. He had done his best as Vice President to support President Kennedy. (Senator Kennedy agreed.) He had done his best since then to carry on the policies and programs. He thought he had done reasonably well. He thought that as President Kennedy looked down at him every day from then until now, he would agree that he had kept the faith.

Nevertheless, the President said, what he had done had not been good enough. Witness our current difficulties. (The President had spoken earlier of the disaffection of the young people, notwithstanding all that had been done in education; and the disaffection of the Negroes, notwithstanding all that had been done in civil rights.) The next man who sits in this chair will have to do better.

Senator Kennedy responded: You are a brave and dedicated man.

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The resignation of Chief Justice Earl Warren in June represented a double blow to me. His departure from the Court deprived the nation of the services of a man whom I considered one of the great Supreme Court justices in our history and resulted in the deliberate and systematic vilification of one of the wisest, ablest, and fairest men I have ever known, Associate Justice Abe Fortas. The irony of that episode,

an irony that made the circumstance all the more agonizing for me personally, was that Abe Fortas had never wanted to sit on the Supreme Court in the first place.

The events leading to his appointment began on the afternoon of July 16, 1965, when Ambassador John Kenneth Galbraith and his wife visited me in the Oval Office. During our conversation Galbraith said that he believed Arthur Goldberg, then an Associate Justice on the Court, would step down from his position to take a job that would be more challenging to him. Galbraith speculated that he might accept an appointment either as Secretary of Health, Education, and Welfare (a position soon to be vacated by Tony Celebrezze) or as Ambassador to the United Nations, to replace Adlai Stevenson, who had died three days earlier. Frankly, I was surprised. I was aware that Goldberg, an activist, became restless on the bench from time to time, and I knew that as Secretary of Labor under President Kennedy he had yearned for more freedom and activity. But I could not imagine him giving up his seat on the Supreme Court.

Three days later, on July 19, Justice Goldberg flew to Illinois with me to attend Ambassador Stevenson's funeral. I mentioned that I had heard reports that he might step down from the Court and therefore might be available for another assignment. He told me these reports had substance. I said that I would like to see him in the Cabinet as Secretary of Health, Education, and Welfare, because that was a department which required imagination and leadership at the top. He replied that

the job sounded fascinating but that he had become increasingly interested in foreign affairs.

That was the extent of our conversation that day. I asked Justice Goldberg to "think about it some more" and said that we would discuss it later. The next day he called Jack Valenti and told him that the job he would accept was the UN ambassadorship, if I offered it to him. I appointed him to the United Nations, and I felt he was an excellent choice.

Subsequently, I nominated Abe Fortas to fill the vacant seat on the Court. Many people assumed that I was masterminding a great shift at the top echelons of government. The fact is that the Court vacancy presented me with a serious problem. I conferred with many friends and advisers, including Fortas, about a possible successor to Arthur Goldberg. Finally, after studying the list of these advisers had compiled, I concluded that there was only one man whose legal qualifications and character I knew well who could take Goldberg's place. I was confident that the man would be a brilliant and able jurist. He had the experience and the liberalism to espouse the causes

that both I and Arthur Goldberg believed in. He had the strength of character to stand up for his own convictions, and he was a humanitarian. That man was Abe Fortas, reared in Memphis, Tennessee, with a career as a distinguished lawyer in Washington for over thirty years. But Abe Fortas did not want the job. I urged him to "accept the nomination but he declined firmly. He said that he did not want it.

Then, on July 19, he wrote me: For the President:

Again, my dear friend, I am obligated and honored by your confidence and generosity—to an extent which is beyond my power adequately to acknowledge.

But after painful searching, I've decided to decline—with a heart full of gratitude. Carol thinks I should accept this greatest honor that a lawyer could receive—this highest appointive post in the nation. But I want a few more years of activity. I want a few more years to try to be of service to you and the Johnson family. And I want and feel that in justice I should take a few more years to stabilize this law firm in the interests of the young men who have enlisted here.

This has been a hard decision—but not nearly as hard as another which had the virtue of continuing association with your trials and tribulations and greatness.

I shall always be grateful.

Abe

We talked about the matter for the next several days, but I could not sway him. Finally, on July 28, I invited Fortas to my office. When he came in, I told him that I was about to go over to the theater in the East Wing of the White House to announce his appointment to the Supreme Court. I said that he could stay in my office or accompany me to the theater, but that since he was the person being appointed, I thought he should go with me. He looked at me in silence for a moment. I waited. Then he said, "I'll accompany you." That was the only way I managed to get him on the Court.

When I nominated Fortas to succeed Chief Justice Warren three years later, I did so for the same reasons I had first appointed him to the Court: because he was the most experienced, compassionate, articulate, and intelligent lawyer I knew, and because I was certain that he would carry on in the Court's liberal tradition.

