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TOM DOWNS
Attorney at Law
Interviewed by
Bob LaBrant

August 21, 1995

October 12, 1995

To Readers of this Transcript:

This is an attempt by one person to show a piece of a jigsaw puzzle of Michigan's political history. I have taken the liberty of what members of Congress would call to 'revise and extend' to make some changes which do not change the substance but help to clarify this transcript.

I would like particularly to thank Bob LaBrant, who did the interviewing, Dave and Beverly Lang, of LTS Productions, who did the video tape, and Pat Valo, the office secretary, a former Certified Electronic Recorder, who transcribed the tapes.

I would also like to thank the Michigan Political History Society, of which Sharman Moore is president, Mark Murray is vice president, and Kevin Kelly is secretary-treasurer for their support of this work.

One of my hopes is that libraries will more and more use video tapes and not just audio tapes to preserve historical data.

There's a final two pages of index in which some people referred to are listed alphabetically with the page number beside them.

Sincerely,



Tom Downs

TD:pv



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2
3 Bob: Hello. I'm Bob LaBrant, and on behalf of the Michigan
4 Political History Society, we're doing an interview today with Tom
5 Downs. Tom Downs was an attorney and a lobbyist with the
6 Michigan CIO, which later merged into the AFL-CIO. He was
7 also one of those groups of activists that transformed the
8 Michigan Democratic party in the post-World War II time period.
9 Tom was elected a delegate and served as vice president of the
10 Constitutional Convention and is a recognized election law
11 specialist and recount expert across the nation.

12 Tom, you were born in Spokane, Washington back in 1916.
13 Tell us a little bit about your parents and your years growing up in
14 Washington state.

15 Tom: Yes, I'll be glad to do that. I have to go back quite a while to
16 remember that. That's quite a while back, but my parents, I
17 think, were interesting. My father was a doctor, and he was a
18 Republican. I think he was more of a Libertarian, and I
19 remember the one election in '32. He voted for Hoover, and my
20 mother voted for Norman Thomas, a Socialist. And the
21 community criticism was not that she voted for a Socialist, but
22 that she voted different from her husband. Now my father was
23 wise enough not to try to tell her how to vote, but I don't think I've
24 heard a new political argument since then. Now, my father, oh,
25 when he was later on, took a special course to be a brain surgeon.
26 There weren't very many of them. Neighboring kids always said
27 he ought to put some brains in me. He had a terrific analytical

1 mind that, you know, most people do a jigsaw puzzle, they get the
2 corners and try to fit them. He'd look at the jigsaw puzzle, not
3 make a move, and maybe after 15, 20 minutes, put the whole thing
4 together at once. And he'd remember the last cards that were
5 played, so he had a very analytical mind, and very independent. I
6 remember this was -- Orientals were out there -- and he was the
7 only doctor to let the Oriental come in his office and sit with the
8 other patients. It wasn't he was sound on racial issues so much
9 as that as a Libertarian he was going to do things his own way.
10 Now, my mother was a very warm person. She was in all the
11 ecology groups, the Audubons, and the garden club. She took me
12 to a lot of lectures. I remember Roy Chapman Andrews, who
13 discovered the dinosaur eggs in China and Count Felix Von
14 Lectur, the one that did the friendly Arctic's, so she got me
15 interested in a lot of things like that and I think she got a lot of the
16 adventurousness in me, probably more than my father did. He
17 was a very analytical person, great chess player. My mother,
18 certainly was no slouch. She, after my father died, she was the
19 head of halls and she got a Phi Beta Kappa in her 40's, which was
20 pretty old at that time.

21 Bob: And she lived to, what? 102, Tom?

22 Tom: She made 102, yes.

23 Bob: Remarkable.

24 Tom: Yes, she was remarkable. Now, as far as the schools go, it's
25 kind of interesting. I remember in the 4th grade the teacher said
26 that Columbus was the first one to figure out the earth was round.
27 Well, I knew better than that, and I thought the teacher would

1 want to tell the kids straight things, so I raised my hand and
2 straightened her out. Much to my chagrin, she didn't appreciate
3 it. Well, I think a tremendous lesson I learned then was that
4 people don't like to be criticized -- kind of Anthropology 101 --
5 they're more interested in survival than they are in the facts. I've
6 had to try to remember that as the years go on, and to not directly
7 criticize someone, particularly if I'm right, particularly if they're
8 in a superior position. So, the other lesson I learned, this was an
9 interesting one -- I was the shortest one in the class in the 6th
10 grade, and there wasn't a teachers' union then. The principal
11 also was the umpire for the ball games at recess, but we'd never
12 get to the fielders because the bell would ring before then. So, I
13 organized the fielders, I mean solid, and we suggested that you
14 start with the last one. If the 3rd baseman was the last one out,
15 then the fielder would be next. Well, she was outraged at that.
16 And I kind of learned then that people don't like a 6th grade kid
17 telling them how to run their business, but it was basically a
18 happy childhood.

