



EDWARD M. KENNEDY ORAL HISTORY PROJECT

**FINAL EDITED TRANSCRIPT**

INTERVIEW WITH BURT WIDES

February 2, 2007  
Washington, D.C.

**Interviewer**

*University of Virginia*

Stephen Knott

Assisting: Hilde Eliassen Restad

Audiotape: Miller Center

Transcription: The Tape Transcription Center, Boston, MA

Transcript copyedited by Erich Shuler, Jane Rafal Wilson

Final editing by Gail Hyder Wiley

© 2021 The Miller Center Foundation and the Edward M. Kennedy Institute for the United States Senate

Publicly released transcripts of the Edward M. Kennedy Oral History Project are freely available for noncommercial use according to the Fair Use provisions of the United States Copyright Code and International Copyright Law. Advance written permission is required for reproduction, redistribution, and extensive quotation or excerpting. Permission requests should be made to the Miller Center, P.O. Box 400406, Charlottesville, VA 22904-4406.

To cite an interview, please use the following general format: [name of interviewee] Interview, [date of interview], Edward M. Kennedy Oral History Project, Miller Center of Public Affairs, University of Virginia.





EDWARD M. KENNEDY ORAL HISTORY PROJECT

FINAL EDITED TRANSCRIPT

INTERVIEW WITH BURT WIDES

February 2, 2007

**Wides:** I'm Burt Wides, and I worked with and for Senator Kennedy in two periods. In the early '70s, I was chief counsel for Senator Philip Hart, who was also on the Judiciary Committee. And I worked very closely with the Kennedy staff and was involved in many meetings, strategy sessions, and so forth with Kennedy, as well as Senator Hart, and sometimes others participated. And then at the end of the '70s and through the middle of the '80s, I worked directly for Senator Kennedy, ironically, coming back from the [Jimmy] Carter White House about the time that Senator Kennedy started to challenge him for the Presidency. I worked for about 17 years as a lobbyist studying the Senate, including Senator Kennedy, from the outside. Now I'm in my sixth year working on the House side. There are obviously other staffers who know him better, more intimately, but I think I have a feel for him.

When people ask me what he's like, I usually focus on the difference between the Kennedy I know and the popular image. And I think, at least in the '70s and '80s, before he acquired the grand-old-man image that he now has, the popular image was still a bit of a playboy who was skiing in Gstaad with Senator [John] Tunney or was down in Miami Beach or Palm Beach, and the knee-jerk liberal, always out on the left, yelling at full stop. The Senator I know is someone who is a would-be American historian and political scientist, and is clearly the most prolific and productive Senator in U.S. history. And he didn't get that way or achieve that by skiing in Gstaad.

He's someone who has worked incredibly hard, perhaps starting when he first came under a mantle of questioning as to whether he had just gotten there by the Kennedy name. I remember listening to a debate when I was at Harvard Law School, between him and his opponent, Speaker [John] McCormack's son, in which Eddie McCormack famously said, "If your name was 'Edward Moore,' instead of 'Edward Moore Kennedy,' you wouldn't even be in the race." And I think, given that, given his older brother's success, he has worked extremely hard.

I think of him sitting on the floor of the Senate for hours, alternating with Senator [Howard] Metzenbaum, when the tax bill was up, to guard against any fat-cat amendments or bad amendments going through. And I think of him going to one dinner, I recall, which I think is not atypical, where he was given an award and then left early. There were remarks afterward about how he just got the award, went home, and how selfish. I knew that he came home and spent time with his son, helped him with his homework, and then sat down, and I would brief him about the hearing the next day. And this was not atypical.

Secondly, he obviously has great interpersonal skills—whatever the psychological explanation for how they were developed—and friendships across the aisle with [Orrin] Hatch, with [Paul]

Laxalt. Thirdly, he knows when and how to play what I call the “loaf of bread”—when you go for the whole loaf, when you go for half a loaf, when you go for a slice. Sometimes he will be the guy who plants the flag out with what everyone knows is the right position but are afraid politically to go for, or they feel it can’t be done. But at least his position is out there, putting pressure, moving the debate, and indicating to the public what the right position is or could be. Other times he is readier than, perhaps, others to cut a compromise, perhaps disappointing some of the outside supporting groups—or differing from some of his colleagues who are intent, for whatever reason, on insisting on a stronger position. And I think he has a great nose for the Senate—when to go for the loaf, when to go for the slice.

Having said all that, I think the key, which is so contrary to the image of him as an automatic knee jerk, is that in many areas—and it obviously can’t be done in *every* area, but in many areas—the first thing he does when he wants to make an initiative is to tell the staff to target a conservative Republican who we can get as the chief cosponsor. And that’s, I would say, his MO [modus operandi], if possible. Obviously, in some areas you can’t do it. He has a great sense of humor; a sometimes [Franklin] Rooseveltian, conscious or unconscious, use of intrastaff competition as to, “You do it,” “You do it,” “You do it.” But I would say that’s my overall impression.

And in terms of how competent he is, is he too reliant on his staff? That was another common comment, at least in the ’70s and ’80s. My thought is *As opposed to whom?* Because unlike the earlier period of Congress, when Congressmen and even Senators would specialize in red rice or space, if they had NASA [National Aeronautics and Space Administration] in their state, and rely, or key off of, other Senators on other votes. In the modern day, Senators, and even Congressmen, are expected to be able to give a sound bite on everything from the Chinese in space to cloning to pension reform, to God knows what. And you just can’t do it without a lot of reliance on staff.

But for me, as a former staffer, the acid test is what I call the “head-in-the-briefcase test.” What that means is, there comes a point, even if a Senator or Congressman is using questions from the staff, when invariably the staffer sticks his head in his briefcase, rummaging around for a paper that he suddenly wants. Or maybe he has to go take a call or a call of nature, and the Senator is on his own to ask the follow-up questions or challenge what the witness has just said, especially a hostile witness. That, to me, is the acid test.

And I’ve seen Kennedy many times just be extremely good when he zeroes in and holds his own series of questions with the witness. Obviously over this many years, in health and civil rights and education, a number of areas, he has developed both an expertise and really a strong passion. That’s another thing, does he really care about all this stuff? And I think the answer is crystal clear: yes. Having heard all these witnesses over the years, you’d have to be wooden not to develop a concern, but I think he has a strong one.

In terms of some of the events that I’m most familiar with and what they illustrate, in the civil rights area, which is what I’m most familiar with, you asked how does he develop support? Not to take anything away from him or Phil Hart, who was the chief civil rights person in the Senate after [Hubert] Humphrey left, before Hart died, there is a ready-made support organization of phenomenal capability. That’s the Leadership Conference on Civil Rights, starting out in the

'40s as a group concerned with black rights, made up of the NAACP [National Association for the Advancement of Colored People], Labor, and the main religious groups. Over the years, like Topsy, it has grown to include Hispanic rights and Hispanic organizations, to then—I forget the exact order—but to include women, women's groups, women's rights, the elderly, the disabled or handicapped, the Indians, good government groups as they emerge, like Common Cause, People for the American Way, gay/gender rights.

So you have 120 organizations, of which about a dozen are major national organizations, and when they take a position and lobby, they are very experienced. They know how to target. I've been in many meetings—We sit around, “Okay, who can get to Senator [Joseph] Biden best?” “It's the steelworkers.” “Who can get to Senator [James] Pearson best?” “The Methodists.” And they just go out there. It's like pressing a button, what the CIA [Central Intelligence Agency] used to call “the Wurlitzer.” And in that sense, there is a ready-made support.

On the other hand, Senator Kennedy, like Senator Hart, I have seen exhort them to greater efforts, and also go public in a way that gets the general public more amenable to the Leadership Conference's efforts to get grassroots support coming into Washington. He knows them well; they know him; there's mutual trust.