In the end, Abe Fortas' chief assets—his progressive philosophy, his love of country, his frank views always spoken from the heart, and his service to his President—brought his downfall. His enemies claimed that they were oppoising him because he had violated the principle of the separation of the branches of government by acting as a counselor to the President from time to time while serving on the Court. But that argument was a straw man, pure and simple, and every knowledgeable person in Washington knew it.



Our history is filled with examples of Supreme Court Justices who not only advised Presidents but carried out political chores for them, and those examples go back to Chief Justice John Jay of George Washington's administration.

The truth is that Abe Fortas was too progressive for the Republicans and the Southern conservatives in the Senate, all of whom were horrified at the thought of a continuation of the philosophy of the Warren court. The opposition was strengthened by the fact that the Republicans and the Southerners were convinced that Richard Nixon, if elected, would choose a conservative Chief Justice.

I had my first inkling of trouble and

after I called Senator James Eastland, Chairman of the Senate Judiciary Committee, in his hometown of Doddsville, Mississippi, and asked him to come and see me when he returned to Washington.

He replied that he had strenuous objections to Fortas and was irritated over a speech the Associate Justice had made in New York earlier in the year. In that speech Fortas had said that the battles of the black man for equality in America were essentially the same as those of the Jew, and that Jews must help in the civil rights struggle. Senator Eastland interpreted that statement as a conspiratorial call for Jews and Negroes to take over America. He said that he was aware of Senator Russell's position but that he did not think that in the end, when all the debate was over, Senator Russell would support Fortas. His prediction proved accurate.

I strongly believed that Eastland had received assurance that if he blocked the Fortas nomination and the Republicans captured the White House in November, a Chief Justice more to his liking would be appointed. I had learned over the years that Jim Eastland was one of the best sources of intelligence in the Senate on what the Republicans were doing. He worked closely with them. He bent over backward to support legislation they wanted, and he was often a partner in their maneuvers.

I never shared the intense dislike of Richard Nixon felt by many of my fellow Democrats. I had served with him in the House of Representatives and in the Senate, and I was Senate Majority Leader during most of his term as President pro tempore of the Senate. I considered him a much-maligned and misunderstood man. I looked upon Nixon as a tough, unyielding partisan and a shrewd politician, but always a man trying to do the best for his country as he saw it. I did, however, disagree strongly with his political philoso-

phy. I believed that if he were elected, he would certainly try to undo many of the hard-won achievements of the New Frontier and the Great Society.

Part of Saigon's foot-dragging about attending the Paris talks, I believed, stemmed from the Vice President's foreign policy speech in Salt Lake City on September 30, a speech that was widely interpreted as a refutation of the administration's Vietnam policy, particularly with respect to bombing. That interpretation was not discouraged by several Humphrey aides who briefed the press after the speech. The facts are that the Vice President called me from Salt Lake City before he made the speech to tell me about it and to say that it was not intended to be a major departure from our current policies. I believe he meant it.

But what I believed was less important than what the leaders of the government in Saigon construed from the Vice President's statements. They interpreted the speech, and the tone of Vice President Humphrey's subsequent foreign policy statements, as a major departure from our stated policies. We soon learned that the leaders in Saigon suspected the administration of sending up a trial balloon. This suspicion made them extremely nervous and distrustful of the Johnson-Humphrey administration and of the entire Democratic party.

Against this background, people who claimed to speak for the Nixon camp began encouraging Saigon to stay away from Paris and promising that Nixon, if elected, would inaugurate a policy more to Saigon's liking. Those efforts paid off. On November 1, after previously indicating that they would go to the Paris peace talks, the South Vietnamese leaders decided not to participate. That, I am convinced, cost Hubert Humphrey the Presidency, especially since a shift of only a few hundred thousand votes would have made him the winner. I am certain that the outcome would have been dif-

ferent if the Paris peace talks had been in progress on Election Day.

As the election approached, I felt that I had used up most of my capital as President, and most of the capital of the Democratic party as well.

