

YOUNGSTOWN STATE UNIVERSITY

ORAL HISTORY PROGRAM

The Bricker Amendment Project

Bricker Amendment

O. H. 126

JOHN WILLIAM BRICKER

Interviewed

by

Dr. Joseph May

on

September 18, 1974

JOHN WILLIAM BRICKER

John W. Bricker has one of the most distinguished records of public service in the history of the State of Ohio. Born on a farm in Madison County, Ohio on September 6, 1893, he lived his entire life in the state, except for times of service in Washington, D.C. After teaching for a year he entered Ohio State University, receiving his A.B. degree in 1916. He served as a chaplain during the First World War but returned to receive his L.L.B. from Ohio State in 1920.

His political career began as Solicitor of Grandview Heights, Ohio from 1920 to 1928. During part of that time he also served as Assistant Attorney General. When he ran for the post of Attorney General in 1928, he was defeated for the nomination, but when he ran again in 1932, after three years as a member of the Public Utilities Commission, he won. He served as Attorney General for two terms. In 1936, he unsuccessfully ran for Governor, yet two years later he won and held the State's highest office for three terms of two years.

Perhaps the apex of Bricker's career nationally came in 1944 when he was chosen to be Thomas E. Dewey's running mate in the race for the Presidency - giving rise to the slogan, "Win the war quicker with Dewey and Bricker."

In 1946 Bricker was elected to the first of two terms he was to serve in the United States Senate. He compiled a heavily conservative voting record on the major issues

before that body, but he also developed a following of personal friends which cut across ideological and party lines.

The principal project which came to be associated with him was the Bricker Amendment, first proposed in 1951 and re-introduced every year for a time thereafter. The Amendment was designed to prevent the expansion of the treaty powers beyond the bounds to which it had been traditionally applied.

Certain treaties then being proposed by international organizations such as the United Nations frequently touched on social and economic laws and regulations normally left to the states. The Amendment would bar the imposition of changes in these areas through treaties by virtue of the Supremacy Clause of the Constitution which gives treaties overriding power over state laws and constitutions, laws of Congress, and in Bricker's view (though not in the opinion of opponents), the Constitution itself.

Hearings before the Senate Judiciary Committee were held in 1952, 1953, 1955 and 1957. Many different versions were proposed by Bricker and others. Bricker accepted the text recommended by the Senate Judiciary Committee in 1953 which owed more to the wording proposed by the American Bar Association than to Bricker's own language. Yet, when the showdown came in the Senate on February 26, 1954 the draft which came closest to passage was the George Substitute, missing the necessary two thirds margin by one vote. The

issue never again came to a vote in Congress, though several proposals were discussed until 1957.

Three texts of the "Bricker Amendment" referred to in the interview appear below:

Senate Judiciary Committee Proposal, 1953

Revised Version of S.J. Res. 1 (83d Cong.), As proposed by the Committee on the Judiciary (1953)

"SECTION 1. A provision of a treaty which conflicts with this Constitution shall not be of any force or effect.

"SEC.2. A treaty shall become effective as internal law in the United States only through legislation which would be valid in the absence of treaty.

"SEC.3. Congress shall have power to regulate all executive and other agreements with any foreign power or international organization. All such agreements shall be subject to the limitations imposed on treaties by this article.

"SEC.4. The Congress shall have power to enforce this article by appropriate legislation."

Knowland Substitute, 1953 - July 22,

"Section 1. A provision of a treaty or other international agreement which conflicts with the Constitution shall not be of any force or effect. The judicial power of the United States shall extend to all cases, in law or equity, in which it is claimed the the conflict described in this amendment is present.

"Sec.2. When the Senate consents to the ratification of a treaty, the vote shall be determined by yeas and nays, and the names of the persons voting for and against shall be entered on the Journal of the Senate.

"Sec. 3. When the Senate so provides in its consent to ratification a treaty shall become effective as internal law in the United States only through the enactment of appropriate legislation by the Congress.

"Sec. 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

George Substitute - January 27, 1954

"Section 1. A provision of a treaty or other international agreement which conflicts with this Constitution shall not be of any force or effect.

"Sec. 2. An international agreement other than a treaty shall become effective as internal law in the United States only by an act of Congress.

