

Howard E. Shuman

Legislative and Administrative Assistant
to Senators Paul Douglas and William Proxmire, 1955-1982

Interview #10: Heroes and Theories

(October 22, 1987)

Interviewed by Donald A. Ritchie

Shuman: We were talking about senators who were close to Senator [Douglas](#) and who I knew or worked with. Mr. Douglas supported [Kefauver](#) for President in 1952, I remember when the Senate adjourned late at night, I think it was in 1956, before the Democratic Convention, around eleven o'clock or so, Estes Kefauver went around the Senate chamber and shook everybody's hand, all the staff, all the senators, he couldn't keep from campaigning!

Ritchie: Would you like to talk about some of the other senators with whom you worked over your career in the Senate?

Shuman: Yes, either those with whom I worked, or who were close to Mr. Douglas. I made a list of those who were close to the senator. I think [Hubert Humphrey](#) was the closest person, without question, but [Lister Hill](#), who was chairman of the Labor Committee when Mr. Douglas was second on that committee and chairman of the Labor subcommittee, was very close to Mr. Douglas.

[Ernest Gruening](#) was a very close friend, before he was in the Senate, when he was in the Senate, and after he was in the Senate. The story on the Tonkin Gulf Resolution is about the two senators [Morse](#) and Gruening who voted against it. Morse apparently voted

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against it because he had a spy from the Pentagon who told him that the reports of the attacks were not correct, were not true. Gruening voted against it out of visceral reaction, from the gut, he didn't have a spy -- let us call him a secret patriot -- to set him right.

There's one picture I have of Gruening which I'll never forget. When he first came to the Senate, Alaska had just become a state, I think the Senate was working on what was called the enabling legislation, deciding what Alaska would get, what former federal lands and projects would be transferred to the new state, and the question was: how would he vote on the cloture rule? Just as the vote was ready to begin, in the cloakroom behind the Vice President's chair, which is open to

staff and senators alike, I watched [Bob Kerr](#) really work over Ernest Gruening. Kerr, chairman of the Public Works Committee, had a long list of projects Alaska needed, and he was saying to him one by one, what about this project? What about the other project? The whole point of it was to tell Ernest that he was supposed to vote against changing the cloture rule if he wanted these public lands and public works projects. Blackmail is exactly what it was, and Gruening voted to keep the cloture rule, against the way we thought he was going to vote. It was political blackmail.

Bill Benton was a great friend of Mr. Douglas. Of course he was a millionaire. There was a time after Benton left the Senate,

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I think it was before the '66 election, when Benton proposed to buy a wardrobe of clothes for Senator Douglas -- he thought he was so shabbily dressed that he needed to become more dapper! Of course, the senator refused it. But it brought to his attention clearly that some people didn't think he was the most elegant dresser in the world.

[Tom Dodd](#) was pretty close to Mr. Douglas. Mr. Douglas wrote the book on ethics and held the hearings on ethics in government, but he was always very forgiving of people who got in trouble. He told me how in a way the only good thing about his defeat in '66 was that he didn't have to vote on Dodd's censure motion. I think he was prepared to vote for Dodd rather than against him. They were close friends, and he thought people didn't understand the pressures that had been put on Dodd, pressures on people in public life, and the extent to which he needed funds to run.

[Russell Long](#) was a person Mr. Douglas was pretty close to. Russell Long had a populist streak, as his father did, earlier in his career rather than later. As time went on, I think Russell got more conservative. But there was a period when he was a radical and a populist on a lot of domestic issues. Mr. Douglas sponsored him for whip. We held a series of luncheons for senators whom one would not ordinarily think would vote for Russell Long, and Mr. Douglas invited people down from the *New York Post*, which was then a very liberal paper, and from the *New*

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York Times and other papers, to have lunch with Russell Long, and introduced him around. I don't know whether he ever thought afterwards he'd made a mistake on that. I did think he made a mistake. But Russell Long put him on to

two very interesting things that he should do: he told Mr. Douglas first of all that the way to get at segregation and voting in the South was to send federal registrars into the Southern states to register blacks, so in a sense Russell Long was the person who tipped him off about what they should do in the 1960 Voting Rights bill, which in 1965 Johnson made the president's bill and passed, and is the law of the land today.

The second thing he told him was about depletion. He said, "Paul, you're making a mistake in thinking oil depletion is the biggest loophole. That isn't where the big money is. The big money is the expensing or writing off of the drilling and development costs for oil and gas wells in the first year."

[Phil Hart](#) was close to Mr. Douglas and vice versa. As I mentioned, Mr. Douglas often said that Hart was proof a saint could actually be a member of the Senate. I had long talks with him on the Senate floor shortly before he died of cancer, and his private views of some of his colleagues were not as saintly as his public views.

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His counterpart in Michigan, [Pat McNamara](#), was very close to Mr. Douglas. Pat McNamara was on the Public Works Committee. We were involved with him on a number of issues, particularly the Lake Michigan Water Diversion bill. McNamara used to tell Mr. Douglas not to pay so much attention to the Catholic hierarchy. The organization in Illinois, the Chicago organization, was almost entirely Irish, Italian, Polish, all of whom were Catholic, and here was this Quaker in this party of Catholics. As a consequence, Mr. Douglas was if anything unduly sensitive to how the bishops, the archbishop, the cardinal, might think. Pat McNamara constantly told him not to pay any attention to them. He said, "They're all Republicans, they're all conservatives, Paul." He said, "Don't go out of your way to help them." So this good Irishman told him what to do on issues the hierarchy opposed.

Mr. Douglas on the whole was very good about not catering to people's religious views. In 1960 when he campaigned so extensively for [Kennedy](#) he mainly made the arguments for Kennedy and that a Catholic could and should become President, in the down state bible belt areas. When we got to Effingham, for example, where the Democratic Party was almost entirely a Catholic Party in a Protestant environment, he refused to use his PT boat example and to cater to them to vote for Kennedy on the religious issue. He thought that was both wrong and inappropriate.

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[Charlie Potter](#), another senator from Michigan -- I think he was only a one-term senator -- but Charlie Potter was one of the true believers on Civil Rights, who had strong and intensive feelings, and stuck with us as a very, very loyal ally during the Civil Rights fights. He was a Republican.

