

This interview was conducted with Mr. Roemer McPhee in Mr. McPhee's law offices in Washington, DC, on August 25, 1976. Present for the interview were Mr. McPhee and Dr. Burg of the Eisenhower Library staff.

BURG: One of the things that I want to start with now, just check it with you; the last time Mr. Morgan and I talked, he told me a hilarious story about Robert Gray. I'd never realized it; I was pursuing the line of "Were there weaknesses in the White House staff? Were there people notably weaker than the rest of the staff?" Because so far I hadn't found much evidence of this. And he smiled at me and said, "Did I tell you the story of Bob Gray's red telephone? And his turning and picking up that telephone, having his secretary buzz it and saying, 'Yes, Mr. President, yes, Mr. President, no, Mr. President, ' putting that phone down.'" I was a little startled. Hadn't heard that at all. Then I checked and found that both Emmet Hughes and Robert Gray in some people's estimation hadn't been very close to anything at all and yet both men wrote books about this.

MCPHEE: True. I can't deny, or gainsay is a better word, anything that you're saying from my knowledge, though my personal knowledge of any of these things is limited.

BURG: Hughes was before your time, wasn't he?

McPHEE: No. He was there when I was there.

BURG: Was he still there?

McPHEE: Yes, I knew Emmet Hughes, a little bit. Because he worked a little bit with us in the '56 campaign. I think I may have told you that I took a leave of absence from the White House and went on the Republican National Committee payroll.

BURG: Oh, yes.

MCPHEE: For a spell of a month or two in there and went over to the Republican National Committee space which was then in a building at 1625 I Street and we set up something. Hauge had me do this. He was really the architect of this, but I was the person he left in charge of getting it done. He came over from time to time. Something called the Answer Desk. It was a fascinating and exciting kind of a thing. It was very political and very slam-bang. The time was no time.

BURG: Who submitted the questions to the Answer Desk? The party? Members of the party? Or the general public?

MCPHEE: No, the Answer Desk existed to serve candidates in the field. Now this could be the Vice President who got a telegram every single night traveling around the country. You remember he was doing the primary speaking, bearing the primary speaking load. Then there were others; cabinet officers, whoever, scattered all over the country campaigning.

BURG: As well as those who might be running as Republicans for office in individual states.

McPHEE: Correct. Yes, I think our services to those, other than the Vice President, were limited or maybe even non-existent. I think we were available to anybody that wanted us and probably did some things for some of them, but they probably didn't know too much about us. But the Vice President, I remember he got this telegram, and I guess he must have used it because when once he didn't get it he wanted to know where his telegram was or something. I think it was the Vice President. But I remember Fred Seaton's traveling, speaking for a spell there, and we would do it with him. But, then the Truth Squad—do you remember the Republican Truth Squad—

BURG: Oh, indeed I do.

McPHEE: —followed Adlai Stevenson and really got to him, which was its purpose anyway, plus generating local publicity and on- the-spot answers. You know, he'd be speaking in some place like maybe in upstate New York or something like that and Syracuse or wherever, I don't know, they'd land right behind him. Taxi up right next to his plane and get out and then stand around while he spoke, and then they had a little platform of their own—not necessarily the one he was on, I gather, I never went out and saw the moving operation—then they'd have their own little post-mortem on what he'd said.

BURG: Yes. If not that same day, it was done the next day.

McPHEE: Well yes, they did answer right there what he'd said as best they could. Or they might pick up something he'd said the day before and hit him with that. Or not him, but anyway, you saw very little of this in the national press, but apparently it did well in the local press. I mean you'd have side by sides with a story of his speech and a story about what the Truth Squad said. And he, I think, on one occasion or more may have actually said something about the Truth Squad or answered the Truth Squad which tactically was a mistake. Because it only then embroiled him in the struggle with the Truth Squad, anyway.

BURG: Yes. But you're right, he did allude to it on some major occasion which was not good for his campaign.

McPHEE: Yes. Well, that thing we set up over in the National Committee was called the Answer Desk, and we had about four people who worked regularly at that. One I got to come in with us was a law school classmate of mine and he came down from New York and a couple of others post-mortum

BURG: Who was that?

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McPHEE: That was a fellow named Dennis Mahoney, now dead. And a fellow named Asher Brynes. I don't know where Asher is today. There's one other person and I should remember his name. In fact this is everything we put out, here.

BURG: That file folder.

MCPHEE: Yes.

BURG: Does that include the daily telegrams to the Vice President?

McPHEE: Everything.

BURG: What a fat and good looking volume that is. I trust that that is marked for the Eisenhower Library in time.

McPHEE: Why not? I never thought of it before. I've almost been on the verge of throwing it out a few times.

BURG: My God, no.

McPHEE: Be a big mistake, wouldn't it?

