

Howard E. Shuman

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

Interview #9: Ethics in Government

(October 9, 1987)

Interviewed by Donald A. Ritchie

Ritchie: You served in the Senate during the Eisenhower, [Kennedy](#) and [Johnson](#) years with Senator [Douglas](#), and then you came back to the Senate with Senator [Proxmire](#), just about the time that [Nixon](#) became president. I wanted to ask you how you would describe executive-legislative relations during the Nixon period? What was the atmosphere like under the Nixon administration?

Shuman: I was surprised at the way Nixon handled the presidency. I obviously was not fond of Nixon. I really never forgave him for what he did to [Jerry Voorhis](#) and to [Helen Gahagan Douglas](#), which is in the public record. But I felt that when he became president he might well have vindicated himself. He had been a Congressman, a senator, a vice president, and he had campaigned all over the country for his party. As I mentioned earlier in talking about Senator Douglas and how he would go back to the state and come back refreshed after having been in touch with the public and the people, I thought that the process of Nixon having been in office for such a long time and campaigning for his party would mellow him. And I was extraordinarily surprised when a couple of things happened.

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First of all, he surrounded himself in the White House with people from his campaign rather than people who had a lot of Washington experience. And I think that was a mistake. They looked upon the presidency as a battle, as war, whereas I think if he had taken some people similar to [Howard Baker](#) now in the White House, it would have been a very different atmosphere. In the first few months of the Nixon administration, I was at an evening dinner at Brookings, where a few Washington people such as myself, Andy Biemiller from the AFL-CIO, Elmer Staats from the General Accounting Office, a half a dozen of us of this stripe, along with a bunch of mostly New York City middle level business executives, met with [John] Ehrlichman. In that meeting, very early in the administration, Ehrlichman took the position of the Imperial Presidency, and told us that they were not going to have anything to do with Congress. They would make their foreign policy, they'd make their defense policy. Congress was out of the loop, as far as he was concerned. Andy Biemiller and I took him on. We

objected strenuously to what he said. I'll never forget it because of what happened later.

As a result of this, I've always believed that it was very important for any president to surround himself with people who were at least fortyish -- middle aged -- people who had had a lot of Washington experience, and people who had had some failure in life, so that they were mellowed a bit. I was surprised that

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Nixon didn't surround himself -- not just the Cabinet but his personal staff -- with people who had had Washington experience and who knew how the system functioned. But clearly he did not. He really brought in the warriors, people who hated with a vengeance, some of them.

When Watergate happened, Joe Rauh, whom I'd worked with very regularly on Civil Rights matters, told me not to worry about the government, not to worry about how things were going to come out, that once the matter got into court the legal system would winnow out the truth. He in fact was right about that, and as a result of my conversation with him, and as a result of having worked on the Hill for a considerable period of time, I never lost faith that the system would function. I know a lot of people were fearful, but I wasn't. I thought that the courts, and the Congress, and the press, and our other institutions, when put to the test, would survive. We had survived for almost two hundred years. So I was confident throughout that experience that there wouldn't be a take-over by the White House, there wouldn't be a dictatorship. And as it turned out, the institutions of the press, the courts, and Congress, particularly through Judge [Ervin](#) and [Bob Byrd](#), essentially saw to it that the truth came out and that justice was done. I'm pleased about that. It was a revealing experience. It wasn't a happy experience.

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I do not give Nixon as much credit as some people do in rewriting history, that he was such a great foreign policy expert. After all, in '68 he campaigned that he had a plan to end the war in Vietnam. So far as I can see, he never had a plan. And for many, many years he heated up the war by invading Cambodia, the secret bombing of Cambodia, and so on. I don't think there ever was a secret plan, and I don't think he handled Vietnam very well. In fact, physically the war was won in Vietnam, at least all my military friends tell me that it was, we won the battle -- even Tet -- but we lost it psychologically, and ultimately when we withdrew our forces first in '73 and then there was the '75 incident when we helped to evacuate the remaining Vietnamese, we lost entirely. So even though he was very good

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about the opening to China -- ironically he had chastised other people for being soft on the Chinese and on Communism early in his career -- while he gets credit for that, I don't think that in other respects his policies were unusual in the foreign policy arena. He brought about "detente" but its results were disappointing.

I used to say, and I think maybe I've said this before, that in 1960 the the worst thing that could happen would be that either Nixon or Johnson became president, because they both had flawed characters. And the flaw in Nixon's character is the thing that I'm afraid he'll be remembered for.

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The Nixon White House didn't have a very good legislative liaison group, although Bryce Harlow, who worked in the White House, was extraordinarily good at it. He was supreme. But apart from Bryce the kind of people I saw I didn't think were very good at legislative liaison. They reminded me a lot of the [Jimmy] Carter group: inexperienced in Washington. Is that enough?

Ritchie: Yes. What was required of a good legislative liaison from the White House, and what kind of failings did you see in the Nixon people?

Shuman: There are a lot of things. One was they should never threaten. Two, I think we should see something of them from time to time. Three, I think they ought to know how to compromise and work the system. At least the people I worked for and the people I saw at close hand, other senators, were almost always willing to try to work the system, to compromise the system, to get a consensus. I don't mean compromise in a bad way, but most people were willing to give and take on legislation, to seek an end. You saw a lot of what people call hard-ball playing with the Nixon group. Especially starting in '72 after winning reelection, they really believed in something called the plebiscitary presidency, that is to say, he'd won by a big margin, he had won a plebiscite, and therefore he had the right to do anything he pleased. An example was the impoundment of funds, where he cut off all the HUD programs, and refused to spend the money on,

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I think, fifteen different categorical programs. The Nixon administration took the position that it did not have to enforce or to carry out existing law, and that a possible proposed law really took the place of an existing law on the books!

Well, that conflicts with the Constitutional requirement, the "take care" clause, that the president shall take care to see that the laws are faithfully executed. If he

had come up and said I don't like this law, and I think there's a better one, and here's my substitute, and then carried out the law until the substitute came into being, that would have been fine. There were enough things wrong with the Housing bills (I was associated with them very closely) that he could have made a good case, and I think things like changes in urban renewal and some changes in public housing would have gone through, would have gone through our committee, but he took the position that he was king, he was sovereign. In this country the people are sovereign, not the president.

Ritchie: What was the attitude of the senators at that stage?

Shuman: Well, I saw one thing on the Senate floor that I never will forget. There was a period in '72 and '73 when Nixon and the White House infuriated everybody. First of all, they killed the city programs, and this outraged the liberals. The

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second thing they did was to put a moratorium on a series of farm programs, and this outraged the conservatives. I remember the senator from North Dakota, who was the ranking Republican on the Appropriations Committee.

Ritchie: Oh, [Milton Young](#).

Shuman: Milton Young was furious. He stuttered and he couldn't quite get it out, but he was furious at what had happened. So first of all they infuriated the liberals and the conservatives. Then they infuriated people who were both with them and against them on the war, because before the invasion of Cambodia they transferred funds that had been earmarked for foreign aid for Turkey, Greece, and two or three other places, and used that money quite illegally for the invasion. There was another occasion, when the Senate and House had earmarked a contingency fund of seven hundred and fifty million dollars that could be used for other military purposes in Vietnam, provided they came back and informed the Senate and the committees and got approval. They spent the funds I think in December and January of 1972, '73, and by the time they reported to Congress in March or April all the money had been spent. These things infuriated Republicans and Democrats, Northerners and Southerners, liberals and conservatives, and I saw the eruption, several times, on the Senate floor, of virtually everyone against what was going on. He alienated everybody, friend and foe alike.

Ritchie: Was some of the outrage a reaction to a sense of powerlessness, of not being able to combat that kind of presidential policy?

Shuman: No, there were ways of combatting it, I think, although I'll tell you of one event that may weaken this point. We had a hearing with the Secretary of Defense, Melvin Laird. This was in June of 1972, just before the election. Senator Proxmire asked him what would the Defense Department do if on June 30, which was then the end of the fiscal year, all funds were cut off, and no funds of any kind were available for the Defense Department to fight the war in Vietnam. What if Congress just stopped the money? No extra money! No left-overs! The whole thing would be shut off. No funds could be used for the war. What would he do? And Laird said, "We would invoke the feed and forage act." Now, the feed and forage act was an act going back to the Civil War. The purpose of it was that if Congress failed to appropriate funds by the end of the fiscal year, the army with its troops in Montana or Wyoming or somewhere two thousand miles away didn't have to let the horses die. They could use funds, spend money for things such as medical supplies and food for the troops -- hence the term feed and forage act -- and then could come back to Congress for those items and be reimbursed. Laird considered that gasoline for planes was the same as food for the horses. In fact, we checked it out. We asked the General

Accounting Office whether funds had been used under that Act. I've forgotten the figure now, Lou Fisher of the Library of Congress knows the figures very well, but several billion dollars had been spent in Vietnam, for purposes Congress had not specifically authorized, under the provisions of the feed and forage act, and the bills were later presented as a *fait accompli*, and the Congress had to pay them.

So it was an Imperial Presidency. It was the British system under George the III where the king was sovereign. The king could go to war without asking Parliament; the king could send troops anywhere he wanted, without asking; the king could make treaties without the advice and consent of Parliament; the king could make appointments on his own authority. And the Nixon crowd considered that having won the '72 election they were free to reign. So I think the title of Arthur Schlesinger's book *The Imperial Presidency* was the right thing to call them.

Ritchie: In 1974 the Congress passed the Budget and Impoundment Act. Do you think that effectively solved the problems that they saw coming along?

Shuman: That Congress saw?

Ritchie: That Congress saw during the Nixon period. Did it settle the issues?

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Shuman: No, it did not. I was deeply involved in that act. Senator Proxmire was a member of the "poobah" study committee between House and Senate. I did the staff work for him. It was composed of all the chairmen and key people from Appropriations, from Finance, from the Joint Economic Committee, who were first of all involved in it, and who tried to write the bill originally giving excessive power, I thought, to the barons on Appropriations and Finance with respect to the budget. That was later watered down, especially by the Government Operations Committee, which made it a much better law. The Senate bill was watered down, and [Dick Bolling](#) in the House expanded the provisions of the act to include more than the top dogs from the big money committees on the new Budget Committees.

That Budget Act, in terms of the way it was written and put together, is almost a work of art. I've read it many, many times, and I marvel at what a beautiful, artistic act it is. I said in my book "It would be a gross exaggeration to call it the political equivalent of Pathagoras's Theorem, Michaelangelo's David or a Hawksmoor Tower, but in the political sphere it has an order, logic, and structural elegance rarely seen." It has a symmetry both as to numbers and to time. And for the first few years, from 1975 through 1981, through the first year of Reagan, it worked very, very, very well indeed. I can't tell you how well it worked. The deadlines were met on time, and so on. But the

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reason it worked was there was a consensus on budget policy, and after 1981 the consensus broke down, and the situation became a struggle between the president and the Congress, not between Republicans and Democrats, but between the president and the Congress, with the Republicans in the Senate in 1985 trying to do on their own the things that would answer at least part of the deficit problem. They proposed a small tax increase, freezing the cost of living allowances, and cutting back on the military build-up. It passed the Senate by one vote, but the president immediately pulled the rug out from under it, and [Gramm-Rudman-Hollings](#) came about as a result.

What you have in the Budget Act, in my view, is this. In 1974 we added through the Budget Act, a lot of process, to a constitutional system which is designed to limit major changes to those with overwhelming support. We have a division of

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powers and a House and a Senate, where it takes a long time to get bills passed, and where it is very easy to stop almost anything. So we added a new process. No institutions were repealed. Everything was added to the existing system, and it worked for a time while there was consensus. Then when the system got into even more trouble in 1985, Congress piled process on process, and the system is now weighed down. It is almost impossible to make it work. If there is a consensus on budget policy, if the president tries hard and the Congress tries hard to reach an agreement, you don't need

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all that process. If there is no consensus, as is the situation on October 9th -- and I blame the president specifically for being unwilling to pay for the military build-up by a tax increase, and I blame him and Congress for that 1981 tax cut, which was the key to the deficit -- no additional process, Constitutional amendment, line item veto, a new Gramm-Rudman trigger, a two year budget cycle, none of these things will solve the problem. To add them would be big mistakes. So I'm now willing to abandon much of the Budget Act. The Budget committees have worked pretty well, the CBO [Congressional Budget Office] has been terrific, and impoundment control has worked but apart from that, the system has had put on its plate far more than it can possibly digest. It's been overwhelmed by time tables and procedures and process. That's my view of it. And what we are seeing now is a frenzied effort to avoid the Gramm-Rudman-Hollings "sequestration" procedures, and the son of Gramm-Rudman-Hollings procedures. I go into this in the final chapter of my book *Politics and the Budget*, the second edition of which, with a critique of Gramm-Rudman-Hollings, has just come out.

Ritchie: Do you think part of it is because the Budget Act was written specifically to try to end the situation that existed under Nixon rather than contemplating the larger issues?