Now I come to [Gene McCarthy](#). Interesting background. Eugene McCarthy had been on the Ways and Means Committee in the House, and as you recall, Mr. Douglas spent seven years at least, and at least seven vacancies, trying to get on the Senate Finance Committee. When McCarthy came to the Senate, he got on the Finance Committee as a freshman. Mr. Douglas was elated -- ecstatic -- that at long last, a northern liberal had gotten on as a freshman senator. Mr. Douglas had been pushing tax reform on his own, almost a single voice in the Senate. He and Hubert Humphrey started it back in '54, when they made the first big attack on the tax loopholes. Then Mr. Douglas carried on that fight pretty much alone. In the '55, '56, '57 period I was doing the staff work, and we devised a series of amendments which Mr. Douglas would propose on every tax bill. One was on oil depletion, one was on business expense accounts -- and that was a good one. I had worked up dozens of examples where business expense deductions were simply ridiculous. There was one of a company selling yachts in Miami where they deducted their expenses for tennis shoes on grounds that they needed to wear them when they were aboard trying

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to sell their yachts. We had dozens and dozens of those kinds of examples. Then we worked on the issue of withholding of dividends and interest at the source, and we had a fourth amendment, which was on the dividend credit. People were allowed to take as a credit, as a result of the '54 act, four or six or some percentage of the dividends they got, tax free.

So Mr. Douglas had offered all of these amendments, and after the '58 election he gave away these amendments in order to try to strengthen the group of people who were fighting. So [Bill Proxmire](#) got one, withholding on interest and dividends. Gene McCarthy had been against the dividend credit when he was on the Ways and Means Committee. We gave [Joe Clark](#) the best one. We gave Joe Clark's people the amendment and all my beautiful examples on business expense accounts. And Mr. Douglas kept the oil depletion amendment. We had a joint press release about this: "Four Senators to Offer Tax Loophole Amendments." I did the staff work and wrote the release, and I remember Gene McCarthy coming down to our office and working it over with me, as did Bill Proxmire. We got to the floor, and Mr. Douglas decided that he would go last, because he expected to get fewer votes on depletion.

We started off with the strongest one, which was the business expense one, and I think Joe Clark got a partial victory, using all my beautiful examples. Then McCarthy put up the dividend

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credit, and he won at least a partial victory on that. Two out of two we won on. Then Proxmire did the withholding, and I think we only got 23 votes, something like that. It was not a winner. Then finally Mr. Douglas came along with his depletion allowance. When he offered the depletion allowance amendment, Gene McCarthy voted against us. I was at a loss to understand this, and I went over to his Administrative Assistant, Hynes, the father of Patrick Hynes who is now in the Democratic Cloakroom, and I said, "What the hell is going on? He signed the release, we put it out in our name, we're sticking together, and he votes against us!" He said, "Well, he's just got a slightly different view of what the amendment should be, it's a technical view." Well, that was the first inkling we had, and from then on, Gene McCarthy in the Finance Committee would always vote against doing anything about the depletion allowance, and usually Bob Kerr had his proxie. I got curious about this and I finally found out, several years later, what had happened. When McCarthy came to the Senate, he wanted to be on the Finance Committee. He was told by Johnson that he had to clear it with Kerr who was the number two on the committee, and the oil senator from Oklahoma. McCarthy sent a man I've talked about before, Cyrus Anderson, as his agent -- Cy told me this, years later -- to see Kerr, and Kerr said, "There's one thing he's got to do, he's got to vote with us on gas and oil." And McCarthy agreed. That was how it came about.

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It always pained me, during the period of the New Hampshire primary in 1968, knowing this background of McCarthy. How sincere was he? He was taking a moral position against the war, but he sold out on oil and gas. To what degree was he sore at Johnson over his failure to bring him on as vice president in 1964, or was he really strongly against the war? His position on oil and gas always made it difficult for me, after that period, to know quite what Gene McCarthy's motives were. I must say, he was always very kind to me. He always spoke to me. He was pleasant to me. He was very friendly to me personally, and I've always felt badly in some degree about poor mouthing him. But this is a public position I think that needs to be known. Mr. Douglas' great joy at his going on the committee faded as time went on, because of those votes. He felt a deep hurt about it.

[Clifford Case](#), of course, was a very close ally, because of Civil Rights, and of course [Jacob Javits](#) and [Herbert Lehman](#) of New York were very close for the

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same reason. [Frank Graham](#) was a very close personal friend of the senator, and he told Frank Graham time and again, "Don't vote with us on Civil Rights." Graham would come in, and he couldn't make up his mind what to do. He was from North Carolina, and I think he genuinely believed in Civil Rights, but it was what Mr. Douglas used to call a suicide issue for someone from North Carolina in those days, so he advised Graham not to vote with us. Graham was attacked heavily for

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supposedly being for Civil Rights in his campaigns, but at the very last minute he voted against. Mr. Douglas always felt that he should have come out very early on, and very quickly, and that he might have saved his seat if he had done that.

[William Langer](#) from North Dakota. It was said that he was unpredictable, however he was the most predictable senator in the Senate. He was an isolationist on anything that had to do with foreign policy, and he was a populist and a radical on domestic policy. I once saw him do what I thought was an extraordinarily brave thing. There was a man who was cited for contempt of the Senate for taking the Fifth Amendment with respect to membership in a Communist Party front organization, and there was a vote on the Senate floor as to whether or not to cite the fellow so that the Justice Department could take action against him. Langer got up on the Senate floor and said, "I've never met this man, I don't know him, but I believe that everyone has a right to a defense." He talked for more than an hour from the notes the man's lawyer had given him, in defense of this fellow and what he had done. And that was at a time, '55 or '56, even [\[Joe\] McCarthy](#) was still alive and in the Senate. He'd been censured, but the country still had some fairly strong feelings about this sort of thing. I think Langer's was the only vote in support of the fellow, but it took a lot of guts in those days to do what Langer did.