But as an example of him sometimes rolling the dice in a way that a lot of people think goes too far, several of them convinced him—and I was on their side—in the 1982 extension of the Voting Rights Act, to do something that the rest of his staff, his senior staff, cautioned him was a bridge too far, including Bob Shrum, Carey Parker, Larry Horowitz. To simplify it, the Voting Rights Act's core is Section 5, preclearance, where it covers jurisdictions, and if they want to make any changes that would affect the vote, they have to preclear it in Washington. Section 2 is a generic, nationwide, permanent—It doesn't have to be extended every once in a while, like we did again this summer—generic prohibition on discriminatory loss. The Supreme Court, in a case involving Mobile, Alabama, the [Wiley L.] *Bolden* case, had ruled that it required proof of intent, not intent *and* effect, which is what your materials had said, proof of intent.

**Knott:** Okay.

**Wides:** The civil rights groups felt that would—It had never been held before—would cripple Section 2, because in the case of Section 5, it's only new laws. So something at least later than '65, they could be seeking to challenge a rule about multimember districts, or at-large districts, that went back to 1897. So they couldn't use Section 5, even in a covered jurisdiction, because it wasn't a new law. The records of state legislatures, in 1897, were nonexistent. In addition, in more modern times, in 1940, there might be a law in New York where people would get up and use the blatant racist language that they might have used in the South in the 19th century. So this was a big handicap. To me, the main argument against that was, if a law is discriminating, what's the difference what people intended when they started it? Why should there be a discriminatory law? But the first hurdle was the question of the Court having indicated that it required intent.

Again, trying to keep it as simple as I can, the Court said that this tracked the 14th Amendment, and the Court had held that the 14th Amendment required proof of intent for a violation. So they said, “QED [*quod erat demonstrandum*]. This requires intent.” And in the report I wrote, I pointed out that at the time the law was passed, the Court had not yet held that the 14th

Amendment required intent. So the Congress never had to make a choice between whether they wanted to follow the 14th Amendment intent requirement or not. And the legislative history, despite what Justice [Potter] Stewart wrote, was clear that they were talking about intent *or* effect for Section 2. Nonetheless, because there was concern about getting Section 5 extended, it was passed in '65, five years later in '70, five years later in '75 for seven years.

Now, in '82, we were trying to get a long extension, and the further you get away from 1965, the more opponents say, "This is getting like original sin. How long is this going to go on? We have black mayors. The black vote in Mississippi, the percentage is greater than in New York," et cetera. Secondly, you have a Supreme Court decision, with a lot of people not focusing on the fact that the Supreme Court was not interpreting the Constitution where it's the last word, but was interpreting a statute, which Congress is always free to say, "Okay, we'll change it if you didn't get what we meant," and so forth. And Carey had clerked for Justice Stewart.

There was a strong feeling that this was too much and would endanger extension of Section 5. When I say "strong," I'm understating it. I argued—and more significantly, Bill Taylor and several other people for the Leadership Conference, Ralph Neas—that we should go for it. Kennedy took a while to think about it, and he decided to go for it—an example of not going for the slice—and in the event we won all the marbles. That was in '82. The result of that was, frankly, after the '90 census, when they redistricted in the South, the Black Caucus tripled, and that's where you got all the black members from the South and a number of the Hispanic members.

**Knott:** You said he decided to go for it; he decided to go for the whole loaf. Do you have any sense of what factors he weighed in making a decision like that? Is he looking at a vote count in the Senate?

**Wides:** No, there was no Whip count. I don't really know, but I'm assuming the civil rights groups—although he had no trouble saying, "No, this is wrong," and they would respect it—It was his feeling that the Voting Rights Act just had such a huge, emotional, symbolic momentum. Maybe his calculation was that if we couldn't get it on a Section 2—If it turned out we couldn't get it on a 2, nonetheless by giving up that or losing on it, it would give momentum for Section 5. In other words, "Okay you're not going to get 2, but at least you've got to give us 5." How can you do that? So in a way, the argument you might lose 5—You could war-game it the other way.

What happened, because you've written it up, and I was very much involved, was that Senator [Robert] Dole and Senator [Charles] Grassley—Dole was not ambivalent, as your papers indicate. Dole was very much picking up the White House position. Some of us turned Kansas upside down on his head and turned Iowa upside down on Grassley's head. When Elizabeth Dole, my classmate, went on a trip through Kansas, at every stop, the first thing the press asked her was "How come—" Kansas, the civil rights tradition, and so forth—"Senator Dole is blocking the great Civil Rights Act?" And there were editorials in the *Wichita Eagle*, and groups were writing him and so forth. Eventually we struck a deal, which was that I could write the report and there would be a compromise. The compromise was that I took two sentences out of the draft report and put it into the bill. At some point, Joe Rauh, bless him, went to a party and was laughing about it: "Compromise? That was no compromise." And it got into the *Post* the next day, and we were not too happy about that.

In the case of Grassley, there was a full-page ad in the Iowa *Des Moines Register*, with every conceivable group—religious groups, unions, whatever—pointing out that all the states around Iowa had—the Senators had endorsed the bill, et cetera. And the editorial that day began, “Next week, Chuck Grassley will cast the most important vote of his career,” and it went up from there. If you look at the last few days of the debate on the floor, besides Kennedy and [Charles] Mathias, Grassley’s probably the strongest advocate of the bill. This is grassroots at its best. Hatch was still opposed to it.

But let me go back to the other two Voting Rights Acts. I coordinated, in the Senate, the ’70 one, which was going to be a straight extension, and that was a tough fight as it was, because originally the South had assumed, and I guess a lot of people had assumed, that the preclearance requirement for the Attorney General to approve it would only apply to things directly related to voting, like a poll tax or literacy test or intimidation at registration. In two cases in the late ’60s, *Allen [v. State Board of Elections]* and *Perkins [v. Matthews]*, the Supreme Court ruled that anything that would dilute the black vote—because blacks, with registrars, with protection under the original act, had started to register in great numbers.

So there were various schemes to dilute the significance of the vote. The two easiest examples are, if a black majority is about to win a local election, you annex more white suburbs to dilute their vote. Or if you have four councilman districts, or five, and in two or three of them, blacks might win—even though overall, the city has a white majority—you turn them into at-large districts, so the entire city votes for each—and many other, more complicated dilutions. The Court had ruled that those two have to come in under Section 5 for preclearance in Washington, so the opposition was fierce.

In ’65, the Senate had sent the bill to Jim Eastland’s committee with a requirement that it be reported by a certain day, so he couldn’t bottle it up. They had hearings; they had no markup of the bill; and he reported on a single sheet of paper: We weren’t able to decide. The liberals used that and attached their dissenting or separate views, essentially like a report, which became the legislative history. Having learned that, in ’70, Eastland reported orally. So the day the debate began, I had put on every Senator’s desk the joint views of ten Senators. “This is what we would have said had we been allowed to meet.” And that was treated by the Court as a legislative history. But it was really fierce.

Well, in that context—and [Samuel] Ervin had a thousand amendments we had to knock down—Kennedy wanted to lower the voting age to 18.

**Knott:** Oh, right.

**Wides:** People had approached us, and I was back and forth; Hart was back and forth about it; and Kennedy just said, “Go for it.” I wasn’t in his office; I don’t know the discussions. Carey Parker said he felt very strongly about it, and as you have indicated, ultimately the Court said it was okay for federal, not for state—We had to go back and do the amendment. The head of the Judiciary Committee in the House, who was a big liberal from New York, but quite old, Manny [Emanuel] Celler, did not like the idea. And Clarence Mitchell, a wonderful man, one of my heroes, along with Joe Rauh, who were sort of the gold-dust twins of the Leadership Conference—Clarence had been here for the NAACP since the ’40s, maybe the ’30s. He was the

director of the Leadership Conference—Rauh was the chief counsel, and they were the real outside people on all the civil rights laws in the '60s. He was very upset because he thought it would doom the act or create problems. Kennedy prevailed and we prevailed.