Shuman: No, the part that was written because of Nixon, that is the anti-impoundment provisions, deferral and recision,

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have worked quite well. They are some of the better parts of the act. So, no, I don't think so. But the Budget Act was a part of Watergate. It was an intricate part of Watergate. It was a part of the Constitutional crisis. I've differed with Alan Schick, who wrote a book about the "budget war" between Nixon and the Congress. It was more than a "budget war." The Budget Act was a part of the bigger Constitutional issue called Watergate. And there was one provision in the House list of indictments that the [Judiciary] committee passed on, which

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included some of the impoundment actions as a part of the indictment for impeachment. Now, that provision didn't actually pass the committee, and I asked a member of the committee, the Congressman from Madison, Wisconsin, [Bob Kastenmeier](#), about it. He said that they did that with eyes open, because they thought that Nixon had in fact infringed on the money powers of the Congress in the way he'd gone about impoundment.

Ritchie: Also during the Nixon administration, Senator Proxmire took on the administration in the SST bill. Were you involved with him on that?

Shuman: I was involved in the SST battle because everybody in the office was involved, but I wasn't the chief staff person. I certainly did help on it a great deal. That is, I think, an example of the informing function winning out over what most people think is the way politics work in this town. We went into

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the final phase of that fight about dead-even on votes. There were twelve undecided votes, and at that time I had a beard, and it came out white. I looked like Ernest Hemingway. My children loved it, but the senator didn't think much of it. He never said very much, but he frowned whenever he saw me in my white beard. So did my father.

A day or two before the vote, knowing that there were twelve undecided Senators, and that the president was calling all the undecided people, and knowing something about the power of the president, I told the Senator if he won I'd shave off my beard, confident that he would lose. And what happened? I was sitting in the Senate gallery with a tally sheet, and as the names were called -- and most of the undecided names were at the beginning of the alphabet -- we got virtually every undecided vote. How did that happen, with the entire defense industry against us, the labor unions against us, the White House against us, all the agencies against us, the establishment against us? Well, we organized the grassroots, the environmental groups, and made it a public issue. We got lots of publicity about it, and the victory was an example of what Woodrow Wilson called the informing function working. These narrow political forces were overpowered by public opinion. It was really democracy at work. The Senator was successful, and I shaved off my beard.

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Ritchie: Did that fight cause him any difficulties in his relations with people like [Henry Jackson](#) and [Warren Magnuson](#) and others who were strongly on the other side of the issue?

Shuman: No, not in the long run. There was an immediate friction, a little friction. There is now a first rate member of the House from near Seattle, who was an all-American football player from the state of Washington, who is a very good tennis player [[Norm Dicks](#)]. I play tennis with him and he speaks to my classes. At that time he was Maggie's legislative assistant, and he was really irate about our victory. But within a matter of a day or two that had gone. Politicians generally don't hold grudges against people on great public issues, because every day they vote with someone who the next day is against them. So politicians get over those things very fast.

Ritchie: On the other hand, the Nixon administration was famous for its grudges. Did they cause any particular trouble for the senator?

Shuman: No, because he never really wanted anything from them. The senator never asked them for anything. He didn't want any judges, he didn't want any dams, he didn't want any military bases. So there was very little they could do to him. He was too independent to worry about that. He didn't need any campaign funds. He was relatively safe politically because of his record.

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Ritchie: It certainly reinforced his image as a person fighting against government spending.

Shuman: Yes. Of course, the big argument on the SST was, the argument you always hear, well, we've spent half the money; we've sunk all of this money and we've got to go ahead, even with a lemon. We worked out at one stage on that bill, that not only wouldn't the fares for the plane pay for the sunk costs for the investment, but they wouldn't pay for the operating costs. We figured out that if every seat was full on every flight, that another sixty seats would have to be put on each wing in order for enough money to come in to pay the operating costs from London to Washington. So it was a silly project. And of course it would benefit only a relatively few people, most of whom had sufficient funds to pay the economic fare for the plane. It was two decades too early. There will be an SST one day, and the technology will make it efficient and cost effective, and then it will happen.

Ritchie: An earlier battle that Proxmire took on and won was truth in lending, and you were involved with both Senator Douglas and Proxmire on that issue.

Shuman: Yes, the Truth in Lending bill was finally passed in '67. It was delayed because [Willis Robertson](#), who was the father of Pat Robertson, as chairman of the Senate Banking Committee, kept that bill holed up in the committee for seven

years. Robertson was defeated in the primary in '66, Mr. Douglas was defeated in the general election. Proxmire moved up on the committee, took over the Truth in Lending bill, and was very successful in getting it passed. There was some criticism of him, to begin with, that he was willing to compromise on the bill, to too big a degree. Mr. Douglas, who was the father of the bill, never agreed with that. He defended precisely what Proxmire did. He thought the compromises were necessary to get it through the Senate.

Then it went to the House and a Congresswoman by the name of [\[Leonor Sullivan\]](#) from Missouri beefed-up the bill in a way we never believed it would get beefed-up, and put back into it all the things that had to be sacrificed in the Senate. That was an example of a bill which once it got to the Senate or House floor was unbeatable. We always knew that. We couldn't win in the committee, because the committee members, most of them, were beholden to the interests who were opposed to it. So at the committee level, behind the scenes, in the dark alleys of the legislative procedures, the opponents could beat it. But once it got out on the floor and into the sunshine, I think it passed almost unanimously in the Senate. It was beefed-up in the House and the conference report passed again almost unanimously. So Proxmire did a very good job and Mr. Douglas was very supportive of him for what he did.

There was one thing I wanted to mention about Watergate before we get off that subject. On the Monday morning after Watergate, I was called on the phone by a man by the name of Cyrus Anderson, who was originally from Illinois, the East St. Louis area, who had been the treasurer of the Democratic Party there, which in terms of organization was a stronger organization than the Chicago organization. People don't know that, but they could produce eighty-five percent of the vote across the board in East St. Louis. Cy Anderson also worked for one of the railway unions, and later became a lobbyist on the Hill. Because of a part he played in representing a mail order company out of Chicago, he ultimately went to jail for a short time. Cy Anderson was a diamond in the rough. Very gruff, but soft-hearted underneath. At one stage he came to us to tell Mr. Douglas that a staff member in the Senate had gone to one of the automobile dealers in Alexandria and gotten a car for himself, which was put in Mr. Douglas' name, at the basic cost to the dealer. That was very common then. The major automobile companies would arrange for senators to get automobiles at cost. Mr. Douglas did not know that that was done. Cy Anderson came to say that because the Senator hadn't used the privilege, a staff person had gone ahead and arranged for the dealer to give a car to him in Mr. Douglas' name. The long and short of it was that

it was going to be made public that the Senator got a car at cost. We wrote the dealer, and we got him to sign a letter saying that

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the senator hadn't bought the car, so the issue died. So Cy had helped us out from time to time.

He called me on the Monday morning after Watergate, and he said, "Senator Proxmire is chairman of the Banking Committee, which has jurisdiction over the Federal Reserve Board. The large bills that were found on the people who broke into Watergate can be traced. You can find out where that money came from. You should call the Federal Reserve and ask them." Well, I did. I called the Philadelphia Federal Reserve Bank, and I called the Miami Bank, because the leads were that these two places were probably where the money came from. I asked them to trace those \$100 dollar bills and tell us where they came from, whose account and so forth. Well, they stalled. Then I asked them to call me back within an hour or two and give me their reply, and they didn't call back. Then we called the Federal Reserve Board in Washington. They had been on the phone with Philadelphia and Miami, and they stalled. They were unwilling to help us at all. They claimed that the matter was sub judice, and that they wouldn't have anything to do with it. I reminded them that they were an agent of the Congress -- the 1913 Act makes them independent of the executive, but they are still an agent of the Congress -- and that it was very important for them to act on this.

They failed to act, and we issued a very, very hot press release which I drafted charging them with stonewalling. It was

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dated June 20, the day after the original release announcing what we asked for and which asked them to report to us shortly. The information was available. The second release said: "The Federal Reserve has ducked, misled, hid out, avoided calls, has given us the idiot treatment with respect to our request for the source of the hundred dollar bills." And the release called it "a despicable act, and unworthy of them as an arm of Congress," which was strong language. But it was also true.

Later, when I found that the FBI had for years kept Senator Douglas on a list of people to round up and put in jail in case there was a national emergency, even through the time that he was a Senator, I asked them for my file. I wanted to know what they were going to do with me! I asked them for my file not under the Freedom of Information Act, I just called them up. They were quite willing then

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to give a senator's aide what was in his file (about him). They called back to say they really didn't have anything except one thing, and that was this request to the Federal Reserve Board. Apparently what happened was that the chairman, Burns, or his staff, had called the FBI and said, "Please, won't you take this away from us so we can say its sub judice, and there's this fellow Shuman who is calling us insisting that we give him the list of hundred dollar bills." That was the only thing in my FBI file, after all these years. I was amazed at that, because when I went to work for the Douglas

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Commission, I got letters from my British friends saying that representatives of the U.S. had come to them to inquire about me, and they were all writing me saying, "You must be a candidate for a major job in the government." I have reason to believe that what happened was when we got into the rhubarb with HUD that Secretary Weaver or his agents called for full field investigations of us on security grounds, although we didn't handle any security matters whatsoever. It was an attempt by them to find something on us they could use against us. I have a top secret security clearance so they obviously struck out.

Ritchie: It antedated the Nixon administration's similar activities.

Shuman: It did. Anyway, as a result of our request to the Federal Reserve Board, it was found out where the money came from and helped to open up the case. So we had a small part in the original phase of Watergate. It's a minor thing, but I've always felt it was an important thing to have done.

Ritchie: Didn't it go back to a fund raiser who was funding both Nixon and [Hubert Humphrey](#)?

Shuman: It went back to a contributor who was a strong friend of Hubert Humphrey who contributed twenty-five thousand dollars to the Nixon campaign. The money went into a Miami bank,

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and the funds were traced in that way. He was aboard President Eisenhower's plane, in 1961 when I went to Berlin with Senators Douglas and Humphrey.

Ritchie: Wasn't this same Cyrus Anderson involved in the [Daniel Brewster](#) case?

Shuman: Yes, he was involved in the Daniel Brewster case, and that I think illustrates one of the dangers of working in the Senate. My point is that before

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you take a job up there, or shortly thereafter, you should have thought through how you would act in a series of difficult ethical situations. Daniel Brewster, a Maryland senator, was on the Post Office and Civil Service Committee. It had jurisdiction over postal rates. The mail order catalog house Spiegel from Chicago had hired Cy Anderson as their lobbyist. They obviously wanted low rates for their catalogs. The Post Office Committee was virtually unanimous in the vote on this. They were all for Spiegel. Cy Anderson had given a Spiegel campaign contribution to Dan Brewster. His administrative assistant took the money and put it in his personal bank account and did not put it into the senator's campaign fund. When this was found out, the AA claimed he had done this on behalf of the senator, that it was a bribe to the senator, and that he hadn't embezzled the funds. The prosecuting authorities, I think a bit zealous to get big fish, indicted Brewster and indicted Cy Anderson for giving a bribe.

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Brewster was ill, and I think he was convicted but never went to jail, but quit in disgrace. Cy Anderson went to jail for a short period of time, I think unfairly. I don't think there was a bribe. I think it was a legitimate campaign contribution. The vote wasn't needed, it was eight to one or eight to nothing in the committee. It was what I would call legal or "honest graft," rather than "dishonest graft," if there is a distinction. I say that because I think that legal campaign contributions are out of control. What I'm saying is that it was a questionable ethical act but not necessarily an illegal act. About a year or so later, the administrative assistant, who was then the treasurer of his national fraternity, was indicted for embezzlement of the funds of his national fraternity. I always believed that both Brewster and Cy Anderson were the victims of a man who had done wrong and then dumped on his superior. I saw that happen two or three times while I was in the Senate. It happened, I believe, to the Senator from Florida, [\[Edward\] Gurney](#), and it may have happened to one or two others. It's one of the great dangers of being in public life.

Ritchie: How did Senator Proxmire handle ethical questions in his office? Spending, contributions, invitations to speak, and all those things.

Shuman: Well, we had some pretty clear guidelines. First of all, we didn't take any gifts in the office. We had a form of

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the Douglas rule that if it was worth more than five dollars or if we couldn't eat it or drink it on the spot, we didn't take it. It never bothered me to have a lobbyist pick up my lunch bill. I didn't think that was wrong. I cleared it with the senator.

But he would never ride, for example, in a company plane. In fact, there was one time when he had to fly from Milwaukee to some place in Indiana, which was difficult to get to and would have taken him many extra hours to reach, and a Milwaukee businessman offered to fly him, said he was on his way down there anyway. The senator refused to do it. So we were very careful about that.

There was one time when we were complaining about people using military transport planes in the executive branch to go here, there, and yonder, sometimes on private or personal business or when commercial transportation was available and cheaper. It was an abuse both by members of Congress and by members of the executive. I remember, the head of the Energy Department under Nixon, at the time of the oil crisis, when he was urging everybody to save fuel, flew down to New Orleans or somewhere in that area on a military plane, which had four engines, and cost like fifty thousand dollars to fly down and back. We showed that there were all kinds of commercial flights, even first class, that he could have taken in the same period of time for one twenty fifth of the cost.