BURG: No, no, don't please. We would love to have it.

McPHEE: See here it is, Answer Desk personnel, Dr. Gabriel Hauge, Director, General Robert Cutler, Associate Director. That's when I got to really know Bobby Cutler. You know, Bobby was a very aloof kind of a person, but once he assessed you as something worthy, then he was just terrific. I was just a face to him, really, on the staff, but we had a marvelous time over there together.

BURG: How did you have to measure up with him, intellectually or was it a matter of simply intelligence?

McPHEE: It would be personal and professional.

BURG: Personal and professional.

McPHEE: And in the staff were myself, Jack Blackman was the name I forgot. I don't know where he is. Asher Brynes, Dennis Mahoney. Then we had two ladies who helped us; Joan Eldridge, I don't know where she is now, and a gal named Joanne Dunn, I don't know where she is. But every night we would put this out, and these are the typed versions but they went out in telegrams. And they went to the Truth Squad every night, to the Vice President every night, and to anybody campaigning who wanted it, like Seaton or anybody.

BURG: What interests me is that of that group, you evidently were the only one—well, of course, Hauge and Cutler are White House—but you are the White House man who's there continually evidently really running the operation, none of the other three are political types really. That is they're not political in the sense that they're in the White House—

McPHEE: That's right, but I think Asher Brynes had done some things politically. I can't remember about—I just don't remember the backgrounds.

BURG: But they don't represent the RNC, do they?

McPHEE: No, but they were paid by the RNC.

BURG: Yes, right. You, I assume were not. You were in effect detailed.

MCPHEE: I was paid by the RNC. I went off the White House—

BURG: You went on leave for that period.

MCPHEE: wait a minute, wait a minute. I went off the White House payroll when I traveled with the campaign, which I did. No, that's not so because that was in 1960. I think I've told you this before that I left the White House for about five weeks, four or five weeks, four probably, and traveled with the campaign, Nixon's campaign, as a person who helped write. And then I was off the White House payroll. Before I stayed on the White House payroll and I actually discharged all my duties at the White House. I had terribly long hours. I mean I would leave this place after midnight on more than one occasion because I had to be at the White House, you know, most of the normal day, or all of it, and then over here all the balance of it until late, late, late at night. I really got home some terrible hours for those two months.

BURG: This is in '56.

McPHEE: This was '56, right.

BURG: When you're doing the Answer Desk thing.

McPHEE: Yes.

BURG: Now, in effect, you people were swiftly researching anything that Stevenson was coming up with, you might have to quickly research the position that was going to be taken in opposition to it.

McPHEE: Every morning, I remember we had a session early in the morning where we got the newspapers: the *Times*, the *Post*, *Wall Street Journal*, whatever else, read anything that was reported in there that was political, and then we'd have a session deciding what we would respond to for the nightly telegram. So we also did special things, we'd get a request for something in particular, and we'd send a special answer out which was not—, it might be later

incorporated into the nightly telegram, but that would have been specially transmitted to whoever had asked for it.

BURG: Would Hauge and General Cutler attend each of those morning sessions?

McPHEE: Sometimes, but as it wore on Hauge was there less and less. I think he thought the thing was going well enough. But General Cutler was there more than Hauge. But they both were busy with their White House duties, so we wouldn't see so much of them, and I was the one that had to really sort of do both without any reduced responsibility in either area.

BURG: But at the time you were reporting to Hauge?

MCPHEE: Yes.

BURG: That is your regular White House job—

McPHEE: Yes, well, I worked with him, for him.

BURG: —with him.

McPHEE: And Hauge and Cutler had both been on the campaign train in 1952 and had worked on the writing, and they were very professional at that and they gave us our, lofty guidance. But as I say, as it wore on, we sort of got into a pretty good rhythm, and they, I think, more and more left us to our own. I don't mean to say that they abandoned us by any means, but they were able to have confidence in what we were doing more and more and therefore, pay a little less attention to us and devote a little less time to us. But of the two, Cutler was there more than Hauge. Hauge was there at the outset with some regularity, but there after Cutler was there more often than—as a matter of fact Cutler didn't come into it at the outset, he came into it shortly after the outset. But as I said in the latter stages he was there more often than Hauge.

BURG: Did either of those men perform the function of, for example, reading the nightly telegram to the Vice President? That is, the content of that could conceivably have put Mr. Nixon in a very embarrassing situation, if you were wrong in your research or wrong in what you were telling him. So I wondered if there was someone overseeing at least that on a daily basis.

MCPHEE: Well, I think they probably hoped to but they didn't always get to. But we didn't have any mistakes like that.

BURG: And the telegram went out anyway.

MCPHEE: Yes. We didn't have any boomerang. And I think all in all it was fairly effective. Just one of those small things that happens in a campaign that contributes in its own way to the end result.