In '75, it was not as tough as '70. [Gerald] Ford was coming after Watergate and basically was going along with what was happening. But there was still concern about doing the extension because, again, the South was saying, “My God, this is getting later and later.” Hart was involved, but Kennedy also. I don’t really recall if Kennedy took the lead on it or if the Leadership Conference came to Hart and Hart put it in. But I suspect, because of Kennedy’s work with Cesar Chavez and migrants and refugees, that he was the lead voice on it. There may be documentary evidence of that. He certainly was a strong voice. Again, Clarence Mitchell was very concerned that this would doom it, and that was the first sort of black/brown potential friction.

Just to show you how—although this doesn’t relate to Senator Kennedy—how strong the opposition was in '70 after the dilution cases, after we won, [Richard] Nixon had proposed a bill, which you referred to, in which you’d go back to case-by-case litigation. The whole idea of Section 5 was that previously, even if you won a case, by the time it got to the Supreme Court, they had a new gimmick in place, so it was like the dogs trying to catch the rabbit at the dog track. And Section 5 switched the burden and the inertia, so they were proposing going back to individual litigation. We beat that, and Mitchell then put out regulations to force Section 5, which essentially undid what Section 5 was all about, and it took another whole legislative fight, or nationwide fight, to stop it.

Let me turn to Watergate and then the judges. There is a great historical misconception that Elliot Richardson was the hero of Watergate and that he insisted on an independent Special Prosecutor, who eventually was Archibald Cox. That’s 180 degrees from the truth, 180 degrees. The fact of the matter is that it was over Richardson’s figurative dead body that an independent prosecutor was appointed. And he had been named as Attorney General, and he came up repeatedly to try and convince Kennedy and Phil Hart that it would be unconstitutional to have a Special Prosecutor who had the final say, was really independent, and not under the ultimate command of the Attorney General—separation of powers and so forth, President/Chief Executive. Each time they would come back to Jim Flug and to me, and we’d go through the arguments and so forth.

Finally, at the hearing, Richardson assumed, because he was the great hero, that they would trust him. I should add parenthetically that, in terms of intelligence and integrity in public service, overall, on Richardson’s career, you’d have to rank him very high. But in this case, he essentially threatened implicitly to not take the office of Attorney General if they insist on a Special Prosecutor. Phil Hart—the first time I heard the expression, then later under [William] Clinton I learned what it meant—said, “I know you served in all these Cabinet posts and are a man of integrity, but the public doesn’t know you from Adam’s off ox,” which turns out to be the ox on the far right-hand side in some Biblical—

He looked around, and he saw that not only the liberals but Bob Byrd and Ervin were just not going to confirm him, so he promised. He said, “I will appoint someone so good that I would only overrule him if he went off the deep end.” He scribbled a little note, and Hart said, “How



about saying you won't overrule him, and if he goes off the deep end, you'll fire him?" which is ultimately what Cox's charter became. He reluctantly agreed to it. We then found out that he had offered it on his terms, i.e., not with that independence, to [Leon] Jaworski, who later became the second person to Warren Christopher and to Ace [Harold] Tyler, who had been Deputy Attorney General under [Dwight] Eisenhower, and a federal judge, who was practicing in New York. That's the only time I've ever seen Phil Hart angry.

**Knott:** I'm sorry. He was angry because—

**Wides:** Because Richardson had promised that he would appoint an independent prosecutor.

**Knott:** I got you.

**Wides:** And had then offered it on nonindependent terms. Jim and I worked with Richardson's staff and wrote essentially what became the—Later it turned out that Richardson had tried to pressure Cox to stay away from certain areas at the hearings we had after Cox was fired. I think, luckily for Richardson, Cox just regarded him as a nice student and not as someone trying to obstruct justice or something. When Cox was fired, Richardson had no choice but to resign. He had made this public commitment. I don't know if it was under oath.

Anyway, the point I wanted to get to was, after the Saturday Night Massacre, Kennedy called Hart, as I recall, and Hart agreed, and we had a meeting in Dirksen on Sunday night. [Birch] Bayh, who was a great Senator, on this particular night had a headache, and it later turned out was down the hall with his staff drafting it. But we drafted a court-appointed prosecutor bill, and it was put in the next day. Nixon had said that there was no longer a need for a Special Prosecutor; the office is going to be rolled up. And Jim Flug and I ran around getting cosponsorships. The White House had said that this would be unconstitutional. This was for a court-appointed Special Prosecutor. I had found a bill, during the [Harry] Truman scandals, calling for a court-appointed Special Prosecutor, put in by the junior Senator from California, Richard Nixon. But mainly there was just the firestorm over the fire.

That night at his press conference, Tom Brokaw, who was the White House correspondent, in the first question, mentioned that there were—I think he mentioned it; I'm not positive—a veto-proof number of cosponsors for a court-appointed Special Prosecutor. And a day or two later, Nixon appointed Jaworski. Then there were many hearings, parallel to the Ervin committee, that went out on Watergate-related things. I'd say the most dramatic moment—and Kennedy was part of that pressing.

**Knott:** I was going to ask that.

**Wides:** The most dramatic moment in my 37 years on the Hill, or lobbying the Hill, was when Pat Gray was up for FBI [Federal Bureau of Investigations] Director. He was Deputy Attorney General. I think Kennedy did some questioning, but the coup de grâce was Bob Byrd, and it went something like this:

"Did there come a time when you were asked to go to the White House and help empty Howard Hunt's safe?" Gray said yes. "Did you go over there?" Gray said yes. Byrd said, "And what

happened?” Gray said, “Well, the Secret Service drilled open the safe.” Byrd said, “And what was inside?” Gray said, “Well, there was some folders.”

“Anything else?” Byrd said. Gray said, “There was a black briefcase.” “And what happened to the black briefcase?” Gray said, “Well, the contents were given the appropriate—” blah blah blah. Byrd said, “You’re under oath, Mr. Gray. What happened to the black briefcase?” This is a packed courtroom with TV up the wazoo.

“Well,” Gray said, “that night, as I was driving home over the Potomac, over the 14th Street Bridge, I followed Mr. [H. R.] Haldeman’s directions and threw it into the Potomac.” It’s hard to top that.

**Knott:** That’s pretty good.

**Wides:** In terms of the judicial nominations, up until Kennedy was Chairman of Judiciary, which was ’79/’80, I would say, by and large unless someone was caught killing a rabbi in broad daylight, the district and appellate judgeships were not looked at too carefully, I have to admit, even by the best of the liberals. You confirmed whoever the other Senators nominated or wanted, and there are some terrible stories, which I won’t go into.

But when Kennedy became Chairman for the first time—Tom Susman did it in ’79, and I did it in ’80—staff got to look at the FBI background report, and the ones I saw were atrocious. They were atrocious partly because of all the raw information that was in there without much checking out. So, “So-and-So says that the nominee really is a drug dealer” or “has taken a \$100,000 bribe in a drug murder,” and I saw that. In other cases, it was because of its incompleteness. “Two of our best informants say he really has ties to the Mob.” Now, normally—and I’ve seen many FBI criminal and counterintelligence espionage investigations—that would be like a chain reaction. It would be followed by 20 different interviews, and that would trigger 30 more, and you’d turn the page and it would say, “IV: Neighbors.”

So we did a lot of investigation. When I say “we,” I was in charge, but with several of Bobby Kennedy’s crime investigators, the best in the country: Carmine Bellino, who had taught generations of FBI people how to do white-collar crime investigations; and Walter Sheridan, a former FBI agent, maybe the best investigator, and by himself, he was the original organized-crime taskforce in the [Jimmy] Hoffa case. So we had those two, and then I had a very good guy detailed from the FBI office here, and they just chewed up nominees who thought they would come up and flimflam the staff, and they never knew what hit them.