Dr. Joseph May

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INTERVIEWER: Dr. Joseph May

SUBJECT: Bricker Amendment

DATE: September 18, 1974

M: My name is Joseph May. We are talking in Senator Bricker's office on September 18, 1974.

Senator, we were talking yesterday about this recent article in Prologue and you had a point that you wanted to make on that. Could I hand it to you?

B: I don't remember exactly what it was but I know there was a great deal of reliance based upon separate statements. They did not encompass the program or the amendment as it was submitted and its purpose. There was a very simple purpose in the amendment.

After the decision of the Supreme Court at Washington which held that a treaty can amend or even annul a provisions of the United States Constitution as far as our citizens are concerned, the American Bar first discussed this. I discussed with a lot of fellow senators and prepared an amendment Senate Resolution Number 1 and the only purpose of it was to see that treaties and executive agreements which have been by the Supreme Court equal to the status of treaties, would have to conform to the terms of the Constitution of the United States. In other words, the laws of the Congress are only the supreme law if they are made in pursuance of the Constitution. Treaties and executive agreements only have to be made under the authority of the United States. The Supreme Court has said that that means nothing more than the agreement by the executive and the approval by two-thirds of the Senate present and voting.

So there's a very few people could impose on this country laws in defiance of the Constitution which would annul the acts of Congress, qualify the provisions of the Constitution, annul the Constitutions of the state and the laws of the state in the protection, against the protection of the Constitution, of the rights of the American people.

M: Do you think that one of the interpretations that I have heard about one of the purposes, but of course, nothing has any single purpose, but one of the purposes that this could be interpreted as sort of a states' rights movement, to protect the rights of the states. You know this is the thing . . .

B: Of course, the Tenth Amendment was supposed to do that and the Supreme Court evidently paid no attention to the Ninth and Tenth Amendment which ought to be given equal power with the other Amendments to the Constitution, even if its a treaty, they ought to impose that power on the treaty. But they took it away and it would restore to the states their proper share of legislation and a power within the federal system. And that was one of the purposes of it. It was always interpreted that way until Justice Holmes' opinion in Missouri against Collins and the founders of the Constitution never dreamed that it would be interpreted as it has been. One man, I think maybe it was Madison said that "If this is the interpretation of the Constitution that we're now living under, we have no Constitution at all." It might have been Jefferson, I'd have to look at my notes. But one of the two of them made that remark. And the Federalists showed all the way through that that was their intention. The phrase, "All treaties made or hereafter to be made, under the authority of the United States, shall be the supreme law of the land," was only meant to cover those things which are in international relationships to other countries.

Now when this Amendment was drafted, there were only two or three countries and very small ones that ever made a treaty the supreme law of the land. It took legislation to do it, and if it had required legislation of the Congress, or legislation of the States in order to implement a treaty, there would be no great objection to it. I'd have none because the States and the Congress act in pursuance of the Constitution. It was a simple . . .

M: That raised question is the question of the forty-eight argument which came up in 1953, the emergence of the Which clause. Now do you feel that it would have required

a treaty to be an effective state law, in the way, would have required action by each of the states.

B: If it were in the province of the State. That's right. It ought to be. That's what it was. What it was intended to be.

M: Well, let's take a hypothetical case. In fact, I think there is such a convention but I can't quote it. But let's say an international convention to provide for respect of driver's licenses. There must be such a convention because when I visited Germany several years ago, all I had to do is apply at the local AAA for a German driver's license for the period of time I was in Germany. The fact that I had an Ohio license entitled me to drive in Germany. In fact, there was a convention that Germany was not a member of, as I recall, reading a phrase on that thing but it honored. But now, taking this kind of convention, would it require, let's say you're entering into such a convention, would it require action by each of the states, to say that any agreement that we enter into with any foreign country, giving aliens the right to acquire Ohio driver's licenses, will be honored in Ohio.

B: I think it ought to be. I think it ought to be; that's the intent of the Federal system. We don't have a unified government like they have in Germany or most of the continents. Now in Germany, that would have to be ratified by the Parliament in Germany, which speaks for the whole country. In this case, the licenses for automobiles are authorized by the states. In here they are going to be authorized by the Congress, instead of by the states.

