



EDWARD M. KENNEDY ORAL HISTORY PROJECT

INTERVIEW WITH CHARLES MATHIAS

March 10, 2006
Washington, D.C.

Interviewers

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TRANSCRIPT

INTERVIEW WITH CHARLES MATHIAS

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Martin: We wanted to start with when you were a House member—your initial impressions of Senator [Edward M.] Kennedy—anything you remember from those days.

Mathias: I was elected to the House of Representatives in 1960. That was the year President [John F.] Kennedy was elected, and so of course, as President Kennedy was elected, the spotlight turned on the Kennedy family. The Kennedy seat in the Senate was filled by Senator [Benjamin] Smith, so it was rumored that Senator Kennedy would succeed Senator Smith and had arranged a sequence. My first introduction to Senator Kennedy was after he arrived in Washington as the youngest member of the Senate.

Martin: So in 1962 or '63?

Mathias: Yes.

Martin: And at the time, you were on the Judiciary Committee in the House?

Mathias: That's correct.

Martin: We were curious about any interactions you might have had with Senator Kennedy as a member of the House while he was a member of the Senate, before 1969.

Mathias: Did you hear the story of Senator Kennedy paying calls on senior members of the Senate?

Martin: Some of the stories.

Mathias: Senator [Richard] Russell. He went to call on Senator Russell and some question came up about the fact that he had been elected to the Senate while he was still 29 years old and Senator Russell said, "Well, I had the same experience." In fact, I think Senator Kennedy introduced himself by saying he had joined Senator Russell as a member of the Senate elected before he was eligible, and Senator Russell said, "Yes, that's true, but at that time, I had been the Governor of Georgia." Which, in his mind, made the difference.

Martin: Edward Kennedy at that point—it was his first elected office.

Mathias: That's right. He had not been Governor of anything at that point.

Knott: When you make the transition to the Senate—you're elected in 1968, is that correct?

Mathias: Correct. Which around here is always accompanied by the story that when a member of the House is elected to the Senate, it raises the intellectual level on both sides, in both houses. *[laughter]*

Martin: Was that story lightheartedly told to you when you moved over to the Senate?

Mathias: I'm not sure how lighthearted, but—*[laughter]*

Martin: There is a period when you are working on the Civil Rights Act and the Voting Rights Act from the House side and Edward Kennedy is working on those pieces of legislation in the Senate. Do you recall if you had interactions while working to pass—?

Mathias: Yes. I recall we had very much interaction at that period. In connection with the Voting Rights, there was legislation that dealt with the composition of districts. I don't recall the details of it, but I do recall that there was a Conference Committee between the House and the Senate, and Senator Kennedy was a Senate Conferee and I was a House Conferee. I remember very clearly, during a meeting of the Conference Committee, Senator Kennedy stated his position very explicitly and Sam Ervin was another one of the Senate Conferees. Sam Ervin laughed and said, "Well, Teddy, you stated your position very clearly, but the position you stated is the position of the House." That brought down great mirth in the Conference Committee.

Martin: Do you think he knew he was representing the House's position?

Mathias: Oh, certainly. He was clearly in opposition to what was still in those days the old southern leadership position, which he did *not* support, and he was in fact supporting the House position.

Martin: Very interesting. Was that the only major interaction you had while you were a House member with Senator Kennedy?

Mathias: No. I think we had similar meetings. I think we had conference committees of various sorts and were interacting a lot.

Martin: In that period, was it the first time that you met with the Senate colleagues in a conference committee, or was there any negotiation on the individual bills coming out of the House and Senate separately before those periods?

Mathias: I think there was some conversation.

Martin: Were you involved in any that you recall?

Mathias: I don't recall any details of any, but I do recall that there was conversation.

Martin: When Senator Kennedy made the argument to support the House bill, other than the laughter, do you remember if there were other reactions amongst his Senate colleagues to take the House bill more seriously than they had taken it?

Mathias: I don't recall any specific comments, but I think it was generally agreed that he was taking a forward position.

Knott: Do you recall by any chance—Robert Kennedy of course runs for President in 1968 and is assassinated. Do you have any recollection of seeing Senator Ted Kennedy during this period and how he was dealing with this tragedy?

Mathias: He was very balanced as I recall. He was restrained. He didn't indulge in any emotional episodes. He was very balanced.

Martin: And you won your seat to the Senate that same year, '68.

Mathias: Yes. That was the end of my fourth term in the House.

Martin: Right off the bat, you start on the Judiciary Committee, correct?

Mathias: That's correct.

Martin: Any initial impressions of Senator Kennedy now that you're a colleague of his on the Judiciary Committee?

Mathias: Yes, I do remember some initial feelings about Senator Kennedy. He was already, although he had only been a member of the Senate for a relatively short time, he was a public figure and got a good deal of attention. He was criticized by some people as being a lightweight and as being not up to the standard in the Senate. I thought at the time that that was so wrong because sitting with him on the bench at committee meetings, I was aware of the questions that he asked during hearings and I could see which questions were those that had been concocted by his staff. When he got to the end of the list of the staff-concocted questions he was on his own, and he was just as good or better in probing for information when he was on his own as he had been when he was subject to staff guidance, and I always thought that it was a very clear exposition, the fact that he had substantial talent.