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There was one time when the senator flew out to Lake Forest, Illinois, by commercial airline for the funeral of his sister, when Bob Byrd called just at the very moment of the funeral and asked him to fly back for a very important vote. He did come back on a military plane, but he reimbursed the government for the cost. When we exposed these other flights, many years later, this issue came up. Somebody was about ready to charge him with "being another," as the saying goes, hypocrite, but he'd saved the receipt and had it, so nobody ever raised that issue about him.

Proxmire refused to take trips abroad. He didn't take junkets abroad. I think he should have flown abroad. The Senate appropriates billions for defense and other programs abroad, such as foreign aid, which he was in charge of. I think it would have been a very useful thing for him to have examined, and to have looked at some of those foreign aid programs as chairman of the committee with jurisdiction over them. But he refused to do that.

What we did about speech-making was very interesting. He got hundreds of requests to speak, and often was offered something like a thousand or two thousand dollars for the speech. There was of course a limit on how much a senator could make on outside speech-making. I think it was about twenty-five thousand dollars a year. So by giving two speeches a month at one thousand dollars or one speech a month for twelve months at two thousand dollars, he could reach the limit. He would ask his staff about it. If it

was a banking group he would ask the staff director of the Banking Committee about it, and if it was any other speech he would ask me if it were right to take the fee. I would call the organization and casually ask about the speech, when it was, where it was to be, what the circumstances were, who was to be there. Then I would always casually ask them if they had any legislation before the Senate. They'd almost always say, "We have a bill, or we don't have, no we don't." If they had any legislation before the Senate, that was an automatic turn-down, so there wouldn't be any conflict of interest.

In the old days, when I was with Senator Douglas, he did much the same thing, and he generally took a speaking fee only from academic, university, or community organizations that sponsored major speakers. Further he needed the money to help pay his expenses, as the small states then did not give the big states enough to cover their routine expenses. [Herbert Lehman](#) contributed about \$85,000 a year of his own money to keep his staff. The big states were held in bondage by the small states. But as time went on, and as the federal government got into more and more activities, especially education, it got to the place where there was almost no group one could speak to that didn't have some kind of a major conflict with legislation in the Congress. But we routinely turned down any request where there was the slightest conflict. He still was able to speak enough to reach the limit.

Now, there are people who don't know about government, or about senators' time, who say "why wouldn't a senator speak for free?" Well, he did speak for free in his state, and dozens of times a month, but very few senators are going to fly to Los Angeles on Saturday, make a speech Saturday night, and fly back on Sunday on their weekend and do it for expenses. Why should they do that? The voters who elect them aren't there. He's got other things to do. He hardly sees his family. He could be in his own state. So those are reasons people are paid to speak. But it has gotten to be a racket, where interest groups with massive legislation before the committees on which senators are members pay them thousands of dollars to make a local luncheon speech. The banking community does it. A variety of interest groups do it. I think it's a scandalous situation. Everybody says you can't bribe them for two thousand dollars, and generally that's true. It isn't a direct bribe, but what it is is a form of entre. They get in the door. They get their position heard in a way that the ordinary citizen does not.

Ritchie: Of course, on the other hand, the people whom a banking organization would want to hear would be the chairman of the Banking Committee. They wouldn't necessarily want to hear anybody on Foreign Relations or Agriculture.

Shuman: That's true.

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Ritchie: So presumably there is some affinity between the two. But then the question comes: where is the ethical line? Where do you step beyond?

Shuman: The answer to that, for Senator Proxmire, was easy: he spoke to banking groups from Wisconsin and without a fee.

Senator Proxmire was uninterested in patronage. He was delighted when they ended the postmasters coming under the patronage of senators. On judicial appointments he appointed what are called "blue-ribbon committees" in the state to make recommendations, and he more or less automatically forwarded their recommendations to the Justice Department. Now, I'm not certain I agree with that policy, because what happened was that the patronage then became who we were going to appoint to the committee, and there were all kinds of people who wanted to be appointed to the judicial selection committee. The second thing about it was that what it did was to put the patronage in the hands of the Justice Department, and mind you, they treated it as patronage in the same way that a lot of senators did. They had their friends they wanted to put into judicial spots, some of whom were quite undeserving, some of whom were not very good candidates. So it's a conundrum.

We did the same with appointments to the military academies. We had blue-ribbon local community groups who decided who would be

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selected. Of course, actually, what really happens is that the academies and the services select those people. Because every senator, I think, sends them a list of people who pass the exam, and the academy essentially selects the ones they want. So that patronage is now the patronage of the academies, and they're not all that pure either about who comes. So it's an unending and difficult problem. But Senator Proxmire was uninterested in this. He thought that it wasn't worth the candle, that he made more enemies than friends in doing so, and that it was better not to select them.

I have in my file here a case about a doctor who came in one day. It was several years before the senator was running again. He gave the senator's personal secretary an envelope with ten one hundred dollar bills in it. She gave it to me but he left before I had a chance to open it. I opened it. Earlier this fellow had come to the senator and asked if the senator would help his brother get a job at the World Bank. He lived in the District of Columbia, and had no representative. The senator was then chairman of the District of Columbia appropriation subcommittee, and he did in fact write to the World Bank on behalf of the brother. Then later, the man dropped by to give this campaign contribution. I opened the envelope and found \$1,000 in \$100 dollar bills. I drafted a letter immediately thanking him very much for his note and saying to him that what we did for his

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brother was the kind of service the senator performs routinely on behalf of citizens of the state or stateless citizens, and it was a service for which no charge of any kind was made, and that while he appreciated the thousand dollars, it would be unethical and improper for him to accept it under the circumstances, and that "I am immediately returning the ten one hundred dollar bills which you gave to my secretary only a few moments ago." We sent it by registered, insured mail, and I still have in my files the bill numbers and the receipt to be able to prove that we had immediately acted on this case and in this situation. But that's what we generally did: if there was any question about it being unethical and improper, or a payment of any kind of a service, we sent it back.

Ritchie: One of the reasons why Senator Proxmire could send that money back was that he rarely spent much money on his campaigns. He spent less than two hundred dollars on his last campaign.

Shuman: This was in 1971 -- I think he was reelected in '70, so this was a year after he had been reelected, when he didn't need any campaign money. But in '70 he'd spent about three hundred thousand dollars. It wasn't until the next election he decided that he would try to run without any funds whatsoever.

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Ritchie: How is that possible? Every senator complains that he needs hundreds of thousands of dollars for television commercials. How can a senator run without spending any money?

Shuman: Well, you can't run without spending any money. Senator Proxmire had to spend I think a hundred and seventy-seven dollars in one of his campaigns

to pay for forms and postage for the nominating petitions. What money buys in a campaign is name identification and television time -- or it buys television time whose purpose is name identification. He was in every county in the state every year. At least once every four years he talked to almost every high school in the state. He went back to the state every weekend. We tried to make news, national news, which is better than paid ads. So, by the time he had been in the Senate eighteen to twenty years, he had name identification. His probably was the best-known name in Wisconsin. He shook a thousand hands every day he was in the state. He made it a routine to do that. The senator used to say the best place to campaign was outside a hockey rink in Madison, Wisconsin in January on a night when the temperature was several degrees below zero. It was a good place, first, because citizens like to see their politicians suffer. Second, it was so cold no one would stop to talk and thus he could shake the hands of everyone who went by.

He had name identification, so he was able to run without billboards, without TV, without bumper stickers, without ads of

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any type, without any literature. The only thing he had to pay for, essentially, was for the sheets and the stamps to mail in the signatures needed to get his name on the ballot. He also paid for his hotel room, gasoline for his car, but those were expenses which didn't have to be reported to the Federal Election Commission. So his reported expenses were about one hundred and seventy-seven dollars.

He also agreed to debate all of his opponents, which almost no one else does. It goes against the the conventional wisdom. So he got a lot of free TV time, against his opponent, to be seen. That is how he did it, and he won with overwhelming proportions of the votes. I think as much as seventy-two percent in one election.

Ritchie: When he deliberately underspent, did that put the onus on the opposition, that they can't spend too much?

Shuman: Yes, there were complaints from one of the candidates who ran against him, that he was unable to raise money because his friends said, "Well, if Proxmire can run without money, why can't you?"

However, he never promised not to raise money. He announced each time that he was going to try to run his campaign without raising any campaign contributions, and he was able to do that. But he left the door open so that if there were a big smear

campaign the last week he could raise the funds to answer. But he never had to do it. It freed him. He wore no one's collar. He could vote as he thought right on the Banking Committee, and he was really relieved at being able to vote without obligation to any interest group. Mr. Douglas used to say that in the Senate he had to face more ethical problems in a year than most people face in a lifetime. And he often said that when he was with the Marines in the Pacific the Japanese were after his body, and that in the Senate people were after his soul.

Ritchie: You mentioned earlier about the ways that Senator Proxmire's office operated, and I wondered if you could say a few words about that.

Shuman: We didn't have a military line operation. We had a method by which power was reduced into clusters. It wasn't a line organization. We didn't necessarily hire people from the state. One of the questions I ask my students in Congress courses is: what would you do if you became a senator? Would you hire the county chairman's son or daughter? (Provided he or she were competent to do the work.) Our answer was no, that if we hired the county chairman's son or daughter and he or she didn't work out, we couldn't fire her. As far as Senator Proxmire was concerned, people didn't necessarily have to come from his state. He hired people on the basis of their ability and their expertise, which I thought was a very good way to do it. Different people do

it in different ways. Everyone in the office had the right -- that is, all the legislative people -- had the right to see him directly, and he worked with them very directly, which was his way of functioning.

We had relatively small turnover. We paid our staff well, but we nonetheless returned a large proportion of our money to the Treasury. Those were the key principles. I did not administer the office. On the whole, his personal secretary did the administration of the office. We had a person who worked with her who did things like buying office supplies and machinery and other administrative details. I wasn't involved in those at all. I think it's a waste of the time and funds to have the administrative assistant doing those kinds of things. You don't need to pay somebody as much as they paid me to do that.

We had high esprit in the office. People were very competent. We had very little turnover. There was great loyalty to the senator and to the main thrust of his efforts.

Ritchie: What about other senators from that period? Did you work closely with any besides Senator Proxmire?

Shuman: I worked with a lot of senators over the years. I worked closely with [\[Walter\] Mondale](#), when he was in the Senate, both when I was with Mr. Douglas and with Senator Proxmire. In one case, I went to him when he went on the Finance Committee,

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urging him not to go on the Finance Committee. I called him and asked to see him, to tell him that I thought it was a mistake. The reason I did was the experience I had when Senator Douglas was on the committee. I told him that if he went on that committee he would have to do one of two things: number one, he would have to take on the most powerful economic forces in the country, day in and day out, or two that he would have to look the other way when they came in for their largess, and that he would be unhappy with himself if he did that. If he took them on, fought them, then I thought it would ultimately mean his defeat politically, because I think that was some part of why Mr. Douglas was ultimately defeated. He took on the oil interests and other major tax favored groups in the Senate committee. Ultimately, those pressures drove him out.

Then Senator Mondale said: sorry, that he had another reason to go on that committee, which had to do with the budget. The Finance Committee now has jurisdiction over more of the budget than the Appropriations committees or the Budget committees. It has all the jurisdiction over one half the budget, namely the tax side. And on the spending side, the Finance Committee has jurisdiction over half the budget: they have Social Security, they have Medicare and Medicaid, they have all the welfare programs, they have unemployment compensation. They have jurisdiction over the debt, and the debt ceiling, and the interest on the debt.

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If you add those up, they have jurisdiction over all the revenue side and half the spending side or three-quarters of the budget. They are the most powerful committee in the Senate now, and historically they have been the most powerful committee in the Senate. They've had several future presidents, several former Speakers of the House, the biggest names in the Senate, and future vice presidents who have served on that committee.

Mondale said, "Well, I'm now on the Labor Committee. I'm most interested in issues such as unemployment compensation, and welfare, and issues of that kind, which nominally the Labor Committee has jurisdiction over. But every time I turn

around, the Finance Committee has jurisdiction over the issue." So he said he wanted to go on for that reason, and he did go on, against my advice. But he shortly became vice president.

There's one story I want to tell about him. I got to know him pretty well in the Senate and I liked him. Something that really didn't come over on TV when he ran for president was his wit. The man is extraordinarily witty and quick on his feet. We had a nomination, when Carter was president, for Secretary of the Treasury, a man who had been chairman of the Federal Reserve Board, who was from Rhode Island, and who was head of a helicopter company.

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Ritchie: Michael Blumenthal was Secretary of the Treasury, but there was someone else who came after him.

Shuman: It was after Blumenthal. It was G. William Miller. But anyway, it was a very controversial nomination, because the company, Bell Helicopter, had sold helicopters to Iran, and it turned out that the representative of Bell Helicopter in Iran was the Iranian equivalent of our chief of staff of the air force, and he was getting five percent or something for all the helicopters that were sold. We asked the nominee about this. He was known as a very hands on chief executive officer, and had spent six months or so in Iran. We had a member of our staff with us then for part of a year, John Washburn, who was a political science fellow from the State Department, who had been in Iran, in the commercial section when Bell Helicopter was doing these things. The candidate for Secretary of the Treasury insisted that he knew nothing about the fact that the chief of staff of the Iranian air force was in his employ. Our fellow, who was a senior foreign service officer, told us that everybody in Teheran knew it. It was no secret. So we had great trouble believing the testimony of the candidate -- Miller, G. William Miller. We called on his subordinates to testify, and they said they knew it but they never told the boss. It was the Poindexter argument, they hadn't told the boss. We were reasonably certain, although we couldn't prove it, that Miller knew. We were giving him a very, very hard time.