M: Well, would that have prevented such a convention then say, if forty-nine of the fifty states went along with it but in one state, for some reason or another, they would not implement this. Would that have defeated then, the convention for all of the states?

B: No, they practically approved the convention before the states approved it. There would only be one left if 48 states approved the convention and any party traveling around the country wouldn't have any trouble staying out of one state. I wouldn't think. I'd rather see that than to see a violation of the intent of the Constitution of the United States.

M: You were talking yesterday about the very interesting conversations that you had with Eisenhower. What interested me, could you tell me at the beginning about

how many times did you meet with Eisenhower?

B: Fifteen or twenty.

M: In the Oval Office?

B: Oh, yes, time and time again. Oh, yes, down in the Oval Office. I think they were all held there. And in addition to that, I had many conferences with Brownell, and with Dulles about it and they both agreed with the intent of it. And I said to Dulles then, "Did you write it?" He said, "I didn't have the time." And I told him that if he got in bed with some of the people that are opposing it, he'd get lice on him. (Laughter) He didn't like that very well, of course, he didn't have a very keen sense of humor anyway.

M: He didn't laugh at that?

B: No, he didn't laugh at that. But I was with another cabinet member when I was talking to him, and I said, "Do you want a treaty to violate the laws of the United States or to violate the laws of the Constitution?" He said, "No." Well, I said, "That's all I ask of you." You draft it." That's when he said that he didn't have the time.

M: Well, do you suppose you could pin that down to a date. Was that in 1953 or 1954?

B: Oh, no, that was just a few weeks or months before the votes came. It was after Eisenhower had the letter from John McCloy. After that. The last time I . . .

M: It would be December then, December, 1953?

B: Something like that. I don't know. I never kept any notes on the conferences that were held. I don't know that I have the exact dates I held, because I thought they were truthful and I was, and we talked to each other freely and we had no tapes.

M: That was the days before the tapes. (Laughter)

B: Yes, that was the days before the tapes, we didn't have any. But an interesting thing came up. The last conference I had with Eisenhower, after he had written a letter, and I don't know whether I had a copy of it or not, but after he wrote to John McCloy, I went to see him. I wasn't very friendly, and he knew it and he said, "You know, if this Amendment passes, we couldn't

enter into an international contract to completely disarm the people of this country." I said, "My God, Mr. President, you don't intend to do away with the National Guard, do you?" And he couldn't answer. That's when he told Carl Mundt that he couldn't talk to me anymore. He said, "He pushes me into a corner and I can't answer." He told Carl Mundt that and Carl told me. So after that, Jack Martin was in there and Jack really favored my position, always did.

M: And Jack was his administrative assistant?

B: Well, he was an assistant in the office. I think it was a little after the Governor of New Hampshire left, Sherman Adams. I think it was after he left that Jack moved in and after Bob Taft died, he was Bob Taft's administrative assistant. He came from Cincinnati and then was later appointed to one of the courts in Washington. I remember I went down and testified for him when he was before the Senate and so he made a lot of other remarks, not as absurd as that one but a lot of other remarks that showed that he was being pumped this stuff by Dulles, because I had Dulles several times use the expressions.

Then Dulles came into a meeting one day and he said, "I've got an announcement to make. Here's what we ought to do." And he read a paragraph from a speech of Chief Justice Hughes and I said, "My Lord, you don't intend to put a public speech into the Constitution of the United States, do you?" Well, he had no answer. I said, "That thing that you read is in the Congressional Record twice that I've put in myself." He said, "I just found it," when he came in. It was Hughes' statement to the effect that if we didn't have the Federal system of government or states' rights were not protected, we would have to have something in the place of it that would hold the situation as it was. And he never came up with anything constructive anytime that I can remember. Brownell was correctable but when I talked to him, I think the second or third time, didn't even know the provision was in the platform of the Republican party and I didn't put it in. Gene Milligan put it in. And Gene didn't even sign my resolution, but he voted for me.

M: Dulles agreed to that, this was in 1952. He was on the committee which tried to rectify it. He was father of that wording as much as . . .

B: Now the Which clause, I never thought it was important.