We did two kinds of investigations. Sometimes—and this was a Democratic President and Democratic Attorney General, a good guy, who I knew from my work for [Paul] Sarbanes—but names would get sent to the White House, and the FBI background check would indicate concerns about ties to organized crime, or other kinds of ties, and the investigation would not seem very thorough. We would investigate. And in a number of instances, we stopped it from going forward. That later came back to haunt us with regard to Justice [Stephen] Breyer getting on the First Circuit before he got on the Court.

**Knott:** I’m sorry. Why did it come back to haunt you with Breyer?

**Wides:** There were several judges, nominees, whom we stopped, and Kennedy backed us up. The Senators who had appointed him were very upset. They didn't believe our suspicions—and it was a lot more than suspicions—and they were very angry, particularly a couple. So toward the end of '80—and it was the same day you mentioned, where I had done the fair housing, where we couldn't get cloture. I believe it was the same day, and Justice Breyer's nomination was up on that day. These Senators—

Well, to backtrack, it was toward the end of the session. The Republicans had had their convention. Strom Thurmond had said, "No more Democratic judges," because they thought [Ronald] Reagan was likely to win. I was still able to get a couple of women judges and minority judges, but white males. There was also a particular problem in the First Circuit, which, although I was special counsel to Carter, was not Carter's finest moment, although maybe understandable since Kennedy had challenged him. Kennedy put up Archibald Cox for the First Circuit. Carter said no. He didn't say, "He's been a Kennedy guy forever," but he said no. He said, "Too old." We got the ABA [American Bar Association] to waive that for Archie, and Carter still said no.

So we were sitting around trying to think who we could get through the committee. And Ken Feinberg and I were chatting. Ken remembers it was his idea, and that's fine. And he may have been the first person, but the thought was, everyone loves Breyer. Steve Breyer is so earnest and so straightforward and so able as a teacher that he was held in the highest regard and affection by every Senator—Hatch, Thurmond, everybody. So we put him up and they said, "Okay for the First Circuit," even though he didn't have prior judicial experience and not all that much litigating experience. The Senators—I can think of two, but I think there were one or two others whose nominees we had deep-sixed—were fiercely trying to stop it.

**Knott:** You don't care to tell us who those Senators are?

**Wides:** It gets off into a long—well, I can tell you one, because I think he's passed away. Bob Morgan of North Carolina gave Kennedy just a terrible time. He nominated a guy who was a campaign manager and a real two-bit player and had been involved in some two-bit—not big, major stuff—but a gang that was involved in smuggling illegal cigarettes from North Carolina or something. Walter and Carmine just chewed him up and spit him out, and we stopped him. I think [Patrick] Leahy was the guy who was chairing the hearing, and Morgan came and was furious.

Then he had Breyer and me come up to his office, and he had a tape recorder going, and he was questioning us. Then I rode four hours to a friend's place we were using for Thanksgiving with several families. I got there and I got a call that I was supposed to come back because Morgan wanted to see what was in my safe. It later turned out, he had a benign tumor—I think it was benign—and then he passed on, I believe. And he was just off the edge, and there were some others.

There were also, under Carter—and with urging by Senator Kennedy, but with Carter's own strong belief—a substantial number of minority judges and women judges nominated. Particularly in the case of minorities, but to some extent in the case of the women, the establishment local bar was not amused, and with varying degrees of civility opposed the nominations. The ABA, the American Bar Association, has changed dramatically over the years,

but in the early years, in the '70s, when Eastland was Chairman, I would, more than anyone else, review the judgeships, sometimes to no avail.

The ABA had an attitude that if you were a Title 7, equal-employment-opportunity provision of the Civil Rights Act, or an environmental lawyer, no matter how stellar, you weren't fit for a federal judgeship because you didn't know anything about patents, about corporate law, about all the other areas of federal law. On the other hand, if you were a partner at a Wall Street law firm, and you were a securities litigator in stock cases, and you didn't know anything about any of the other many areas of federal court jurisdiction, you were just right. Particularly in regard to Hispanic and minority judges, there was tremendous opposition, and we got a significant number through. There were two standouts. Well, one did not involve minorities; it involved probably the most liberal judge on the courts today, or at least the one who drives [Antonin] Scalia crazy, and that's Stephen Reinhardt on the Ninth Circuit.

We were about to have the anointing hearing, and a witness in witness protection, who was going to testify for the FBI in trials all over the country on a sting that dwarfed Abscam [Abdul Enterprises scam], called BRILAB [bribery and labor], under which the FBI was going after the Speaker of the House in Texas, Lieutenant Governor in Kansas, heads of major unions—This guy was a three-time felon. And from his secret hideaway, he gave interview reports to the FBI that Reinhardt was a bag man for the Mob, or an intermediary for the cash flow. I sent Walter Sheridan out to check out what he had said, and almost everything turned out the opposite, except where it was one on one—you couldn't check it out—where he said that he had been there and he had seen something happen and so forth. We went to the Justice Department—This is under Carter, under [Benjamin] Civiletti—and said, “We don't want to screw up these cases, but this guy is—”

I learned a scary thing, which is that when the Bureau has invested a lot in a case and a person, and they say something about you that's not true and you try to raise that, there's a tendency to move heaven and earth to get you, rather than to go back and really check out what the guy said. For almost a year, we had that back-and-forth. They would keep coming up with new stuff, and we'd knock it down. They were saying that Walter Sheridan was trying to protect the Mob, which is like saying Santa Claus hates Christmas. Eventually we got Steve through, and Kennedy stuck with it and spoke to the Justice Department and said, “This is serious.”

The most dramatic one involved two blacks that [Howell] Heflin nominated for the court in Alabama: Fred Gray, who was the first prominent black civil rights lawyer for Rosa Parks, Dr. [Martin Luther] King, [Charles] Gomillion; and a young guy named U. W. Clemon, who was a Title 7 civil rights lawyer. The way the American Bar Association works, they have a committee on the judiciary, and they have someone from each circuit. This may have changed, but I don't think so, because I've had more recent experiences. The person representing the circuit that the nominee is from—district or appellate or Supreme Court—is the one who writes the report, and he talks to the bar, and he talks to other groups, and so forth. This has been improved, but this is 1980.

The guy who was the leading litigator at the biggest firm in Atlanta came back—and the ABA filed reports on each of them—with about 20 or 30 problems, and said neither of them had “judicial temperament,” which was a euphemism for ethical integrity. In the case of U. W.—

who, by the way, Jack Greenberg of the Legal Defense Fund told me was the nicest guy you could ever work for—we knocked them all down. He’s now the senior judge or retiree chief judge. It was a struggle. In the case of Fred Gray, we knocked almost all of them down. There was one bit of smoke we just couldn’t get rid of, although I didn’t think there was a problem. Instead we got a very young judge, Myron Thompson, African American.

[BREAK]

**Wides:** I think the bottom line is that Senator Kennedy, as Chairman, insisted on a very thorough look at the judges—It was a quantum leap from the past—and insisted on pressing for documents, for allowing us to investigate, and for trying to get other Senators to resist pressure from Senators who were nominated, other committee members. The other thing he did was to start the practice of forcing nominees to resign from segregated or male-only clubs if they were going to be members of the Justice Department, officials. Not that they couldn’t be, but they’d have to resign. With regard to the other main civil rights—

**Knott:** Why did he only stay as Chair of the Judiciary Committee for a couple of years? We’ve heard mixed reports about whether he even wanted that position. Do you have any reflections on that?

**Wides:** I thought it was well known, and maybe I’m wrong. I’ve been wrong.

**Knott:** Please straighten us out.

**Wides:** Well, Senator [Harrison] Williams of New Jersey had been convicted and left the Senate. Labor wanted a strong voice at the helm of Labor, and he agreed to take that. Now, it could have coincided. I always tell my kids that the reason why you do something—or the Senate or France—is never A, B, or C; it’s usually all of the above. And his gut, I think—although he cared a lot about civil rights—health, poverty, education is what really rings his bell, and so he may have preferred to spend more time on that. Of course Judiciary has a lot of stuff on patents. And then, of course, we lost the Senate, and so it was a question of just who was going to be ranking.