19 Now, high school was a kind of interesting experience. I
20 was on the debate team. Well, they had a, what they did was kids
21 could pay a dime to go to the debate or write a book review. So,
22 that's the way they raised the money for the debate team. I
23 remember we had the debate, something about old age pensions.
24 The other side said something about raising chickens. Well, my
25 parents were rather permissive. I raised chickens and bees in the
26 back yard for my Boy Scout merit badge, and I started telling about
27 the problems with raising chickens. I had to cut its head off and

1 how it got loose, and the dog chased it into the neighbor's and I
2 followed with a hatchet in my hand and it got mixed up in the
3 laundry of the woman next door. Well, the students thought that
4 was hilarious and laughed, and then at the end the students
5 would judge things. Well, they not only clapped for me -- I got a
6 standing ovation. But, then the teachers that judged it said I
7 hadn't followed the rules. I said, 'well, those were suggestions on
8 what you had to say'. Well, it's kind of interesting. One teacher
9 stood up for me and they worked it out that I could be on the debate
10 team. They wouldn't use me on the first string, but they'd use me
11 when they needed to raise dimes. So I learned then when you get
12 an offer like that, take it and grab it and run with it.

13 But a little more on my father. He told the story that his
14 father -- I'm named Tom Downs -- no middle name. His father
15 was named Thomas Jefferson Downs, and he was such a good
16 Republican that he dropped the 'Jefferson'. So, I think at least my
17 great-great grandfather and mother was a Jeffersonian
18 Democrat. But he told about Mark Hanna being in the House in
19 Connersville, Indiana, and how they'd get the votes, I think it was
20 for McKinley, telling the farmers if they voted Democratic their
21 mortgage would be foreclosed and the workers, their jobs would be
22 out of the way. He became an Indian agent. My grandmother was
23 a wonderful person. I'm just sorry I didn't get to know her more.
24 She traveled all around with him when he was an Indian agent.

25 Bob: Well, you're quite a traveler, yourself, and I understand in
26 your youth you had a number of journeys. Once up to Alaska and
27 then tell us about your post-high school.

1 Tom: Yes, I was an active Sea Scout. We went from Seattle up to
2 northern Prince Rupert then turned around in Alaska. One year I
3 was a first mate, the other time an engineer. We had one real old
4 fellow, 21 years, and I liked that a lot. And then after high school
5 there were three of us who had a Model T Ford, a 1920 one, and
6 this was about 1932, and we went to the World's Fair in Chicago
7 and the world was so different then. We didn't have sleeping bags.
8 We just slept by the side of the road and then in the morning
9 somebody would come by and say, 'Ma wants to know if you want
10 a cup of coffee.' We'd go to the farm house and 'Ma' would give us
11 breakfast, heard what we were doing, and pack us a lunch. Well,
12 I wouldn't want a grandchild doing that kind of trip now. So it
13 was, a fun, fun experience. We had dogs a lot. I remember one
14 dog got kind of old and had goiter and cataracts and rheumatism.
15 My father would give him the latest medicine for it and then after
16 he died we got a pup. It cried all one night, and my mother was
17 kind of soft-hearted and thought it needed some company, so he
18 slept on my bed from then on.

19 And then my mother was kind of unusual. She was very
20 practical. This one dog we had -- it was a boss dog -- very nice
21 house dog, and he'd get in fights. Well, they didn't have dogs on
22 leashes. I remember the men would come in and one would grab
23 one dog by one collar and the other with his other hand and the
24 dogs would turn around and bite him. Well, my mother kept a pail
25 of water on the porch. When the dogs would fight she would walk
26 up to them, dump a pail of water on them and that would stop a
27 dog fight every time.