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He was also an ally in the debate over overriding [Truman](#)'s veto on the anti-Communist McCarran act, when they were meeting in the old Senate Chamber, which was also the old Supreme Court chamber. Mr. Douglas and Langer and a few others were filibustering. Langer collapsed on the Senate floor during this filibuster, and I think Mr. Douglas was the only other one there. Langer was a diabetic and apparently hadn't eaten right or his insulin had run out. It was late at night. I remember Mr. Douglas telling about it. I wasn't there, but he told many times how he had to keep the debate going. He couldn't give any assistance to Langer. Langer lay prone on the floor and Mr. Douglas was stepping over him and around him during this debate, not knowing whether or not Langer was still

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alive. Langer was one of the five other senators who voted with Douglas in 1956 on the motion to adjourn, when Johnson crushed him over the Civil Rights bill.

[Frank Lauche](#) was an interesting fellow. Lauche did something that not many people knew about. Lauche would come to the floor at noon, and invariably he would ask a lot of questions to prove he was there. Then he left and he played golf many afternoons. But the Record always showed that he was there, taking part in the debates, asking questions, putting stuff in the Record. But he actually was out playing golf much of the time. Not many people knew about it, but it was true.

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Of course, the two Neubergeres [[Richard](#) and [Maurine](#)] were very great friends of Senator Douglas and me. [Wayne Morse](#) was close until 1957. Wayne Morse was born in Wisconsin. He was born in the same town as old [Bob La Follette](#), and he saw himself as the reincarnation of old Bob La Follette, very independent, impossible to get along with, getting up and moralizing in a way that very few other people did. In 1954 he came to Illinois and spoke on behalf of Senator Douglas' reelection. I heard him a couple of times. He gave a fiery, marvelous speech at Centralia, Illinois, for one. He would go on and on like the old tent meetings where people would talk two or three hours, very fiery. But there was a falling out in '57 when Morse accused those who tried to put the Civil Rights bill coming from the House on the Senate calendar, and things were never quite the same after that.

Estes Kefauver was a close friend of Senator Douglas. There's one story about Kefauver I want to tell. It has since come out that Kefauver was a womanizer, which is true. He was in Madison, Wisconsin, to speak. [Gaylord Nelson](#) was the governor, and there was a very prominent woman who was Estes Kefauver's "friend" when he was in Madison, put it that way. Let's say the woman's name was Mrs. Smith. When Gaylord Nelson introduced him and Kefauver got up to acknowledge the people on the platform, he referred to "Governor Gaylord Smith." And everyone in the crowd knew precisely what was going on!

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[Ralph Yarborough](#) was an ally of Senator Douglas, because he represented the progressive wing of the party in Texas and because he and Johnson were not very close.

I want to tell you something about [Ted Moss](#) of Utah. In 1958, early in the campaign, it wasn't at all clear that a lot of the Democrats running that year would be elected. Ted Moss was in a very tough race, and eventually won it

because of the split between the existing senator, [\[Arthur\] Watkins](#), who was chairman of the committee that took on Joe McCarthy, and a very conservative ideologue who ran as an independent, the mayor of St. Lake City [J. Bracken Lee]. The three-way race allowed Moss to get in. Near the end of the campaign, it became clear from the polls that a lot of these people might win, and they had not received any money to speak of from the senatorial campaign committee. So the committee rushed out to find them at the last minute. This was not done from a magnanimous view because the Southerners didn't want liberals to win. When the establishment saw the writing on the wall they wanted the newcomers to be indebted to them.

There was a staff person on the campaign committee, whose name I've now forgotten, and he's dead, but I knew him in those days and I would have to look it up, but I know that this is true from first-hand. He told Mr. Douglas. He went around the country with funds from the senatorial campaign committee. When he got to

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Utah, he asked Moss near the end of the campaign if he could use ten thousand dollars. Moss, who had almost no money, said, "Could I use ten thousand dollars! Of course I could." The staff fellow said, "Well, there's one caveat. What's your position on oil depletion?" Ted Moss told him he hadn't really studied it very much, he really was undecided on the issue, but if he had to commit himself on the issue, he would have to turn down the money. And in fact he did turn down the money. The staff fellow called back, I think to Mrs. [\[Mary\] Lasker](#), but I'm not sure about this. Anyway he called some close friend of the Democratic party who had money, I think it was Mrs. Lasker, and told the party what had happened. He said, "My God, we've got an honest man, but he needs the money." He got ten thousand bucks with no strings for Ted Moss. Now, I heard this from the staff man, as did Mr. Douglas, and I was with Mr. Douglas once when he asked Ted Moss about it. Moss didn't acknowledge it, but he didn't deny it. In fact, his facial expressions and his body language said yes. I didn't actually hear him say it happened, but I have every reason to think that that is a true story.

[Ralph Flanders](#) was an ally of Senator Douglas' because he was from New England. Flanders and [\[George\] Aiken](#) were from Vermont, and the Vermont Republican party then was really two parties. It had factions, and there was a very progressive faction and a conservative faction. I think both Aiken and Flanders were from

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the progressive faction. For almost all purposes, they might well have been progressive Democrats instead of progressive Republicans. They voted with the Republicans for organization and took their whip and so on, but at least in the early days both Aiken and Flanders were very progressive people. Of course, Flanders had the first motion to censure McCarthy, and Mr. Douglas was a cosponsor of it. As time went on, Aiken got more conservative, at least domestically, although he still remained a progressive and was fairly radical on the war. He made that famous remark that we should declare victory and leave. He was a classy fellow. Senator [Tobey](#) was even closer to the Douglas' and Mrs. Tobey was with Emily at Selma.

[Scoop Jackson](#) was another ally. I mention these people because I didn't mention some of them before. He was my personal friend.

Today I was reminded about an interesting thing that happened because Bob Solow of MIT won the Nobel Prize for Economics, yesterday. His picture is in the paper today. He was on the news last night. Bob Solow is one of the economists I got to know pretty well during the Kennedy administration, because he worked very closely with the Joint Economic Committee and with Mr. Douglas because of his role in the Senate. When the Kennedy Administration wanted to cut taxes in '62, Solow and Walter Heller were lobbying Mr. Douglas to cut taxes, and Mr. Douglas I think

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was the key reason that a tax cut was delayed, because Heller and Solow and others were predicting a recession, but there were no signs of a recession. They wanted to head off a recession by a tax cut, and Mr. Douglas' view was that you should wait until you see the whites of their eyes, that is, if the facts showed unemployment going up and GNP going down over two quarters which is the definition of a recession, then act, and act fast. But don't act before the fact. Don't act on projections. He convinced Kennedy along those lines, so a tax cut was delayed because they were afraid that Mr. Douglas and his point of view would prevail if they offered one; they really had to have everybody in line.