It wasn't in my first draft. I only put it in at the insistence of the American Bar Association Committee. Alice Schwepe was really the author of it. I thought if we just protect the Constitution, why it'll accomplish everything in the Which clause and it would, in my judgement.

M: But Schwepe insisted on the Which clause for the longest time, I gather.

B: All the way through.

M: He felt that you just simply saying that a treaty can't conflict with this Constitution or even a provision of this Constitution, that this wasn't satisfactory.

B: He thought that this wasn't satisfactory. This strengthened it, and he had a personal pride in it and he thought that it would put the clincher on it which it would have done, it would have strengthened the whole Amendment. But it wasn't named, it didn't have anything of the substance of it, at all. In fact, we discussed that in the office at length before we didn't put it in, we knew what the American Bar had recommended.

M: Well, it was in the ABA proposal, wasn't it?

B: Yes.

M: By the way, I came across one of the suggested amendments from William Simon. Is that the same William Simon who is Secretary of the Treasury today?

B: I don't know, I never knew anything of his work. I have no recollection of it.

M: But his name is spelled exactly the same way.

B: It might have been. I don't know because in New York, the so-called Establishment in New York was the only Bar Association in the United States that opposed it.

M: Well, do you think that the treaty accomplished your fight, accomplished, even though you did not succeed in getting the Amendment passed, do you feel that there was anything accomplished by the fight itself?

B: I hope so. President Eisenhower told me after the vote, he said, "I will never submit a treaty or an executive agreement that doesn't comply with the purpose of your Amendment either legally or in spirit." And he never did.

The only time it's been violated since was when Dick Nixon approved the Genocide Convention. And I wrote him about that. It just hasn't been published as I know of in any way. But I wrote the President about it and how I felt about it. I still think that it was the most dangerous thing to do. It was the beginning of the world government--what it amounted to. And the people that were proposing it felt that way. That's what they wanted. Well, anyway, I got a letter back not from the President but from the Justice Department and it said, "Since Congress could pass this law, that we might as well as do it by Treaty."

I wrote him a pretty stiff letter and I said, "If you haven't time to brief your cases and don't know what you're talking about, I'll do it for you." I never heard from him. It was signed by Renquist, who's now on the Supreme Court. He hadn't done it, an understudy had just sat on it, and been told that we wanted to support that. And he had written that. The reason that I never revealed that on the hearing on Renquist was because I knew that he hadn't studied it at all, had no time to.

M: Well, your letter was treated like any constituent's.

B: Just passed it by because the administration was for it. Now, that's what it amounted to. And didn't have any reason. And I wrote him and told him, I said, "I have no objection to Congress passing it. Nobody's in favor of genocide. Certainly, I'm not and certainly this country is not." But I said, "When you superimpose that and send people from America to a foreign court to be tried, with no protection from executive clemency, with no right of trial by jury, with no right to an indictment, then you're going beyond your province. And that's what it amounted to.

Some countries in the world for stealing, they cut your hand off. Turkey did it at that time.

M: Well, they have a number of Americans in rather stiff sentences, right now. Of course some of it is for drug violations but on the other hand you can turn right around. . . .

B: Well, the Status of Forces Treaty did that. I opposed the Status of Forces Treaty. I said, "We're over there to help them. And as long as they are, they ought to be under the jurisdiction of the United States military courts." Now, they might have been tougher on them than

maybe the local courts were but that doesn't make any difference. They had their rights to a hearing and a trial, and a right to a pardon by the President, which is protected by the Constitution of the United States and they were taking it away from them.

Now, I'll admit this: that there were no heinous punishments administered so far as I know on any of our soldiers who were over there. Some of them were incarcerated longer than they should have been without any trial but that was about all. Yet in principle, it was wrong, terribly wrong. If we'd have been defending our own shores, they'd have had all these rights. But we sent them abroad to help somebody else, as every army we've sent abroad, that's been its purpose. And then to give the local jurisdiction over them in the commission of crime or anything else, to my mind, was just wrong in principle.

M: Senator, if you had to pick out one of the, just one person who is one of the major opponents of the Bricker Amendment in Congress, of who you might say was one of your most effective opponents, who do you think you would pick out?

B: The President of the United States.

M: Oh, President Eisenhower?

B: Yes, he's the one that changed it. I had the votes. And when he came out against it, he had three men in the cloak room the day it was voted on . . .