1 Bob: Tom, let's turn to your Ann Arbor years. When you enrolled
2 at the University of Michigan, what was your major?

3 Tom: Well, I started out in the engineering school. I was there a
4 year and a half, and I didn't do bad. One course I flunked was
5 Descriptive Geometry. That three dimension stuff really got me,
6 but I had a very good adviser. He happened to be the only Socialist on
7 the faculty. He suggested I get into something more relating to
8 people, so then I switched to sociology. Now, there there are some
9 interesting things. We'd hitch hike up to the Flint sit-down
10 strikes. I remember I think I learned more outside of school than
11 in school. We'd run the mimeograph machines and schlep coffee.
12 I remember the newspapers saying that this is a Communist
13 conspiracy to take over industry, and I asked this one fellow, 'was
14 that so?' And looked at me -- 'well, you dumb college kid.' Well, I
15 was running coffee, and he leaned over and he parted his hair
16 and showed a great big scar. Said, well, what about that? Well,
17 he'd been on a picket line in Detroit or Hamtramck and the
18 mounted police horse's hoof just cut his head right open. And
19 said, 'well, I'm in this plant -- there's no horse going to get at me.'
20 Well, that was the very pragmatism of the American workers was
21 not trying to destroy the shop but to keep from having their heads
22 bashed in. I think I learned a lot. Then we had the NYA project
23 where we studied the Southern Whites who migrated to Detroit
24 and I remember one fellow who said he got \$100 paycheck, so he
25 quit. He didn't think he needed any more money. Then he went
26 back and got another job. It was kind of the off-beat stuff. We
27 followed this group that was a religious right church, and they

1 were praying then for what was then the Black legion. I think
2 what I got to see, what people should realize now is these people
3 were very sincere in what they were doing. It's what they'd been
4 brought up with, and I think there's just a tendency to just too
5 much smear people without seeing where they're coming from. I
6 remember in Spokane I'd do some of the off-beat things. This
7 friend of mine, Smitty Meyers, who was later a dean at Gonzaga
8 we'd go down to the free speech debates and I remember when we
9 were to see courts instead of going to the federal court, my friend
10 and I went to the police court. I think we learned more four-letter
11 words and that was a little hard to report to the school. I think
12 there was kind of the youth, a kind of adventurousness, and then
13 a very independent feeling from both my parents. Maybe it was
14 pig-headed, but also very independent feeling.

15 Bob: So you switched from engineering to, what, sociology?

16 Tom: Sociology, and then I got out of school and was married
17 after that. There were no jobs, and I went to law school and it took
18 an undergraduate degree and \$75 to get into law school, so that
19 was a fairly simply thing to do.

20 Bob: Tell us about some of your classmates in law school.

21 Tom: Well, quite a few interesting ones. Well, Horace Gilmore is
22 now a judge. Mennen Williams was a year ahead of me. Martha
23 and Hicks Griffiths were in the same class. Hicks was admitted to
24 Harvard Law School, but at that time Harvard didn't let any
25 women in. The U of M didn't lock the door. There was Martha and
26 the daughter of one of the professors, and we had one Black in the
27 class. So things have changed a lot since then. Then

1 undergraduate, I knew Art Miller. We were in the same eating
2 co-op together. Some of the friends there, I had Danny Suits. He's
3 now retired and we live about ten minutes away from each other.
4 So I'd say it was a very stimulating group.

5 Bob: After law school you went to work for the WPA, I
6 understand.

7 Tom: Yes.

8 Bob: Tell us about that experience.

9 Tom: Well, that was interesting. The first one -- I got the job right
10 out of school. I think they probably asked for some off-beat student
11 or something. I was a WPA first for the adult education. We went
12 where people were needed. A lot of the work was in the Polish
13 Catholic basements, Negro funeral homes, and union halls. Then
14 from there I went to the WPA workers service. Joe Kowalski was
15 in charge of that, later the Speaker of the House. That was a very
16 productive and in some ways the most satisfying. We were to
17 teach workers their rights and responsibilities of the American
18 form of government. We trained the Willow Run employees how to
19 be stewards. Remember these were people who came up from the
20 Deep South, had no understanding of unions, and I remember
21 we'd teach the four W's -- what, where, when, and why -- then
22 how and how to fill out grievances. It was very educational.

23 In fact, when I interviewed Irv Bluestone, Walter Reuther's
24 assistant, he made the point that Walter was primarily in
25 addition to a union organizer, an educator. There was a
26 tremendous stimulation in that period. The sit-downs were over.