It was during this period that the Kennedy administration, I think it was in 1962, proposed tax reform, which we welcomed very much. I went down to the White House a couple of times and in particular met with Bob Solow and a small group of people at the Hay-Adams Hotel, one noon for lunch, where we discussed the effort they were going to make on a tax reform bill. What happened was that the economists, both from the Treasury and from the Council of Economic Advisors, and Solow the key one, all wanted to play politician. They were saying, "We were going to offer this, but we don't think it can get through." I remember telling

them in no uncertain terms, really sort of ticking them off, that their Job was to propose what was right, what should be done, what

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the loopholes were, what the grievances were, and then let the politicians, namely the president and the Congress decide which ones they could get through. I have a very, very vivid memory of the economists wanting to play politician, and to some degree the politicians wanting to play economist, reversing the roles each should properly have played. But he was a very engaging, and intelligent, and witty fellow, Bob Solow, one of the nicest people you could ever wish to meet.

Ritchie: Do you think that's a trend, that people who come to Washington who aren't politicians, once they get here want to play politician?

Shuman: They do, and it's a big mistake for the people who advise the president. They should give their best expert advice, and then let the politicians figure out whether they can do it or not. I think that's true of military policy: the Joint Chiefs should do that, the Treasury should do that. The president should get the best advice available on the factual matters. The experts should let the politicians decide the politics of it, or at least decide it at a different time.

There are some loose ends and some random thoughts I want to mention before we end these interviews. I've been thinking back over them, having reread them. I studied economic history and taught economic history, and as I reread some of the things I was

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talking to you about earlier, as well as thinking about the political experiences I have had, it seemed to me that if I could put myself in an historical category it would be that I was greatly influenced by what would be called the indigenous radical American, populist, Midwestern, farmer, rural, westward agrarian movement. It was all those things. The two senators I worked for were from that mold. Now, that movement was stronger in places like Minnesota, and Wisconsin, and North Dakota, and Montana, than it was in Northern Illinois, where I grew up. But the events of the depression spilled over and the farmers in our area were Republicans politically, but were Democrats with respect to the economy and their pocketbooks, and were strongly for the programs that Roosevelt initiated in the thirties. My father's closest allies all said "We can't let the farmers go through the ringer." Their opponents supported the view of "root, hog, or die," the view that the newly born runt pig should perish. It was social Darwinism. I got caught up in the former, and I think it's fair to say, historically,

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that I was a product of that. If it had not been for the depression first of all and for World War II second, I might have been a Republican, as the migration of my ancestors was across the northern part of the country through New York and the Pennsylvania Dutch (German) country to Central Illinois. That was the Republican migration, and all the places I lived, except Jerseyville, were very heavily Republican. I cannot, however, remotely think of myself as a Republican although there

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are many constructive forces in that party but generally, and certainly now, not the dominant ones.

But those two events really made me a Democrat, and a strong Democrat, and unlike many of the new neo-conservatives I have never budged from my views. Most of the neo-conservatives are intellectuals who are agile enough to justify their expedient moves on grounds of principle. The Republicans where I lived, the mainstream of them, not all of them, but the people who ran the party, were bitter in their hatred of the New Deal and of what Roosevelt was trying to do. I remember when he was elected in 1940, at the local Rotary Club at least one man said he'd like to see Roosevelt killed, and some people there took that person on as a result. The *Chicago Tribune* was isolationist. It's really ironic that today it is thought that the party of Reagan is the strong national defense party and that the Democrats are wimps, because that was not my history. The Democrats were the ones who were interventionists in the late '30s, early '40s. The Democrats were largely the supporters of NATO, of Truman's intervention in Greece and Turkey, of the standing up to the Russians over Berlin, both in '48 and again in '61, and of Truman's policy in Korea. I mean, the history of the party was that for years and years we were fighting off -- at least I was in very personal terms -- or against the large body of Republicans who were isolationist towards Europe, although they tended to be, I always thought,

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interventionists and imperialists with respect to Asia. They really weren't isolationists, they were just isolationists toward Europe. The dominant forces in the Republican Party were also allied domestically with the Dixiecrats.

Then if you look at the history of the Civil Rights movement, essentially what happened was that populism moved to the South. The forces of power and wealth, the dominant interests, utility interests, railroad interests and so on, used race as the means to split, divide and kill off the progressive populist movement. [Pitchfork Ben Tillman](#) and others were responsible for devising the tactic and

used the blacks as a means of diverting the poor whites from their populist origins and their legitimate grievances. That theme you could see running through the Senate all during the Civil Rights fights in which I was involved in.

I was going to tell you about an incident that concerned my father. It doesn't really illustrate this point, but it does in a way. It has to do with the draft board where I lived. I don't think I've mentioned it before. My father was the county agent and he was the advisor to the draft board as to which farm kids should stay home and not go to war, because they were needed on the farm. There was a Mennonite community north of the Rock River, on the good, black soil, and the Mennonites were pacifists. This was at a period when I was in the navy, and my brother, who was a year younger than I, was going off to the air

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force. We were eighteen and nineteen. The draft board did not understand why these Mennonite sons were pacifists and didn't want to go to war, although there were provisions in the draft act in World War II for exemptions for those who held religious views against war. As an advisor on farm issues and who should be drafted, my father convinced the draft board that the Mennonites should be exempted, even though his own two sons were in the war. I always thought that was revealing of what is best about this country, and I always felt that one of the things I was fighting for was the right for the Mennonites to be pacifists and conscientious objectors if they genuinely felt that way.

I didn't feel that way about people who stayed in college to get out of the Vietnam war, or who went off to Canada. I felt if people really had the strength of their convictions they should register as pacifists and go to work camps, or do medical work, or something else, or even go to jail if necessary to uphold their convictions. I doubted their strength of conviction if they were unwilling to accept the consequences of expressing their views.