BURG: A most effective kind of thing. Do you know where the idea came from?

McPHEE: I would say, although I'm not sure of this, but where I first heard of it was Hauge when he spoke to me about doing this. I'm sure he had talked with others about it first. Probably Governor Adams and others who were worrying about the campaign. It may well be that it was somebody else's original idea, but I don't know. I think it may well have been Hauge's.

BURG: Was it done again in 1960?

McPHEE: I do not believe so. But it was revived in '68 in a limited way.

BURG: And I believe, unless I misread the paper just the other day, at least one newspaper—it may have been the Post—alluded to Robert Dole as sort of a Truth Squad because he was going to follow Carter. A couple of these early appearances it sounded to me as though he would be addressing the same groups. For example, I think the American Legion was one.

McPHEE: Yes. Well, just while I've been talking to you it's occurred to me that this ought to be done again in this present campaign because this is a natural for it, it seems to me.

BURG: Yes. I don't know whether they plan to do it in precisely that same way. I don't get that impression from what I read.

McPHEE: Not yet, you don't.

BURG: I think they actually used that same phrase though, Truth Squad, for it.

McPHEE: Yes, well, it's one of the few things that seems to have a Republican identification. You don't hear of Democratic Truth Squads.

BURG: No, no.

McPHEE: You hear of it only in a Republican context.

BURG: Right. All right, when we were talking last we had talked about you going as Assistant Special Counsel under Mr. Morgan for that period '57-'58 and then from '58-'61 you were Associate Special Counsel. I think you told me that that meant that you were pretty much the legal adviser, your work was on the legal advice side to the President.

McPHEE: Pretty much. The Counsel's office, as I think I probably said in the earlier session with you, was a lawyer's office, truly so, in the Eisenhower administration. But the counsel's office, my superiors, Gerald Morgan, David Kendall, and I, got into other things besides purely legal matters. We would get into the development of a program to be proposed to the Congress in the State of the Union message; we would get into speeches; we would get into all kinds of things. That was one of the nice things about the counsel's office was that you could get going into the whole range of things. You really saw a great deal of what was going on in the White House.

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BURG: One thing that you were involved in that we wanted to ask you about, and it comes from other work that we have done. If it is confidential, it can be sealed as any part of this material can be. There was a board set up at or near the end of the Eisenhower administration which was to advise the President on foreign information activities. It was going to survey foreign public opinion, for example on their views of the United States.

MCPHEE: This Clarence Davis?

BURG: Well, it was Robert Hampton from whom this information came. He felt that that board's findings would be anti-U.S., and he felt it should be kept secure. He objected to some of the board appointees. He said that often some of them had been Democrats who were very loyal to Averell Harriman, Adlai Stevenson, and he says that you were the one who brought that to his attention. This is at the time when he was handling patronage at the White House, and as we checked into it further, we noticed that Kennedy used this "unfavorable image" against Nixon in 1960. I got a partial quotation, "administration foreign policy had failed", et cetera, et cetera. Mr. Hampton did not want to name the two principal staff members who overrode the usual appointment route in the White House. Can you name them?

McPHEE: I don't know who they would be. I might have known at one time I don't know now.

BURG: Do you remember that board?

McPHEE: What I remember is that in that campaign in 1960—I think it was the foreign intelligence activities something board. I think Clarence Davis was the head of it. Is that right?

BURG: That sounds like the one.

McPHEE: Was that during that campaign there were leaks in the USIA? And, in particular, the leaks I remember were polls that were taken that assessed the image of the United States abroad in a say, given country. And they would be negative, they would move up and down with what was happening in world events. Sputnik, might see a drop and the relative rise in the estimate of the Russians, things like that. But anyway those things were considered volatile because they did change so rapidly with events, and you could pick one and make a case on the basis of that that the United States was suffering in its prestige abroad.

BURG: Yes. Ignoring an Atoms for peace, or Open Skies, which would shoot it up.

McPHEE: Correct. And those things did get out, they were classified. *New York Times* printed them, they got them, they were leaked to the *Times* and Kennedy did make hay within the campaign. I remember that. But I'm not sure that that wasn't something that the USIA just did as a regular thing. I'm not sure it had anything to do with any particular board setup, you see what I mean?

BURG: Yes. Yes. Hampton evidently thought that it did. At least he was concerned, I suppose concerned because it must have been very strong in his memory that somebody had

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bypassed a usual operation in his office, a usual way of recommending and vetting appointees. And evidently what called it to his attention was you.

McPHEE: I just don't recall.

BURG: You had seen a danger, talked to him, but I gather two White House staff people ran right over the usual channels. And as a result, there was a—

McPHEE: This would have been when, do you know?

BURG: All I have is late in the administration. That doesn't narrow it down.

