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Joseph A. Califano, Jr. Interview Transcription
3 April 2007

Timothy Naftali

Hi, I'm Timothy Naftali, director designate of the Richard Nixon Presidential Library and Museum. I'm here in New York City, April 3, 2007, to interview Mr. Joseph Califano for the Richard Nixon Oral History Project. Mr. Califano, thank you for joining us today.

Joseph Califano

Okay, let me just say one thing at the beginning. I'm operating from memory here, to the extent that what I've written in my memoir inside is different from what I say here, that's accurate, because that was carefully done on the subject of the lawsuit, okay, and any other subject.

Timothy Naftali

Okay, this is not a deposition, but thank you, of course, that's true. In an oral history interview, the late Bob Finch pointed out that you told him about LBJ's taping system. Do you recall telling Bob Finch about LBJ's taping system?

Joseph Califano

No, no, I'm sure I didn't. The reason I didn't is because I didn't know anything about it.

Timothy Naftali

Okay, when did you become general counsel to the DNC?

Joseph Califano

Shortly after Larry O'Brien became the chairman. I don't know whether it was '70. I just can't remember. I don't know -- '69, '70 -- in that area. But within a month of the time Larry O'Brien becoming chairman of the Democratic National Committee, I became the general counsel.

Timothy Naftali

Thank you. How did you and Mr. O'Brien think of using the Fairness Doctrine to give the Democrats an opportunity to counter President Nixon's use of the media?

Joseph Califano

I'd have to think about it. We needed access to the media. We thought that the Fairness Doctrine applied, and we thought that gave us an opportunity. We didn't have the funds to do anything, but, I mean, as a lawyer, I just knew the Fairness Doctrine.

Timothy Naftali

And this was something that hadn't been used to the same extent before or --

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Joseph Califano

No, but that's what lawyers are supposed to do for their clients.

Timothy Naftali

That's absolutely true. Well, I guess the reason it hadn't been used is we'd had a Democratic president before, so the need hadn't arisen to the same extent.

Joseph Califano

Well, there had been Fairness Doctrine issues in political campaigns where people were trying to get time to respond and things like that, but usually only during the political campaign when one candidate was running against another. I don't think it had ever been used the way we proposed using it, but it seemed to apply to us.

Timothy Naftali

So, and that was your idea?

Joseph Califano

Yeah.

Timothy Naftali

You were at Larry O'Brien's side during the Democratic Convention in 1972.

Joseph Califano

Right.

Timothy Naftali

Could you tell us, was there any hope -- at what point did you lose hope that Hubert Humphrey might be the candidate in 1972?

Joseph Califano

Well, it wasn't our job to hope or not to hope. I mean, remember, it's our job to run the convention and, I mean, I really have laid this out in detail in my book. We had two rulings to make, and I can't remember what those rulings were now in detail, but once we ruled that the majority required -- whatever the prevalent majority required -- was under the circumstances -- either Constitutional majority of all or majority of those present. That particular ruling, from our assessment of what the votes were, we thought it would make it very tough for Humphrey to get the nomination. But our job wasn't to decide who'd get the nomination, it was to give these guys a fair, you know, procedure and a fair convention in which they could fight it out. Go ahead.

Timothy Naftali

When did you learn about the June 17, 1972 break-in?

Joseph Califano

Saturday morning after the break-in. I was the lawyer for "The Washington Post" at the same time. I mean, I was in a law firm. I was a lawyer for "The Washington Post." What happened was Sam Gregg [phonetic sp], who was the deputy chairman of the Democratic National Committee, called me up early Saturday morning and said there'd been a break-in and said there was a lot of wires around and a lot of photographic equipment. And police were there and what should he do and I said, "Cooperate with them, but make sure you make a list of everything. If they take anything, you make a list of it before they take it." Then I picked up the phone and called Howard Simons [phonetic sp], who was the managing editor of "The Post" who was on duty that weekend, and told him there'd been a break-in at the DNC. We didn't know what it was, but it looked suspicious.

Timothy Naftali

When did you talk to Larry O'Brien about it?

Joseph Califano

I think he was in Florida -- but over the weekend, I mean, that day, probably.

Timothy Naftali

When did you hear the name E. Howard Hunt for the first time?

Joseph Califano

I don't remember. I just don't remember.

Timothy Naftali

Did you -- so you talked to "The Post." You didn't talk to any particular reporters at "The Post"?

Joseph Califano

No, I just mentioned it to Howard because I knew he was on that weekend. I knew "The Post" would cover it and, actually, they did. Not with Woodward and Bernstein, but with their crime reporter, whose name was Al Lewis [phonetic sp]

Timothy Naftali

Who suggested filing the civil suit against CREEP?