Knott: Could I take you back just a bit to the '68 campaign and your own election to the United States Senate. This is a little bit off-track of the Kennedy project, but I'm interested. Richard Nixon of course is at the top of the Republican ticket that year, and then a fellow Marylander, Spiro Agnew, is the Vice Presidential candidate. Did you have a relationship with Agnew by any chance, being from the same state?

Mathias: I knew him, yes.

Knott: You're from different wings of the party, is that accurate?

Mathias: We weren't from different wings of the party at that time. Agnew, when he was first elected, was considered a liberal. It's an interesting story. The Democratic nominee was selected in a primary election in which there were three equally balanced Democratic candidates. There was one who had been the Attorney General of Maryland—Tom Finan. There was Carlton Sickles, who was the Congressman at Large for Maryland, and there was George P. Mahoney, who is sort of a populist, who ran on the anti-fair housing ticket. He had the slogan, "Your Home is Your Castle."

To the great amazement of everyone, these three candidates came in in a dead heat, and Mahoney edged out Finan and Sickles. Mahoney, with his slogan, "Your Home is Your Castle," clearly collected all of the right-wing votes, and Agnew, who was relatively unknown—he had been Baltimore county executive—was considered the progressive candidate in the general election. The labor unions all supported Agnew. The Cardinal Archbishop of Baltimore supported Agnew. In fact, I think even the Diocese newspaper had an editorial supporting Agnew. So Agnew was viewed as very progressive. He changed later.

Knott: If we could talk a little bit about some issues that the Judiciary Committee dealt with during your early years in the United States Senate, and I'd like to start with some of the judicial nominations that you had to deal with. There was a vacancy on the Supreme Court and President Nixon nominates Clement Haynsworth as his first nominee. Could you tell us a little bit about your role in that and any memories you may have of Senator Kennedy in terms of blocking that nomination?

Mathias: Haynsworth had a reputation as a good judge, but he had the misfortune in having participated in a case that involved a corporation in which he was a stockholder. I think it was Brunswick, but I may be wrong about that. This was pumped up as a major issue with Haynsworth's candidacy. Haynsworth came to see me and I remember our conversation very clearly. I raised the point. I said, "Judge Haynsworth, you have a problem with your stock ownership, but I think if you address it openly and directly it will go away."

I can hear him now. He said, "I'm going to do it. I'm going to do it," with his southern accent, but he never did do it. He never did really address the question of his participating in a case in which he had an interest. Birch Bayh was his chief attacker on this subject, and by not addressing it, he allowed Birch Bayh to take this issue and treat it like cutting off a dog's tail inch by inch. Day by day, he went right on to this issue and finally it became such a major issue that it really tainted Haynsworth's nomination. The result was that Haynsworth was defeated. I didn't have any interaction with Senator Kennedy particularly in that episode. We had enough problems among the Senate Republicans to deal with.

Knott: What were the problems?

Mathias: They were with this particular issue, participation in the appeal of a company in which he held stock. Senator Hugh Scott was the Republican leader at that time. He and I were worried about it, and both voted against it in the long run.

Knott: So then I think President Nixon comes back with [George] Harrold Carswell, I believe.

Mathias: He came back with Carswell, and Carswell was a different story entirely. Unlike Judge Haynsworth, Carswell was not a respected judge. He had various questions raised about him. He was clearly on the slow side on civil rights. The question came up that a number of cases that he had decided, which were reversed by the Supreme Court, became an issue, whether these cases involved civil rights issues or whether they were strictly on classic legal grounds.

I remember appealing to Derek Bok and asking for his—I think Derek Bok called me to lobby me on the question and I said, “If you’re going to lobby me, you’ve got to help me. I’d like Harvard to make a study of the Carswell cases and make an analysis of those that involve civil rights and those that just involved classic legal questions,” which he did. It appeared that Carswell was wrong from both views.

Knott: Richard Nixon, I believe, was quoted after Haynsworth was defeated that he almost nominated Carswell out of spite.

Mathias: I don’t recall that.

Martin: What was your relationship with the Nixon White House? You were a Republican.

Mathias: I was reputed to be on the enemies list.

Knott: How well did you know Richard Nixon?

Mathias: Not intimately, but I knew him. I had known him before he was elected. I had campaigned with him in the ’60 election before his bad Nixon days.

Knott: There was a good Nixon at one time?

Mathias: Yes, I think there was.

Knott: What happened?

Mathias: The ’60 election was a lot closer than anybody expected. I remember the campaign very well. I remember campaigning with Nixon and with Henry Cabot Lodge, who was his Vice Presidential nominee.

Martin: Do you remember from the same period, early on in the Judicial Committee, you had said that you thought the Senator’s questions were sharp or smart. Do you remember what hearings you were most likely to be with him on in that period? Were you observing him on the Carswell or the Haynsworth hearings?

Mathias: No, not so much. We each had our own fish to fry there. But I did observe him in the other hearings of the Senate Judiciary Committee and generally had a feeling that he was competent and progressive.

Knott: He had a reputation for having a great staff both then and now. How much of his success is attributable to his talented staff, or did you see his staff as talented?

Mathias: Yes, but of course all of us are creatures of our staff. We owe a great deal to the staff, who help keep us out of trouble as well as give us ammunition to use in debate and discussion. His staff was always very present but was not obtrusive in any way.