McPHEE: What I'm wondering is if it was before or after Adams. Governor Adams, left.

BURG: That we didn't know.

MCPHEE: Yes, nor do I.

BURG: Do you think that would have made a significant difference, that—

McPHEE: No, it would just help me maybe think of who might have been involved. But I just really don't have any recollection today. I'm sorry, I just don't.

BURG: Yes, that's the price the government pays for waiting too long to do oral history with the Eisenhower administration people. Now, let me ask you this, we've mentioned it before. When I talked with Mr. Morgan, it was Gray who came to his mind as perhaps a weak link in the White House staff. Do other names come to your mind or was that perhaps the one name that there was to mention to me?

McPHEE: The only name.

BURG: The only one you can think of.

McPHEE: Unless possibly— I don't really classify Emmet Hughes the same way. I think Emmet Hughes did write a book because he's a professional writer, that sounded very informed but probably was not based on a very extensive knowledge of what really went on in the White House, but—

BURG: And is often quoted by scholars writing on the period now.

McPHEE: Oh, yes. Right, right. And I don't know, Emmet Hughes I guess had for some reason, some adverse bias, and I think it sort of came out in that book.

BURG: Yes.

MCPHEE: Gray wrote a book which I never read. There was an article that appeared in *U.S. News & World Report* either in late '58, which would be very late, or in say probably the first half of '59, about dissension within the White House staff under General Persons who was more interested in fishing, or something like this, and a lot of stuff like that which was just nothing but a total surprise in terms of what it said, to me and I think everybody else that was there. And nobody knew who was the source of this misinformation, for it truly was that.

I think I may have talked to you about the White House staff at one time, my impressions of it—I think it was a rather extraordinary group. Well knit together, well unified, with a very minimum or non-existent amount of palace intrigue and crawling over the backs of one another, jockeying for position and the like. I think I told you what Jack Martin said when he left. Down in the White House mess we had a farewell luncheon for him, he was going to be a judge of the court of customs and patent appeals, and he articulated this very well by saying in all of his political experience—which had been extensive, a lifetime, with Senator Taft for a long, long while, before that some other things I guess, and then for well maybe four years or so on the White House staff—he had never encountered a political working group that was so free of these things. It was really so well united behind one objective, which would be to serve the President.

So this article that appeared in *U.S. News & World Report* was a mystery and a fairly considerable effort was made to find out how this had come about. General Persons called a special staff meeting to talk about nothing else, and said in essence, "I don't understand this, I can't account for the assertions, and others I've talked to can't and if anybody, feels this way, please come to me and, talk about it." Nothing ever happened and nobody ever did find out who was the genesis of that article, during the Eisenhower administration.

The fellow who wrote it was a guy named Jack Sutherland, and I spoke to him at the time and asked him who had given him all this misinformation and he was very fair in what he said. I mean he had no personal bias. He was reporting something that had been said to him, and I think he was a little surprised to hear, and I guess from others than I, that this didn't ring true at all. "Well," he said to me, "When it's all over," meaning the Eisenhower administration, he said, "I'll tell you." I ran into him on the street, on G Street between 14th and 15th, maybe in January or February of 1961 and asked him. I reminded him, and he said it was Bob Gray, which had never occurred to me, but that's apparently who was the—

BURG: And Gray was sitting in on that meeting with Persons and sat there quietly—

McPHEE: I assume he was there. So this is why I was unwilling to let what I had said to the Columbia Oral History people go into public access—

BURG: Yes.

McPHEE: Because Bob Gray is still around, and while I have no particular reason to protect him, I have no reason to hurt him either.

BURG: What interests me is that although that data was not known about Gray, from what Mr. Morgan said other things about his style of operation, let us say, and, by implication, about his character were known. But evidently nobody had the heart to turn him out. That kind of surprises me.

McPHEE: The President of the United States did. He at one time gave a directive that he be taken out of the White House all the way. And he was gotten as far as the East Wing, but not all the way out. And the person to whom the President said that was Andy Goodpaster, the staff secretary, and Andy Goodpaster said to me in 1964 that that was the one mistake he thought he'd made in the White House was not getting that done all the way. Interesting.

BURG: Yes. So they just moved him further away from the President.

McPHEE: Well, you see he had been the appointments secretary, acting, and the President had him removed from that—assume it was the President—had him removed from that. I've forgotten what his final position was. I think he was the cabinet secretary, I think that's what he went to.

BURG: Yes.

McPHEE: And that was in the East Wing and the President did not have, I guess, much contact with him in that role and that's where it sort of went through the grating.

BURG: Yes.