Joseph Califano

I was thinking about it. I have to go back, I mean, I was thinking about it, and then Morris Dees [phonetic sp], who was -- he and I had been one of the ten outstanding young men of 1960 something or other of the Junior Chamber of Commerce -- called me up, and probably called me on Sunday, and suggested we do something like that, that we sue somebody. We thought from the get-go that it had something to do with Nixon and the Republican National Committee -- Republican Party, in some way. I'm trying to think now. That Monday morning, I went to work. I had no nexus on which to sue. I asked my secretary, Evelyn Ferguson [phonetic sp] to call the Committee to Re-elect the President. Now remember, by Monday morning we had the names of the five people who had broken in, and checked McCord -- so she called and found out that McCord was the head of security there -- whatever his job was, it was a substantial job. We then checked the GAO reports, or whatever the financial filing reports were, and found out he was the second highest paid person there. That was enough of a nexus. So we drafted a complaint on Monday, and I think we filed it on Tuesday.

Timothy Naftali

Why was McCord -- how did you know to check McCord?

Joseph Califano

He was in the paper.

Timothy Naftali

I know you knew his name. You checked all of them or you just had a sense that McCord would probably be the one?

Joseph Califano

McCord had been identified as having something to do with the Committee to Re-elect the President. I can't remember how.

Timothy Naftali

[Unintelligible]

Were there any objections to going ahead to file this suit?

Joseph Califano

No, because Larry thought from day one, he was the first one to say he thought it was Richard Nixon. I'm sorry, I'll be right back, I'll do --

Timothy Naftali

I'm glad you like the

[unintelligible]

Joseph Califano

Go ahead.

Timothy Naftali

Let's go back to -- you said that Larry O'Brien had sensed that it was Nixon.

Joseph Califano

Oh, he did -- so that when I came up with the idea of the lawsuit, there was no -- he thought it was a great idea, and we filed it on Monday. No, I drafted the complaint on Monday, and we filed it on Tuesday. We had a press conference on Tuesday. I believe that at that press conference, O'Brien said something like, "It goes right to the White House," which surprised me, because I had no sense of whether it did or it didn't. We were all suspicious, but in any case...

Timothy Naftali

Did O'Brien or any of you have suspicions about Segretti and those dirty tricks at that point? I know it didn't come out in "The Post" till October.

Joseph Califano

No, I don't think so. Larry had a sense, a real sense of dirty tricks from whatever experience he had had in the Kennedy campaign and whatever other experiences he'd had vis-à-vis Nixon or, you know, in California with Pat Brown and the Senate. I don't know what, but he had enormous suspicion of Nixon and dirty tricks.

Timothy Naftali

The Nixon people suspected this guy named Dick Tuck, who worked for Democrats in various campaigns. Does that name mean anything to you?

Joseph Califano

Yes, just he was a jokester, a prankster, really.

Timothy Naftali

A prankster, but Larry O'Brien's concerns were not about pranks. They were about more serious things.

Joseph Califano

Yeah.

Timothy Naftali

So he is on board when you suggest this. Is there anybody arguing you shouldn't do this?

Joseph Califano

No, not that I remember.

Timothy Naftali

Okay, McGovern campaign.

Joseph Califano

Yeah, I think there's just one other thing. I mean, Larry was the Democratic National Committee. We didn't have -- until we got into the reforms and into the '72 Convention, we really didn't have a lot of strings and a lot of rules and a lot of inhibitions about whatever we wanted to do. And Nixon was the bete noire of the Democratic Party, so yeah. Go ahead.

Timothy Naftali

In your book, you argue that you don't think the McGovern campaign focused on Watergate as much as they could have.

Joseph Califano

Right.

Timothy Naftali

Why do you think they underestimated it?

Joseph Califano

Well, I think McGovern really thought the war would win the election. I mean, he really was -- you know, you talk about single-issue groups -- he was a single-issue candidate. He was consumed with that war issue. He thought that would carry the day for the Democratic Party. I could not get him or, I guess it was Gary Hart, and --

Timothy Naftali

Mankiewicz.

Joseph Califano

-- Mankiewicz, Frank Mankiewicz. I couldn't get them interested.

Timothy Naftali

When did you really sense that Watergate could be a big deal?

Joseph Califano

It's hard to say that. I mean, you know, it started building with the press and reporters. I think when -- the first inkling probably was Judge Ritchie. When Judge Ritchie tried to seal everything in sight and that day in which he literally tried to get me to issue a press release with opposing counsel praising him and Harold Unger [phonetic sp], who was a lawyer at what was then Williams, Connolly [Paul] Connelly and Califano, you know, with thirty years experience in the courtroom, in the D.C. courtrooms, said he'd never seen anything remotely like that, and I really started to --

Timothy Naftali

You had your suspicions about Judge Ritchie.

Joseph Califano

Oh, yeah, I did. You know, I think he was -- now I'm convinced he was fixed, but I thought he was fixed then.

Timothy Naftali

Has it ever come out how he was fixed?

Joseph Califano

No, you know, I talked to -- I can't even remember his name now, it's a footnote in my book -- I can't remember the lawyer who I thought talked to him, but, you know, someday I think we'll know. You'll probably find out, Tim.

Timothy Naftali

We'll see. "The Washington Post" wasn't sure that Watergate was a big issue either, for a while. I mean, Woodward and Bernstein talk about having to convince people. Ben Bradley Bradlee ultimately came on board. Did you find that they also were not taking it as seriously as you were in that early period?