Knott: You also had to deal with the [William] Rehnquist nomination in fairly rapid succession here. Any recollections you may have about that? That was another controversial nomination. Senator Kennedy opposed that nomination. Could you tell us about your position on that?

Mathias: There were several nominations of Rehnquist.

Knott: Right. I'm referring to the first one, when Nixon elevates him to the Supreme Court.

Mathias: I don't have very clear recollections of that fight. I supported Rehnquist somewhat reluctantly, but I did. When Rehnquist was nominated for Chief Justice, we went through it all over again. That time I voted against Rehnquist because of the fact that he was legal counsel to the President and participated in some issues that later came before him as a Justice of the Supreme Court, and I thought he should have recused himself but he didn't, and on that basis I voted against it.

Knott: You had to deal with a number of civil rights issues during this period, including various extensions of the Voting Rights Act, which was not particularly popular with some southern Democratic Senators but also some members of your own party. Could you tell us a little bit about your role in those efforts and again, any recollections you may have of Senator Kennedy's participation in the Voting Rights Act statute.

Mathias: They were extremely important. In fact, I think the Voting Rights Bill provided the motive power for the civil rights revolution that overcame the country. The fact that we actually got the black voters into the voting booth transformed American politics more than any other single act. So I would view the Voting Rights Act of '65 as a critical contribution to the civil rights movement. I just took it as a matter of course that Senator Kennedy was generally occupying positions that were sympathetic to the positions that I occupied. I viewed him as a partner more than a contestant.

Knott: You must have taken some heat from your own constituents, I would think.

Mathias: Quite a bit.

Knott: How did you deal with that? How did you convince your own people, so to speak, that this had to be done?

Mathias: What was extremely helpful in that regard was the six-year term. The whole voting rights picture regarding myself—as a candidate for President, Senator Jack Kennedy had said the first bill that would be introduced in the Congress after he was inaugurated would be a civil rights bill. He went so far as to say, “I have asked Senator [Joseph] Clark of Pennsylvania and Congressman [Emanuel] Celler of New York, who was Chairman of the House Judiciary Committee, to draft a bill now so that it will be ready to be introduced the day after I’m inaugurated.” In fact, the bill may have been drafted but it was never introduced. Not only was it not introduced the first day after his inauguration, it wasn’t introduced in the entire first Kennedy term. When I say first Kennedy term, the first Congress.

So when the second Kennedy Congress convened in January of ’63, there was no civil rights bill pending, and three of us Republicans—John Lindsay of New York, William McCullough of Ohio, and I—introduced a civil rights bill. I think that was the thing that stirred the Kennedy Administration to finally get their bill drafted and introduced.

Knott: I see. The fact that Republicans had taken the lead on this.

Mathias: The fact that they were being outpaced. Our bill was substantially the classic bill that was required at that period of time, but it built on the advances that were made during the [Dwight] Eisenhower administration in the civil rights period and it was with that background that I was participating in the whole civil rights program, specifically including voting rights.

Martin: How did other members of the Republican Party in the House respond to your bill?

Mathias: Some very badly. They were resistant to it, and Manny Celler, with whom I worked very closely, although he was a Democrat, cooperated with the Kennedy administration in making sure that the Kennedy bill got created and moved ahead of our Republican bill.

Martin: During this period of the later 1960s, this race for the Republican Party becomes a difficult issue and you see quite a bit of transformation in this period. I was wondering what your observations were from internal party discussions about the question of civil rights, whether this was a good idea for the Republican party to pursue, or what your sense of that time was.

Mathias: I think it was a real question, and that was the period in which Nixon was raising a flag of his southern—what did he call it?

Knott: Southern strategy.

Mathias: The southern strategy was clearly to slow down the civil rights movement as much as it could.

Knott: Your political opponents at home—I mean, you must have had people who challenged you repeatedly from the right I would assume on this issue probably more than any other. Is that correct?

Mathias: That's right. Prayer in school was another, but that was par for the course. There were people who raised questions about it. My district was the westernmost district in Maryland, the district that included the Appalachian Mountain region, and that had been Unionist during the Civil War. One hundred years later it still tended to be Unionist, more or less for emancipation of the slaves. It's incredible that that climate had existed over that whole period of time, but it did and it made a difference. It was the same phenomenon that Howard Baker had run into in Tennessee when he dealt with the parts of Tennessee that had been loyal to the Union and as a result were tolerating of Republicans in the current period. So that helped me.

Martin: Did you ever consider at this time switching parties?

Mathias: It was suggested from time to time, but my family had been Republicans all through the Civil War and had been advocating civil rights for blacks. This was a family tradition as well as a political tradition. I remember my father's outrage. There was an old black man who was a great friend of our family. His name was Thomas Alexander Contee Hanson Howard Radford Clark. He had been named for his master and for his master's five sons. My father took him to the polls to vote when he was in his 80s and helped him to get up to the ballot box, and they said, "What's your name?" And he said, "Thomas Alexander Contee Hanson Howard Radford Clark." And they said spell it, and after he was painfully spelling about half of it, the poll official said, "Well, let him vote." My father was outraged with the way he was treated. That was the sort of climate that I grew up in.

Knott: That's impressive. You were one of the earliest supporters of the U.S. Commission on Civil Rights I believe, along with Senator Kennedy.

Mathias: I think that's right.

Knott: I don't know if there was a lot of opposition to that, although I can imagine there probably was some.