M: Three assistants from the staff . . .

B: And I think there was only one that changed his vote that ever came back to the Senate on either side. Ferguson was one of the outstanding ones. Because Ferguson got up and made a very emotional speech for the principle, and yet he was against the one thing in it that said that the Congress or Senate in nullifying a treaty, could annul state laws. I said, "Well Homer, let's get this thing through and get it over in the House and then in conference we can settle it." But he made his speech and voted against it.

M: Now this was the George text and February 20th the last one or was this the . . .

B: The last one, it was never in mine at all, because I believe in the rights of the states. I believe in local

government and when you bring everything to Washington, you've got a step toward tyranny. They were moving pretty fast in that direction.

M: One Senator, I read Senator Douglas' memoirs that came out a year or so ago, and he makes an interesting claim on this. He claims that he defeated the George Amendment.

B: Well, Douglas, was a strange . . .

M: He said that he was going to vote for it and then had even told George he was going to vote for it and then at the last minute, he saw that it had symbolic importance and so he went over and told George, "I'm sorry, I'm going to have to break my promise." And turned right around and voted against it.

B: Well, he might have done that but that any one vote, would have done it.

M: Well, one vote did it.

B: That's what I told Wayne Morris out in Oregon. When he said, "When I came to the Senate, John tried to teach me something, and I didn't have sense enough to follow him," and he said, "I want to say here for public purposes that he was right on the Amendment and I was wrong." And I said, "Wayne, you could have changed." He said, "That's what makes it hurt." Of course, he was a candidate at that time.

M: When was that? Was that in the 1960's?

B: That was when he was a candidate six years ago. I was out there for the dedication of a football field. I went out as a chairman of the board of the school at the time. That was the last year of my last . . .

M: Well, I have a letter from Fulbright and he says the same thing in essence, that he would have changed. He wouldn't say what wording that. . .

B: Well, Fulbright never talked to me but Dick, the great Senator from Georgia, Dick Russell, who was for it strongly, had me down to speak to their bar. Dick Russell told me that Fulbright had told him that I was right. Now I never talked to Fulbright myself, but Dick Russell did tell me that. There was another one that told me after that if it ever came up again, he'd support it. And that was Senator Neeley from West Virginia.

- M: You know, when I had an interview with you before, you mentioned that there was a Senator--I'm not interested in names or anything--who was so drunk, he was brought in by Bobby Baker. This is the time of February 20th, the vote, and was propped up and brought in to vote to defeat the . . .
- B: Yes. Yes. Taken back out and put to bed again. He never knew what he was voting on anymore than the man on the moon. That was the vote. That's the one that did it. We had it won up till that time, 60 to 30. And Bobby Baker went out and stirred him and brought him in.
- M: In retrospect, looking back on the thing, the climax seems to have been that vote on February 20, 1954. Because the Bricker Amendment never really came closer to passage.
- B: No, and as I said, Lyndon Johnson seemed more interested in getting the Democrats' name on it than anything else. I always felt that, because I had talked to Walter George about every provision and area with which he concurred. And I did afterwards, too. The last one he approved, even after the vote was taken, when we submitted it again, you know. He approved of it. There were two votes out at the time. One of them was from the Senator from Missouri who is still there, and the other was from Styles Bridges, from New Hampshire. Styles was for me. I couldn't get the other man to commit himself. He said, "My papers are against it in St. Louis." That was the St. Louis Post Dispatch I think and they were controlled out of New York, as you may know. And he said, "I think there's a lot to be said for it." But that's as far as he'd go. Well, it didn't do me any good unless I could get two to overcome the one. It takes two-thirds of the voting Senate. So we had a motion for a rehearing and we could have done that fast. There isn't any question; that only takes a majority.
- M: That was filed by Senator Lennon of North Carolina. He was going to file the motion . . .
- B: Yes, but I wanted to be assured that it would pass if it came up again. I didn't want to go through the experience that I'd gone through because I'd worked on this for four or five years. And Dirksen had introduced it again, but he never pressed it. It takes a lot of hard work. We presented at one time, four hundred thousand names to the Senate in favor of it. Four hundred thousand!