Joseph Califano

"The Post" -- yeah, if you look, it's reflected to some extent in their coverage, because if you look at the coverage, the day we announced the law suit, I think Bob Dole or somebody attacked it as just a political ploy, and I think, you know, Ben, being the terrific editor that he is, was always skeptical about anything anybody said about anything, it was obviously in our interest to nail the Committee to Re-elect the President with this. So he was skeptical about that. You know, we were very good friends, I mean, he was one of my best friends, but that didn't affect his judgment until finally, it was just an accumulation of enough stuff to make them think that this was a --

Timothy Naftali

I know it's a long time ago, but do you remember what the tipping point might have been?

Joseph Califano

No, I think -- I don't remember an exact tipping point. I think the check that Maury Stans cashed that Carl Bernstein got his hands on in Florida had a powerful impact, because they did a story on Stans -- I can't remember what the story was -- before they found that check, I believe. Stans threatened to sue "The Post", and he was coming over to see Katherine Graham, and it was the day that that story about the check ran. I remember -- my recollection, you'll have to -- it was supposed to be like 10:00 in the morning. I was there with Katherine, because expected him to come with his lawyer, and, of course, he never showed. I think that had a big impact on the way people thought about this. But you know it built, it just accumulated, one story after another.

Timothy Naftali

But it was [unintelligible] --

Joseph Califano

Except that there was a point for months when people literally couldn't wait to get to their front door to get their morning "Washington Post." It captured -- it was like, you know, a smash movie or something -- it just captured the town.

Timothy Naftali

But that was probably in '73 --

Joseph Califano

Yeah, that was later.

Timothy Naftali

-- because there's a lull in October when we have the Segreti Segretti stuff come out -- the SegretiSegretti-Chapin material comes out in October -- then you have the election, then there's a bit of a lull --

Joseph Califano

Yeah.

Timothy Naftali

-- until McCord's testimony
and McCord's letter. His letter is the big thing.

Joseph Califano

Yeah, that was incredibly important.

Timothy Naftali

Did you have a tipoff that that was going to happen?

Joseph Califano

No, none.

Timothy Naftali

What was your -- I know it's a long time --

Joseph Califano

No, but I can't remember. There was a point at which we knew we had them and the only issue was when and, you know, and when we started. I think I put it in the book. I think when Ed Williams -- I couldn't get Ed interested in the case -- my partner. He kept saying, "It was your case." But, I thought if he deposed Mitchell --

Timothy Naftali

I was going to ask you about that.

Joseph Califano

-- he would really get engaged. And I was up on Cape Cod, and I didn't want to come back. I hadn't had any time with my family, so I offered him what I knew he couldn't resist, which was to depose Mitchell, and he did. And he called me. I don't know -- I put it in the book whatever. He said, "I don't know much about politics, but I know when somebody's lying, and this guy's lying."

Timothy Naftali

To take the Williams story a little further, did you know that Al Haig considered bringing Williams in to be Nixon's lawyer?

Joseph Califano

Absolutely, both of us, he talked to me about it. I put some of that in the book.

Timothy Naftali

We interviewed Al Haig, and he told us what he recalled of it.

Joseph Califano

I just, I don't recall -- I mean, he talked to me two or three times about it. Whatever I said in the book, I really put it all in there I don't remember anything different than that. There was no way we could do it. I did note that Nixon called Ed the night that John Connally Connolly was acquitted years later or called Connally Connolly and then asked to talk to Ed.

Timothy Naftali

I just thought it was interesting given that Williams had deposed Mitchell, then for him to be brought in as the White House lawyer was very interesting.

Joseph Califano

Well, you have to remember that for all my -- Ed Williams was very a conservative -- his politics were very conservative. They were not my politics.

Timothy Naftali

No, but he deposed Mitchell --

Joseph Califano

I know that.

Timothy Naftali

-- which makes it very interesting. It would have been very interesting if he'd been brought in. Did he ever consider it?

Joseph Califano

No, there was no way we could do it.

Timothy Naftali

You maintained good relations with Al Haig during this period.

Joseph Califano

Yeah.

Timothy Naftali

You had worked with him. How do you -- what impressions did you have or do you recall having of how he handled the stresses that were on him [unintelligible] ?

Joseph Califano

Yeah, well, I knew him. I'd actually found him, in a sense. When I was general counsel for the Army, I interviewed people for a job. We were dealing with the Cuban Brigade, which had -- Bobby Kennedy had ransomed the Cubans that had invaded -- Bay of Pigs, and I needed somebody -- I needed two people. I needed somebody who could really put together training programs and get that -- I got Haig to do that, and I needed our own dirty-tricks guy for dealing with Castro, and I got a guy named Jim Patchell [phonetic sp], who was another Army officer. But I'd known him a long time, and I brought him with me when I went to work with McNamara as the Army guy. The Air Force guy turned out to be Nixon's -- what's his name? He was Nixon's scheduler, basically, doorkeeper.