Mathias: There was southern opposition.

Knott: How was it that those southern barons who had been blocking civil rights legislation for so many years were finally circumvented? How did they lose their grip?

Mathias: There was a new generation in the membership of the Congress. The World War II veterans came through, and they had a slightly different point of view than the old, traditional southern chairman. But even the chairman changed a little bit. Senator [James O.] Eastland was a good example. He was a traditional southern chairman, but he managed to keep a relationship with his black constituents in some way. So it was changed on both sides.

Martin: It's hard to think back to this period and imagine what your sense of the Republican Party's direction or future was on civil rights and on race in general. Did you think that the Nixon southern strategy was just a one-time event and that things would revert back to be historically more progressive on race?

Mathias: I think we still clung to the traditional historic direction of the Republican Party. We were not ready to concede that the party had changed.

Martin: Was there a point in time when you realized that the party had changed?

Mathias: Well, yes, I have to admit that there was, gradually over the period of the next few years.

Knott: Did it start with [Barry] Goldwater?

Mathias: It came to a height with Goldwater, yes.

Martin: How did you respond when you see your political party moving away from you on questions of civil rights? How do you respond within the Senate caucus, the Republican caucus? Are you more vocal at this period, or trying to find common ground within the party?

Mathias: I think I was more vocal than I would otherwise have been. It stimulated me to be more vocal.

Martin: How did they respond to you?

Mathias: It was tough. Brent Bozell came and ran against me in the Republican primary, but I must say that my Republican loyalists were very faithful and they didn't desert me, even when Brent Bozell was the alternative.

Martin: So you felt like at least within the state of Maryland you had support.

Mathias: Yes.

Knott: You were also a strong advocate of fair housing legislation, you and Senator Kennedy as well.

Mathias: That's right.

Knott: Again, that must have been something that particularly caused you problems with conservative elements within your own party. Was that the case, and could you tell us a little bit about how you dealt with that issue and if you recall any dealings with Senator Kennedy on that?

Mathias: I don't recall any specific dealings with Senator Kennedy on it. I think we generally had a meeting of the minds when it came up in committee. I will say for Senator Kennedy and for Senator Eastland that they were both very polite to each other and to the committee. Senator Eastland, although he was adamant in his opposition, didn't attempt to block action by the committee. He allowed Senator Kennedy to make motions, votes to occur, and I thought both of them behaved very decently.

Martin: Did you get involved at all in—these were mostly Court decisions, so I don’t know the extent to which you as a United States Senator would have been involved in the whole busing issue, but that of course was another very divisive, race-related issue, probably the most divisive one in many ways. Was that an issue, for instance, in Baltimore or in any Maryland school districts?

Mathias: It was an issue everywhere. Brent Bozell, for example, as his campaign vehicle, instead of having a car, he got a yellow school bus and that’s how he transported his campaign team. On the yellow school bus where usually was “Baltimore City Schools,” the slogan he put on it in that spot was, “Put the Bible Back in School.” So you can gather from that that the campaigns were fairly hot.

Martin: Let me take you back to the fair housing question. Ed Brooke was instrumental in that policy as well, from what we understand. What kind of relationship did you have with Senator Brooke?

Mathias: A very close relationship with Senator Brooke. My wife was from Massachusetts and her father had been in Republican politics in Massachusetts. In fact, he had been Governor of Massachusetts, and so I had links with Ed Brooke that went beyond just membership in the Congress. He was a very strong figure in that period.

Knott: I’m from Massachusetts. Where was your wife from?

Mathias: They lived in Cambridge.

Knott: And you said her father was Governor of Massachusetts? What was his name?

Mathias: Robert Bradford—the second Governor Bradford.

Martin: How would you describe the relationship between Senator Kennedy and Senator Brooke?

Mathias: I would say it was perfectly good and proper, maybe a little bit of antag—of competition, but nothing serious.

Martin: Did you work with both of them on fair housing and then on other civil rights legislation?

Mathias: Yes, both of them.

Martin: Did they come together with policies jointly, or did they represent their own political parties or their state?

Mathias: My recollection is that they would appear jointly on various issues. Maybe not as allies, but at least as co-conspirators.

Knott: Is it common that Senators from the same state will have a somewhat competitive relationship?

Mathias: Yes, I think it is. I think it's quite common.

Knott: That was true in your case?

Mathias: It depends. Sometimes you're more competitive if they come in the same party, and sometimes you're competitive if they come from different parties. Personalities make a difference.

Martin: I wanted to jump back to the Judiciary Committee for a second. There's a certain point, I think it's mid to late 1980s, or I guess more mid 1980s where you were the ranking Republican on the Judiciary Committee, and Strom Thurmond joins the committee and replaces you as ranking Republican. Can you talk a little bit about why that happened or what precipitated those shifts?

Mathias: Really now, you'd have to talk to Strom and John Tower, those people, but I can tell you what the appearance was. The way the committee was lined up, I was Senior Republican and presumptively the Chairman. Someone got the idea—Strom was a member of the committee, but his seniority was in the Armed Services Committee, where he was just ahead of John Tower. Some brilliant strategist got the idea that the conservatives could make a ten-strike if they would move Strom over to bump me on Judiciary so that Strom became Chairman of the Judiciary, which would automatically elevate John Tower to be Chairman of the Armed Services Committee, and that's the way it worked out.