[Interruption]

BURG: We have been discussing Robert Gray's job, it was indeed secretary to the cabinet, and I made a remark that Mr. Gray was having to scratch hard to come up with an agenda for cabinet meetings. You remarked that you thought that Eisenhower had probably given the cabinet system the best possible chance to operate but that that was not necessarily the most efficient, the best way to settle some of the problems of government.

McPHEE: Yes, I'm not sure I would say efficient. I think what I'm saying is that it's just not within itself a system that is well designed or well suited for the resolution of all the problems of the government. For example, what I compare this to in my mind is the corporate board of directors, and any problem that should come before the board of directors comes before the board of directors, is discussed, this is presumably the way it works, and is resolved by the board of directors by the adoption of some resolution. In the cabinet system, which a lot of people think of as a board of directors and think of it accordingly as something where all matters are raised, discussed and resolved, it's not the same thing. One obvious difference is that the cabinet has no power to decide anything. It's the President alone. Whereas a board of directors by its charter, has to make decisions and does so by majority votes.

But the thing I'm really addressing myself to is that there are so many matters that come up in the conduct of government, that just don't lend themselves to resolution in a cabinet context. And the example I've used so often is: can you imagine John Foster Dulles wanting to discuss or thinking it's valid to discuss a problem of great international moment with the likes of the Postmaster General, or vice versa? Is there any reason why a matter of great importance to the Postal Service needs to be discussed before and by the Secretary of State?

So there was always a problem which preceded Bob Gray of getting items on the cabinet agenda that were meaty, and there always was some scratching to get enough items on the agenda to make it a viable session, whatever the meaning of that particular cabinet meeting was. All military and intelligence matters would never come before the cabinet really. I suppose a President could bring them before the cabinet if he wanted to, but he has his National Security Council and he has his Special Assistant for National Security matters. Those are the people, and the Secretary of Defense and the Secretary of State, with whom he talks about those things, and they just aren't suited for a general discussion before the cabinet, really.

So I think when I say that President Eisenhower gave the cabinet system its maximum chance, I really mean that, because he did work toward the use of his cabinet as a board of directors, or like a board of directors as much as anybody I think ever could have. Never abdicating the power to decide and nevertheless wanting the cabinet system to do everything it could to contribute. It was just crippled by its very nature for being able to deal with things for the reasons I've stated, that were a particular moment in particular areas that didn't involve the interests of the various cabinet members. But he had a cabinet secretary and an assistant cabinet secretary; there was a cabinet meeting every week, with exceptions when maybe summer came or whatever, but, you know, what more of a chance could you give it than that, and yet it just didn't rise, couldn't rise by its nature, to the level I think that some people almost instinctively assign it. But the President gave it its maximum chance. I think he used it to the best of its ability.

BURG: If it had any one positive advantage, it would be that the heads of all of these departments are, on a weekly basis, seeing the problems that each of them as individuals face, but there probably were other ways to effectively do that, too.

MCPHEE: Yes. But very often they didn't see the problems that they each faced because the Secretary of Labor, James P. Mitchell, would want to take up his particular problems with the President in the President's office, not in a cabinet meeting. Maybe it had something to do with legislative policy in the labor area, or whatever, and he just wanted to deal with it that way, and it really sort of lent itself more to being dealt with that way than by opening it up to a full flung discussion in the cabinet where maybe a lot of people wouldn't be that well informed. And so, very often matters were dealt with in the President's office with the President's staff who were cognizant with respect to the issue under discussion, present but not with the whole cabinet present. You'd have some meetings, of course, in the President's office where you might have two, three and four cabinet members, plus staff from the White House. Maybe plus their staff. Maybe a meeting like that would spill over into the cabinet room because there just wasn't enough space in the President's office to accommodate sixteen people or whatever. But they were being dealt with in that way rather than through the cabinet mechanism.

BURG: When we talk about the staff, when you remark about I. Jack Martin, his farewell, and the high opinion he had of the staff, and the lack of palace intrigue. It reminds me that one criticism which has been advanced by at least one scholar was that there was not enough diversity on that staff. That if it had a fault, there was a tendency for it to be that everyone was too much alike. Would you buy that argument?

MCPHEE: Not at all.

BURG: You felt that there was sufficient--

McPHEE: There was lots of back and forth, and discussion and difference. And I think Jack Martin would have recognized that.

BURG: Opposing views—

MCPHEE: Sure.

BURG: —were felt, were expressed, were listened to.

McPHEE: Right. But I think once a decision was taken, that was it for everybody. You didn't find people carping about it, certainly not to the press. I think it was—

BURG: Which would give the impression then, there had always been unanimity on these matters, although in effect there had not really been—

McPHEE: There were a lot of strong-minded people on that staff. I mean there were no patsies around. I think of Hauge. By the way you might talk to Hauge about Bob Gray.

BURG: All right.