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Later after the embassy was sacked by the Aylattolah the evidence came out that Miller knew.

Well, I was at a banquet -- it was the week Hubert Humphrey died -- the White House Correspondent's Banquet, and Bill Eaton was the president. Bill Eaton had been with the *Chicago Daily News*. He's now in Moscow as the *Los Angeles*

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Times' representative, and a group of us spent a week with him last April and May in Greece. He's one of my long-time friends. He as president invited my wife and me to the dinner. We sat at the table just below the head table, in front of the speaker. Mondale was the key speaker that night. So while I was eating, he motioned me up to the platform, and said, "I sure wish you'd help us with the Miller nomination." I fenced with him saying "I'd like to help, but you know what my problem is: the man I work for sometimes thinks he is senator." He came back immediately and said, "I understand. The man I work for sometimes thinks he's president," which I thought was a very, very quick response.

Ritchie: That raises the question of Jimmy Carter. After the Nixon and [Ford](#) administrations, I suppose that Democrats like Proxmire were looking forward to the return of a Democratic administration, but it wasn't quite the same as previous Democratic administrations. What was your assessment of the Carter administration?

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Shuman: Well, I think we were all somewhat disappointed by Carter and by the Carter administration, although history may treat him reasonably well. He made the same mistake Nixon did in surrounding himself with people who hadn't had any Washington experience. That was true not only of the immediate White House staff, but it was also true of his director of the Bureau of the Budget.

Ritchie: Bert Lance.

Shuman: Bert Lance. We were deeply involved in the Bert Lance matter. In fact, we were responsible really for his downfall. Bert Lance had banking connections, and when he came to be confirmed, not by us but by the Government Operations Committee -- and he was confirmed under a bill that Proxmire had put in which required the head of OMB to be confirmed. I think he was the first one to come under our bill, because the person who was there at the time we exempted, so that it would only apply in the future, in order to get the bill through. Bert Lance was the first one, so we were concerned about how they did it. He had banking connections, but he didn't want to sell his bank stock. He said please give me a year or so to get rid of my stock so I don't have to dump it on the market and lose a lot of money. That was agreed to, but it was also agreed that during this period he would not, as head of OMB, take part in any banking matter. If there was banking legislation, he wouldn't

sign off on the recommendation either for it or against it. He would have nothing to do with it.

Well, we had a piece of banking legislation we were very interested in. It was a Proxmire bill. I can't remember precisely what it was, but what happened was that Bert Lance sent up a letter to the committee, signed by him, saying he was against the legislation as head of the OMB, in violation of what he had agreed to do. That was number one. And then, number two, he asked at virtually the same time for an extension of the time to get rid of his stock.

We had a small meeting with Lance, with his assistant, a fellow who was from Georgia, Senator [\[Edward\] Brooke](#), who was the ranking Republican, Senator Proxmire, myself, Brooke's man, and the staff director of the Banking Committee, Ken McLean, seven in all. We met with Lance in an Appropriation Committee Room just below the Senate floor. If I hadn't had those years with Lyndon Johnson, I would have been taken in by Lance. Lance was exactly like Johnson: he had lined up all his excuses. He told us of all the great sacrifices he was making to come up to Washington, what an honest man he was, on and on and on. He had the gift of gab, and he gave us the Lyndon Johnson treatment.

It was interesting to me that the two other staff people were taken in by him, they wanted to extend the time. They swallowed what he'd said, lock, stock and barrel. I didn't because of the previous experience of watching people like that operate. He was the kind of salesman I saw at the county fair selling patent medicine. But the most interesting thing to me was that neither Proxmire nor Brooke were taken in by it, at all. They were very polite to him. I think he left thinking he had convinced them, but within minutes after he had left both Brooke and Proxmire wouldn't have anything to do with it, and they reported to [Abe Ribicoff](#), the head of Government Operations, that that was their position, because Ribicoff had asked them what they thought. He was willing to take their advice from the Banking Committee to the Government Operations Committee on what to do about it. Ribicoff turned the Lance request down. As a result of that people looked into his finances. There was an investigation by the Comptroller of the Currency, over whom we, i.e., the Banking Committee had jurisdiction, a very fine fellow from New York, John Hyman, who made a splendid report. Several years before I had commissioned him to do a study for the Douglas Commission. When Carter got the report, before reading it because it was a devastating report, Carter gave Lance a clean bill of health. So we were involved, I think, with both Mr. Miller's problems and Mr. Lance's problems in the Carter administration.

The point of the story is that Carter put into key positions people who had had no Washington experience, and he had campaigned basically that he was going to reorganize the government. He was going to make it an efficient government, and he put into the key job to reorganize the government, the man who managed the government, a person who had had absolutely no Washington experience, Lance. I don't think any of his immediate staff had a day of Washington experience. That was a tragic mistake on Carter's part, just a big mistake.

I worked with his staff when they were campaigning in 1976. A group of us, whom we called the "Chairmen's Men" -- I suppose now we would call them the "Chairperson's Persons" -- met several days a week for breakfast. Either the staff directors of the Democratic controlled committees, or the AAs in the key senators' offices, or both, worked with the Carter people to issue press releases on subject matters in our area which he was speaking about the same day, to back him up and to reinforce what he was doing during the election campaign. I was much taken with Carter's people because they were very self-deprecating. They didn't take themselves too seriously. This was shortly after the Nixon problems, with Ehrlichman and Haldeman and all the people we saw, and it was a breath of fresh air. The one thing I will say about them, and I said at the time, was there was no danger of this crowd ever trying to take over

the government, to have a *coup*, to be a part of the Imperial Presidency. And that turned out to be true. But they were very inexperienced and they were very poor legislative liaison people.

I would say if I had any one criticism of Carter is that he, unlike what Reagan did in his first year, failed to take one or two really major issues, push them, win on them, and then go forward. He proposed too many things, which took too much political clout to do all at once. I think history will treat him more kindly than he's being treated now. But those were the flaws I saw. Carter should get credit, lots of credit, for the Panama Canal Treaty, for his emphasis on human rights, for the Egyptian-Israeli Agreements, and for getting all the hostages back from Iran without loss of life. His successes clearly outshine his minor failings.

Ritchie: Early on, Carter took on the entire Congress on the issue of water projects. How would you assess that? On one hand he had some legitimate complaints. . . .

Shuman: Absolutely legitimate.

Ritchie: But on the other hand he made a lot of enemies.

Shuman: On the problem of water projects, base closings, and pork barrel, if I were a president, which I obviously am not,

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I think I would do it differently. I would not send up a list of twenty projects that were going to be stopped all at once, because all that does is to bring a coalition against the President. People scratch each other's back. I think if I were giving advice, I'd suggest the president pick them off one by one. I would isolate each project one by one, rather than to have a list at a specific time of twenty bases to close or twenty projects to do away with, and I'd do it quietly. The way to do it is to just tell the agencies which are involved not to budget them, and don't announce it. Let each senator or congressman howl about it, but if you don't have a coalition, there isn't much they can do. I think that's the way I'd do it politically. But he was absolutely right in trying to do it. Another way to do it is to take functions away from bases by administrative actions without closing them.

Ritchie: But he in a sense put himself against the entire Congress.

Shuman: Well, I don't know how strongly members feel about these things. Their constituents put intolerable pressure on them. They make a lot of noise about them, and they cater to their local interests. Whether senators and congressmen care deeply about them, I'm not clear. I think they think politically they have got to oppose a president who tries to close down something in their state or district. The problem

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is the schizophrenia of the public who want frugal government for others but not themselves.

Ritchie: How well did Senator Proxmire get along with President Carter?

Shuman: Pretty well. He wrote Carter before the inauguration urging him to walk, not ride, in the parade, which Carter did. Carter called him from time to time, but mostly they were calls on his birthday and things like that. The senator turned down almost all invitations to the White House. I don't think he ever went down to a dinner party or social occasion. He automatically turned them down, as he did from every president. I had calls from the White House asking me for his unlisted phone number, and I turned them down. They got very angry with me.

They said, "the White House wants it." I said, "Well, have the president call him then." We did not give out, even to the White House, his unlisted phone number.

At the end of the Carter years, the last few weeks of the campaign, I got a lot of calls at home from the Carter White House. Having worked in his 1976 campaign, but then been ignored by them for years, I got a lot of calls at home. Betty would answer the phone, and she'd say, "Howard, the White House is on the phone." I'd take the phone and they'd say, "Could you do this or that or the other?" My answer to them was, "Where the hell

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have you been for three and a half years?" I told them that almost every time. They essentially ignored Congress in the intervening years. I read in Speaker [\[Tip\] O'Neil's](#) new book [*Man of the House*] that he felt the same way about them. It was a curious group.

I was going to mention a couple of other things: people often ask how does a senator vote? Does the staff have excessive influence on him? It's a perennial question, mostly raised by critics of Congress, people who don't have much knowledge of Congress. But in our case, I would say so far as the senator's votes were concerned, the staff had very little influence in the sense that he was his own man on how to vote. He wanted to know on a budget vote if the amount was over the budget, in which case the vote was automatically no. On banking issues, he made up his own mind because he knew the subject matter very, very well. And on almost all economic issues he knew the subject matter very, very well, and there was no way I could dissuade him from the way he was going to vote, even if I disagreed with him. Generally, I did not disagree with him. I agreed with him on most things.

He would want to know how he had voted on the same issue previously, so that he could be consistent, because if he were inconsistent the papers would pick it up and say he was inconsistent. So consistency was an issue on how he was going to vote.

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Certainly it was true that on environmental issues, on issues affecting defense, he did listen to his staff. But his staff had to present to him the issues in enough detail that he had enough information to make a judgment, and he made the judgment, not the staff. We did not pull him around with a ring in his nose! There was no way we could do that. He was very, very independent, often voting against the advice of his staff, especially on issues like abortion and the Constitutional

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amendment on a balanced budget. All the time I was with him, I convinced him not to vote for the latter. After I left him, he voted for it. He said the situation had gotten so bad that he felt he had to do it. I was always against it. I still am opposed to it. I think it's absolutely unworkable and has no place in the Constitution. He made up his own mind on voting. So did Senator Douglas. It's an illusion of the public that somehow the staff people can tell them how to vote, and have unusual influence on them. I could tell him, "Senator, the vote on that is yes." Or "Senator, the vote on that is no." But I said that knowing for example that the amendment was over the budget, which was an automatic "no" vote. There were certain principles involved when I did that.

I want to mention one other thing that goes back to the Nixon administration. I guess it was shortly after the Watergate break in, in '73, during the second term of Nixon. There was a situation having to do with the Bureau of Labor Statistics. The

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press conference that was routinely held, usually I think the last Friday of the month or the first Friday of the month, when the statistics on unemployment were released, was canceled by the Nixon administration. The BLS, Bureau of Labor Statistics, was an absolutely honest agency and extraordinarily professional. They never juggled the figures. Their press releases were about as objective as anyone could ever write. There were periods when there was bad news, and they released it objectively. The President got the figures the night before. I think the chairman of the president's economic council got them, and the Secretary of Labor. I think they were the only people outside the BLS who knew the figures. Certainly we never got the figures ahead of time, even as chairman of the committee with jurisdiction over the figures.

The White House canceled the press conference because of the bad news. They shot the messenger. The Secretary of Labor and the White House then issued their interpretation of the changes in the unemployment figures. We thought this was very bad. When you consider how important the unemployment figures are, the senator reasoned that if an administration in order to win an election was willing to stage a crime, a burglary as in Watergate, certainly it would be willing to jiggle the unemployment figures, which was much less of a crime. If they were going to go as far as they did, they would be willing to tamper with the figures, and we

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weren't going to have this. What happened at that time is that Proxmire as chairman of the Joint Economic Committee called the head of the BLS up to

Congress and we held a hearing at ten o'clock, in place of their previous nine o'clock press conference. We invited all the press to come in. And that hearing still goes on to this day. It's purpose was to make certain that the figures were not tampered with, and they never have been tampered with.

At that time the head of the BLS was out of the Bureau of Economic Research in New York. It was the preeminent group of economists on business cycles and unemployment in the country. Arthur Burns once headed it. I've forgotten his name now, but the BLS head was a very honest, very dry, totally lacking in personality, statistician. He carried water for the administration. He never, ever said a bad word about them. He never criticized them. He didn't praise them, he was just as objective as he could be, but he was an absolutely down the line supporter of the Nixon administration. After the 1972 election they fired him. They replaced him for no reason at all. In the past, that position had been held for as long as the person wanted to stay. A competent person was put in and kept through one administration to the next, which I think is the proper policy. We were responsible for those unemployment hearings, and I was the key staff person in the senator's office for them and usually wrote the senator's introduction statement. I got the release at nine in

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the morning and by ten o'clock when our hearings started I had written the statement. The hearings were also an outcome of Watergate.