On another point I have some schizophrenic views about the Constitution, and also about politics and the division of power. In peacetime I'm a strong believer in those principles of Madisonian and Jeffersonian democracy, that power should be diffused, should be shared between the executive and the legislature, and I'm extremely worried now that there is an

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extraordinarily strong belief by the people I meet and see and work with, that only the president has the war power, and only the president is supposed to deal in foreign affairs, and only the president is to say what the budget is, and the

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president, when he nominates someone for the Supreme Court has a right, because he was elected, to have the Senate just roll over and support the nominee. It's a unitary state that's being proposed, along the lines of the British Parliament, where the prime minister, exercising the sovereign powers of the monarch, can go to war without a vote, can sign a treaty and have it accepted without a vote of parliament, can present her budget or his budget and it is accepted, and who can nominate all kinds of people without so much as a by-your-leave. Mrs. Thatcher can even nominate bishops without any advice and consent procedures. It seems to me that that is now being proposed quite seriously by some, like Lloyd Cutler, who makes a responsible and intellectual case for it, but that it is being proposed unwittingly by other people such as the Vice President, who has made a number of speeches in recent times that Congress has no right to interfere in Central American foreign policy issues.

It also has behind it what one could call the plebiscitary presidency, the presidency of Charles de Gaulle, that having been elected, he therefore has the right to do anything he wanted to do for the period of his election. This was [Nixon's](#) view after '72.

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It is argued that that should be the case with respect to President Reagan now, and there are a lot of people who have not read the Constitution who I think don't know what's in the Constitution with respect to the powers of Congress and who are advocates of the unitary state or the plebiscitary presidency. I take the view that power should be diffused, although I do believe that in times of emergency, as in the depression and as in a genuine war, World War II, the president has to have more power, more prerogatives than in peacetime.

It's a little hard to justify both views. That's why I said I feel schizophrenic about this. But I think the test is the degree of danger to the country, and that the president can exercise prerogative power only when there is a genuine crisis, as Lincoln did in the first years of the Civil War, when Congress was out of session -- he helped keep them out of session -- when he did all sorts of things he had no presidential power to do. But the test in part is whether the public accepts it or not. That was the test in the case of Lincoln, and he went back to Congress and said I've done these things which are your powers but I'm sure you would have done them had you been here, and I'm sure you agree with what I have done. In fact, Congress did agree with what he did, so he got by with it. Franklin Roosevelt, both in the depression and from time to time in '39 to '41 before we got into World War II, exercised great power, but

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for the most part, Congress voted him the power. An exception was the destroyers for bases deal.

Basically, I believe that except for times of very real crisis, the system works much better by consensus and shared power and diffusion of power than it does by having a plebiscitary presidency.

I also have a certain schizophrenic interpretation of other parts of the Constitution. I think the Articles of the Constitution must have a fairly broad interpretation and change with the times; that's fundamental. I heard the Attorney General speak the other day, and you will recall that he has said in the past that he believes in the views of the founding fathers, that the Constitution should be interpreted along the lines of the original intentions of the founding fathers. But when it came to the War Powers Resolution, he declared it to be unconstitutional, as he had done before, although that is the right of the Court not of the Attorney General, to do. The Attorney General and the president must obey the law until such time as it is no longer the law, under the provision that the president shall take care to see that the laws are faithfully executed. It is not up to them to pronounce the Constitutionality of any law!

For some reason, Mr. Meese does not ask what was the original intent of the Founding Fathers or those who passed the War Powers

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Resolution, because if he did he would find that the Founding Fathers gave almost all war powers and many foreign policy powers to Congress and that the purpose of the War Powers Resolution was to quell some of the arbitrary power that almost every president has used in modern times.

While I believe on the one hand that the Constitution should be fairly broadly interpreted, I've always thought the Bill of Rights should be read very narrowly and interpreted very strictly if the freedoms which the country enjoys are to be kept.

Ritchie: In the years that you were here, do you think that the direction has been going more towards the presidency, or has the Congress been able to balance things out?

Shuman: Well, there were periods when, until Nixon had to leave, there was no question that the president was getting much stronger. Nixon impounded funds. Nixon arbitrarily went to war with Cambodia. Nixon transferred funds from foreign aid to bombing in Vietnam and Cambodia, not authorized in any way, and insisted he had a right to do it. He froze thirteen or fifteen housing programs on

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the grounds he had a right to stop them because he had proposed new legislation. He insisted that while an existing law need not be carried out, a future proposed law should be. That was his view, which always seemed to me remarkable. Then, he got his comeuppance. At that stage a number

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of things happened such as the Budget Act and the War Powers Resolution, which were designed to regain power Congress had either delegated or given away, or acquiesced in, from the president. So then there was a swinging back. But I think at the moment there is a very, very strong movement towards more power for the president which is heavily and successfully resisted by the Congress.

Among the people I work with in the executive branch, it's overwhelming. Day in and day out I hear over, and over, and over again, what I call trashing the Congress. I heard a man the other day say about [William] Casey, the former CIA head, that the reason Mr. Casey lied to Congress was that he didn't trust the Intelligence Committees or their staff to keep a secret. He tried to justify lying and breaking the law. Now, I think I'm correct on this, I think it's true, that with respect to any secret, no member of the Intelligence committees of the House and Senate, or their staffs, has ever leaked secret information. There was one instance when one member of the committee preliminarily gave out a report of the committee which was not secret, and as a result resigned from the vice-chairmanship. But that was not a secrecy matter. I don't think there has been a case. Yet, at the same time we were being told this, by a very prominent person, about why Mr. Casey would lie to the Intelligence committees or not tell the truth wholly, he forgot that Mr. Casey spilled his guts to Bob

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Woodward on the most secret matters one could possibly imagine. There is therefore a double standard. I am told on good authority that Allen Dulles met once a week with Joseph Alsop and regularly let him see secret documents. Almost every CIA head has spilled his guts to his political Boswell in the press.