McPHEE: If anybody's ever done that, because he had very strong feelings and wrote a letter, at some point, either to Bob Gray— no, I think it was to all former members of the staff or something. Maybe in connection with that book that Bob wrote, or something. But anyway--but Hauge was a very strong-minded person. Cutler, you know, these are people of considerable achievement and some strongly held views.

But I've always attributed this to Dwight D. Eisenhower and to Sherman Adams. I think that's why that staff worked as well as it did and was as unified and as well-knit together as it was. I think I've said this to you, but I think the President inspired a tremendous loyalty, and I think people believed that the President, was pushing nothing personal for himself but that his interest lay in what was best for the country. I really think that that came through, and Adams was just an absolutely dedicated servant. And for all of his idiosyncrasies, such as hanging up the phone on a senator or something like that, he was a thoroughly dedicated man and terribly able. And had an ability that I have seldom seen. In fact I'd be hard pressed to find a parallel, and that was

that he was a person who could operate with great astuteness and ability politically and also substantively. Adams was very strong on substantive matters and very strong on politics, and he knew them both and he was good at them both. Really good.

Hauge, one day walking back across the street, West Executive Avenue, from some meeting we'd been to where the Governor had been present and I presume presiding—though sometimes if somebody else had called a meeting, they might carry the meeting, but he'd be there to say what he had to say—Hauge said, with nothing but sheer admiration in his voice, and that's always remained in my mind, but I agree with it, said, "That man could run anything." And he was an executive, you know, totally.

I may have mentioned this to you, too, but a very funny thing happened after Mr. Eisenhower's presidency. One day, I think Gerry Morgan and I, maybe someone else, went up to Gettysburg to see the President. Not probably for any particular reason, though occasionally we did, but just to see him and check in with him and, visit with him. And we got to talking about Governor Adams, I've forgotten how or why, and about somehow this business of his hanging up on the senators or congressmen or whatever got mentioned. The President said, "You know, he hung up on me once." Apparently the President had called him about something from the President's office to Adams' office (it's only about eighty feet away or something like that), and as I'm sure was the case when Adams had hung up on somebody else, they were really through talking, the President said, about what was the substance of the call, the reason for the call, but there were no amenities. Just suddenly the President was holding a phone with nobody on the other end, and I guess Adams had turned to something else. But the President said that with a really a grin and a chuckle. So it was sort of Governor Adams' manner I don't think he ever meant anything.

BURG: Presumably it never struck Adams that he had done it? Or to whom he had done this, and the President took no umbrage and did not go down the hall and say, "What the hell are you doing, Sherman?"

[Laughter]

McPHEE: Oh, no. No. He laughed about it when he told us about it.

BURG: I'm going to ask you to tell me, if you can, another thing. There were some, I suppose top secret is a term I can use, some top secret things that you had to see Mr. Nixon about during those last two years or so. What would the nature of that kind thing be? It rather surprised us. It doesn't surprise me so much now that I realize how broad your job was and how much you had to do in various fields other than the one I thought you were in, but do you recollect now some examples?

McPHEE: Sure. There was only one area, period, because you remember I think I've said to you that the whole White House staff, with one or two exceptions, had nothing to do with intelligence or defense matters. That was done by Andy Goodpaster and by General Cutler—

BURG: Gordon Gray was involved.

McPHEE: —Gordon Gray, those people, and then with the Secretary of state, secretary of Defense, or what have you. But most of us were operating strictly in the domestic area. And this is actually how this arose with the Vice President, and it's very simple. There was and is, I assume, you read about the black box that follows the President wherever he goes. Well, in there are all kinds of emergency executive orders and the like. Things that are prepared in the anticipation of some emergency attack on the United States by a foreign power.

BURG: Operation codes—

MCPHEE: Yes—

BURG: —to be used under certain contingencies.

McPHEE: Yes, but more than codes. I'm not sure it was codes because we wouldn't have gotten into that, although there may have been another black box or a part of the black box that I didn't deal with. We never called it the black box; that's a term I've seen in the press. But there was a collection of papers that went with him wherever he went that he could sign in an emergency, according to what he wanted to do in the emergency. They were there available for him. And they would activate various laws and take various executive actions designed to meet the emergency. And the Vice President, because he might become President, had to be aware of those. And so from time to time there might be a session with him about those papers and what was in there. And we might have had sessions like that, too, with oh, say, the number one person on the vice President's staff who would be traveling with him and, you know, he should know about this.

BURG: Would that be General [John Holloway] Cushman—not then a General?

McPHEE: Yes, I suppose. The one I remember was Bob King. I remember an involvement with him about it, but that's all that was. And it was something that my predecessor had done, and it was logically something for the Counsel's office to do because there were executive orders of all kinds in there which are the kinds of things that we would handle with the President anyway, again going back to the idea that this was a lawyer's office. That's what that was and it was not frequent, and it was not, a striking moment though it could have been an enormous moment had there been a major emergency and the President had been killed—the Vice President was, somewhere and suddenly, President and faced with this terrible problem.