Ritchie: It's an interesting thing about presidents like Johnson and Nixon: they got so sensitive on every issue, as if everything that the government did was a reflection on them, and as if they could somehow control every aspect of it. Especially in the Nixon administration it seemed pathological.

Shuman: It was. He was paranoid about it. They looked upon everyone as their enemies. They were surrounded. That of course is not a new statement, I think most people agree with it.

There was one other item about policy, and that's the way Senator Proxmire treated nominations. I think, although this sounds odd now in the middle of the [Robert] Bork nomination, for the most part the Senate has allowed the advice and consent procedures to atrophy. The general position the Senate takes on a nomination, short of the Bork nomination, is that the president has a right to have the person he wants. Certainly this is the position about most cabinet members. It is the position on judges for the lower courts, and on military nominations. Not one or two times a year is a nomination contested, or at least contested for the right reasons.

The Senate takes the view, generally speaking, on nominations that unless the person has shot his or her mother or robbed a bank, he or she is quite capable of running the government. That was not Senator Proxmire's position at all. He thought people going into a job, to the Federal Reserve Board, to the Treasury, to HUD, wherever, should have considerable experience in the field, and he used the example of a football coach. His example was that if George Allen, who had been the coach of the Redskins, was proposed as Secretary of the Treasury, everybody would vote yes on that nomination because he'd had a spectacular career, was an able fellow, hadn't robbed a bank, hadn't killed his mother, and had a winning football team. The view was that one competent in one field, obviously could run the government. It was a bit like the old Oxford feeling that if a person knew how to read Greek and Latin he could run the Foreign Office. That in general was the attitude. Now, one wouldn't take the present Secretary of the Treasury, Mr. [James] Baker and say because he's a very competent man, he's been in the White House, a man of great authority on areas of taxation and finance, he ought to coach the Redskins. He would be turned down. Everyone would think that was silly, but the Senate on the whole has taken the position on advice and consent that senators don't ask too many questions.

What happened, time and time and time again, was that a candidate for a major office would come up to the Senate, and

would visit members of the committee one by one. Members of the committee would ask him how his wife was, and his children, and try to find some area they both had some common feelings, the old college ties, and when the nominee left after having not discussed for a single moment any of the issues connected with the job, the senator would say, "Fine, I'll support you at the hearing." Then we'd hold a hearing, and we would find that the nominee hadn't robbed a bank or killed his mother, but knew nothing about the field or had had some serious problem in the past. It happened many, many times, especially with members of the Federal Reserve. In the case of [William] Casey when he was up for the SEC -- he was later the head of the CIA -- because his record in financial dealings was about as close to the wind as anything I had ever seen. I mean, the man barely escaped going to jail about a half a dozen times. He was a conniver. We'd bring that out and members would say, "Gee, I didn't know that. He came to my office and I promised to support him, because I liked his blue eyes or the way he parted his hair." That wasn't true with Casey, because he didn't have any hair. So a superficial judgment is generally made about candidates for some of the highest offices in the land.

Now, I think that in the case of a Supreme Court justice, there is a somewhat different standard. But even there it only happens rarely that tough questions are asked. I did not object to the way Bork was queried by the committee, and I did not think,

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contrary to much that I've been reading in the press the questions were in any way improper. Maybe there were one or two, but basically they were not improper. They didn't go into his personal life. They dwelt on what he had said, his speeches, and his decisions and what his views were on the Constitution, which I think were perfectly legitimate things to ask him. But I think Senator Proxmire is one of the very few people in the Senate to hold the views he holds about the procedures on nominations. He very often voted against nominees. There were many, many votes 90 to 1 when he was the only one to vote against the nominee. I think he voted against about a third of the nominees for Reagan's cabinet, and for Carter's cabinet, and for Nixon's cabinet, on grounds they weren't competent in the field that they were appointed to manage.

Ritchie: Although it seems that on cabinet nominations the Senate has generally felt that a president deserves to have. . . .

Shuman: The president can have anyone he wants, yes. That is the view of the Senate. I think that's a wrong view.

Ritchie: Whereas on Supreme Court nominations they have turned down a much larger percentage.

Shuman: That is true. But I think the Supreme Court is almost the only area where that is true. Of the thousands of military nominations that go through, almost no one ever objects

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to a general. I think in all the time I was on the Hill there was only one general, and he was a fellow, Lavelle, who had been in charge of the illegal bombing and had jiggered the records on what was bombed in Vietnam. We opposed him. I did the staff work which was very detailed. The navy also bombed illegally, but they didn't get caught! Senator Proxmire's attitude on nominations is an interesting side of his record.

On sponsoring bills, the policy of Senator Proxmire was that he rarely sponsored bills he didn't have control over. He early found out that if he sponsored a bill

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that went to some other committee, foreign relations, or commerce or whatever, it was difficult to get anyone on that committee to take it up. The committee didn't take it up, and therefore the bill went nowhere. So in the next campaign the issue would be raised: "He introduced fifty bills and not one of them ever passed," which is always used in a campaign. So it was our policy on the whole, in sponsoring, introducing them, and in cosponsoring bills, that we didn't sponsor a bill unless we were involved directly, that is when we could call a hearing, call witnesses, and so on.

There's one other thing Senator Proxmire did I think was very good. He was way ahead of the curve, as they say, on ethical matters, on opening up Congress, on issues like seniority, on creating subcommittees, on the general change that has come I think for the better over recent years in the Congress. As chair-

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man of the Banking Committee he was the first chairman to hold open mark-up meetings. I may have mentioned to you before that he asked every member of his committee what bills they wanted to push. He put his income tax returns in the *Record* more than twenty years ago, and has done so every year since then. He has paid attention to duty in a way that's unequaled by any senator, in the sense that he has not missed a vote for more than twenty years, and in the sense that he's gone back to the state every week, or every other week over thirty years. He's done both the job he's supposed to do with respect to representing the people of his state, and he's done the job in the sense of doing his duty in the Senate by not missing a vote, which is really the only unique thing a senator can do. That is: to vote. No staff person can vote for him. He can't vote by proxy. He must be there. He's done both jobs in a unique way.

I therefore thought that when he decided not to run again -- about which I was flabbergasted, I was certain he was going to run again -- I ended up thinking it was a class act. Here was a man who would be seventy-three shortly after he was reelected, if he ran again, and seventy-nine, almost eighty when his term was finished. He is now number two in seniority in the Senate, after [\[John\] Stennis](#), in the Democratic party. With Stennis stepping down Proxmire would have become [President Pro Tem](#) and probably chairman of the Appropriations Committee. To give up that power

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voluntarily was a pretty classy thing to do. As I thought about it I recalled things such as putting his income tax returns in the *Record*, holding open hearings,

which at the time were very difficult to do. Those actions were unique. So I shouldn't have been surprised.

The reason he did it, he told me, was that he had watched so many of his colleagues, some of whom are there now, specifically Senator Stennis, and in the past people like [Murray](#) from Montana, [Joe O'Mahoney](#) from Wyoming, even perhaps Mr. Douglas, stay too long. Mr. Douglas didn't stay too long, but it might have been too long if he had been reelected, although it did turn out that he didn't have a stroke until after his term would have ended if he had been reelected. But Senator Proxmire thought that he did not want to leave the Senate at age seventy-nine with people saying he'd been senile for two years before he left.

I think in a very real sense it was a classy thing to do, and on reflection I'm not as surprised as I was initially. About a week before he announced he was not going to run again, two of my friends from the *Milwaukee Journal* asked me what I thought, and I assured them without question he would run again. I think he would have won the seat easily. I think he is going to last another six or seven years without becoming senile, and if anybody can survive to age seventy-nine, he's the one, given the way he

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takes care of himself. He doesn't smoke, doesn't drink, still exercises faithfully, gets a lot of sleep, eats a good diet, and does all the proper things.

Ritchie: Maybe everybody deserves some time out of the Senate as well!

Shuman: Well, the Senate is so much of his life I really don't know what he'll do when he leaves the Senate. I think he will be lost for a time. There is life after the Senate, as all kinds of people will tell you, as I can tell you.

Ritchie: How did you decide to retire in 1982?

Shuman: I made a deliberate decision to retire. Several things happened. Number one, as I told you earlier, I taught before I started to work in the Senate, and I like to teach very much, but I was starved out. The year before I went to work for Senator Douglas I was looking around for another job. I spent the summer here, took the foreign service exam, applied to the *Washington Post*, was offered a job at the *Post* and WTOP. Several things happened, but I really had to have another job because I couldn't afford to teach. I decided along about 1979 or 1980, certainly when the Reagan people came in and I knew there would be at least another four years, and maybe eight years before there was any possibility I could move to the executive branch -- which I didn't particularly want to do in any case -- that I wanted to

go back to teaching. I did that for several reasons. One is I wanted to teach, and two with the retirement income I could afford to do it. Number three was that I was fearful that I would become a time-server if I continued in the Senate. I had seen that happen, especially with people on the Appropriations Committee staff who had been around for twenty-five years and really got to the place where they were just serving time. I noticed that while the job was extraordinarily interesting and exciting and I still wanted to come to work everyday, that almost everything that happened I had seen happen before in one form or another. That was a condition.

Another reason was that there was no future. I couldn't be promoted to be senator. I was in a cul de sac, there was no place to go. I could stick in the same job for another six or seven years perhaps. Then, there was an indignity, I thought, and still do, that for one period of eight years and another period of three years, eleven years out of thirteen, I got no pay raise of any kind at all, because a senator's staff cannot get any more than the senator. All of us of the senior staff were within a thousand dollars of the senator. For all these reasons, I decided I would go back to teach.

I spent about two years before I left looking for the right spot. I was determined not to become a lobbyist. I had seen former colleagues do that and make a pile of money, but when they

came back to the Hill I felt they did so apologetically and with their tails between their legs. So I decided not to do that. I picked four or five places I wanted to teach, both because of the university and because of the climate, the geography, and I was offered a position at Santa Barbara, to fill in for Roger Davidson, who is now the chief expert at the Library of Congress on Congress and who has written a number of very excellent books about Congress. He and his friend, who also works at the Library, Walter Olezek, I think are among the very best academic writers on Congress. He was here on a leave of absence from Santa Barbara to decide whether he was going to stay here or not, and I filled in for him at Santa Barbara, teaching courses on Congress, on the presidency, on public policy, and doing a very interesting course called the Simulated Congress where we picked students to represent members of the House, gave them districts, and had a Congress meeting once a week for most of an afternoon, subcommittees and committees and so on, which I ran because I had had the experience. I enjoyed that very, very much.

I came back to Washington basically because my wife preferred to live in Washington rather than Santa Barbara, for a variety of reasons. So I am now teaching at the National War College, and I enjoy it very much. I teach Congress, the presidency and the Budget. I spent yesterday afternoon on the Hill with forty-five of my students from about twelve-thirty until five. In the

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Senate gallery we saw a Senate vote. I took them around to the Appropriations Committee office. We were with a group from the national press waiting for Bork to leave the Senate. We went through Proxmire's office and I showed them what a Senate office was like. The previous week he had talked to them in his office. Then we heard from [Mo Udall](#) on the House side, and from a congressman by the name of [Tom Ridge](#) from Pennsylvania, a Republican who is the chairman of the military reform committee, and a very, very attractive person. So I have a laboratory within a mile of where I work, and I think the course we teach here on Congress is not duplicated either at the Kennedy School [of Government] or at Santa Barbara or at Berkeley or anywhere else, because we are so close to the living laboratory.

Ritchie: Most of your students are middle-rank officers who are working their way up to general and admiral?

Shuman: My students are colonels, lieutenant colonels in the air force, army, and marine corps, and navy captains and navy commanders who have spent about twenty years in the service and who are here to get their tickets punched to become admiral and general. A quarter of our students are from the State Department or other civilian agencies, and they are here to get their tickets punched for ambassador. They are here for ten months, taking a wide range of courses and subjects. The course I teach on

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Congress is an elective. But about forty percent of what they do is military, military strategy and history. They read the classic authors, Clausewitz, Sun Tsu and Mahon. Of the rest of the sixty percent, half of it is on international affairs and the remaining half is on domestic institutions, including the presidency, the Joint Chiefs, the National Security Council, and the Congress. That's my area.

Ritchie: Do you find that they come with an anti-Congress bias?

Shuman: Yes. Next to the Russians, Congress and the press are the enemy. I try to dispel that. I think we are successful by the hands-on approach we take. It's the

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old saying that if you take a poll on what do you think of Congress, eighty percent hate the Congress, ten percent love the Congress, and ten percent don't know. If you then take a poll on what do you think of your congressman, eighty percent love him, ten percent hate him, and ten percent don't know. It's just the reverse. So by going up as we did yesterday and watching the Senate in action, visiting Congressmen -- my class has heard from about eight senators or House members in the last month -- by doing that, I think they get a very, very different impression.

Ritchie: Do you find that you have a different view of the Senate and the Congress now that you're a teacher and looking at

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it from the outside? Have you changed your opinions at all since you left the Senate in 1982?