Timothy Naftali

Hughes.

Male Speaker

Butterfield.

Joseph Califano

Butterfield, Alex Butterfield, was my Air Force guy when I worked for McNamara. So I feel like I staffed the Nixon White House. I think Haig, he was under enormous pressure. I think he, you know, I think the situation, President Nixon, whatever, pushed him right up to the line, maybe over the line on some occasions, I don't know. Jaworski, as I point out in the book, was worried about that, because we both -- Jaworski respected Haig, as did I. I mean, I think he did the best he could under very difficult circumstances.

Timothy Naftali

About Alex -- speaking of Alex Butterfield, he -- I just want you to tell the story for the museum, and you've told it before. He called you from the barbershop of the Sheraton to ask you for advice about the tapes.

Joseph Califano

Butterfield called from the -- that's when I found out about the tapes, the Nixon taping system. Butterfield called me from the barbershop of the Sheraton hotel and said that he needed a lawyer, that he was going to be a witness, and he told me that he had told a staffer of the Senate committee that there was a taping system that was voice-activated in the White House, and it recorded all this stuff, and could I represent him. And I said I couldn't represent him because I was representing "The

Washington Post." I had represented the Democratic Party, and that he ought to call Len Garment, which he did. Garment, I think, was the White House counsel, then. Garment couldn't represent him either then he called me back and I said, "You know, Alex, go up there without a lawyer. You're just going to tell the truth. This is just straight. You'll make a much better impression." And I said, "Are you still in the barbershop?" And he said, "Yes." And I said, "You'd better get a good haircut, a damned good haircut, because you're going to have a lot of pictures taken today." But it was really quite remarkable.

Timothy Naftali

After he called you, who'd you call next? This was a big deal.

Joseph Califano

Yeah, I don't remember, but I'm sure, I mean, I'm sure I told Ed and Paul Connolly, Connolly, and I'm sure I told Ben BradleyBradlee. I mean, I just don't, you know --

Timothy Naftali

Because this changed the whole nature of the scandal.

Joseph Califano

Yeah, actually, you know, I probably did not tell Ben BradleyBradlee, now that I think about it. I'm sure I told Ed and Paul ConnollyConnolly if they were in the office, because what Butterfield said to me was said in the context of a client looking for a lawyer, so I would not have told anybody else.

Timothy Naftali

Let's talk a bit about Spiro Agnew. You were in the courtroom when he pled nolo contendere.

Joseph Califano

Yeah, it was remarkable. I was representing Richard Cohen [phonetic sp] who had -- they were after his sources the way they'd been after Woodward and Bernstein's sources. But the judge in this case in Baltimore was really -- had made a lot of statements from the bench that indicated to me that we were going to have a hell of a problem with him, and he might easily tell Richard to go -- put Richard in jail for contempt. So we had -- Kay Graham was making a speech up in Connecticut, I think in Hartford or somewhere. She had a plane, we had a plane waiting to bring her down, because if it got to that point, we were going to bring her in what we started calling the grey-haired widow defense. She never knew we called it that until she read Ben BradleyBradlee's book. And then, you know, we were in the courtroom ready to argue the motion -- we were the centerpiece going in -- I think I mentioned it in the book -- talk about 15 minutes of fame for us. You know, we couldn't get through the crush of reporters because everyone thought, from what the judge had said, it would really be a test. Would Cohen really go to jail? They didn't know we had Kay Graham ready to come down, but would we do something like that? And then we go in there and the judge orders the courtroom sealed, nobody can get out. And in walks Spiro Agnew with Elliot Richardson and pled guilty to tax counts.

Timothy Naftali

What a shock.

Joseph Califano

Yeah, absolutely, and then we walked out, and nobody noticed us. We were anonymous again.

Timothy Naftali

Why did the judge decide to put it -- I mean, why was this hearing used for that?

Joseph Califano

I don't think it was used for that. I think it was just -- I think what happened was -- you'd really have to talk with someone in the Justice Department that was involved. My hunch is what happened was they finally struck a deal with Richardson, and there's no way a deal like that was going to hold, because the night before -- remember we were also, Brendan Sullivan [phonetic sp] was representing Green. Green was the guy who first told the government that Agnew had been taking money in a brown paper bag while he was vice president at the Watergate apartment or in the White House or in his office in the EOB or wherever, and they'd wanted Green in the night before. Brendan was, you know, preparing affidavits and stuff, so there was something going on. We certainly didn't expect that. I think all that happened was, this hearing was set, the judge was there, the attorney general probably called in the night before and said, "We've got a plea." The judge said, "Well, let's just take it. We'll take it tomorrow morning."

Timothy Naftali

That was the end of the case against Cohen?

Joseph Califano

Yeah, that was the end of the case against Cohen, because it was Agnew who was trying to get the source.

Timothy Naftali

Yeah, what about the case when Kenneth Parkinson [phonetic sp] tried to get Woodward and Bernstein's notes? That was another case of where you had to defend.