BURG: It had been going on before you hit that job yourself.

McPHEE: Yes. Andy Goodpaster bore a large responsibility here from the defense and intelligence side, and I was always involved with him in whatever I did through that. And it was a difficult thing because it was hard to get people, including yourself, to worry about it as seriously as I'm sure anybody thinking about it would have wanted people to worry about it simply because it wasn't imminent, impending, wasn't today's problem. But it was just part of the general emergency preparedness effort of the government, and it had to be done and we got it

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done, but it was not the most fascinating thing that you worked on at all because it was all abstract, you see.

BURG: Yes. And grim in certain ways, too.

MCPHEE: And grim.

BURG: Now, I'm going to ask you—I knew that you had made some trips up to Gettysburg after the Presidency. Were these in the nature of informal calls by former staff people, friendly calls, or did these calls by some of you encompass more than that? Staying in touch with the statesman of the party?

[Interruption]

MCPHEE: Most of those trips were as you first described them.

BURG: Just a friendly visit.

MCPHEE: Friendly, informal, maybe some had a particular purpose to them-- just really can't remember now. But they were most enjoyable and the President was always, as he was from time to time when he was President, very relaxed and very out from under any pressure of the job. But mostly I would say they were, the ones that I participated in, were just visits, calls, informal.

BURG: You kept him abreast of what was going on down here, as you people saw it. You had your own particular viewpoints and—

MCPHEE: Yes, we would always discuss government and politics. Those always came up.

BURG: Anything now stand out in your mind from any of those trips? Well, you've already told us one story, his yarn about Sherman Adams hanging up on him--anything else come to mind from that period?

MCPHEE: There's one amusing story which one has to understand. Again I think it was Gerry Morgan and I that were up there. But in Korea, just before we went up there, one of these incidents had occurred. The North Koreans, as I recall it, had made a foray across the DMZ and shot up some installation south of the DMZ which had Americans in it, maybe all Americans. Anyway I think some people had lost their lives. There'd been some probably wounded as well. Anyway it had aroused the temper of the nation, to some extent. And the President was very upset by it. He didn't like that at all. John Eisenhower was there also and he was saying—now when I say you have to understand this, as I say at those sessions the President was no longer President, he was speaking privately, and he didn't have the responsibility of the office. But he said, "I know what I would have done, or I know what I'd do," or something like that. And he said, "I'd take one of those," he turned and said, "John, what is that thing, you know," and John mentioned some non-nuclear weapon. He's going to lay it right in the middle of their headquarters location.

Burg: A Pershing maybe.

McPHEE: Whatever. Anyway he said, "No, no, not that." And I think John said, "You mean an Honest John?" Which I think was a nuclear weapon. And he said, "Yeah, that's it." So he was in that moment willing to drop a nuclear rocket on them just to show them we meant business. But, being President of the United States, even if he thought about doing it he would have thought a long while before he did it

BURG: And yet everyone in the room knew that on previous occasions his was always the counsel of reason and do not be precipitant in anything that you do.

MCPHEE: Yes, but you know, he was very bright. I think he also had this element to his disposition. I mean he was mad and he was willing to give them a first-rate crack across the chops so to speak, and this is what he would have done it with, he said and, you know, even as President he would have thought about it, but then probably wouldn't have done it.

Reminds me of another thing, I don't know whether he said this up there, though I think he did. Well, he would have had to, because he was no longer President of the United States. It was another one of those times. It was right after Khrushchev had started to build the Berlin wall, and he just found that terrible, that that was being permitted to happen. He said, "Were I President we would have had tanks in there on day one and knock down all of those bricks, and we'd have just stayed there until they stopped that damned stuff." You know, and he would have done that, I don't have any doubt about that. I think he thought that was a dreadful mistake to let them build that wall, and I'm sure a show of force would have terminated that activity. Because you know the Russians sort of push a foot forward all the time to see how far they can go. That's my impression. I think a good show of force they're willing to try it another way, another day, somewhere else. Cuba, being an example, where Kennedy finally did lay it right on the line to them and they backed off.

BURG: And I presume from your knowledge of that situation that Mr. Eisenhower was approving of that action, Kennedy's action.

McPHEE: I don't think it had happened then. I don't remember the sequence, but I think the Berlin wall—I think he said that they were taking advantage of a brand new President, rather green on the job, and then later I think the Cuban missile crisis occurred and Kennedy stood right up to it. I think he thought they made a little headway with him when he was a little less sure of himself.

BURG: With Kennedy that is.

McPHEE: Kennedy, with the wall, with the building of the Berlin wall, which is still there today, of course.