- M: Was that compiled by the Vigilant Women for the Bricker Amendment, that meeting in Washington I think in January . . .
- B: That's where it started. They took them back home and got them sent in and there was a lot of sentiment. The country was for it, there isn't any doubt about that, because this Constitution could be amended if the people wanted it amended. They wanted to pass an amendment giving the Supreme Court the right to annul if they could do it.
- M: Don't you think, though, that the legalities and the technicalities of it were confusing to the general public?
- B: Not as much as it was confusing to some of the Senate. There were Senators that made absurd statements down there on the floor showing that they didn't understand what it was all about. And Dulles was guilty of some of it. If one time, if you read those records, at one time he said, that you couldn't even build a privy in France . . . as silly as it could be, because that comes under military law in the first place, and second place, that was in a foreign country and it didn't affect a foreign country at all. To my memory it was never intended to.
- M: Well, that was in relationship to you. Somebody asking you how many executive agreements do we have in relationship to the NATO [North Atlantic Treaty Organization] treaty. And he replied, "About ten thousand." And he said, "Do you want me to bring them down to you and show you all of them?" He said, "No, I'm not interested in that." And he said, "Well, we have ten thousand of them. And you can't even build a privy without an executive agreement."
- B: Of course, my Amendment wouldn't have affected that at all because it was an international affair. All I was doing was to protect the American people under the Constitution, to their rights. Not foreign countries, not troops on foreign soil, or anything of that kind. It wouldn't have had any effect on that.
- M: Now, wait a minute. It would have had, though wouldn't it, concerning the criminal jurisdiction, the executive agreements in relationship to our foreign troops?
- B: I doubt that. I doubt that. You mean that . . .
- M: What types of crimes the country would agree to turn over

for court martial trial, what types they would retain jurisdiction over.

B: I don't think they would have affected them at all because that's an international affair. But I was only dealing with national affairs. I was only dealing with national affairs here in this country. All I intended to do. You mean the Status of Forces?

M: Yes, under the Status of Forces.

B: No, I don't think it would have affected it. I didn't at the time, and I so testified and so said to that effect.

M: But then if it wouldn't have affected them in that respect, would it have provided protection for our troops, in giving them a fair trial?

B: Under military law, you . . .

M: What about those crimes that were committed outside the military jurisdiction?

B: It wouldn't have changed that. You could still have Status of Forces treaty too . . . I doubt that. Of course, there's nothing in the Constitution to the contrary.

M: You said then and the Professor Reichard rightly quoted you on the question, who was your principal opponent, and you said, Eisenhower. Now was it Eisenhower himself?

B: It was Dulles and the Attorney General.

M: Dulles and Brownell who you think persuaded Eisenhower?

B: Yes. I talked to them long enough to know that they were and the arguments they were using and so forth. And the man that was mentioned in here that was an assistant to Dulles was also their correspondent in California from Cromwell and Sullivan. And Dulles presumably headed it and he would beat the table and make absurd statements to the State Department.

M: Are you thinking of Phleger?

B: Oh, yes, Phleger and he was the one making statements to the President that we couldn't enter into these treaties with other countries for good will and trade--commerce--

and that's when I told him he didn't know what he was talking about. He didn't. He was there for one purpose.

M: Do you remember--I know it's difficult to ask you about a specific time here . . .

B: Oh, I can't remember dates.

M: But at the beginning of 1953--at the beginning of the session--before Eisenhower's inaugural, at his headquarters at the Commodore Hotel in New York, just before you introduced Senate Joint Resolution One, you called on President Eisenhower. . .

B: No, Foster Dulles called me.

M: Oh, Foster Dulles called you?

B: Yes.

M: You didn't call him?

B: No, I have no recollection. . . Oh, no, I didn't call Foster, no. And ^{he} asked me not to introduce it. And I said, "Well, Foster, I've been for this and it's right and I'm going to file it."

M: Yes, well, now this was a little bit later. Before this time, one account that I have is on January 6th or 7th, 1953, this is before Eisenhower became President, he received a call from you and Dulles and Phleger and several other people I don't recall were in the room when Eisenhower got this call and he talked to you for a while and then he, according to the account that I have, he put his hand over the telephone and had a conference right there in the room, before he answered you. In other words, he said, "Excuse me just a minute," or whatever he said and had a conference before he answered you and according to what I got, he said to the fellows in the room, talking to Dulles, he said, "Senator Bricker wants me to join in recommending that the Bricker Amendment be passed. What do you guys think about this?" And Dulles turned to Phleger and said, "Well, you know more about it than I do. What do you think?"