Martin: What kind of repercussions were there for you as a Senator on that committee? How do relationships work after such a clear power struggle?

Mathias: We had to continue to do our job, but it caused a fair amount of commotion at the time.

Martin: Do you remember your interactions with Strom Thurmond after he became the ranking Republican, what kind of relationship you had with him?

Mathias: Oh, I never had very close relations with Strom, and they didn't alter tremendously.

Martin: Was there any grumbling from the other Republicans on the Judiciary Committee when this action happened? Did they support it?

Mathias: There wasn't much anybody could do about it, the seniority rules just operated, but sympathy was expressed by members. There were people who said it shouldn't have happened, it shouldn't be, but it did.

Martin: So was this not seen as a violation of seniority just because of the switch versus working your way up the committee?

Mathias: In all fairness, I have to say that technically I don't think it was a violation, but it was an unfortunate application.

Martin: There's a certain point later when Senator Kennedy becomes Chair of the Judiciary Committee. What were your observations of him as a Chairman?

Mathias: He was a very fair Chairman. He moved the business of the committee along.

Martin: Did you have greater voice when he was Chair than when—

Mathias: I don't know that I had greater, but I certainly never had difficulty getting recognized, that kind of thing.

Knott: One of the issues you had to deal with during the [Ronald] Reagan years was this whole question of the Martin Luther King birthday holiday, which I think President Reagan initially either opposed or was certainly lukewarm in his attitude towards it, and then Senator [Jesse] Helms came out and strongly opposed the national holiday. Could you tell us a little bit about that issue?

Mathias: Yes. It goes back a little bit to my first meeting Martin Luther King. Martin was in jail in Selma, Alabama, and for reasons of his own, was reluctant to post bond and get released from jail. So it was suggested that several of us go down and meet him in jail, and we went. It was [Frank Bradford] Brad Morse of Massachusetts, [Ogden R.] Brownie Reid of New York, John Lindsay, me, and maybe two or three others, and we went down to Selma and met Martin through the jail bars. Then he posted bond so that he could come out and meet us. We went to the house of a friend of his and had a meeting that afternoon. From that time on I had some personal relationship with Martin. After his death, the question came up of a Martin Luther King holiday, and that was discussed quite a bit, and as you say, there was opposition from Jesse Helms and his adherents. But Ted Kennedy was taking a very active part in supporting the idea of a Martin Luther King holiday. He came to me and proposed that we have some cooperation, and as a result, I introduced the bill and I think Ted was the number two sponsor on the bill. We finally got it passed against the opposition and had the Martin Luther King holiday.

Martin: There's a point in the debate where Senator Helms says some very unkind things about many people involved, including Martin Luther King. Do you remember what the responses from the other Senators on the floor? Did that affect his standing? Did they respond badly to him?

Mathias: I think they just froze it out. I don't recall that they made it the subject of a debate. They just ignored it. The most effective thing in politics is to be ignored.

Knott: We've skipped over some issues in the 1970s. I am responsible for that because I asked you about the Martin Luther King holiday and President Reagan and so forth. In the 1970s you were also involved fairly heavily in some arms control related issues, and you were often allied with Senator Kennedy on these issues—for instance, the agreement that had been signed by

President [Gerald] Ford and the Soviet leader [Leonid] Brezhnev at Vladivostok. You and Senator Kennedy, while supporting the treaty, were sort of pushing the administration to take more dramatic steps, more significant arms reductions. Can you tell us a little bit about your involvement in arms control issues?

Mathias: I was very much interested in the arms control issues. I had been at Nagasaki and Hiroshima, Japan within 30 days of the bomb dropping there, so I had seen firsthand what nuclear weapons can do to you, and for that reason among others, was extremely interested and kept pushing as far as I could to get progress on arms control.

Knott: There were people like Senator [Henry] Jackson in the Senate who were on the other side of the fence.

Mathias: Yes. Scoop Jackson tended to be for greater strength in nuclear weapons and in all weaponry. Scoop Jackson had his own group that worked with him. We had some of the senior members of the Senate: Senator Clifford Case of New Jersey, Senator [Jacob] Javits of New York, John Sherman Cooper of Kentucky. Ed Brooke was in this period. So we had a very strong group that was for arms control.

Knott: You also become a member of the Senate Intelligence Committee in the mid '70s, if I'm not mistaken.

Mathias: Yes. As I recall, Barry Goldwater used to give me credit for having been responsible for the Senate Intel.

Knott: Why is that?

Mathias: I'm not that sure why he gave me that credit, but he thought it was not a bad thing in the final analysis. I think he may have opposed it at the time.

Knott: Right. I think he did.

Mathias: But he came to believe that it was a reasonably useful institution. I'm trying to think of how we got started on the Intelligence Committee.

Knott: There were all the revelations during the [Frank] Church Committee about CIA [Central Intelligence Agency] abuses, right?

Mathias: Yes. I had introduced a resolution for an investigation of the intelligence, and because I was a Republican and a minority member, they passed a similar resolution that Frank Church introduced and went forward with the Church hearings. I was on that committee and had been involved in that way from the very start. I even got involved in the Pentagon papers. I had a packet of Pentagon papers pushed over my transom into the office, a great stack of Pentagon papers, and so I got involved with that issue. It was really a question of what to do with them initially, because we thought they were highly classified and hadn't taken a look at them. I went

to Senator [Mike] Mansfield and Senator Scott, who were the leaders of the Senate, and they ended up locked up in the Foreign Relations Committee safe, where they stayed for a long time.