Shuman: No, I haven't changed my opinions very much. When I first came here to teach there were people who thought I was a partisan Democrat, and I am a partisan Democrat, I don't mind saying so but I don't try to push those views. But as time went on, they found out that what I really am is a partisan of Congress as opposed to the executive branch. That really is where I come from. Because of the experience with the Buck case, and with the Federal Reserve Board and others, I am really a partisan of Congress, and as you know a strong believer in the role and function that Congress plays, and would not want to change in any radical way the basic institution. I would not want to go to a parliamentary system. I'm a Madisonian and a Jeffersonian in those respects. I believe in the diffusion of power. I think it works best of all. If anything, I believe more strongly in the institution in terms of principles than I did before. I knew about the separation of power when I came to work for the Senate, but I was only vaguely aware of its implications. Twenty seven years of experience taught me a lot. I think Congress gets a bum rap because people don't understand its basic function.

I think that Congress at the moment is less interesting than when I worked there, but that may be a function of age. As much as I did not think well of Johnson, and Kerr, and some of the

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others who were leading senators in the early times I worked there, nonetheless they were much more interesting figures as a group than the people who are there now. I think the congressional staff is now excessive.

I think Congress is misunderstood about why it exempts itself from some of the critical laws of the land, like the Equal Employment Act and others. There are very good reasons, based on the division of power, why that's true. If Congress came under the Civil Rights Act or the Equal Employment Act, then another arm of government, namely the Justice Department in the executive branch on the one hand, or the courts on the other, would have to intervene to see that the law was carried out by an independent branch of the government, and that I think is against the principles of the separation of powers. Almost no one understands that. I was just reading today from the Congressional Handbook that while Congress isn't under the Equal Employment Act, the Ethics Committees in both the House and the Senate demand that members abide by those principles, that members cannot fire somebody on grounds of race, or creed, or color, or sex. That's in the ethics provisions. Now, sometimes those aren't well enforced, and I doubt very much if they could be enforced by the courts. I doubt if the court would take such a case. In fact there was a case of a Congressman who refused to hire any women, I've forgotten who he was now, and I believe the Court did not -- they

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threw some verbal crumbs to the cause for equal opportunity for women -- decide it, on grounds that they didn't have the right to interfere.

Suppose you were a Congressman from an all-black district on the Southside of Chicago, elected by that district, and had a mandate from the people. The only requirement in the Constitution is that you be twenty-five years of age, a citizen for seven years, and a resident of the area, whatever that means. It doesn't say you have to vote there, it just says on the day of election you have to be there. Those are the only requirements. Well, the question is can the courts impose additional requirements? If you want to hire an all-black staff from an all-black district, who is to say you shouldn't do it? Isn't that an issue that the people in your district have to decide rather than the courts or the Justice Department.

That is one reason why there is some justification for some of the things Congress does that are not understood. But in addition the two Houses can censure a member of their House, and expel a member by a two-thirds vote. My students get very irate about Congress exempting itself from some of the laws which apply to others, and I can understand that. I think Congress should abide by those laws, but I don't think they should be enforced by the Justice Department. I remember in the Nixon period, the first Congressman, from New Jersey, who introduced the first impeachment

resolution, was very shortly indicted by the Nixon Justice Department, for allegedly taking bribes for immigration bills. The immunity clause is in the Constitution to prevent the Justice Department from indicting Congressional critics of the administration in power.

That leads me to say one other thing, which is one of the pitfalls of being in the Senate. A lot of lawyers will tell immigrants who need a bill to keep them here, an individual bill, that Congress charges for this, and will charge their clients excessive amounts of money for something that is done free by senators and Congressmen on behalf of their constituents. There is no charge at all. We got to the place in the Douglas office where on any letter to a person for whom we had introduced a private bill, we attached a notice that there was no fee of any kind charged for this service, and that if any lawyer told them that there was, it was a falsehood, that this was a free service that their rights as potential citizens to petition us were free. We did it without any charge and we wanted them to know that, in order to prevent people from taking advantage of them. It was a very, very serious matter.

Ritchie: You're right that the Congress does exempt itself from everything from Civil Rights bills to the Freedom of Information Act. . . .

Shuman: Yes, but it has to do with the immunity clause.

Ritchie: But in the long run, at least in the cases that I'm familiar with, there is an attempt to live up to the spirit of the law. I think it's probably easier to open records of the Senate than it is the records of the executive branch, even though the Congress isn't under the Freedom of Information Act.

Shuman: This issue goes back, I think, to Charles I, who charged a member of parliament who criticized the King for excessive spending, with sedition, and in fact the member of parliament was convicted of sedition. And then Charles I was dethroned by Cromwell. I believe I've got the right king.

Ritchie: Charles I.

Shuman: Cromwell came in, and by the time the throne was restored the execution had not been carried out, and the Parliament adopted its speech and debate clause that a member cannot be called to account in any other place for any speech and debate in Parliament. Parliament has a speech and debate clause

and the Congress has a speech or debate clause. We took that provision directly from the British Parliament, so that no member of Congress could be charged or taken to any other place, which means to a court, for any action connected with official duties. Now, combined with that is a provision in the Constitution that

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each house shall make its own rules, and in addition to that, each house has the ability to expel a member by a two-thirds vote.

So the recourses against a member of Congress for violating his responsibilities or official duties, or for doing excessive things, are really three: one, he can be censured, as McCarthy was; number two, he can be expelled by the body by a two-thirds vote, if his conduct is excessive. The reason for the two-thirds vote on that issue is very simple. If it were a majority vote the majority party would be constantly expelling members of the minority, so the two-thirds vote is required. Three, the member can be defeated by his constituents at the next election, which is two years for the House, six years for the Senate. Those are the remedies against a member of Congress who does things in excess. I think those provisions are essential, the immunity clause and those remedies, if there is to be full and free debate, if members are to be unafraid to speak their mind. If a member could be sued for libel, for getting up on the Senate floor and saying the wings could drop off the C5A, which my senator did, there were cracks in the wings and danger of the wings falling off, Lockheed Aircraft would sue him and he'd be spending his time answering in another place, namely in the district courts somewhere, to a libel suit. So the Constitution gives members full and free debate, even to say outrageous things, in order to protect them from harrasing suits.

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One of the problems with the Hutchinson against Proxmire case was the court limited that freedom in a way that had not been done before. The court overturned a hundred and ninety years of history of the country by an eight-to-one vote, I think absolutely wrongly, because it limited the immunity protection for debate to debate on the floor or in committee. I have some grave doubts about that. Suppose that as a senator you hold a hearing on the overruns on the C5A on a Friday, and the Senate isn't meeting that day. The hearing ends at noon and CBS comes along and says, "Senator, what do you have to say about those wings falling off the C5A?" And the senator says, "Well, I'm very sorry but the Supreme Court has ruled now that I can be sued for libel for something I say that's either not said in committee or on the floor, so I'll have to wait until the Senate convenes next Monday in order to repeat what I said in committee." Or in some

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cases when the Senate goes out from before Thanksgiving till January 3rd, the senator would have to say, "I'll have to wait two months before I can speak to that issue," which is ridiculous.

I think a senator or a Congressman should be free to speak in public without being sued for libel on any subject that is connected with his legislative activities. I don't think he should be able to say, either on the floor or on CBS that the wife of one of his constituents is a lady of the night. I really don't think the Senate should protect that. The immunity clause does protect

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a member now for saying that on the Senate floor, but that has virtually nothing to do with official duties. [Huey Long](#), I think, did some of those things one time and got by with it, and couldn't be sued.

Ritchie: [Adam Clayton Powell](#) called some woman a "bag lady" and couldn't go back to his home district for a couple of years because of the courts, but he could say it in Washington.

Shuman: He could say it on the floor. But nonetheless, I think the court has the principle wrong. What the immunity clause's purpose is is to promote full and free debate on public issues. Now, congressmen and senators are involved in the most sensitive kinds of issues, the issues with the greatest conflict. They've got great economic forces for and against them. They talk about the most controversial issues. So if they can be sued for what they say on the stump about a public issue, as the Supreme Court now holds, (wrongly, I think, although it's the law of the land and you've got to obey it, and I would obey it) that limits free debate, which was not the intention of the speech or debate clause.

They went a step further in our case. One of our staff people, Morton Schwartz, called the National Science Foundation, which had given the grant to the researcher, and I now refer to the documents in the case. The researcher had been fired from his

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job by the State of Michigan for misuse of funds. He had taken unusual trips and done a variety of things. He didn't embezzle any funds, I don't want to put it that way, but he had misused his funds. He had taken, for example, some of his staff down to the Caribbean at Christmas to study the behavior of fish in their natural habitat. He did things like that. He took flying lessons and charged them to the government -- this is a private citizen with a grant -- on the grounds he wanted to

study the behavior of certain kind of animals at ten thousand feet. He worked for the state of Michigan but he was fired by the state. There was a report. They almost indicted him, but they didn't. They fired him.

So our staff member called the National Science Foundation to ask about this. What do you do in cases like this, where it is quite clear that a state agency has said that the funds which were both state and federal had been misused? The National Science Foundation told him they didn't do anything about it. They were uninterested in it. But they did make a note of the conversation, and one of the things Schwartz was sued for, he and the senator, was for illegal interference, "tortuous interference"

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with the man's contract -- and this was an agency over which the senator had jurisdiction on the Appropriations Committee, and this issue had first been raised in a hearing before the Appropriations Committee. The Supreme Court decided in *Hutchinson v. Proxmire* that in fact Schwartz could be sued for "tortuous interference" with the contract. They did not rule on guilt or innocence, only that he could be sued.

Now, something like this was drawn to my attention at least twice a year, during the twenty-seven years I worked on the Hill. At least twice a year I got some kind of a case where it was charged that somebody was trying to steal the Capitol dome, or was embezzling funds or one thing or another, and I routinely, on such issues, bucked it to the General Accounting Office, but sometimes to the appropriate agency. Well, a few months after the case, I got such a charge, and I called the counsel of the Senate, [Michael] Davidson, and said, "What should I do about this? The Supreme Court says if I buck this around I can be sued." And he urged me not to send it to the General Accounting Office on the grounds that I could be subject to libel under the decision.

It's one of the loose ends, but I think that Congress could pass a law saying that the immunity clause applies to all legislative activity, and legislative activity includes speaking not only on the floor and in committee, but in public on issues affecting the public interest, such as the candidates for president are now doing. I don't think anybody ought to be able to bring a libel suit against [Paul Simon](#) for something he says on a public issue in the heat of debate with his colleagues. I hope the Supreme Court would find that that was all right, but I'm fearful about it.

Or one might acquiesce in the Supreme Court interpretation, but pass a law saying that if anyone brings a libel suit, if the person who loses the suit he pays the bill. This is the British law. In a libel suit if the person bringing the libel loses, he pays the bills for both sides. Under the present circumstances, an enemy of a sitting senator could quite easily bring a half a dozen libel suits against him on frivolous grounds and tie him up for months, keep him from coming to the Senate because he's in court, or because he refused to settle. As in our case, where the Senate paid our legal costs, there was criticism about that. There's no public outcry if someone sues the Attorney General, Mr. [Edwin] Meese, or the Postmaster General, or the Secretary of State. Automatically in the executive branch that's part of their job, and the suit is paid for with public funds, but when a senator is sued for something he does in his public life, people say, "Well, we're not going to pay for that bum's legal charges."

So there's a very, very real problem with the Supreme Court's decision, and I think the Court's decision was fundamentally flawed. Their new point of view had never been true before. It came about, I think, because of Chief Justice [Warren] Burger's antipathy towards the press, and the decision not only threatens members of Congress, but it threatens the press as well. The court left open the question whether the press could be sued for repeating the statements the senator made on the floor, because

what we did was we put out a press release which was identical with what he said on the floor. The court said what he said on the floor was protected, but that the distribution of that press release was subject to a libel suit. That was their view. But is the distribution of the *Congressional Record* libelous? Should it be libelous?

The suit raises a lot of issues, and it raises an issue about the courts which I find fascinating. The Constitution gives no immunity to the court. It gives no immunity to the executive branch. There is an immunity clause for Congress, and what the courts and executive branch have done is to say that where there is no immunity clause they have virtually complete immunity, but where there is an immunity clause, it's limited. So Congress with an immunity clause has less immunity than either the judicial or the executive branch, which is absurd. If the Supreme Court applied to itself the principle it applied in our case, Justices could get up on decision day and read from the bench, as they do, the decision in a certain case. But suppose in the course of that decision, one of the justices said that a lady was a lady of the night, or that John Jones was a crook, or something

that otherwise might be libelous if it had not come from the court bench. If the court took the position it took against us, the justice could say that from the bench, but if that judgment was distributed, as it is was mailed it out to newspapers, or handed out, then

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Chief Justice [William] Rhenquist could be sued in court for distributing a statement that he had immunity for saying on the bench but which he didn't have immunity to broadcast or mail out.

I don't see how the informing function of Congress can be carried out if the court takes the position that it's okay to say it on the floor but it's not all right to broadcast it, in the general term of speaking it, of getting it out, of sending out a press release, of saying it on the radio or in the press. It's very, very serious matter, and people should read that decision.