**Knott:** I see.

**Wides:** I don’t know who was second to him on the committee, whereas in the case of Judiciary, Biden was going to be the ranking, and he was pretty strongly liberal and so forth.

With regard to the other aspect of civil rights, I have only one or two Kennedy stories. You talked about the fight over busing, and Hart was the leader on that. At one point, Hart was the only white elected official in Michigan to support busing, not because he liked it, but on the grounds that if the Court found it a constitutional violation, and that was the only thing that he thought could fix it, that Congress shouldn’t intervene.

Just as background, maybe more than you'll want, but the 14th Amendment has an implementing clause, Section 5: "Congress can pass any law to help effectuate the amendment." That's the basis on which the Supreme Court upheld Section 5 of the Voting Rights Act, and the Court held that that gives the Congress a penumbra to prohibit things, which the Court itself would not hold unconstitutional, in direct litigation. So in *Northampton v. Lassiter*—I always forget whether it was the literacy test or the poll tax—the Court held it was not a violation of the 14th Amendment, but then upheld Congress's right, in terms of what it thought was necessary empirically, to fully effect the 14th Amendment, to temporarily postpone it and then ban it and to require the Attorney General to strike down things that maybe the Court would not strike down if they were challenged in a straight suit. The notion had been that it was a one-way ratchet, that they could expand the 14th Amendment—expand it in the sense that "This is prohibited," even though the Court wouldn't say it was in a suit—but it wasn't a two-way ratchet, and they couldn't say, "Well, a judge can't do this," even though the Court would uphold it.

At the height of the busing fight, the conservative thinkers were articulating that the Congress could say, "The best way to enforce the 14th Amendment is through remedies other than busing," and in that context could restrict what a court does. There was always the other, cruder notion: that because the Constitution says that there will be such inferior courts with such jurisdiction as the Congress wants to give them, that they could withhold jurisdiction for a particular remedy—but that wasn't very persuasive.

You mentioned several busing amendments. Bert Carp, with [Walter] Mondale and I, two years in a row—

**Knott:** I'm sorry, what was the name?

**Wides:** Bert Carp, who was with Mondale, drew up an amendment, which was passed at the last second when all debate had expired. I always felt a little undemocratic about that. Hugh Scott, the Republican leader, who was strong on civil rights—and was always the Hart-Scott Voting Rights Act—and Mike Mansfield, when all time had expired, stood up—They always get recognized—and offered this amendment, which they said simply restated Congress's fidelity to the Constitution. But in fact it was written in such a way that after the [Edward J.] Gurney amendment and the [Robert] Griffin amendment were adopted—because the House would pass a good bill, it would go to Labor and the Senate, would come out good, and then they would offer these amendments—several months later, some court would say that whatever power Congress might have had under the theory I mentioned, in the Scott-Mansfield amendment, it had expressly eschewed that power. But that was on the academic side. The emotions were white hot.

I was trying to get the dates right from when you said it happened, but there was a time when he is described as seeking refuge in a federal building?

**Knott:** Yes.

**Wides:** We were on the floor with something. Maybe it was the busing debate. I don't know.

**Knott:** In September of '74, he was chased back into the John F. Kennedy Federal Building in Boston.

**Wides:** Well, we might have started on the Voting Rights Act then; I think it was the Voting Rights Act. But in any event, I remember him coming in, and he was white as a ghost. He said he had almost been pushed through the glass.

**Knott:** Yes.

**Wides:** And he was just really totally nonplussed. I noticed—and I don't remember the details—that not long after that, my memory is he still gave a very strong speech on civil rights, on school desegregation. The guy who took the lead was really Mondale, especially on the de facto. Kennedy never wavered, despite everything.

**Knott:** Let me make it clear, Mr. Wides. You control this transcript.

**Wides:** The only way busing would have worked is on a metropolitan scale, where you'd have suburbs and city intermingling. In three cases, *Bradley v. Milliken* in Detroit, *Keyes [v. School District No. 1, Denver]* in Denver, and a case in Wilmington, Delaware, the Court knocked them down. But when the Wilmington case was going up, Biden got off the bus; on the other hand, as I often say, as opposed to whom, except Senator Hart?

But Kennedy was very strong despite the heat. He used the Judiciary Committee for oversight probably better than anyone I was aware of, sort of like [Henry] Waxman does now with government reform. Administrative practices, which probably was set up to deal with the Administrative Procedure Act, I think it was, he took to mean how any government agency was functioning. So you have the great hearings that Susman did with him on the Indians. You had a little bit of everything. He would press witnesses, unless he was met with a stone wall.

And the stone wall, I remember, was when [Richard] Kleindienst was up to replace [John] Mitchell as Attorney General—Mitchell having gone to CREEP, the Committee to Re-elect the President. Jim Flug and I had gotten some information from someone in the Civil Rights Division. Kennedy was questioning Mitchell and he said, "Did you ever talk to Assistant Attorney General for Civil Rights Jerris Leonard about the Coldwell Banker people?" Mitchell said no. Kennedy said, "Well, let me read this note from Jerris Leonard to the head of the housing section: 'The Attorney General knows the people at Coldwell Banker. They're good people and wouldn't discriminate. Close the case.' Why would he have written that?" Mitchell said, "I don't know."

Kennedy said, "You don't recall ever speaking to him about it?" "Absolutely not." "Well, why would he have written that note?" Mitchell said, "I just have no idea." It was about five minutes of total stoneface by Mitchell. Kennedy dropped it, but he tried. He pressed him.

**Knott:** Do you know if he finds those kinds of confrontations uncomfortable?

**Wides:** Yes. You can tell when he's a little uncomfortable in a confrontation.

**Knott:** How?

**Wides:** His voice goes up. It gets louder and louder. Haven't you ever seen that on television?

**Knott:** Yes, I have.

**Wides:** I should say, I saw him in '70 when he had been in for six or eight years.

**Knott:** It would have been eight.

**Wides:** And then I saw him up close through '84, when he had been in closer to 20 years, and like anyone who has been here a long time, his self-assurance, command of both the subject matter and a sense of the Senate, a willingness to really duke it out, all clearly increased. What he was like questioning a tough witness in '70, let alone the '60s when I wasn't here, versus what he was like in '84 or now—the “lion in winter”—obviously, you're different.

**Knott:** Yes, sure.

**Wides:** But I go back to what I said, that if you look at his career—and there are people who know it much better than I—it's interesting to see him go back and forth, and at times strike compromises where people on the outside are disappointed or outraged—although probably a lot less frequently than many other liberals—and other times where he plants the flag, and the leadership can come to him, and the party can come to him. I think that side of him is the speech in Memphis, Tennessee, “We'll sail against the wind.”

**Knott:** Right. Can you give us an example where he's disappointed the civil rights community at large?

**Wides:** I don't know about the civil rights community. I think, on some judges. I don't know if I can give you a specific example. I mean, he's their hero.

**Knott:** Right.

**Wides:** They gave him the Hubert Humphrey Award, which they give out at the annual dinner of the Leadership Conference. I think you need to talk to a health group or maybe Dave Nexon. Have you talked to Carolyn Osolinik?

**Knott:** We were supposed to interview her yesterday, but she had to cancel.

**Wides:** She succeeded me. And a lot of the stuff, like the Civil Rights Restoration Act and so forth, when I say “disappoint,” I don't mean, like, taking a dive, like sometimes groups on the other side feel like, *How could you? Say it ain't so, “Shoeless” Joe [Jackson]*. I mean, not being willing to stick with the toughest position.

I can remember once off the floor, with [Jacob] Javits and Hart and Kennedy and Mondale—I think it was the Voting Rights Act, I don't remember what it was—and they were asking me if a certain amendment was okay, and I was explaining why I thought it wasn't. Then they came back a little later with another one. At some point, you just knew the answer was, “Yes, we can accept it.” No matter what the problems were, the answer was yes. You have a feel for that. I guess I come back to all the misperceptions that I started with.