Joseph Califano

That was when I had to ultimately offer of that -- Judge Ritchie insisted that I either drop the Democratic Party or "The Washington Post" as a client, and we dropped the Democratic Party. It was in the lawsuit that we had filed against the Committee to Re-elect the President that Parkinson asked for Woodward and Bernstein's sources and notes, and there Judge Ritchie, you know, ruled, he honored the privilege, which just, incidentally, made me even more suspicious. I mean, we thought we had a very good case, and they were ready to go to jail and Katherine -- we would again have brought

Katherine out and had her -- you know, Bradlee used to say, "If Mrs. Graham's in handcuffs getting out of her limousine, it'll be on the front page of every paper in the world." That, incidentally, I believe it is the only source case ever won, was that motion before Judge Ritchie, when he granted our motion to suppress.

Timothy Naftali

Besides the brilliance of advocacy, what was it about the evidence?

Joseph Califano

No, I think the climate was entirely different. I mean, I think a lot of things contributed to it. We'll never know why Ritchie ruled the way he did. I mean, we had the case. We certainly gave him plenty of ammunition to rule that way. But did he choose because he was beginning to get worried, to protect himself because there was more and more suspicion of him, who knows?

Timothy Naftali

I want to go back in time, 1968 campaign, because we're doing some campaign stuff. What were you doing for LBJ during '68?

Joseph Califano

Well, in '68 I was high chief domestic aide at the White House.

Timothy Naftali

I've got some of the Nixon folks' reactions to March of '68. I'd like to have your reaction to his decision not to run in '68.

Joseph Califano

Okay, again, you know, I've done the book, "The Triumph and Tragedy of Lyndon Johnson," and whatever is in there if it's different is more accurate than this. When he talked to me -- he actually talked to Harry McPherson [phonetic sp] and me at lunch a day or two before, a couple days before -- about the possibility of not running. We both said no, he should run, that he was the only guy -- why he was the only guy who'd get something done. He said, no, that wasn't true. I remember his expression was like an old married couple, he and Congress where they'd been rubbing up in bed for so long, there's nothing left there. And then we didn't -- Harry, actually, on the speech McPherson was working on the Vietnam part of the speech. I was writing the tax part of the speech. People forget that half of that speech was on the economy and devoted to getting the tax bill passed. We had a hell of a time getting the tax bill passed, which we ultimately did get passed. Neither of us knew about the ending, because I got sick on the night before he delivered the speech, and the next morning they delivered another version to me at my house. And I talked to Harry, and I said it has no ending. We really don't have the right kind of ending and Harry said, you know, he says, "Forget about it." But we didn't suspect that he was going to announce. I was as surprised as anybody when that came out.

Timothy Naftali

How are you handicapping the race against Richard Nixon? That [unintelligible]

Joseph Califano

Well, let me go back. You have to remember, when Johnson thought he was going to run, he thought he would run against Richard Nixon, which is why he deliberately and calculatingly attacked him at press conference as being very political. So I can't remember what the -- it's in my book.

Timothy Naftali

Chronic campaigner.

Joseph Califano

Chronic campaigner.

Timothy Naftali

'66.

Joseph Califano

Yeah, that was done -- he thought Nixon would run, and we thought Nixon would be the easiest candidate to beat. So, that's the way we were calculating it at that point.

Timothy Naftali

Then you get the surprise [unintelligible]

Joseph Califano

And he didn't like Nixon. Johnson really did not like Nixon. Because I think I wrote at the end, at the last night he said, "You know, you can't -- this guy won't be happy just winning the election. He'll want to put you in jail. And when you pay your taxes, add another \$500 to the bill, because that's the way he operates."

Timothy Naftali

Did LBJ tell you in the summer that Nixon had called him after Humphrey started to distance himself from LBJ during the campaign? Nixon took him -- Nixon called LBJ and said, "I'm still with you."

Joseph Califano

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I can't remember. I think we knew Nixon had talked to him. I mean, I think I knew Nixon had talked to him. And I know -- I just, you know -- because his candidate was Rockefeller, you know that? Johnson's candidate was Rockefeller. He wanted Rockefeller to run. He urged him to run. We brought him into the White House secretly. Look in "The Triumph" -- I think -- well, I put a little of this in "The Triumph and Tragedy." The guy that would maybe know more about that was Larry Temple.

Timothy Naftali

Okay.

Joseph Califano

But Nixon -- Johnson wanted Rockefeller to run. That was his preferred candidate.

Timothy Naftali

He wasn't worried about the divorce issue?

Joseph Califano

No, he wanted Rockefeller to run, and he actually had Rockefeller down to the White House and tried to talk him into it. And Rockefeller just never made it, I guess. Couldn't beat Nixon, couldn't get the nomination.

Timothy Naftali

Wow, tell me, in the campaign, did you ever talk to LBJ about his concerns regarding Anna Chenault and Nixon?

Joseph Califano

Well, we knew about the -- I mean, I can't remember in any detail, but we knew. I think the tapes -- we found out about that [REDACTED]

Timothy Naftali

per sec 1.4 (c) and 3.5 (c)

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Yes.

Joseph Califano

That's how we found out about it.