Knott: Do you think the intelligence oversight regime that was created in the mid '70s has worked well?

Mathias: I think it's been useful. I don't know that I can say I think it worked well, but it's been useful.

Knott: In what sense has it been useful?

Mathias: It's kept the Senate somewhat current on what the developments in intelligence are. It's provided a mechanism by which intelligence issues can be vetted.

[BREAK]

Martin: We wanted to start back in with the reauthorizations of the Voting Rights Acts. You were involved from the start back in 1970, and then you continue through 1982. I wanted to get your recollection of the politics involved with the reauthorizations and your interactions with other Senators on these fights.

Mathias: It was a very timely subject because I'm involved right now with the reauthorization.

Martin: The 25 years is just about up, correct?

Mathias: Yes, and we've got bills that are going to be pending. Hopefully we'll get hearings in both the House and Senate. I have a date to go see Senator [Arlen] Specter within the next couple of weeks.

Martin: That's exciting. Do you remember the first reauthorization back in 1970? What the fights were over then?

Mathias: I don't recall the specific fights. I remember there was some question about whether it should be reauthorized, people hoping to beat it. It became part of the southern strategy.

Martin: Initially they were only reauthorized for six years, correct?

Mathias: I believe that's right. But it had an intrusive effect on some areas of the country, and that's why it was so controversial.

Martin: Do you remember who you worked with during that period? Was Kennedy involved much in those?

Mathias: I'm sure Senator Kennedy was involved, yes. I can't cite you any chapter and verse, but I'm sure he was one of the figures.

Martin: So we get a reauthorization in '70 and then I believe in '72 it gets changed or modified so that there are some provisions with respect to ballots in foreign languages, and I thought you were instrumental in adding that part to the Voting Rights Act.

Mathias: I remember that, but I don't know that I was the principal motivator. It seems to me some of the western Senators had.

Martin: And I guess the most important reauthorization was the 1982 reauthorization, which extended the Voting Rights Act for 25 years.

Mathias: That's right.

Martin: My sense is you and Senator Kennedy took the lead on that reauthorization.

Mathias: I think that's right.

Martin: Do you remember much about that period, what issues you were dealing with at the time?

Mathias: Of course there was general resistance to the idea that the Justice Department could come into individual areas, and that was, I think, the principle battleground.

Martin: So it had become a sectional fight rather than a party fight within the Senate?

Mathias: It was both.

Martin: Sure, because the South would have been at this point fairly solid.

Mathias: I think that's right.

Knott: Of course in '82 you would have had the Reagan Administration and a Justice Department that was probably fairly hostile to—

Mathias: I think that's right. Who was the Attorney General?

Knott: At that time it would have been William French Smith. [Edwin] Meese doesn't come on board until '86 or '87, I believe.

Mathias: I remember dealing with William French Smith.

Knott: And then [William] Bradford Reynolds was the Assistant Attorney General for Civil Rights.

Mathias: I had a considerable dustup with Bradford Reynolds, whom I had known previously in other ways. He wasn't a total stranger. We should have had a harmonious and amicable relationship, but we didn't.

Martin: What had happened? You said you had a dustup with him.

Mathias: Oh, he was opposed to it and was testifying that this was going to wreck the Republicans and it was going to confound the Constitution, and he generally was opposed.

Martin: My sense is that most of the concerns were over pre-clearance, letting the Justice Department come in and make sure that any changes to your voting mechanisms were complying.

Mathias: That's right.

Martin: Were there any other considerations back then in terms of reauthorization that didn't make it to the legislation? Things that you might have thought of or Senator Kennedy might have wanted to add to the bills?

Mathias: I don't recall.

Knott: Senator, more often than not you had a good collaborative relationship with Senator Kennedy, but there were certain issues related to Federal crime policy or to the Federal Criminal Code. Would you perhaps recall any of those conflicts that you may have had with Senator Kennedy over the Federal Criminal Code bill?

Mathias: Sentencing guidelines. I was very strongly in favor of giving discretion to the Federal judges. That was the whole process of judicial action. Senator Kennedy was very much for the guidelines. I thought the guidelines were a great mistake from an economic point of view because they built up the prison population substantially, and that was one of the things we disagreed on. We had no personal disagreement on it, but just simply were on different sides in that. Ironically, he was with Strom Thurmond.

Martin: I was going to say, my memory of this is that you were almost alone on some of those fights.

Mathias: I think I was alone. It seems to me on one of those votes I was the only negative vote in the Senate, right in this area.

Martin: I think it's the 1970 D.C. crime bill. I think you might have been the sole vote against it.

Mathias: I'm sure there was one vote there where I was the sole negative vote. I remember telling Strom Thurmond that he was going to bust the budget with this bill.

Martin: How did he respond?

Mathias: In his usual way; he would keep going.

Martin: One thing that is kind of interesting is that Senator Kennedy, from the time he entered the Senate, has a national profile or following. It's curious to me from an outside point of view whether Senators see that there is any risk working with Senator Kennedy, that for example he would get more than his share of the credit when a bill would be introduced or anything along those lines. Did you see risks involved with working with him?