BURG: Yes, yes. One of the more amazing pieces of construction in the world.

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MCPHEE: Yes.

BURG: Are there any other stories of that period?

McPHEE: None that come to mind.

BURG: I find it most interesting—

MCPHEE: They were always fascinating sessions because he was—well, you'd get him like this in the White House from time to time. I remember once in the White House—I may have put this on the tape with you earlier—but I went in to see him one day with one of these military death sentence, court martial cases. Under the law any military court martial that results in a death sentence. I as it is reviewed there has been no modification of that death sentence by the reviewing authorities, which would be the field commander, the Army commander, the Army Chief of Staff, the Secretary of the Army, if it's an Army person, and then the Secretary of Defense, there's been no modification, if the death sentence still stands, it must go to the President of the United States under the law.

And we had a few of these cases, maybe seven, eight, nine, ten, I can't remember, and there were some that preceded me in the counsel's job, that came to President Eisenhower, that had survived the review process with the death penalty intact. So they were in the White House for the President. We had to get into them, analyze them, pull together the whole case, which was very well pulled together by then as you can imagine with all the reviews, and then take it to the President.

And he always considered these at great length, and this one, I can't remember the offense, it was just terrible whatever it was, you know, I mean it would have had to have been to survive all those reviews with no mitigation of the death sentence. And there was very little to commend any leniency on the President's part, and obviously there'd been very little to commend leniency in the reviews below because the death sentence had always survived. And he, I think, in that case concurred in the death sentence, or a couple of times he commuted a death sentence to life imprisonment, and he added a request that no successor of his in office ever change that life imprisonment sentence to anything less, and that that was the condition on which he was doing it--this hope that they would not ever, no later President would ever modify his action by reducing the life imprisonment to some parole.

And incidentally I got a call within the last few months from the pardon attorney of the U.S., who's in the Justice Department now, and some others and there is an effort—well, let me put it this way, the circumstances which led the President to impose that condition or that precatory kind of a condition is being examined. I mean somebody is pushing to have somebody's life sentence reduced by parole and/or to a term of years which has expired already.

But, be that as it may, the reason I'm talking about all this is that when we got through I said to the President, now mind you this would have been '58 or '59, possibly '60, somewhere in there, I said to him that there was a rising trend of opinion in the country against the death sentence. As you know that has blossomed and now it's starting to go back--they're beginning to conclude in

the courts and legislatures that a blanket prohibition of the death sentence is not maybe the best thing. That there should be in some circumstances, such as killing a police officer or something like that, a mandatory death sentence.

But in any event, when I said that to him he turned to me and he said, "Roemer," he said, "that'll never be persuasive upon me." And one reason I had cited was that coupled with this rising trend of thought was that there was no particular deterrent value in the imposition of a death sentence, that it really didn't deter others from doing it, crimes. He said, "That will never be persuasive upon me, Roemer." And then he gave me the following account. He said, "When we invaded Normandy, very shortly after we had secured our position and were moving across France," he said, "I was plagued with rape, just countless instances of rape. Not just Americans, but everybody who was invading. This was having a very bad effect on the French and in the villages and in the government and it was working no good result whatever and was a cause for a lot of dissension and problems." And he said that he issued, and I guess it must have been within his power to—

[Interruption]

BURG: Yes, you were at the point where you thought that it must have been within his power to issue an edict as Supreme Commander.

McPHEE: Well, I think it was within his power, but what I was trying to remember was exactly the nature of the edict, but I think, without knowing or ever having seen it or remembering exactly what he said, and I'm sure he spoke precisely, that it must have been an edict that in effect said anyone convicted in a court martial of rape shall be hanged by the neck until dead. In the field, no review or something as I remember it—no further review, nothing, bang, it's there and it's done and you'll be hanged. And he said within one month the incidents of rape had dropped over eighty percent, and he said, "Our problem was solved." So that's why he said to me that, "I will never be persuaded by the idea that there should be no death sentence because there's no deterrent value."

BURG: So much for you, Roemer McPhee. And your eastern establishment, liberal ideas.
[Laughter]

MCPHEE: Yes, right. Well, I didn't necessarily buy it. I was only reporting to him. But he did set me straight, or set the idea straight anyway, at least so far as he was concerned.

BURG: Yes. Well it's going to be interesting for us to take a look back at that, and see exactly how that might have been worded, how it was put. I hadn't been aware of that particular situation.

MCPHEE: Well, this would have been something that he must have issued from London or maybe he had moved his headquarters to the continent, and it would be in the first few months following June 6th, 1944.

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BURG: Yes.

McPHEE: So it would be sort of interesting. But he did make that statement to me unequivocally.

BURG: Well, thank you so much. I've used the time that I asked you for.