Let me just see real quick if there were other things.



**Knott:** Sure.

**Wides:** You asked what he cares about, and I think health, poverty, civil rights. An important area is human rights. I don't know if you're going to speak to Mark Schneider, but if you're not, you really should. Mark's the second-best public servant, except for a guy named Bill Miller, who was the chief of staff of the [Frank] Church Committee, that I've seen in almost 40 years. Mark came to Kennedy as a fellow from the *Sacramento Bee*, and he stayed and eventually was a jack-of-all-trades, including arms control and education, but also was human rights. In the '70s, in the Nixon era, the [Henry] Kissinger era, the main force for human rights in Washington was Kennedy, staffed and pushed by Mark. What I mean by that is that when left-wing politicians in Latin America were jailed by some dictator, Kennedy would push, privately and publicly, aided by Mark, who is a super expert on Latin America.

Just as an aside, Mark was subsequently Deputy Assistant Secretary, but really functioned as the Assistant Secretary for Human Rights under Carter. He was head of Aid for Latin America under Clinton, and then head of the Peace Corps. I went with him to the Chilean Embassy a few years ago. He got their highest award for what he and Kennedy had done to defeat [Augusto] Pinochet. Mark can describe the things he did with Kennedy, or by himself with Kennedy's full backing. And then even when Mark went to Carter, to the State Department, I think he was getting Kennedy's backing. Kennedy, whether it was—Well, I think, in particular, the clampdown on arms to Chile, but just exposing what was going on. And it wasn't just Chile; it was Latin America. That's a whole side of Kennedy that Mark knows chapter and verse, that you really should get if you can.

**Knott:** That's good to know. Yes, we will.

**Wides:** He also used the Administrative Practice Subcommittee to do hearings. There's a great guy, who unfortunately has passed away, Michael Epstein—who went back to being a special assistant to [William] Hundley, the Criminal Division Chief under Bobby Kennedy, and was with Kennedy for many years—worked under Flug. They did hearings on the CIA and Defense Department drug testing on unwitting people. Now, that came from my work, because I was the one doing the Church Committee, who found all the stuff. But Kennedy called him in, the guy who jumped out of the window and so forth, and had really strong hearings on that.

One other thing, and that is, what you say is accurate about [G. Harrold] Carswell. The Senate had defeated [Clement] Haynesworth. In my judgment, that was a little finely spun out; I'll probably edit this. He was a class act. He was a scholar, conservative southerner of the old school. Labor didn't want him on because of his labor stuff, and they had what, to me, was a pretty finely spun-out ethics claim, and Bayh took up the charge. After we beat Haynesworth, Nixon said to Mitchell, "Really stick it to him." Everyone assumed that the Senate would not twice vote down a Southern, conservative Republican, because you wouldn't get Southern Democrats or Republicans to do it twice.

I was in several meetings, and there were only three people who thought it was even worth trying: Joe Rauh, Marian Edelman, and Jim Flug. And Jim convinced Kennedy. Unfortunately, Kennedy had Chappaquiddick, and as a result, he was out. Phil Hart was out, I forget why. Biden, to his credit, took up the coattails again. But Jim, with Kennedy's backing and some of

Kennedy's involvement, really, with the outside, dug up the dirt. Bayh did a yeoman's job of developing the support, the votes in the boiler room. But again, 180 degrees different from the way it's usually written up by historians or political scientists as an example of the system working, because Carswell was ultimately defeated.

He was, as judges go, stupid, with an extremely high reversal rate. I still have a note from Marian Edelman, begging the committee not to put him on the Fifth Circuit, which is an example of what I said before, the standard in those days. We showed he had committed perjury about his role taking public facilities private in Tallahassee so they wouldn't have to be desegregated. He had given a "segregation forever" speech, and about a year after he was defeated, he was arrested with a young man in a paid toilet in the airport in Miami, and they weren't playing limbo. Now, I can tell you that if Margaret Chase Smith had not been persuaded by [George] Aiken and Mansfield to change her vote shortly before the vote, he would have been on the Court. And then, once that was the deciding vote, then a number of other Senators came across. Bayh was the leader, but in terms of really nailing it, Kennedy and Flug really did it.

Anyway, now what did I miss?

**Knott:** You covered a lot. That was great. I wanted to ask a little bit about the role of some Republican Senators in the '70s, on some of these civil rights and voting rights.

**Wides:** Oh, you're making me cry.

**Knott:** I don't want you to cry.

**Wides:** You're making me cry, because in those days, on civil rights, civil liberty, and good government, we always had a dozen to two dozen Senators, and we're not just talking about Javits or Ed Brooke. I'm talking about Pearson of Kansas. I'm talking about Bob Taft of Ohio. I'm talking about [Henry] Bellmon from Oklahoma. Clarence Mitchell would get them, we'd get them, whatever. We had grassroots. When you talk about the Leadership Conference, you're talking about a lot of religious groups. Evangelicals were not so great when you're talking about western Democrats out in Nevada. In those days, unions were very strong out there, the mining unions and so forth, so you'd get [Howard] Cannon, [Joseph] Montoya, and so forth.

Of the Republicans, I could reel off a dozen—and if I thought about it, a dozen and a half—that you'd almost always get on civil rights and civil liberties. I think today there's one? A half? I don't know what there is. But Hugh Scott was a Virginia gentleman before he went to Pennsylvania. He was a Far East scholar, which was an affinity he shared with Mansfield. He had a lot of antiques and oriental items in his office. I'm not sure about Carswell, but on almost every civil rights issue, he was good. Now, Clarence Mitchell turned out the vote in South Philadelphia. As I said, there are always many reasons, but I think he genuinely was, if not rabid, committed. So he comes to mind. Mac Mathias we always considered—I don't know if you know, but when Jews pray, they need a minion of ten men. So we always considered him our tenth man. I forget how many Senators there were. He was essentially like a Democrat on almost everything, except, I don't know, maybe there were some commercial issues. So he was the leader on civil rights, the '82 act. I mean, he was just the guy on the committee who functioned almost like another Democrat. I'm trying to think of who else.

**Knott:** Clifford Case.

**Wides:** Clifford Case was super—That’s the inner core, Javits. Before my time, [Thomas] Kuchel from California.

**Knott:** Is it fair to say that Kennedy does not emerge as a leader of the civil rights—for lack of a better word—faction in the Senate until about the 1980s, until after Phil Hart, until after these moderate-to-liberal Republican Senators have been defeated?

**Wides:** I think, after the ’75 Voting Rights Act, and then Hart was getting ill, he would have been chairman of the Church Committee. Remind me to tell you one story about Phil Hart afterward, when we’re finished here, which will explain what I mean by “off the charts.”

I would say Kennedy then began to emerge as the leader, before I got back to the Senate. He was the natural inheritor. Birch Bayh was strong, but he had made it a major issue for him before that, in the ’60s and in the ’70s. And in terms of his speaking out, I would say he was one of the leaders relatively early on—one of the leaders. I think Humphrey was a leader, and then when Humphrey went to the White House, they had to drop the Voting Rights Act, Title 5, from the civil rights bill. The next year they did it, and Hart was sort of the leader. But after Hart—and his heart was failing—Kennedy became the leader. I can’t think of anyone else. [Alan] Cranston was strong, and there were other strong people, but again, it starts with Judiciary, and I would say that Kennedy was the most outspoken, at least to my memory.

**Knott:** You knew Senator Hart very well. You know Senator Kennedy quite well. Would you be willing to compare the two men for us—their strengths, their weaknesses, and the nature of their relationship?