Mathias: It never affected me one way or another.

Martin: Why do you think that was?

Mathias: I thought he was an able, competent member of the Senate, and if you agreed with him, you worked with him. As a matter of reality, he was probably going to get the preponderance of the attention, but that was just that bill and it didn't affect your whole operation by any matter.

Martin: Do you think other Senators reviewed it the same way, that working with Ted Kennedy you were not going to get as much credit?

Mathias: I think many did. Probably in the cases where he was a lightning rod it made a difference, but only in those cases.

Martin: Do you think it would have been easier for you as a Republican working with him than if you were a Democrat?

Mathias: It may have been in some cases. Democrats may have had personal issues or partisan issues that didn't affect me.

Knott: Senator, in 1980 Senator Kennedy challenged incumbent President Jimmy Carter for the Democratic nomination. You were also up for reelection that year, 1980. We're just curious as to whether you have any recollections about his challenging President Carter, if he ever talked to you about it. Granted you are in different parties, but perhaps he said something to you about this.

Mathias: I don't recall that we ever had any conversations about his candidacy. We continued to do business in spite of it, not because of it or affected by it.

Knott: Who did you support for your own party's nomination in 1980? Ronald Reagan secures the nomination, but I can't imagine he was a favorite of yours.

Mathias: I think I was really for George Herbert Walker Bush, who I had greatly admired up through his position of "voodoo economics." That was his high point. After the voodoo economics, which I agreed with—I don't mean to imply that I disagreed with that, but after, he settled down so much in the Reagan camp, I had lost my initial faith in him.

Martin: You must have felt, towards the end of your career in the Senate, that you were one of the last of the Mohicans in terms of being a moderate to liberal Republican in the Reagan era. What was that like? Did you feel like an outcast in your own party?

Mathias: There were times it was lonely, but on the other hand, a member of the Senate is sufficiently independent that you can maintain your position and maintain your integrity. I think that picture of the Reagan inauguration shows that it didn't result in being ostracized or excluded.

Knott: You were Chairman of the inaugural committee for his 1985 inauguration.

Mathias: That's right.

Knott: And you showed us a picture inside the dome, where he was taking the oath because it was so cold out. Could you tell that story again for the tape recorder about riding in the limousine to the Capitol if you don't mind?

Mathias: There was a series of incidents during that. One of the questions that I had to take up with [Thomas] Tip O'Neill was whether we should move the ceremony indoors. Tip O'Neill was my opposite number on the inaugural committee. So I called Tip up. He was somewhere watching a football game. I said, "The President wants to move the ceremony indoors." And Tip said, "Well, it's his inauguration." So on that basis we moved it indoors. Then Tip and I went down to the White House to escort the President to the Capitol, and as we rode down Pennsylvania Avenue towards the Capitol, we passed protesting groups along the street with anti-Reagan signs. As we would draw up to them, Reagan would lean up, wave to them and smile, and say, "Hello, you nasty people."

Knott: You broke with the Reagan Administration over their whole policy towards South Africa and apartheid, and I think you were allied with Senator Kennedy in pushing legislation that would put sanctions against the South African Government for their apartheid policy. Could you talk to us a little bit about that?

Mathias: That was an extension of our own civil rights. It was very innocent, a very natural position to take for both Senator Kennedy and myself, and it meant some conflict with the administration, but that was the way it was.

Knott: Did you ever travel to South Africa yourself?

Mathias: No, I never did go.

Knott: Did you meet Nelson Mandela or Bishop [Desmond] Tutu at all when they visited the United States?

Mathias: Yes. I got to know Bishop Tutu. The Bishop of Washington was a friend of Bishop Tutu's and Adam Harris's guest. I met him in that way.

Martin: During your time in the Senate, who were your friends in the Senate?

Mathias: On the Republican side we had the Wednesday club. That was an institution that we had organized in the House, and we imported it into the Senate when we moved over. That included Clifford Case, Jack Javits, Ed Brooke, John Sherman Cooper.

Martin: Was it a social gathering?

Mathias: It was both social and serious. We would have lunches every Wednesday at somebody's house. Somebody would play host and provide a lunch. We had one minute of discussion. Anybody could raise any subject that was current on his mind and we had a little hourglass—actually a minute glass—which we would turn over so the sand could run out at the beginning of the minute, and when the sand ran out at the end of the minute they had to shut up. You wouldn't think you could say very much in a minute, but you can actually say a great deal in that kind of an intimate setting in which everybody was dealing with the same concepts. I have the hourglass that was used at the Wednesday club.

Martin: Was this only Senators, or were there staff involved?

Mathias: Strictly Senators. I think Jack Heinz came into the group. It was a very socially compatible group and everybody—Chuck Percy—a wonderful group of people.

Martin: Were you mostly of the same mind politically, as well?

Mathias: Yes.

Martin: Did you have friends, people intimate with you who were opposed to you politically, good friends on the more right wing of the party?

Mathias: My colleague from Maryland, Glenn Beall, was considered to the right of me, but we were very close personally. I can think of others, yes.

Martin: Who in the Democratic Party were you close with?

Mathias: Give me a minute to sort that out. We can keep on going and come back to that.