B: Well, he didn't know much about it. I'll say that. I have no recollection of calling the President. I did have breakfast with him along with four or five other Senators at the White House and this was taken up and explained all the way through.

M: That must have been later on in the year.

B: It was in the first month or two after he was President. He called all the Senators and I was in a group. The only one I remember expressly that was there, was from Utah.

M: Watkins?

B: Watkins and I suppose I could reconstruct it but I told them all this whole story, what it would mean, as I talked to you here about it. And Eisenhower said, "I'll put my sword and side arms on for him." That's the expression he used.

M: Now, wait a minute, for the Bricker Amendment?

B: Yes sir. Yes sir.

M: "I'll put my sword and side arms on for him." That's pretty strong for a military man.

B: It's good Republican doctrine. It's in the platform and it's good constitutional law.

M: Well, he wasn't necessarily referring to the wording in your text. He might have been referring to. . .

B: It was all discussed and the wording was right there. So, I must not have talked to him beforehand. I'm confident that I didn't because I don't think I ever called him before in my life outside of the White House.

M: Well, could he have been called perhaps by Mr. Webb on your behalf, trying to line up support?

B: I would say positively with the exception that my memory might fail me, I say positively that I had never asked him until he became President of the United States.

M: Well, he was going to become President about twenty days after this occurred.

B: Well, we wouldn't have the conference and he wouldn't have said to me what he did. He said, "I'll put my sword and side arms on for this one." Well, if he had been advised not to do it by Dulles and by Phleger, I don't know if Phleger had even been appointed then.

M: Now, you say that this was a couple of months after he was inaugurated?

B: Well, it was some place. . . it might have been the first

month. I don't know. . .right after he became President, when he was getting his program outlined.

M: Well, Phleger was designated and Dulles was designated.

B: Well, Dulles called me and asked me not to file it. I remember that very definitely. And I told him I was going to. I said, "I believe in it and I was going to put it to a vote if I could possibly get it out." And I worked for months to get it out. I even went before the Republican Congress, it had been held up in the Judiciary Committee. The chairman came to me and said, "I was asked to hold this up." I said, "Who asked you?" He told me and I'll tell you who it was if you'll turn this off, but he never talked to me about it.

And I never knew why, except he might have wanted to amend it. Just like Styles Bridges one time said he was for anything he could amend. (Laughter)

M: So that it could be a Bridges Amendment. Vandenberg was that way too.

B: No, he said. . .

M: I see. Well, you know, this in a way poses a problem of interpretation. You know, I find that as a historian, getting the facts isn't nearly as difficult as trying to make sense out of it.

B: Also doing what is done in this article that you've shown me, where you pick out phrases and letters and telegrams and the like which maybe on a single point, be on a different time in the consideration. Now, President Truman was against it. I don't know whether. . .

M: He was against the flatfooted. He didn't make any bones about it.

B: Oh, no. And so was Stevenson [Adlai] who was the candidate to succeed him. And, of course, I didn't pay much attention to him because there was nothing he could do about it with Truman. It was put on the platform without my request or having anything to do with it.

M: This raises the question of Eisenhower. How do I interpret Eisenhower? Was he managing you?

B: Eisenhower? Why, he never did!

M: No, no, what I mean, was he trying to . . .