I worked on that case for five years, and I was dumbfounded by that Supreme Court decision. I thought they hadn't read the briefs. I don't think they knew the history, and one of the problems was that at that time, not a single member of that court, Mrs. [Sandra] O'Connor wasn't on the court then, had had a single day's experience in the legislative branch. Not one of them. I think they got the wrong answer, and they did it eight to one.

Ritchie: Justice Brennan dissented.

Shuman: Brennan was the only one, and Brennan didn't say anything of substance in our case. He had no extensive minority view. But he just voted against it. I have reason to believe that the Chief Justice took this as a personal matter, because of

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his view of the press, and prevailed upon the court to act as it did and not to write much more about it.

Before that case there had been a series of opinions on this general subject in which there was a lot of dicta, that is to say, statements not based on the facts of the case, or going to the heart of the case, but a passing phrase. In the preceding ten years, there were three or four very interesting cases with lots of dicta. Some people said, "Well, you'll lose this case if it goes to the Court because they'll make dicta into law in your case." And I think Berger was waiting for a case to do that. I didn't think so then, and what we did was to challenge the Court. I sat in on the

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question of what should we do. Should we be pliant or should we challenge them? We decided to challenge them, to say that they were wrong, that their dicta was absurd, and that here was their chance to change it. Instead they made dicta into decision.

But I honestly don't think they read the briefs, at least not very thoroughly, because they made all kinds of mistakes of facts, especially about what had happened in the case of the man who brought the suit. The briefs were full of the background of the case which the decision didn't seem to be aware of. I was very disappointed. I thought it was a sloppy job among other things.

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Ritchie: Did it affect the way Senator Proxmire handled the golden fleece after that?

Shuman: No. We determined we weren't going to be intimidated by it, and we weren't.

Ritchie: That was in 1978, I believe, that the case was decided. The Congress has lived with it for almost a decade now. Why do you think they haven't made any effort to pass legislation to correct it?

Shuman: Because they don't know about it. I was with a Congressman only yesterday and he didn't understand the immunity clause. Somebody raised the very issue we've been talking about: why doesn't Congress apply the laws to itself. He didn't have a clue about the immunity clause. When this issue came up in the Senate, only a couple of senators really knew the issue. Bob Byrd knew the issue, and Howard Baker knew the issue. Immediately, within a day or two of the time we were sued, they sent us a counsel. In fact, what happened is I first drafted a letter to the Justice Department, because I called around to ask people what happens when a senator is sued. They said in the past the Justice Department has handled the cases on behalf of the Senate, as they did in [\[John\] McClellan's](#) case. Well, I called around, and in fact we sent a letter to the Justice Department asking if they would be willing to defend us in this case. Then I got hold of

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these decisions in the previous decade, and in those cases the Justice Department had been on the wrong side! One of them was the case of the Senator from Alaska, who released the Pentagon Papers.

Ritchie: [Mike Gravel](#).

Shuman: In that case, the Justice Department had brought the case against Gravel, saying he didn't have immunity. He read the papers in a subcommittee. He convened a meeting of the subcommittee and read the papers, and the Justice Department wanted to get him for that. I don't necessarily agree with what Gravel did, but I thought he was immune from prosecution for it. The Justice Department was on the wrong side, so when I read that I thought this is a mistake, they're not going to be very good defense lawyers. They're going to be giving the case away! The other side will just quote back what the Justice Department had said before.

So I called the Secretary of the Majority, Charlie Ferris, who had been a Justice Department lawyer, and a very, very savvy fellow, a very, very ethical fellow. The difference between Charlie Ferris on the Senate floor and Bobby Baker was like night and day. It was a thousand percent improvement in the quality of the staff of the Senate. Charlie said, "Don't get the Justice Department to do it. We'll do it." Within hours he, on the

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advice of Byrd and Baker, sent us a lawyer who was a very good lawyer, and whom I felt very sorry for when we lost the case because I thought he was a thousand percent correct.

Over a period of about five years I spent certainly twenty percent of my time on that case. I was a dead ender. I wanted to fight it all the way. I don't think the senator cared as much as I did about fighting it, and ultimately he did settle it. He thought, rightly, his time should be spent on his Senate duties not in court. That's an additional argument for the immunity clause. An eight million law suit was settled for ten thousand dollars, which the lawyers told us was a very, very good deal. So it never went to court. We never lost the case. A lot of people say we lost the case. All the Supreme Court decided was that the other fellow had a right to sue. I don't think we would have lost the case in court. We were factually correct in what we said in that case.

You can study the Constitution as I do. I read it time, and time, and time again, and every time I read it I find new things in it. But to understand the immunity clause takes a case. As a result of that suit, I found out a lot about the immunity clause I'd never before dreamed existed.

Ritchie: What was your opinion -- just as an aside -- of the various Justice Department attempts to prosecute senators,

particularly with the Abscam investigation. Do you think that's crossing the border?

Shuman: Yes, sir, I certainly do. I thought the Abscam cases were improper. I have very great doubts of the guilt of a couple of people. In some cases, they took members of the House who had bad reputations and dangled money before them, and they took it. But I don't think the Justice Department ought to be in the business of committing crimes in order to catch people committing crimes. It's got a legal name.

Ritchie: Entrapment.

Shuman: Entrapment. I personally thought it was entrapment. [Pete Williams](#) was one person I thought was unjustly dealt with, and the reason I did is that I had watched him at very close range since 1958 when he first came to the Senate. In fact, I had known him as a Congressman a year or two before that. He was on the Senate Banking Committee, and I must have been in more than a hundred meetings either of the committee, or the conference committees, or in caucuses of the Democratic members, when I spent hours sitting beside him, or listening to him, or watching him. He was the most self-effacing person I ever knew. I never once heard him boast that "I'll get this done," or "I'll do that," or "By God, we're going to have this for my state." None of that. He was anything but that.

In the tape they had of him, he boasts to these characters dressed up as Middle Eastern sheiks, that "I'm a big man in New Jersey, and you can count on me to use my influence on your behalf." It was absolutely out of character. Not once in twenty-five years had I ever heard him say anything like that. He claimed in his defense that that was what he was told to say by the Justice Department agent, a man who had had a criminal record and who came to him and said here's what you have to say to these sheiks, and that is what he said. So I believed the senator when he said that he'd been told to do this, he'd been set up by it. Now, there were others who saw the film who thought he was guilty, but I did not think he was guilty. I thought he had been taken. And without knowing as much in detail about it, I thought the other Congressman from New Jersey.

Ritchie: Was that [\[Henry\] Helstoski](#)?

Shuman: No, I think that was the man who was indicted by Nixon for allegedly selling legislation. No, this was an almost blue-ribbon, blue-stocking fellow from New Jersey, well-liked, tall thin fellow, [[Frank Thompson](#)].

As you can see, I have a certain passion about these matters. One time I gave a lengthy talk to the press staff of Democratic members of the House in which I went into the immunity clause in greater detail, and I've forgotten some of the nuances of it now.

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But along these lines there was one thing I did I want to mention. I won't say that I'm proud of it, but I did it, I should have done it, it was in the line of duty. A woman professor from the University of Wisconsin called one day. She had been fired by the University of Wisconsin, Madison. This was in our state. She complained of two things: one, she complained of sexual harassment by her superior; and two, she complained that he had misused public funds which were grants from the federal government and the Department of Health and Human Services. She had chapter and verse. There had been a hearing at the university. The scientist who had quite a reputation as an environmentalist had testified in many cases about how toxic things were. She complained about his misuse of funds, and she had specific details. He had gone to a professional meeting in Florida at Christmastime, but had gone by way of Vail, Colorado and skied for a week on the way and charged it to the federal government. She had this and other abuses in black and white. There had been a hearing by her dean, who was new. The hearing was superficial. He really didn't go into it. She was fired but the professor stayed.

So she called and then came in, and she was desperate. She had lost her job, but she thought she was right. What I said was that we didn't have any jurisdiction over the sexual harassment charges, that wasn't a federal issue, but we certainly did have jurisdiction over the question of whether the federal funds had

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been properly used. What I did was to buck the case to the Health and Human Services Department, where there was a man there, Tom Morris whom I had known from years back. He was either an assistant secretary or under secretary, who had previously been in charge of procurement at the Pentagon, and who had been number two man at the GAO. I sent the stuff to him and merely asked if he would look into it. Well, he did look into it, and a year or more later after I had forgotten all about it, I got a call from the U.S. Attorney in Madison saying, "We wanted you to know that today we've indicted the professor, and he has pleaded

guilty. We have gone to court, and we wanted you to know in case you want to say anything about it." I said, "No, we certainly don't want to say anything about it." We didn't. We weren't particularly happy to crow about a man who might go to jail.

It turned out that what she had said was absolutely correct, and the U.S. Attorney had found all kinds of other places he had misused funds. It also turned out, and this was really the sad part of it, that as a scientist he had jiggered his scientific evidence. We came under a lot of criticism from some of the environmental groups, because they had depended on him as their expert witness in a series of very important cases. It turned out that his testimony was fraudulent. He was fired. I can't remember whether he went to jail or not.

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I think in that case we bucked it over before the Hutchinson case came down from the Supreme Court, and I found out the results afterwards. It was at this stage that the counsel for the Senate, Davidson, told me that what I had done could now be subject to libel. Well, how is a staff member able to protect the public interest in a case like that? We didn't charge off and say the guy was guilty when I bucked it over to them. All I said was, "Would you look into it?" If you get a case like that, and you don't look into it, or you don't ask the GAO or somebody to examine it, and later there's a big case about it, it will be said, "We sent that stuff to Senator Proxmire and he sat on it." That's a very improper thing to do. You have to do something about those cases. And for a staff person to be subject to a libel suit for acting in the public interest is wrong. Take that Supreme Court! I'm not against the Supreme Court in general, but I really do have problems with that case.

Ritchie: Well, fortunately it doesn't seem to have been applied since then.

Shuman: No, but Congress has got to do something about it. Congress probably won't do anything about it until somebody tries to sue [Bob Dole](#) or somebody who's got great standing, and then they'll do it. It was true in that instance that our colleagues left us in droves. They were reluctant to really back us up very much, except for the leadership. The leadership was

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convinced by Charlie Ferris and others that a great principle was at stake. And the counsel on the House side was extraordinarily supportive. He's since left the House staff.

Ritchie: Why do you think the other senators were less interested?

Shuman: Well, they had to vote the money.

Ritchie: But it was a relatively small amount.

Shuman: I think the total amount in the end was something like a hundred and twenty thousand dollars. It was in the courts for some time. It was expensive to pay the law firm. The lawyer actually charged us only eighty dollars an hour. That was at a time when they were getting a hundred and twenty, a hundred and fifty dollars an hour. He did pro bono publico work. I'm sure he didn't charge us for all the hours he was involved in it.

Ritchie: So it can be dangerous to be a staff member on Capitol Hill!

Shuman: Extraordinarily dangerous. You don't know whether you should do it or not anymore. If you were a driver of a Post Office truck and were drunk and ran into somebody, you would be immune from prosecution, according to the cases. The government would probably settle it. But historically the government has had to agree to be sued in order for it to be sued. But not

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the Congress. It's a one-sided point of view. Yet Congress is supposed to be protected by the immunity clause, which neither the courts nor the Executive Branch have.

Ritchie: It's an interesting coda, considering how often in your career you were involved in things like that.

Shuman: Many times a year.

Ritchie: Well, I think you've done a magnificent job of covering twenty-seven years worth of Congressional activities.

Shuman: There's one question you asked me that I didn't answer, because I got off on the Mondale story. It was about other senators we worked with.

Ritchie: Oh, yes.

Shuman: We worked with [Ted Kennedy](#) a lot on tax loopholes, and shortly after I retired from the Senate my wife got a call at home asking if there was anyone in our office who was coming by my house, because he had a gift for me which was

fragile. My wife kept thinking they were going to send china or a piece of Waterford glass. One of the women in our office who did the casework lived near us, and so she brought the gift to my house. It was a framed copy of the tax code, enclosed in glass. Senator Kennedy had punched holes through this book, which was three inches thick, like holes in Swiss cheese, and had

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written something on the bottom about the part I had played in helping to stop the tax loopholes.

I worked with [Howard Metzenbaum](#) on similar issues. Metzenbaum, Kennedy, and Proxmire were the ones who got up and stopped the rot on the tax bills. Earlier I worked very close with [Albert Gore, Sr.](#) He and Mr. Douglas were on the Finance Committee, and I got to know Senator Gore very, very well indeed. Of course, we worked with [Gaylord Nelson](#), of whom I think very highly. He was a great public-interest senator from Wisconsin. On Civil Rights we worked with [Jack Javits](#), very closely, and with [Cliff Case](#) of New Jersey.