Timothy Naftali

It's been declassified.

Joseph Califano

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The issue was whether or not Humphrey would use that to say, you know, "Nixon's trying to get the South Vietnamese not to settle. Our boys, more boys are dying because of that in the campaign." And Humphrey wouldn't use it, didn't use it. I was not, I did not have the conversations with Humphrey, so I don't know what Johnson said to Humphrey, and I don't know what Humphrey said to LBJ or whether Clark Clifford was the messenger to Humphrey. I have no idea, but I do know that he would not use it. And that was just viewed as "Hubert's too weak." This whole issue with Humphrey was whether he was tough enough to be president.

Timothy Naftali

LBJ's wanting Rockefeller to run --

Joseph Califano

And then think about that, the fact that if Humphrey had used it, he probably would have won the election. If either he had used that or he had further distanced himself on the war -- I'm sorry, if either he had used that or he had distanced himself on the war a little earlier than he did, because he only lost by less than one percentage point. I mean, it was really --

Timothy Naftali

Some of the Nixon advisers say these days that if the election had lasted another day, Humphrey would have won.

Joseph Califano

Yeah, I think that's probably right. It was moving that fast. So think about -- so then, you know, and that was just -- from our point of view, from my point of view that was a tragedy, but so be it.

Timothy Naftali

But when you say Rockefeller was LBJ's candidate, is it just that he thought he would be easier to beat? That Humphrey could beat him more easily?

Joseph Califano

No, I think he thought Rockefeller would have made the best president.

Timothy Naftali

Rather than Humphrey?

Joseph Califano

Yes, I think so, yeah. He always -- I think he always had questions about Humphrey's toughness and ability to really withstand tremendous pressure. But you really should talk to Larry Temple, because I think Larry arranged -- Rockefeller came down one night very secretly and had dinner with Happy and LBJ. I think Ladybird was probably there. But he always liked Rockefeller. Remember Rockefeller was

also a massive supporter of the Great Society. I mean, and -- but I just think he thought he would have been a better President.

Timothy Naftali

Connally is an important character, an important figure in the Nixon administration.

Joseph Califano

Yeah.

Timothy Naftali

Can you -- do you have anything to add on Connally's switch to the Republicans?

Joseph Califano

No, the only thing -- Johnson liked Connally a lot, but I think he always thought, he used to say, he didn't have a -- he needed more heart, he needed more compassion. He needed -- he would have been a better, greater leader.

Timothy Naftali

In the first couple of years of the Nixon administration, the administration does add new federal programs. Did you happen to talk to LBJ in that short period about the environmental policies or any of these domestic policies that the Nixon administration --

Joseph Califano

I think Johnson was -- I'm sure, I mean, Nixon basically -- first of all, he funded the Great Society programs. And then he not only did that, he passed programs that we had proposed that we didn't get through. I mean, you know, whether it was taking the Postal Service private, the Child Safety Act, the law that put the caps on, I mean, four or five bills that we didn't have time to get through that he proposed, that he pushed through. I think on the domestic front, Nixon went along with the Great Society and, as you say, came up with some programs of his own.

Timothy Naftali

Do you attribute that to Nixon or to the Congress, to both? I mean, looking at it, what happened?

Joseph Califano

Well --

Timothy Naftali

Would you have predicted that?

Joseph Califano

I think it would have been hard not to fund the Great Society programs. Remember they're being funded today, I mean, people forget that. I mean, Ronald Reagan put more than \$10 billion into what were the old poverty programs. One of the concepts we had in putting those programs was that if we could get enough of them going, they'd have their own constituencies, and those constituencies would be able to fight in the Congress. And I think Nixon both proposed it and accepted it. You know, he had a Democratic Congress. Remember, the '69 budget was in surplus by a couple of billion dollars. It was the last budget in surplus until Clinton because we got the tax increase passed. So there wasn't a lot of concern about the budget, the way you see that concern in the early 2000s. So, he was more willing to accept what the Democrats did, or were going to do, in Congress. Because they increased his budget every year, and he accepted it every year.

Timothy Naftali

Fast forward. What do you think, what effect did Watergate have on the Democratic Party? People always talk about it on the Republicans. What effect did it have on the Democratic Party, from your perspective?

Joseph Califano

You know, I think it was -- it may have made Democrats more suspicious of corruption in government, but I don't think it had the kind of searing effect that Vietnam had on the Democratic Party, where you had, you know, both -- I say in the book the Cultural Revolution. There really was a cultural revolution in the Democratic Party. Vietnam really moved us. We had always been a party of very pro defense. I mean, John Kennedy's speeches were really Cold War, blistering Cold War rhetoric. Johnson, both in the Senate and as president, you know, we fought the Cold War, we fought the war in Vietnam. So one, we became a peace party, a no-war party. Two, we were at the earliest stage of this major women's rights, gay rights, the 1972 convention, the sexual orientation plank.

Timothy Naftali

Where did that come from?

