

## Mitchell's Musings 1-7-13: It Was Different Back Then

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In the aftermath of the fiscal cliff negotiations, it is useful to go back in time to look at a time when relations between Congress and the President were quite different than in recent years. As prior musings have noted, after the Watergate scandal revealed the Nixon White House tapes, it was learned that earlier presidents had also made recordings. Gradually, these recordings have become available.

In 1965, President Lyndon Johnson was pushing his Great Society social programs and other legislation through Congress. At the time, organized labor was a much larger fraction of the workforce than today and a bigger political player. Johnson engaged AFL-CIO President George Meany in helping him push his social agenda through Congress. There was some *quid pro quo*, not all of which was delivered. In three phone conversations I have posted on YouTube at <http://www.youtube.com/watch?v=l-jNWt6veaw>, Meany asks that a USIA official be reappointed and his wish is granted. Johnson strokes Meany, saying he (LBJ) knows who really runs organized labor (Meany) but also that Meany is an American patriot before he is a labor leader. Not surprisingly, Meany agrees. In the other two phone calls (one of which was only partly recorded), Johnson asks Meany for lobbying help, naming specific senators who need prodding, on education and other bills.

Notably, Johnson suggests to Meany that if these other bills are enacted, he (LBJ) can then make progress in repeal of Sec. 14B of the 1947 Taft-Hartley Act. Section 14B provides federal authorization for states to enact "right to work" laws which ban union shops provisions that seemingly require union membership by new hires. (Under court decisions, however, actual membership cannot be required, even if the union-management contract says so. Instead, non-members can pay the portion of dues that pays for direct representation services provided by the union.) When Taft-Hartley was first enacted over President Truman's veto, unions sought complete repeal. Over time, however, it became apparent that complete repeal was not going to happen and the attention of unions became focused on 14B.

We know in fact that 14B was not repealed under Johnson or any subsequent president. Indeed, the recent enactment of a right to work law in Michigan was pursuant to Sec. 14B. So Meany did not receive what he may have been expecting. How serious Johnson might have been about promising repeal of 14B is not clear.

Apart from his connection to organized labor, President Johnson (who came from Congress and the Senate after a long career) reveals substantial knowledge of the legislative process and the propensities of various legislators. He was clearly a hands-on president in pushing through his agenda. Johnson famously observed that in signing the 1964 Civil Rights Act, he was ultimately killing the grip of the Democrats on the "solid south." But there was still a substantial overlap of the two political parties in 1965 and the congressional distribution along a liberal-conservative spectrum was bell shaped rather than today's bi-modal pattern with little overlap. That fact made possible the kind of Johnsonian wheeling and dealing that the phone calls reveal.

If there is one thing that is evident from the calls and from recent events, it is that if LBJ were president today, his mode of operation would not be possible. The one piece of legislation under President Obama that could be viewed as a major expansion of Great Society-type programs was his “Obamacare” health plan. But that plan was ultimately a product of only one party in Congress. It was not bipartisan. And the political operator who eventually allowed its passage was House Democratic leader Nancy Pelosi.