Proxmire worked with [Fulbright](#) on some of the issues in connection with foreign aid. There was a period when Proxmire chaired the Appropriations subcommittee on foreign aid, when there was just no estimate of the totality of foreign aid in all its parts, including military aid. We held a very major hearing in the subcommittee, and Fulbright was then chairman of the Foreign Relations Committee, so they had a lot of clout in getting information, and we had a very good staff man as well, Bill Jordan, and he was tough as nails. I was present when he brought in the Pentagon generals one time to the Appropriations Committee room in the Capitol, and layed down the law to them as if they were privates, because they were refused to help us compile the totality of all foreign aid. I think it amounted to fifteen to

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twenty billion dollars at a time when the budget said it was a figure of one and a half to two billion. I mean, they had hidden the rest of it, squirreled it away in all kinds of places. So that was a case of working closely with Fulbright, and I got to know him pretty well as a result of that.

One other person I want to mention whom I worked with a lot with Mr. Douglas was [John Williams](#) of Delaware. John Williams was a very conservative fellow, but he was straight as an arrow, uncorruptible. He and Mr. Douglas were the watchdogs of the Senate, bipartisan watchdogs. I must tell you that at the time of the Bobby Baker incident -- I had forgotten this and it's important -- John

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Williams was the man who really got the evidence on Bobby Baker, because what had happened had happened in the Finance Committee with the shake-down of the stock savings and loan institutions. John Williams came to Mr. Douglas and said, "You are the one person I trust in the Senate, and I want to leave a copy of my evidence with you in case anything happens to me. I want you to have it because I think you're the only one I can trust to keep it and do what's right about it." They had that kind of relationship. Obviously, Mr. Douglas thought very highly of John Williams and he of Mr. Douglas, or they wouldn't have agreed on that.

Going back, of course Hubert Humphrey was a great ally, I've told about the instances with John Kennedy on two or three issues.

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We worked with [John Sparkman](#) from time to time, because of the closeness on the Banking Committee.

Ritchie: I was going to ask you if you found there were any senators that you couldn't work with.

Shuman: Well, [Johnson](#) was very difficult to work with. [Kerr](#) was impossible to work with. He was against us on every issue, oil, and public works and all the rest. There was the instance of the Indiana Senator.

Ritchie: [Vance Hartke](#)?

Shuman: No, the other one, the heavy-set one, a Republican.

Ritchie: Oh, [Homer Capehart](#).

Shuman: Capehart -- where in saving the Indiana Dunes, Mr. Douglas went to him first and asked him to lead on that issue, because it was in Indiana. Capehart originally seemed to be willing to do it, but he said he wanted to go back and check in the state. He came back later and said there was no way he could do it, and that if Mr. Douglas said he'd once agreed to it, or thought he would do it, he would have to deny it. He wasn't obnoxious or anything like that, but he did oppose us very, very strenuously on that issue. I thought needlessly.

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In a very minor degree for a time we were somewhat estranged from [\[Edmund\] Muskie](#), which was unfortunate. It wasn't done deliberately. Muskie defeated

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[\[Frederick\] Payne](#) of Maine. Payne of Maine was probably the most progressive Republican in the Senate, and Mr. Douglas had originally come from Maine, had graduated from Bowdoin College, and they were on the Banking Committee together. Payne was the cosponsor of Douglas' Depressed Areas bill, and Payne was running for reelection in '58. Muskie asked Mr. Douglas to come to Maine to speak for him, and Mr. Douglas didn't feel that he could, because of his relations with Payne, and because they had cosponsored this bill. They worked very closely together. It would have been the wrong thing to do. I think what Douglas told Muskie was: "I'll make a statement on your behalf saying what a good fellow you are, but I just can't come to Maine and appear against Payne." He didn't, and I speculate that Muskie really never quite forgave him for that. But in similar circumstances I'm sure Muskie would not have gone to Oklahoma to speak against his Republican colleague, [Bellmon](#), on the Budget Committee. Muskie was a key holdout on our Truth-in-Lending bill for years. He was against us time and again, and we never could quite figure out where he was coming from. But I think Muskie was a very great senator. He had a hot temper. I think he was more qualified to be President than any of the last five Presidents.

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Ritchie: Did he support it after Proxmire picked it up?

Shuman: I don't know whether he did or not. He must have voted for it on the floor, because everybody did. Once it got out of committee, they all voted for it. But there was something there that I never quite knew about.

[Clint Anderson](#) from New Mexico was quite a fine senator, but Mr. Douglas never could quite understand his motives. One understood why most senators voted this way or that way. They'd tell you, "I'm sorry, I'd like to be with you, but I can't do it on this one." But Anderson was an enigma in terms of where he came from. He was quite independent and had a great record. He went to New Mexico as a young man, I think he went there for his health to begin with, was a newspaper reporter and exposed Teapot Dome.

I remember [\[George\] Bush](#)'s father, [Prescott Bush](#). He was on the Banking Committee, and Mr. Douglas had quite a good relationship with him. He was a more progressive senator than most. Bush and the other senator from Connecticut, [Purtell](#), were our sometime allies. We had a very good relationship with not only [Herbert Lehman](#) but the other senator from New York.

Ritchie: [Irving Ives](#).

Shuman: Irving Ives, because of the Civil Rights issue, and [Ken Keating](#). Irving Ives' son was his AA, and I got to know him

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very well and liked him a lot; as well as [\[Leverett\] Saltonstall](#)'s son, who was an upright fellow on the Republican side. We were very close to the New Jersey senator, Cliff Case, and his staff. I suppose I was about as close to his staff as any staff in the Senate.

Ritchie: It sounds like what you're saying is that party was not as important as say ideology or in some cases even personality.

Shuman: Well, in the Johnson years it was less important. It was really the big states against the South and the Mountain state coalition. We were allies with the big states. [\[Thomas\] Kuchel](#) of California was our very close friend and ally. I ran into him on the street in London, on Piccadilly, a couple of years ago. I hadn't seen him for ten or fifteen years. He had a staff man who wrote a great book about the Appropriations Committee, and who now is president at Long Beach.

Ritchie: Steve Horn.

Shuman: Steve Horn, and we had very close working relations with him. [Scoop Jackson](#) was our friend and ally. I was very close to Scoop Jackson, in fact I saw him when I left the Senate, he invited me over to his office and we talked long and hard. He told me that he got into politics because of a speech Mr. Douglas gave at the University of Washington when he was a student. He

said he went to hear him and got greatly interested in what he was saying, and it really was a major part of getting him interested in politics as a career. So you never know what influence you have on people. We weren't close to [Warren Magnuson](#). Magnuson was the pro's pro. He almost always voted right, but he wasn't very strong in his support. He had a good, liberal voting record, but he didn't help very much to break the filibusters or anything like that. He was an insider. But in his later years after he married and ran the Commerce Committee, in choosing staff and pushing consumer legislation, he made a great name for himself. We were close to [Dick Neuberger](#), and his wife [Maureen](#). [John Carroll](#) of Colorado was a friend and an ally.

In Proxmire's time we were with [George McGovern](#) in a curious way on a number of issues, some of them agriculture, not necessarily liberal or conservative issues.

Ritchie: Why do you say curious?

Shuman: Well, by that I mean to say -- curious isn't the right word -- I mean we weren't necessarily with George because of his stand on liberal issues, we were with him on a lot of issues that were more regional in character. They were not necessarily liberal or conservative, but we just happened to be with him on a lot of things. I remember one time after he was defeated for president. You may remember Jim Tobin of Yale, who became a Nobel

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Prize winner. He was from Champaign, Illinois, Tobin's father, Mike Tobin, was head of public relations for the athletic department and one of the few Democrats around. His mother worked for all kinds of community causes. His brother and I were precinct committeemen in 1948. Jim Tobin wrote an article for George McGovern in the 1972 election when McGovern was defeated, advocating a hundred dollars per person as a negative tax. My memory is that if you had a minus income, you got a hundred dollars. The Republicans made a big to-do about it. It was a tactical mistake, something they ran with.

I remember after the election, when McGovern was on the Senate floor, someone from the Republican side proposed an amendment of almost identical nature, and all of a sudden it occurred to people, and especially to McGovern, that those who had opposed him so vehemently on this were now proposing something of the same thing. And he made a great to-do about it. I told him at the time: "George, I think you'll have to wait to get your reward in heaven, I don't think you'll ever get it here on earth." There were a whole series of issues after that election in which he was badly defeated in which he proved to be correct, and which people admitted he was correct on a range of things, but he has not, and did not get his reward in this world. As the son of a minister, he may get it in the next world.

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[\[James\] Abourezk](#) was our ally with Proxmire, because Abourezk was our kind of person in the sense of raising holy hell about a lot of watchdog types of things. [Adlai Stevenson III](#) was on the Banking Committee with Proxmire, and we were with him on a number of issues, and I was particularly, because I had had that relationship with his father. I was part of the steering committee for young Adlai's reelection. He met with us several times. I think the group I was with was mostly window dressing, but I did write him a long memo about what I thought he should do, how he should campaign in Illinois. As a result of the campaigns I had been through, and I thought very highly of him.

Thinking back over this, I've been too critical in what I've said to you about Adlai Stevenson, his father. I've pointed out the places where he and Mr. Douglas were at odds, but I think it's a wrong impression for me to have expressed so much criticism of him because basically I was excited about his candidacy for governor and for president and his record as governor and at the U.N. I wasn't for him in '60, but I was certainly for him in '48, '52 and '56. He brought a distinction to politics that had not existed in Illinois until he and Mr. Douglas ran, so it's unfair to be overly critical of him, whatever his minor faults may have been.

His son, I thought, in some respects was -- I don't want to say better -- but he had some strengths that his father didn't have. I

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think he was more decisive. Sometimes he was too decisive. There were times when Adlai III got hold of an issue and you couldn't get him off the issue. He chewed, and chewed, and chewed on it. He was extraordinarily helpful in the New York battle -- it was either New York or Chrysler, I can't remember now -- but he essentially crafted the basic outcome and put in protections for the federal government in the act which we hadn't really thought about, and which he had a very, very important role. And of course his role in changing the committee system in the Senate was very important. He didn't get everything he wanted on that, but he got a lot.

In fact, I got an amendment to that bill. In the old days, there were these ad hoc or ex-parte members of the Appropriations Committee who came in from the substantive committees. Did you know about that? Well, it goes back to 1921. Until 1921, and in fact throughout the history of committees, the legislative committees and the appropriations committees were often the same -- in fact, predominantly the legislative committee also appropriated. I think it was 1836 in the House and about 1850 in the Senate when the first distinctions were made, and from then on sometimes committees would be both legislative and appropriation committees, and sometimes they weren't. Generally speaking there were appropriations committees for the minor things, legislative appropriations and the District of Columbia, but not for the big

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issues. At the time the Budget and Accounting Act of 1921 came into effect, and as a result of the act, Congress established appropriations subcommittees which rivaled or reflected the executive agencies, the departments. This was new in some of those instances.

To mollify the barons or poohbahs of the legislative committees, the Senate decided that when the defense bill was up before the Appropriation Committee, the chairman of the Armed Services Committee and the ranking Republican would be ad hoc members of the Appropriations Committee for that purpose. But it turned out, as an accident of history, that this was done almost exclusively for the most important committees. That is, the Labor Committee didn't have anybody to do it; there weren't two extra votes for labor and health, but there were two extra votes for defense. The thing that got me was that under the HUD independent offices appropriation subcommittee the space agency got special consideration. Every time the House would cut their budget and the bill would come over to the Senate and we'd propose that they be cut a bit more, at the last minute in would walk [\[Barry\] Goldwater](#) and the Senator from Utah.

Ritchie: [Jake Garn](#)?

Shuman: No, the Democrat.

Ritchie: Oh, [Moss](#)?

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Shuman: Ted Moss, who was gung ho on space, and usually one other majority member. They had three extra votes. They'd come in and they'd undo everything we'd done. We might as well not have held the hearings. They didn't come to the hearings, they didn't testify, all they did was to walk in at the mark-up and indiscriminately vote for space. All this and heaven too I think would be a proper way to put it, since space goes to the heavens. Well, we were unhappy about that. I wrote an article for the *New York Times* about it, which they printed on the editorial page. The Stevenson bill was up and I raised this issue with them, and sure enough they changed the practice. I proposed either that everyone be equal, or that no one do it, and the committee cut it out. So the ad hoc members were cut out, I think rightly so, as extra people on the Appropriation Committee. And you can see how powerful a thing that was at the time when the committee chairmen were so dominant. I mean, it really gave the chairmen extra power to have the legislative chairman as well as the line-up of Southern Democrats on the Appropriations Committee to vote for their pork and positions. Barry Goldwater wrote me a nasty note about the article as I mentioned him. But I didn't knuckle under to him because what he had done was a matter of public record and I had every right to mention it.

Ritchie: It must give you some sense of satisfaction, having come into an institution, seen it in one way, and had a chance

to influence its change dramatically. By the time you left the Senate in 1982 it was a very different institution than it had been in 1954.

Shuman: It certainly was. It was a very different institution, and I think a better institution. I think the breakdown into subcommittees was very important. Although the staff is too large now, I think we needed more staff. The Congress doesn't need to rival the executive branch, but it sure needs a lot more expertise than it had to begin with. The filibuster, because of the passage of Civil Rights, has more or less gone by the way, but, I as I have mentioned would change the rule to allow for full and free debate and for the Senate to decide an issue ultimately by a Constitutional majority vote.

End of Interview #9