Joseph Califano

It came from the, you know -- the McGovern people were essentially further to the left than Democrats, generally, certainly further left than the country was. And you also had -- in Miami you had kiss-ins. People forget that. You had the -- legalize marijuana was another. All of that was coming from the sort of flower, for lack of a better term, flower children Democrats, and I think that had a profound effect on the Democratic Party. And it put us on a side of those social issues that created enormous difficulty until Clinton sort of moved the meter back a little bit. But I don't think -- you know, Watergate had an impact on campaign finance, but what? As fast as you pass -- Campaign finance is sort of like a tax law. As fast as you pass a tax law to make the rich pay more taxes, they find more loopholes. As fast as you pass a campaign finance law, the candidates find other ways to raise money. Look at the last, this past week.

Timothy Naftali

And the special prosecutor phenomena would affect both parties.

Joseph Califano

Yeah, I think the special prosecutor affected both parties. And that -- I did an op-ed piece in "The New York Times" proposing the special prosecutor, which was really, I mean, I was really an agent for a lot. We really thought about it, a lot of people, to get that done. I'm smiling because "The New York Times," on the 20th anniversary or something of their op-ed page, they did a section of the most influential op-ed pieces and that piece was among them.

Timothy Naftali

It certainly had unintended consequences, though, the special --

Joseph Califano

Oh beyond that, sure, absolutely, to this day, Scooter Libby.

Timothy Naftali

Yeah, absolutely. Last question, Pentagon Papers, very important for understanding the Nixon administration. What do you remember of -- first of all, what was LBJ's reaction? Did you talk to him about the Pentagon Papers when they came out?

Joseph Califano

I mean, he was angry. He was angry at Ellsberg and he was angry at McNamara, I think, but he was really angry at the problem. You know, by that time, he was depressed, you know. When he was down at the ranch, he was depressed, and I think it was just another nail in the coffin for him. It's funny how life changes. By the time the Pentagon Papers came out, I was so into the practice of law and Ed Williams and I were so anxious to get "The Washington Post" as a client, that all we really cared about were how well we could do on the first amendment issues if we had that case. And that was really my focus when the Pentagon Papers came out. And Ellsberg, and then BradleyBradlee sent Ben Bagdikian out to get him. It's really a commentary on Washington when you interview Ben, I mean, you ought to talk about that, because I think Bagdikian, within two days, got his hands on another set.

Timothy Naftali

Did you talk to McNamara about the Pentagon Papers?

Joseph Califano

You know, Bob did that. I think McNamara -- I've talked to McNamara a lot about that and other things -- I think he just will never get over this war, I mean, as long as he lives. He is, I think, at this stage in his life, really incapable of accepting the reality of some of those things. He feels so badly about it. He feels so guilty about it, about what happened, about the miscalculations along the way. He -- I'm trying to -- there was a woman -- this is an example I'll give you. Deborah Shapely wrote a

biography of Bob McNamara. Deborah Shapely is very left, okay, really far left. And she wanted to interview me about the book and I didn't -- I said no. And then -- this is years and years ago -- McNamara called me up and said I'd like you to talk to Deborah Shapely, and I said, "Bob, she's going to kill you. I mean, do realize who she is? What her views are? Have you looked at anything she's written? She's going to kill you." He said, "No, you've got to talk to her." So I talked to her. I spent probably an hour or two with her. And then she came back after that first interview, and she said -- you know, she got a lot of stuff declassified. And she said, where Bob was recommending, let's say, mining Haiphong Harbor Hai Phong Harbor, he recommended much stronger actions than Lyndon Johnson took in the beginning. She said, I'd hand him a memo, he'd say, "I never recommended that." She'd hand him the memo in which he'd recommended it, and he read it and handed it back to her and said, "Yeah, I didn't recommend it." There's a real sense of an inability to face up to that. It's really been troublesome. If you look at the "The Fog of War," which is probably a brilliant film and very moving, but there's a lot of inaccuracy in that film. And you look at McNamara talking about we would have been war criminals in World War II if we had lost the war because of the carpet bombing. I mean, the tremendous sense of guilt, and I would say even shame. It's unfortunate, I mean, it really is. I had lunch with him, I guess, just a couple months ago, I try to see him when I'm in Washington, but I don't think he'll ever get over it. He will carry that. That's his cross.

Timothy Naftali

You were there in the difficult early period when they were talking about using defoliants and --

Joseph Califano

But we thought -- I left in July of '65. But after the election -- before the election, we -- the Pentagon, McNamara, everybody over there wanted to greatly escalate the war. South Vietnam was falling apart. Right after the election in '64, Johnson went down to the ranch. I think he had five options, as I recall. I don't remember what the options were, but they were pretty tough. We expected LBJ to bless it, and we would go, because Johnson had been saying, I don't want to make a decision in the middle of a campaign about something like this. I'll make a mistake. He was smart enough and shrewd enough to know that. But instead, he said, "I don't know what to do." Now, we didn't know about his calls with Bridget Russell and all the agony that we now know of from those tapes, but he sent McNamara to Vietnam. He sent Bundy there twice. He kept postponing, postponing, postponing. And it wasn't -- it was seven months later, in the end of July 1965, when he finally agreed to increase the troops over there. So he was very reluctant. Bob was the hook. And I always thought -- and Clifford was the guy, more than anybody, even more than George Ball, saying no.