**Wides:** I don’t know if I knew either of them very well. Hart was private. I mean, we shared a laugh. I’ll give you a snatch of his humor. It’s hard to believe, but in 1971 I wrote a bill for him to take away all handguns, allowing target pistols, locked up at pistol clubs or the police station, and allowing rifles. Today, when gun control seems to be whether civilians should have tactical nuclear weapons or only conventional warheads—and before you laugh, last year the House refused to ban a heavy-duty, .50-caliber machine gun, proudly advertised in the magazines as being capable of bringing down an airplane. So times have changed. But Hart, with my help, started bringing police chiefs into it, the major police chiefs, and women’s groups, mothers, and so forth.

Hart was, I suppose a psychiatrist would say, almost pathologically shy and humble. Kennedy is extremely gregarious and outgoing, and it’s one of his strengths, in terms of the friendships he’s made across the aisle. I think he had that kind of relationship with Ronald Reagan, certainly more than Carter. Hart would probably agonize more—although I don’t know whether Kennedy has—over issues, and he would agonize over the fact that people on the plane from Detroit back to Washington would say, “Your kids are in private school. What would happen if your kids were in public school and they got attacked in the bathroom?” and blah blah blah.

But I started to say about the gun control. Hart put this bill in, and out of the blue, there was a speech on the floor by another Senator, a younger Senator, who said, “Phil Hart is the bravest and the wisest, and this is the only thing that will really solve the gun-violence problem. And I’m

going to be with him a thousand percent.” So I called up his staffer, who is now a Member, and said, “Senator Hart said, ‘Tell your boss we’ll put him on the next reprint of the bill.’” And she called me back a little later and said, “Well, not so fast. The Senator is interested in the concept, but he wants to look at it a little more.” Hart was at a hearing. I went to tell him, and he turned to me with a twinkle and he said, “Burt, higher ambitions are the curse of this joint.” They both had a good sense of humor.

**Knott:** That’s a Michigan accent?

**Wides:** No. He was putting on a Brooklyn accent, which I never heard him use before or afterward. But in the back, there was Kennedy—It was a great time—[Edmund] Muskie, Hart’s best friend, Mondale, [Gaylord] Nelson, and there were some great exchanges and humor.

He was fond of Kennedy; he was really fond of him. I think when Kennedy lost the Whip to Byrd, I gather—to Kennedy’s surprise, the vote count was secret, and you probably had a lot of people who talked about it—Hart came back crying, and I think it was partly because he felt bad for Kennedy. I have to say, I think it was probably even more Byrd, who up until then, in the late ’60s, had been saying things like, “You can take the rats out of the ghetto, but you can’t take the ghetto out of the rats,” regarding blacks, and King, and really bad stuff. Now, by the time we did the ’82 act, he was strongly fighting for it. But Hart often expressed an avuncular kind of feeling for Kennedy, especially where Kennedy was pushing the things that he believed in, but I never talked to him about it.

In the case of Hart, I have a lot of indirect information, which would be surprising if it was anything other, that Kennedy had the highest regard for him. Hart’s integrity was just—when I could call other people, other offices, and say, “Phil Hart wants to do X. Would your boss like to go along?” never would they tell me, “Stop to think, what’s Hart’s angle?” because Hart never had an angle. You really can’t say that for too many others. When Hart had cancer and refused treatment and was at home, sort of a hospice setup at home, Kennedy just kept coming and reading to him—I guess it was [Eugene] McCarthy who read Irish poetry—but just spending a tremendous amount of time with him. I would say, almost devoted.

**Knott:** Was there a significant age gap between the two?

**Wides:** Oh yes. Hart was a contemporary of Governor [G. Mennen] “Soapy” Williams. Hart’s wife was the black sheep of the Briggs family—Briggs Auto Body, Briggs Stadium. Hart was briefly the president of the [Detroit] Lions and the [Detroit] Tigers. He was U.S. attorney, Lieutenant Governor, and never would have been Senator, but Soapy Williams ran for President, or started to, so he ran for the Senate, and he was elected in ’58, ’64, and ’70.

They never let me in Michigan. I was the point man on gun control, the death penalty, busing, you name it. My understanding was that both the blue-collar workers in Flint and the auto executives in Grosse Pointe, at various times, probably thought he was a little fuzzy, a little naïve, unrealistic, or whatever, but were able to sense that it was so unusual to have a man of that caliber vis-à-vis the public interest and integrity that they returned to.

It’s an open question whether he could have won in the modern era of the attack ads and whatever.

**Knott:** Because he would not have stooped to that?

**Wides:** Yes, and whether the other side could have overcome, taken all his votes. I mean, he had votes, it would be like picking daisies in terms of the oppo [opposition] research. But you might be interested, as a political scientist or historian or both, that in the middle of the ITT [International Telephone and Telegraph] Dita Beard scandal, which, by the way, Jim Flug has never forgiven me for, because Kennedy and Hart—Hart worked closely with Kennedy, and I worked closely with the Kennedy staff, in going after this question of whether there had been a scandalous deal. Are you familiar with it?

**Knott:** Yes.

**Wides:** At the end, Hart told me, “How strong is the evidence that the Assistant Attorney General for Antitrust, [Richard] McLaren, had taken a dive?” And in my heart of hearts, I knew that the Republicans had tried to put the fix in, that McLaren was doing what he did because of the overall atmosphere in Washington. Everyone knew where he was going to come out, where he should come out. He might have come out differently as a professor, but I didn’t think we had shown that there was a deal. So Hart essentially wrote that and said on the evidence, “I can’t vote against Kleindienst on the grounds that he interfered.” And Jim’s never forgotten that.

In the course of that, Hart turned to me and said, “I want to put in a campaign finance bill.” There already was the Presidential. So I worked for three quarters of a year, and Hart put the bill in, in the beginning of ’73—no cosponsors, nobody. And it had contribution limits, expenditure, blah blah blah, and public financing. Jim McCord wrote the letter to Judge [John] Sirica, blowing open Watergate, and we got trampled in a stampede of knockoffs. As the bill, with a lot of help from Carey and Kennedy, passed the floor and passed the Senate in ’74, it had full public financing for primary and general elections. It passed the Senate, got to the conference, and I said, “We don’t want it,” and the Senator said, “Okay.” He took a nanosecond, did he really want it?

Kennedy and Hart, I guess I’d sum up by saying, they were totally different personality types. Hart was not very political. He was political in terms of what will work in the Senate. I don’t think he thought that much about the Democrats versus the Republicans. I think he was aware of it, but I don’t think he thought in those terms. Kennedy, obviously, was equally devoted on the issues, but at the same time, very much more thinking in political terms. I worked for Hart for seven years, and I never once thought about getting him credit or how a vote or a bill would affect him politically, because he didn’t want me to. In that sense, he’s sort of off the chart, but with a great mutual respect and a close working relationship.

**Knott:** Kennedy’s got a reputation for reaching across the aisle quite a bit. Was Hart willing to do that?

**Wides:** Yes, but I don’t think as much in his DNA [deoxyribonucleic acid] as what I said about Kennedy, “Get me a Republican cosponsor so I can be the head of Diego Garcia or whatever.” And I think, for Hart, it was more across the aisle to the Republican liberals, whereas I think for Kennedy—I don’t want to overdo it, because it’s not all the time—but there’s this very strong, intuitive sense of, “Let’s get a conservative if we can, and that puts us on the 40-yard line.”

**Knott:** What was your reaction when Kennedy challenged President Carter back in 1980?

**Wides:** Well, I was naïvely surprised, because I had been in the White House. I wasn't measuring the West Wing for curtains, like they say. I was aware. My memory is that I was aware that a number of Senators came to Kennedy and said, "Please run, because Carter's going to—The devil will drag us under." I then thought it was an interesting comment on Washington that as soon as he announced—and I think before the [Roger] Mudd interview—these same Senators seemed to run for the hills. I don't know if they got cold feet or what. I really don't remember.