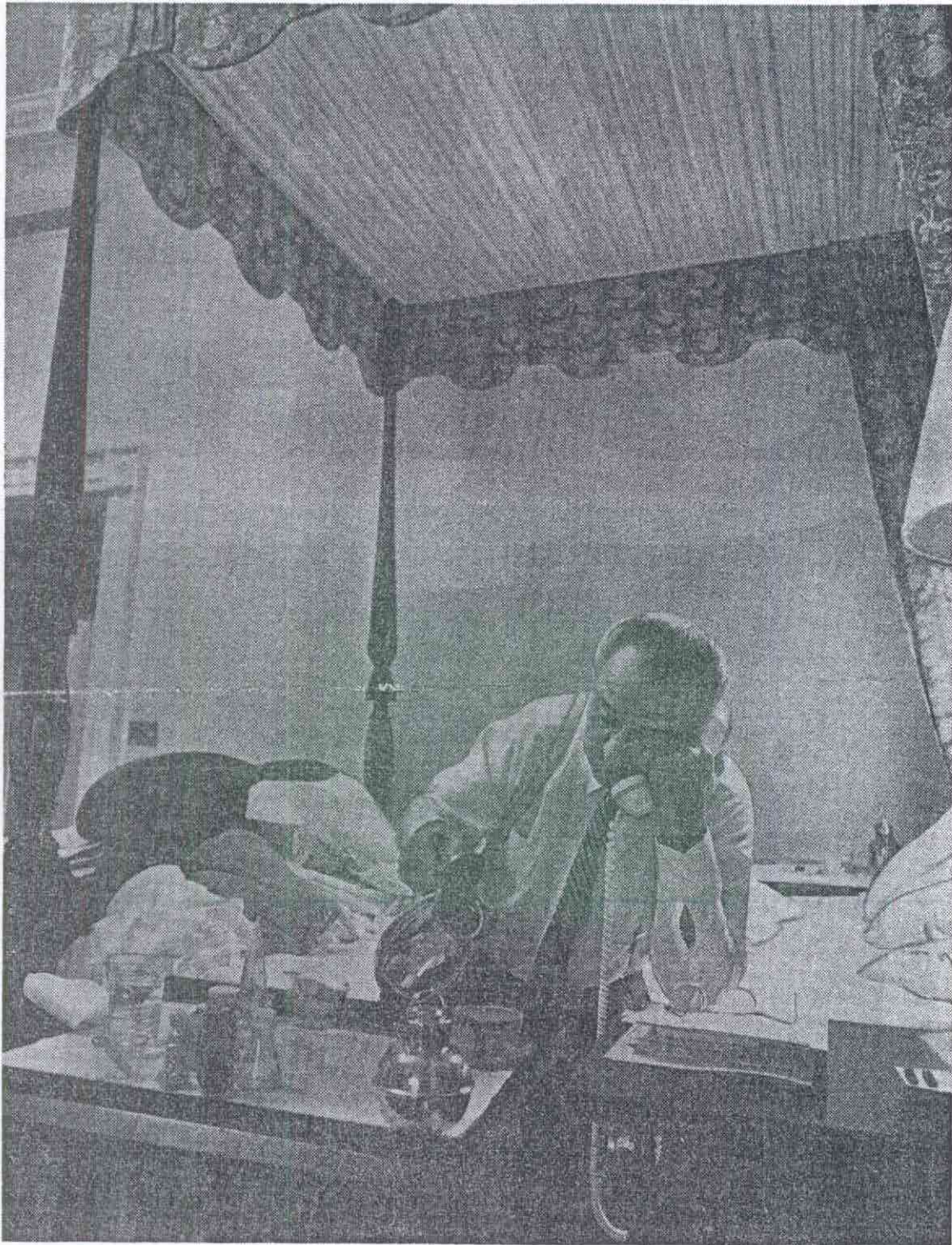
In spite of this, I am convinced that if I had run again I would have been reelected. The last polls taken in February and March, before I announced that I would not run, indicated that I could have defeated Richard Nixon, with or without George Wallace in the running. That does not alter the point, but it reflects the fact that the American people do not casually turn an incumbent President out of office.\*

#### "HOME TO THE HILL COUNTRY"

The long, hard effort was over now, and I was glad to see it end. I did not believe that I had ever flinched from the responsibilities or the demands of the office, and that I had used its powers and prerogatives as fully as I could to accomplish what I thought ought to be done. I had lived thoroughly every hour of those five years. I had known sorrow and anger, frustration and disappointment, pain and dismay. But more than anything else, I had experienced a towering pride and pleasure at having had my chance to make my contribution to solving the problems of our times. I had tried to face up to them all, without dodging any of them, and to provide solutions whenever I could. When we made mistake, I believe we erred because we tried to do too much too soon, and never because we walked away from challenge. If the Presidency can be said to have been employed and to have been enjoyed, I had employed it to the utmost, and I had enjoyed it to the limit. Now I was putting aside the burden that no President can adequately explain or describe and that no citizen can fully understand.

From the book, "The Vantage Point. Perspectives of the Presidency 1963-1969," by Lyndon Baines Johnson, published by Holt, Rinehart and Winston, Inc. Copyright © 1971 by HEC Public Affairs Foundation.





Y. R. Okamoto

Jan. 20, 1969—after more than five years, President Johnson arises for the last time in the White House.





Mr. Johnson and Goldberg (left) the day Goldberg was named ambassador to the United Nations.



Photos by Y. R. Okamoto and Associated Press

At right, Goldberg's successor on the Supreme Court, Abe Fortas (center) confers with Clark Clifford (left) and Mr. Johnson.