Timothy Naftali

As an unofficial advisor [unintelligible] --

Joseph Califano

Yeah, but I mean, by writing memos. He was not, this was not -- he was an unofficial adviser, but it wasn't a casual phone call, he was really into it. And I always thought that the reason Johnson put Clark Clifford in the defense job, when McNamara moved out was because he wanted to end the war. He wanted to end the war on his watch. He knew this was the one guy that was really opposed to the buildup and that this guy could get it done.

Timothy Naftali

The last two questions, since you're with me. Where were you when you heard about the Diem coup? The C3?

Joseph Califano

I don't remember.

Timothy Naftali

Because McNamara was upset, we have it from the tapes. Because that really, the trouble in South Vietnam in '64 --

Joseph Califano

Oh, yeah, sure. And, you know, basically, we knocked him off. I mean, Kennedy knocked him off. And, you know, I always thought that, and I wrote, and I think inside of me, I always thought that, if you were Castro and you had Bobby Kennedy trying to knock you off and you swore that Diem gets knocked off and you know how that happened, that was in September?

Timothy Naftali

November.

Joseph Califano

November, all right. September, Castro says, "If you keep trying to kill me, your leaders are not going to be free from danger." Then in November, he sees this guy knocked off, and a couple weeks later, Kennedy gets knocked off.

Timothy Naftali

And some have made that parallel, drawn that parallel.

Joseph Califano

Well Johnson, as you know, thought that.

Timothy Naftali

He thought Castro did it.

Joseph Califano

Absolutely, Kennedy tried to get Castro, but Castro got Kennedy first.

Timothy Naftali

Did he say that to you?

Joseph Califano

Yes, he said it to me. He said it to Walter Cronkite. He said it to other people. He wanted at one point to reopen the Warren Commission, and I guess -- I haven't looked at those. The only reason I remember that is because somebody sent me an article, some historian [unintelligible] an article in which Lee White and I, God knows why, but Lee White and I and some others said this is -- don't do this. It doesn't make any sense to do this. I think there were so many conspiracy theories flying around, but he thought seriously about reopening that one.

Timothy Naftali

Fast forwarding to Nixon and Kissinger, did you talk to LBJ at all about their handling of the war? Did you have a chance to?

Joseph Califano

No, no, you know, Johnson so wanted to get out of that war, and then the Russians invaded Czechoslovakia. I cannot remember whether -- had they agreed to come to the table before he left, or was it -- I can't remember. But he, you know, the whole, you know, this incredible act of abnegation and pulling out of the race, and he wanted to end that war on his tour, but it wasn't to be. When the Russians invaded Czechoslovakia, everything else fell apart.

Timothy Naftali

Did you have a chance to speak to him about Watergate at all?

Joseph Califano

No, and he never talked to me, even though they tried to get him to talk to me.

Timothy Naftali

They --

Joseph Califano

If you look in the -- I'm trying to think now -- and I, it's Haldeman or Ehrlichman. It's somewhere. They thought that maybe they could get Johnson to get me to turn. John Dean, talk to John Dean. They tried, I think they talked to Johnson, but I know they talked about talking to Johnson to get him to talk to me in hope that he would get me to stop pursuing the lawsuit, because the lawsuit was the real one thing they couldn't control. The depositions, the --

Timothy Naftali

But they never came to you?

Joseph Califano

Johnson never talked to me about it.

Timothy Naftali

He never talked to you about it. Is there someone we should talk to who might know whether they talked to Johnson? I mean, from the Johnson side?

Joseph Califano

Tom Johnson, Harvesy [phonetic sp], Middleton. Those three people, probably.

Timothy Naftali

Did anyone -- did anyone from the Democratic side try to get you to stop the civil suit?

Joseph Califano

No, I think Strauss didn't like my going after the TV stations on the Fairness Doctrine thing. He thought that would hurt us and hurt fundraising in some way in the long run. And he was never a fan of the civil suit, but he never urged me not to pursue it.

Timothy Naftali

Did anyone come to you after the Watergate blew up and say, "Oh, that was right, you did the right thing"?

Joseph Califano

Oh yeah, sure.

Timothy Naftali

Anybody in particular you remember?

Joseph Califano

Oh, I don't know. You know, the -- certainly the guys at "The Post" thought, you know, as it came about. Charlie Rangel, I think, who was an old friend.

Timothy Naftali

When Watergate happened and Nixon left, did Larry O'Brien talk to you about what this meant for history?

Joseph Califano

No, no, the only thing we talked about was, we knew the suit would be settled promptly after that. What would he do with the money? We knew he'd get some money. He was going to donate it, I think to -- he either donated to the Democratic Party or to some voter. He didn't what any of it. No, no, I was actually up on Cape Cod the day Nixon quit.

Timothy Naftali

Thank you very much.

Joseph Califano

Okay.