- B: He was trying to defeat the Amendment because he was told by the establishment in New York through Dulles and through Brownell that they didn't dare let it pass; it would degrade his standing among the nations of the world. And that's when I told him that, "You'll be degraded among the people of this country forever, if you succeed in defeating this Amendment."
- M: What I mean is--I don't know how to put it gently--do you think Eisenhower was sincere when he said he would put his sword on. . .
- B: Oh, certainly, and he told me even after it was defeated that something like this ought to be passed and if we'd have time to sit down and consult on it and work it out, we could have done it. And Sherman Adams tried to say that in his book. Well, there wasn't any truth in Sherman Adams' statement, I know that. I don't know what Sherman Adams had to do with it, except that I did ask Sherman one time, that if they put the same provision in the new platform that they put in the one four years before, that I'd be satisfied. And he said, "Certainly, that's all right, and I'll do it." And the chairman of the committee told me that he'd lose his right arm rather than do it. Then they changed it, I was told--now this is only hearsay--that Eisenhower called up the Convention and said that they didn't put his wording in it, that he wouldn't be a candidate.
- M: This was in 1956?
- B: Yes, I was told that by a man from the State Department. Now, whether it was true or not, I don't know. Nobody would admit it.
- M: Do you really think that Eisenhower wanted an Amendment?
- B: He did in the very beginning. There isn't any doubt about it. He wouldn't have said what he said. And he had no excuse that he didn't know what it was, because it was thoroughly explained and discussed by the five Senators and the President around his own breakfast table. And then we got another meeting with the cabinet. There were only two members of the cabinet against it.
- M: Only two members of the cabinet against it? But only one member of the cabinet spoke up for it. That was Manion.
- B: He wasn't in the cabinet.
- M: Well, he had a cabinet level post.

B: Well, he got fired for doing it. After the President told him very frankly, according to what Clarence told me, that he could take any position on that that he wanted to. He could support it right straight through.

M: He said that at a cabinet meeting? That he could take any position that you wanted to take only check with the State Department first.

B: Well, if he said that, I don't know. I remember that I was in a meeting when Frank Olhman told Dean Manion that if he did, he said they'd fire you and he said, "They won't dare kick me out."

M: Well, Humphrey on two occasions, he said that he tried to work out a compromise, sort of an emissary between the administration and you trying to work out an acceptable compromise. Do you recall this?

B: I don't recall anything that Humphrey had to do with it.

M: Well, he said that he had very little to do with it. That's just all he had, those two occasions. . .

B: Now, we did have a meeting. Lyndon Johnson, Dick Russell, Homer Ferguson, and about a half dozen others that tried to work something out and they got something that was satisfactory to me. And I so said, but I want the word from Eisenhower that he's not going to oppose this and Homer Ferguson said, "I'll confer with him and find out." And Homer said that he couldn't get a commitment.

M: Now that must have been 1954, because Ferguson. . .

B: Yes, Ferguson lost in the next election. That was before he got out of the Senate.

M: And he couldn't get a commitment from Eisenhower but it was satisfactory, you say, to Ferguson, Johnson.

B: Satisfactory to me and everybody there.

M: Johnson and Russell?

B: Yes, and I had the wording of it because I don't know if there's a copy of it anyplace or not. I wasn't keeping records for any purpose at all, never did. This was an interesting piece of Legislation.

M: Getting back to Eisenhower, I don't want to run this horse, but it is important exactly what Eisenhower's

role in this was. The line taken in the Reichard article, he is rebutting a school of thought that Eisenhower was very much a political President.

B: Yes, and he was enamored of big businessmen and of big bankers, especially in the East. They had more influence over him than anybody else.

M: The Eastern establishment?

B: Yes. Why, I'll never know, because he didn't owe anything to them. He was elected from here on to the West.

M: But in his handling of this thing, you know, you could say that Eisenhower's handling of it was rather shrewd.

B: Oh, yes. He had that New York establishment. He got one vote more than he needed.

M: But, you know, I get the impression, even so, that if he could have gotten an Amendment, just restricted to the Knowland Substitute or something like that.

B: Well, the Knowland Substitute came right out of the mouth of Foster Dulles who came down before and I was in the meeting, came down before the Foreign Relations Committee and proposed just that thing, Supreme Court involved in it and so forth, which is perfectly absurd.

M: You just overturned the political question.

B: And I made a speech on the floor against it and pointed out just what it meant. And they never brought it up again, never mentioned it.

M: Was that simply to overcomplicate the matter and . . .

B: Yes, yes, that's all.

M: You didn't have any real problems?

B: No, it was just tricky, Knowland supported my Amendment right down to the bitter end. Left the chair of the leadership and went back and took another seat, made a speech for it.

M: But yet he permitted himself to be the mouthpiece of the administration.

B: That's right.

END OF INTERVIEW