Most of the leaks, as I think you know or as at least I believe, come from the executive branch, and they generally come from people very high up in the executive branch. They generally do not come from relatively low level civil servants. I have leaked many times, but I never leaked on a national security matter, not once in thirty years. But I did let Jack Anderson and others know when people were trying to steal the Capitol Dome, several times, with the evidence. My students ask why leakers shouldn't be prosecuted. My answer is:

"Do you want to put the President, Secretary of State, Secretary of Defense, the head of the CIA, and the staff director of the National Security Council in jail?"

Ritchie: In what kind of situations did you let Jack Anderson know?

Shuman: Well, situations in the Banking Committee on markups, when all kinds of pork were being labeled out. At that time those executive sessions were secret, and there were intense battles. I will tell about one instance. I've forgotten the

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subject, but it was a mark-up session of the committee when a lot of things happened I would say were clearly not in the public interest, because when Jack Anderson printed them some members were furious because it was so embarrassing. All I did was during a public hearing ask the clerk of the committee to see the transcript of the mark-up held a day or two earlier. I took it back to the office, xeroxed the key pages, and brought it back. The clerk did not notice I had left the room. I gave it back and then gave that evidence, from the transcript of the committee, to a journalist. Well, later on there was a great furor about it, and it was suspected that I had done it. But the proposition was that I had had a secret microphone on during the session and had secretly transcribed what had gone on, which was not the truth. I could honestly deny that that was the case. I didn't have to lie about it. I wouldn't have lied about it, but I could honestly say no, I did not do that, which was true. But they were furious that the truth leaked out. It wasn't national security. It was the pork barrel.

On another issue I've thought a lot about when or where military force ought to be or can be used. I think there are certain fundamental propositions about American foreign policy and about when force can or should be used. I think it certainly should not be used in an imperial way, or we shouldn't act as a bully, or jingoistically. But it seems to me there are major

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principles that we should remember. One is a Walter Lippmann principle that anything which threatens the countries along the perimeter of the Atlantic, at least in the Northern Hemisphere and in Latin America, is in our vital interests and we really can't allow an aggressor to threaten France, or Britain, or Holland, or Belgium or NATO. It's quite a different thing when you are talking about an interior Eastern European country, where we don't have the ability to reach it with forces. But almost any aggression towards major countries on the fringes of

the Atlantic I think imperils us in terms of our national interests, and therefore we must react against that.

We also have vital interests with respect to Central and Latin America both under the Monroe Doctrine and indigenously, but most people haven't read the Monroe Doctrine. The Monroe Doctrine has two sides to it. One is that no European power is to be influential in the Western Hemisphere unless the country involved acquiesces. But it also says that we should have no interest in European matters. I always find it interesting when people quote the Monroe Doctrine to ask if they have read it, because there are portions of the Monroe Doctrine which if followed would keep us out of Europe, NATO, the Persian Gulf, and elsewhere. We would have no business in any of those places under the Monroe Doctrine.

Then I think there are geographical limits as to what we should do with respect to places on the Asian continent, which I

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have already noted. I would say that is a basic principle we offended against in Vietnam, that it is almost impossible for us to put ground forces on the continent of Asia, and that is a fundamental mistake. One can justify Korea, even though it's on the continent of Asia, because it is a peninsula, and because both sea and air power can be brought to bear very effectively. If we had stopped at the waist of Korea, north of the 38th Parallel, we probably would have been more successful than we were, although I think we "won" in Korea. We accomplished our goal. Mr. Douglas went to President Truman in 1950 and urged him to stop at the waist or the neck of North Korea. It was defensible militarily and would have given us all but the rugged mountainous areas of North Korea. McArthur, instead, pushed up to the Yalu on his own initiative and against the advice of the rest of the world, and got clobbered.

I think another principle is that in stopping aggression on the whole it should be collective, that we can't go it alone, that we must do our best to go with our allies and be supported by our allies, and that it is quite unwise for us in the Middle East, especially, and elsewhere to be there alone and without allies.

Finally, I think policy needs the support of the public, and therefore I support very strongly the War Powers Resolution, not necessarily because it's the law, although I do support it because

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it's the law, but because I think the consulting provisions and the requirement that Congress needs to get aboard in sixty to ninety days, are wise, not just legal, but wise. The president needs to share the burden with Congress, which represents the public, and with the public. Failing to do that means he's going to have a failed policy if he tries to sustain it for very long. So for all those reasons, I'm a strong supporter of the War Powers Resolution. Finally, the President has the right under the Resolution to return fire on us, to rescue embattled American citizens, and to resist invasion.

I have some heroes in American history. Obviously [Jefferson](#) and [Madison](#), and [Andrew Jackson](#), great Democrats, and [Polk](#), who has been too little noticed. You know what happened to Polk. He was a great president but no one knew it. Polk's diaries were revealed sometime after the turn of the century, in 1910, and all of a sudden historians realized Polk was a very great president. So Polk has been dusted off in the twentieth century and now is held in quite high respect, especially compared with the bunch of ninnyes who succeeded Jackson and preceded Lincoln, especially those "dough faces" [Pierce](#) and [Buchanan](#). I think Polk was almost the only president in that group who amounted to anything. I'm sorry to say some of them were Democrats, who were among the most pusillanimous people who ever lived in the White House.

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Of course [Lincoln](#), was our greatest president, and I think [Teddy Roosevelt](#) was a great president. There are now reinterpretations of Teddy Roosevelt. There's an historian from Michigan, Marks, who's written a biography of Teddy Roosevelt who claims in fact that Teddy Roosevelt wasn't the carry-the-big-stick fellow, that given the work he did on the peace treaty, for which he got the Nobel Peace Prize, and other things, he was very careful to keep his powder dry, and that he wasn't the strong military person that he appears to be from some of his writings and from his actions in the Spanish-American war. That doesn't quite square with my views of him. Nonetheless, he was the first of the modern presidents.