Martin: One of the things that was very interesting about the time that you were a Senator is that you were able to do a lot of legislation in a bipartisan manner. Some of the most important pieces of legislation you worked on were with Senator Kennedy or other Democrats—say, Walter Mondale—and I wonder what your sense was about that time that made that unique. That bipartisan work seemed as though it was encouraged by the institution in some way that it might not be today.

Mathias: Curious that you should mention that, because I thought the other day of a case. Handicapped children were not admitted to public school at that period. If you were handicapped you were exempt from the education laws, and this just seemed wrong. It was not that it was

ignored, but Harrison [Pete] Williams, a Democrat from New Jersey, had a bill for some astronomic appropriation, \$20 billion or something like that, for handicapped children. Jennings Randolph from West Virginia had a bill that also had an astronomic appropriation attached to it.

I remember walking over to the Democratic cloakroom and finding both of them there, and we sat down and I said, “Why don’t we put in a bill that we can pass? You’re not going to pass a \$20 billion bill, but maybe a \$2 billion bill,” or whatever the figure was, very modest by comparison. “I think we can get it passed.” After talking about it a little bit they agreed, and so without violating their proprietary rights to legislation, we introduced the bill that had a modest appropriation attached to it. We established the principle that handicapped children had the same Constitutional right to an education as normal children, and that was an important piece of legislation that was done on a bipartisan basis just with a common sense approach to the problem.

I don’t think that would happen today. I don’t know, but I don’t think it would. Why? What is the difference? That’s an interesting question for you to speculate.

Knott: It’s a subject that Paul is particularly interested in.

Martin: In your time there, starting from late 1960s through 1980s, did you notice any trends in how easy or difficult it would be to work across party lines in that period?

Mathias: It was generally easy.

Martin: That’s my sense from your record. Just the story of being able to walk over to the Democratic cloakroom and broker a deal makes it sound as though it’s very easy to do in that period of time.

Mathias: Senator Eastland I think is an archconservative, arch white supremacist, and all the rest of it, but was actually a very approachable fellow. You could sit down with him and discuss anything, and I think that’s a tribute to him and it’s a tribute to the people he dealt with. He and Kennedy got along pretty well. There wasn’t any bitter animosity between them that I ever noticed.

Knott: Was it difficult for you to leave the Senate?

Mathias: Well, yes, in a sense it was difficult to leave the Senate. It’s a unique position. Lyndon Johnson said it’s the best job in the United States with the exception of the Presidency, and I think that may be true.

Martin: I would think for Lyndon Johnson, he would have thought that the Senate would be the best job.

Mathias: He thought it was pretty good.

Knott: He may have wanted to stop there.

Mathias: I remember he told me that himself.

Knott: You made a choice to retire.

Mathias: Yes.

Knott: Why did you make that decision?

Mathias: It does create pressure on families and I was aware of that at times, and it relieved that pressure to some extent. Then in the '80 election, I had carried every county in Maryland and the city of Baltimore, which I think was unprecedented.

Martin: I believe it was the highest ever for Maryland.

Mathias: I didn't think that I could ever do that again, so I didn't want to—

Knott: You wanted to go out on top.

Mathias: I didn't want to go out with a lesser record.

Martin: What was the Senate like those last few years when the Republican Party became in charge of the Senate versus the earlier part of your career?

Mathias: When Howard Baker was around it was pretty much the same. He more or less rode with a loose rein, very much the old system. I think after Howard left you had to change a little in subtle ways.

Martin: Could you give us a sense of what those subtle ways would be?

Mathias: A little more partisan.

Martin: How would that affect your day-to-day job or life as a Senator?

Mathias: Oh, it just didn't make it easy to do things that you would normally have done. Easy personal relationships.

Knott: Do you have any final thoughts about Senator Kennedy as a Senator? He's now, I believe, approaching his 44th year in the United States Senate, which is right up there in terms of longevity, with the best of them. Any final recollections about Kennedy's effectiveness as a Senator and your assessment of him?

Mathias: Not too long ago he did something. I have forgotten what it was, but it struck me as a statesmanlike position that he had taken, and I was tempted to send him a message, "Right on." I think he's done really remarkably. It doesn't mean I agree with everything he does, any more

than I agreed with his sentencing guideline position, but I think he's contributed enormously as a member of the Senate.

Martin: Why do you think he's been able to contribute at that level? Is there a set of factors that make one a really good Senator?

Mathias: He hasn't become crystallized in one position constantly. He's had a fairly balanced position. He's been loyal to his people in Massachusetts, but he has also been fair to the rest of the country as well. I think it's the breadth of his positions that have contributed to his record.

Knott: Unless you have anything else to say, Senator, I think we probably covered the ground that we were hoping to cover and we both want to thank you very much.

Mathias: Thank you for coming. I'm glad to have a chance to reminisce a little bit.

Martin: Your own history is quite fascinating. Have you written a memoir or anything along those lines?

Mathias: I haven't. But I was—let me see if I can get it. [makes phone call] Martin, have we got some of those, "For a More Perfect Union"?

Knott: These look great. Thank you. So these are collections of excerpts from your speeches.

Mathias: Excerpts from my speeches.

Knott: Great, thank you very much.

Martin: This parts company with the work we have done with Kennedy, but I came across, in doing the background research, that you had done quite a bit of work on executive privilege as well, your own academic writings. Do you still keep up with that?

Mathias: Yes, to some extent. I even got the president of Yale to contribute to that.

Knott: Bart Giamatti, great.

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