I thought Carter was a terrible President, in the political science sense. I think he was a good man; I think he was smart; I think he was devoted to the public interest as he saw it; I think he was highly ethical. I think he was a terrible President, because he hated politics. Someone who stood with [Lyndon] Johnson when he gave the "We shall overcome" speech told me that as the Members came off the floor, he'll never forget, each one, Lyndon said, "Hi, Phil, how's your wife's back?" "Hi, John, we're going to get that dam for you," boom, boom, boom.

Carter's idea of politics was—and the three of us could pick a topic we know nothing about—solid waste disposal, which at least I know nothing about—and in a month to two months, we could come up with a B+, maybe an A-, solution by looking at past reports and commissions and talking to the experts. That's the easy part. The hard part is selling it to the Cabinet, to the public, to the Congress. And Carter's idea of that was to put on the sweater, give the speech about energy, and move on to the next topic. That's what I meant when I said he was a lousy President.

If I thought about it—and I think I had at the time—I would have thought that Kennedy would be a more dynamic leader. But I don't think I really—I was working for Kennedy. I was more surprised than anything else, and I thought that the odds of beating a sitting President—whatever the depth of his, in that air—were slight. But it was not for me to say. My work was a little affected by distraction. I don't mean that we did things particularly differently.

**Knott:** When you left Carter and went back to the Kennedy circle, was there any resentment on the part of any of the Carter folks toward you?

**Wides:** No. I was not part of Carter's inner circle. I mean, I had friends who were part of his day-to-day. I set up this Intelligence Oversight Board, which had three members: Albert Gore's father, the Senator, for whom I came to have the highest regard. Well, actually I had it before. He came to Hart twice, when he was up in '70, on Carswell and on the Voting Rights Act, and said, "This is going to defeat me. Come join with us and let's defeat it." But he was very sharp. Governor [William] Scranton, the closest I've ever seen to Phil Hart in terms of not putting himself in one pan or the other, and a lawyer here in town.

I oversaw what was going on in each of the intelligence agencies, and I thought there was a problem, and I convinced the board we'd go to Carter. So we would see him once a month or whatever, although he was strong when we came with something. So I got a note wishing me well. I did get a sense that the notion Carter was too detail oriented and too focusing on dribs and drabs was not a total canard when I got a note from him saying, "Burt Wides. I've noticed that the staff of the Intelligence Oversight Board is only participating in the United Way 37 percent."

This is in the middle of the Iranian hostage crisis. “Could you take steps to increase it?” So I wasn’t like a traitor or a renegade.

**Knott:** One of the questions I’ve tried to ask everybody who has worked in this area on civil rights with Kennedy in some fashion or other is, where do they think this devotion that he seems to have for this issue comes from? I know I’m asking you to speculate, in a sense.

**Wides:** I don’t know that it particularly came from the family upbringing, in the sense that Nixon, whose Senate record was a lot better than Jack Kennedy’s, got it from his mother, Hannah [Nixon], the Quaker. I assume that his older brothers’ involvement, particularly Bobby, and I assume that the Selma march, the vivid TV [television], and all of that stuff eventually affected him. Certainly by the time Bobby came to the Senate, he was—civil rights, the disadvantaged, it sort of goes together—so deeply involved in that. Possibly his staff, who were strong liberals from Civil Rights Division or from the Justice Department, and just sort of cumulatively—

I mean, when Phil Hart was 16, Phil Hart’s father, who was a small-town banker in Swarthmore, Pennsylvania, or somewhere, gave him an NAACP card for his birthday, and I don’t know that Joe [Kennedy] did that. This is pseudo-pop psychology. Whether all the tragedies in the family make one more generally empathic to the downtrodden, even though it’s really apples and oranges, I don’t know.

**Knott:** You don’t see his faith particularly playing a strong role here?

**Wides:** Not that I know of, but not that I don’t know of. I don’t know the extent to which that would have played a role. I think Carey and Jim would be more—

**Knott:** Sure.

**Wides:** I think I asked you about John Douglas. Is he still alive?

**Knott:** He is still alive, and we interviewed him. It would have been the fall of ’05.

**Wides:** You’ve been at this since then?

**Knott:** Oh, yes.

**Wides:** Because on those occasions, now that I’m no longer working for him, when I really wanted to convince Kennedy to do something, where he was inclined or there was a lot of pressure from Hollywood or the football league, whatever, to do something else, the two people to go to were Burke Marshall and John Douglas.

**Knott:** In your current capacity, do you have a lot of interactions with Senator Kennedy’s staff or with Senator Kennedy himself?

**Wides:** More with Senator Kennedy’s staff. Occasionally I see him. I saw him the other night. I usually compliment him about something. I’ve been meaning to give him this. I lost it, then I

found it again. I wrote him a note, but I haven't gotten around to bringing it over. "I knew you would welcome this reminder of your work—"

**Knott:** You're reading a letter?

**Wides:** A letter, yes, that I'm going to get around to giving to him. "I knew you would welcome this reminder of your work with Phil Hart. It also reminds me of your great care and comfort to Phil in his final weeks." And this is when Ted was very young.

**Knott:** Oh, what a great photo. Wow.

**Wides:** Now, Phil Hart—and this is not a negative thing, because I just don't know about Kennedy—Phil Hart, a lot of people said, should have been a priest. And when he talked in earnest, would almost always be like this.

**Knott:** With his hands almost clasped in prayer.

**Wides:** Yes. I heard him at a farewell for Congressman [James] O'Hara. He described politicians as the lay priests of society. He would often apologetically explain to people upset that he wasn't as—He was pro-choice, but he was always like this. And he would apologetically explain that he was trying to shake off his Jesuit upbringing. Hart's wife, I mentioned, who was the daughter of [Walter] Briggs—and I mentioned she was the black sheep—they were a very conservative family and part of the auto industry efforts to keep—

**Knott:** Oh, okay.

**Wides:** She got arrested two or three times in the Pentagon, protesting the Vietnam War while he was a Senator. She kept his press secretary in a constant state of nausea, because once she was asked by the press what she thought of the Vatican's endorsement of the rhythm method. And Janie [Hart] said, "Do you think the Pope has ever gotten up in the middle of the night and had to grope for a flashlight and a calendar?" So Hart would get on the tube and say, "I love Janie, and I wouldn't want to her to squelch her views just because I'm an elected officeholder."

**Knott:** That's great. You've piqued my curiosity about Senator Hart. Is there a good biography out there on him?

**Wides:** No, but I'll give you the first chapter of a book never written, by me. Two people came to town, and I spent a lot of time setting up interviews with Kennedy and others, with two different political science professors. The first one wrote what reads just like the *Congressional Quarterly* annual: "Then in March, they passed the bill." The other one tried to do a pop psychology on Hart. Given his characteristics and the fact that at one point, I think, he did go into depression—I don't know if he was treated or whatever—he was trying to do an analysis of Hart, which is stupid, because what the public should know is that there once was someone like this and how he had acted. So I started to write a book, which was going to involve having Mansfield and Muskie and others, and Kennedy, write about some incident that epitomized Hart for them, and I would do the setup and do a conclusion, and I never got past the introduction. So I'll give you the introductory chapter.



**Knott:** That would be great. Is there anything else we need to—I want to make sure we don’t exclude anything.

**Wides:** As you can see, I like humor, or what I think is humor, and Kennedy does have a great sense of humor. I remember one time when Flug was trying to get some documents in the ITT case, and the Justice Department brought over some letter, back and forth. At a break, Jim said, “Senator, what they’re trying to say is,” blah blah blah, and, “to the Erskine doctrine, but because of the Maxell doctrine,” blah blah blah. Kennedy, he looked at me and smiled, and he said, “Jim, they’re just telling you to go [makes puckering noise] yourself.”

**Knott:** That’s great. One thing you can do when you get this transcript, if you do think of something you’d like to add, you can just write it right into the transcript, because that will be the final version that we release to the public years from now.

**Wides:** Well, thank you for inviting me.

**Knott:** Thank you.