And I have great respect for Woodrow Wilson, not only Wilson the wartime president and for his work at Versailles, which was flawed because of his nature -- you probably have read [John Maynard] Keynes' vignettes on the major people at the Versailles Treaty negotiations. He says Wilson was ". . . like a nonconformist minister, perhaps a Presbyterian. His thought and his temperament were essentially theological, not intellectual." He was a moralist and Keynes paints a picture of him with a starched white collar. He calls the British prime minister, Lloyd George, the Welsh witch, a chameleon "who can tether a broomstick." He referred to him as ". . . this syren, this goatfooted bard, this half-human visitor to our age from the hag-ridden magic and

enchanted woods of Celtic antiquity." Keynes could write! Keynes describes him as a man who had an aura of mysticism and the characteristics of a personality which was beyond that of ordinary mortals, this man from the Celtic fringe. But Wilson, I think, should be remembered as much for his first term as for his wartime presidency. He did something that was very interesting with respect to seniority in the Senate. There was a senator by the name of [John W. Kern](#), from Indiana, who was elected leader of the Senate after having been there only two years. People say that seniority has always been with the Senate. Not true. What Kern did was to appoint Wilson men to be chairmen of most of the key committees of the Senate, regardless of seniority. Because of that action vast amounts of legislation, which up to that time was the most legislation any president had ever gotten through Congress, the Clayton Act, the Federal Trade Commission, and a whole list of modern progressive legislation, went through largely because of what Kern did in overriding seniority. Wilson deserves as much for that first term as for what he did as wartime president.

Of course, Franklin Roosevelt was my hero, as well as Harry Truman. Eisenhower qualifies, belatedly, because he knew how to keep his powder dry and he knew the limits of American power as a result of his experience in World War II and as a result of his service to NATO. He, I think, is looking better all the time.

President Kennedy, of course, lifted the country and his murder is, I think, responsible for unleashing many of the negative forces dominant since then.

[George Norris](#) deserves to be one of the five pictures on the wall in the anteroom of the Senate, as one of the five greatest senators. But the story was that there could only be two modern senators, one liberal and one conservative, and it came to a choice between Norris, a Republican and [\[Robert\] La Follette \[Sr.\]](#), a Progressive and they chose La Follette instead of Norris. But Norris should have been there as well as La Follette. They put [\[Robert\] Taft \[Sr.\]](#) in as the other modern senator, because they had to have a Republican conservative but he was not as great as George Norris.

A person who greatly influenced my public life was Justice Oliver Wendell Holmes. When I was in college at Illinois, there was a professor of law by the name of George Gobel, who had written a book about the meaning of democracy. It was called *The Design of Democracy*. He strongly supported the Bill of Rights and he quoted Holmes a lot. He was a friend of mine. I never took a class from him, but he was a personal friend, and he recommended that I read the

ceremonial speeches of Justice Oliver Wendell Holmes, a small volume put out by Little, Brown, of about fifteen or twenty ceremonial speeches. Some of the greatest nuggets, the phrases and aphorisms of Justice Holmes,

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are found in those speeches. They are marvellous speeches. Catherine Drinker Bowen wrote a biography of Holmes, *Yankee From Olympus*, which is an historical novel, which I read as a passenger on the destroyer the USS Stringham on my way from San Francisco to Pearl Harbor in World War II. She who quotes all these sources, but it wasn't until I read the ceremonial speeches that I realized where those quotes came from, not so much from his opinions as from his speeches. "Life is action and passion, therefore a man must take part in the actions and passions of his time in fear of being judged not to have lived," is from one of his speeches.

That led me to read his decisions. I read, I think, every decision with his name on it, dissenting or majority. He took part by the time he left the Court in more than a third of the cases before the Supreme Court in the history of the Supreme Court. But at one stage in my life, when I was a graduate student, I read them and read those great ceremonial speeches, and they were full of references to the greatest influence on his life, which was the Civil War. He was a very brave fellow in the Civil War. He was wounded a couple of times. I've been to some of the places where he fought. It was the first modern war. It was just like World War I where masses and masses of troops were thrown at each other and slaughtered. No hope! But those speeches and his decisions on the Bill of Rights and the quality

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of struggle, that life is struggle, have always appealed to me. In fact, the title of my book, which is called *Politics and the Budget: The Struggle Between the President and the Congress*, is a result of Holmes' emphasis on combat and struggle. I think I also see politics and issues as a struggle, not as a process but as struggle and strife. It's not the budget "process," it's more like what happens in a barroom brawl. The Civil Rights fights deepened my belief that public life is struggle. I haven't been enamored with [Clay](#), and especially not with [Calhoun](#) or [Webster](#), who I think was a crook.

Ritchie: That's interesting. Why not the three great senators of the nineteenth century?

Shuman: Well, of course, Calhoun was a segregationist, supporter of slavery, and an anti-federalist. We wouldn't have a country today if Calhoun had had his way. Clay stands much higher as the great compromiser, looking for ways to keep things together. Perhaps I've been too harsh on Clay. But Webster, for all his debating skills, actually took money for votes in the Senate. Today he'd be thrown out on his ear. That therefore makes it difficult for me to think highly of him, knowing that background. Those are the reasons. You asked a good question, I hope you got -- not necessarily a good answer -- but a quick answer.

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There was one thing I picked up when I was in England, from Alan Bullock, the biographer of Hitler, which I dubbed the Mount Vernon Theory of the American Revolution. It was Bullock's view, and I remember him telling me about it years ago, but I was reminded of it over the years when my British friends would visit here, many of them Labor Party members. I would take them down to Mount Vernon, and they would see the great estate of George Washington and marvel at it. Many of them wished they lived there. They liked the view of the Potomac and this vast estate and this marvelous aristocratic area. Washington held 800 acres. The point of Bullock's story, that these visits reminded me, was that Bullock's view was that America was not started by a bunch of radical revolutionaries or radical farmers, but that America was started by a group of very intelligent, well-educated, landed, wealthy aristocrats. It was not a revolt of the down-and-out against the well-to-do. It was a revolt of American aristocrats against the fifth and stupid sons of the British aristocracy who were sent here as Colonial Governors.

What happened, according to Bullock, was that in the eighteenth century the landed aristocracy provided the talent for the British government. The oldest son, the most mature and the brightest son, went to the Foreign Office, because he had gone to Oxford or Cambridge, and got a first class honors degree and got picked for the Foreign Office under the assumption that if

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he could read Latin and Greek he could handle any problem of the world. So the number one son went to the Foreign Office. The number two son went to the navy, which was the senior service in England because it is an island country. The number three son went to the army, to one of the Queen or King's regiments, which was an aristocratic -- and still is to a large degree -- army. The fourth son went to the church and was given a living somewhere to keep him going. The fifth, and the dumb son, went to the Colonial Office and was sent to the colonies -- before we were the United States -- as a colonial governor. It was the revolt of the Jeffersons and the Madisons and the Washingtons, who were extraordinarily

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well-read, well-educated, against the dumb fifth sons of the British aristocracy which really was the reason for the American Revolution. I dubbed Bullock's idea the "Mount Vernon Theory of the American Revolution" as a result of my British friends awe at the estate. One espouses this with a lilt in the eye and a tongue in the cheek, but it has a ring of the truth.

I have one other theory I put forward, and that's the Thurmon Munson theory of the United States. Have I told you that? The Senate is the only remaining Constitutionally Gerrymandered legislative body remaining in the United States. Seven percent of the population with thirty-four senators can beat a treaty or defeat a Constitutional amendment, sustain a veto, convict on impeachment,

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or can fail to expel a senator. There are, five things that require a two-thirds vote. Theoretically the representatives of seven percent of the people can defeat any one of them. The fact that each state has two senators makes it very difficult for the big states to get a fair representation. The big states pay for the government with their taxes. But they don't get their share of the bounty.

Well, as strongly as I feel about this, it has a certain redeeming feature. The redeeming feature of the Gerrymandered Senate is that it has made it possible for us to organize a continent and to stay together as a country. The effect of it is that no radical change can take place without a general consensus of the opinion of the public. The malrepresentation of the big states and the overrepresentation of the small states in the Senate, as well as the fact that we've got divided power between the executive and legislative branches and a divided power because of the two chambers of the Congress means there must be overwhelming agreement before action can take place. So in every way power is diffused in our system.

This was brought home very strongly to me when I was in Alaska in 1979. My wife and I flew to Fairbanks, Alaska from Washington, and to get there we passed through five time zones, a distance that was farther than from London to Moscow. In the same distance in Europe, one would have crossed a dozen countries,

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probably people who spoke fifty different languages, and many motley, splintered groups. But we could fly from Washington to Seattle to Fairbanks through five time zones, basically over a contiguous society.

We were coming back from Anchorage on one of the Alaskan ferries, filled with people from all over the United States, when it was announced over the loud-speaker that Thurmon Munson, the catcher for the New York Yankees, had been killed in a private plane crash in Ohio at the Akron Airport. The point about it was that five time zones away from Akron, Ohio, which is in the Eastern Time Zone, everyone on that vessel knew who Thurmon Munson was. There was a common experience, and a shared experience. So with all the faults of the division of powers, and the shared powers, and the Gerrymandered Senate, and the slowness by which policy is made in this country, what essentially this has allowed us to do is to unite a continent in a way that doesn't exist, I think, in any other place. Canada may be the one exception. I call that the Thurmon Munson theory of the American Constitution, and I think it puts things in perspective, especially for one who has worked in the Senate and has often felt aggrieved by the slowness of change, by the difficulty of getting things done, and by the frustrations involved in the legislative principles, the filibuster, the two House Congress, and the division of power.

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I also had a principle which I called my Seven-Year Principle when I worked in the Senate. And that was that it took seven years from the time you got a good idea and introduced it as legislation, until it was passed. I saw that in the Civil Rights fights from '57 to '64. It took seven years for the Truth in Lending bill to finally make it. It took six, almost seven years for the Depressed Areas bill to make it. It took us that long to save the Indiana Dunes. It took nine years to vindicate Sergeant Buck. Most of the major legislation I worked on, that was new, forward-looking, which started out heavily opposed and without a mandate, after seven years of convincing, of publicity, of talking, of arguing, of hearings, finally made it. It had to be a good idea. I don't think a bad idea could necessarily have passed, but a good idea could get passed in seven years. It took that much time, and that much effort, and that much struggle for it to come off. "Struggle" is the word.

So I am enamoured with the Mount Vernon Theory of the American Revolution, the Thurmon Munson Theory of the Constitution, and the Seven-Year Theory, which I put forward not in the hope they will be added to the archives of philosophy but perhaps to the folklore of the Senate. If you want to ask me any more questions, fine, but I'm finished now!

Ritchie: Well, I think you've covered the history and folklore of the Senate from your point of view and from the point

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of view of the senators who were here with a magnificent panorama over a thirty years period, and I thank you for contributing your recollections and observations.

Shuman: It's been my privilege. I've enjoyed it. I've had to reminisce about things, but while there's a lot of reminiscing in what I've said, I hope that it has a stronger vein of principles about why things happened as they did, in addition to just pure reminiscing.

Ritchie: You've grounded your perspectives strongly in principle. I think that comes through very clearly.

Shuman: The motto is "forward." That was Mr. Douglas' motto. It was the motto of the Scottish Douglas clan, and I've tried to pick it up as my motto. Perhaps the Hamiltons lived by it.

Ritchie: I'd say, "forward, with patience and persistence" is the story that you've told. It doesn't happen right away, but if you hang in there long enough you can bring about change.

Shuman: Yes, I think that's true. For the things you think have no chance whatsoever, the seven-year theory holds pretty well. The 1986 tax reform bill was an exception, I didn't think it would ever pass. That took thirty years, and then it did pass in a moment of magic. It was a modern miracle that it passed.

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It was like the Biblical walls of Jerico, or the dropping of water on a rock until it splits. That is the nature of the legislative process.

Ritchie: There are enough forces that hold things back, but eventually things break through.

Shuman: Good ideas succeed. The forces of history prevail.

Ritchie: And that to some degree the purpose of the legislative process is to delay things until there is a national consensus, on the grounds that if things happen too soon it may not always be for the best.

Shuman: Yes. In general I agree with that. I don't agree with that about Civil Rights. I've said it took seven years for the Civil Rights bills to be passed. Actually, it took a hundred years, and that was too long. But it was seven years from the time the push came, from the fifties to the sixties. Civil Rights and legal

equality were too long delayed. But to be involved in that struggle was the most rewarding as well as the most difficult -- perhaps equal to the Buck case on an individual basis -- issue during my years working in the Senate. To work there with the senators I worked for was a privilege few citizens are honored to receive. My life was fulfilled by my work in the Senate.

End of Interview #10

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