27

1 The war was starting to get going. It was a very satisfying
2 experience. I didn't make much money, though.

3 Bob: And then with the outbreak of the War you served in the
4 Navy?

5 Tom: For a short time. I was in and out. I had some allergies,
6 and I still have a little Asthma. I was a company clerk for a while
7 because I was the only one who could type. In fact, the first job I
8 got out of high school was a clerk typist. I got a dollar a day. We
9 worked a half day Saturday and got a full dollar. I think that's one
10 reason I wanted to go to college. I never wanted to see a typewriter
11 again. I've just learned how to use a word processor in the last
12 month or two.

13 Bob: Well, when you were discharged then you went to work for
14 the Ohio CIO?

15 Tom: Yes. Well, I was in one of those forks-in-the-road. I was
16 offered the job of Educational Director at the westside local. That
17 was Walter Reuther's local, and I probably would have worked up
18 there. I was offered the job in Ohio of legislative work, analyzing
19 and appearing before legislative committees. I took that fork, and
20 what was it Yogi Berra said? 'When there's a fork in the road, take
21 it.' It was satisfying, but there was more dynamics in Detroit. My
22 then-wife's sister and family were in the Detroit area. After, I
23 think, about two years we went back to Detroit. Then I worked for
24 Gus Scholle at that time.

25 Bob: So you joined the staff of the Michigan CIO and worked as
26 Gus Scholle's assistant and as an attorney for the CIO?

27

1 Tom: Yes. I worked -- I think I passed the Bar later on -- but, I
2 did a lot of the legislative work, did some of the analysis on the
3 apportionment that we found Mennen would.

4 Well, I can tell a couple of elections of Mennen. His first
5 real tough one was '48 in the primary where there were three
6 candidates. The CIO and Frank Martel from the Wayne County
7 AF of L supported Mennen. The Teamsters supported another
8 one. The Michigan AF of L, another. And Mennen just squeaked
9 through on that election. We found the reason we did. We got
10 people to run for precinct delegate. They would have a slate. The
11 first time that had been done. Mennen's name was on the slate.
12 Then we had the fellow run and put in great big letters, 'Vote for
13 your friend and neighbor.' And we checked later. Those ones
14 where we had people to run as precinct delegate were the ones
15 that -- of course, a close election everybody says they did it. So that
16 was a close one. That was the one that really squeaked through.
17 Then he would win sometimes by oh, I think, 250,000. But the
18 Senate would be against him. At that time, Gus had me do some
19 arithmetic on it. More people voted for a Democrat for state senate
20 than Republican, but you've done the work on apportionment that
21 you take six people. The districts vary from 60,000 to 360,000. So
22 they were tilted against the Democrats. Gus then had Ted Sachs
23 do the legal work on that and it took the U.S. and Michigan
24 Supreme courts about three years to catch up with Ted, but they
25 really did.

26 Bob: Let's go back and talk about Gus Scholle, because Gus
27 Scholle was such an important person in this period.

1 Tom: Well, Gus was quite a person. He was a high school drop-
2 out. He was a Depression product, but he had one of the keenest
3 minds I know. Really, what happened on the apportionment one.
4 He said the courts would say you can't dis-enfranchise a person
5 because he's Afro-American. You mean you can say that a stump
6 equals a person because he would make his talks that one person
7 in the U.P. and five stumps equaled six votes in Detroit. He was
8 quite dramatic on that. But he was very, very practical, very down
9 to earth. Now, what happened as far as the Democrat and
10 Republican Party went, there'd been a legislative hearing in the
11 Michigan Senate.

12 I kind of want to jump a little bit to my good friend, John
13 Lovett. John Lovett represented the Michigan Manufacturers. I
14 kind of liked him. He'd call me a Walter Reuther Socialist. I'd call
15 him an Anarchist. And from there on, we'd go. On ecology, he'd
16 say, 'what are you going to do, fish or work?' But people thought
17 he was anti-FEPC and racist. He wasn't. He was just against any
18 government regulation. In fact, if there'd been a law you could
19 only hire white males, he'd have come out against that. But, I
20 remember he said, 'Tom, you socialist Walter Reuther people and
21 Gus Scholle, you'll get the governor, maybe the House and
22 Supreme Court, but you'll never get the Senate.' Well, then we
23 had a big important unemployment comp bill. I said to John,
24 'What are you going to do?' He said in a kind of raspy voice, 'Well,
25 we'll give you a couple bucks a week.' And I said, 'A couple of fish
26 hooks?' He said, 'yeah'. 'And then next year a couple more?'
27 'Yeah' Well, then General Motors was kind of pig. They wanted

1 all at once. So they replaced him with Ray Smith. We had a
2 hearing in the state senate, and there was something like 60 or 62
3 amendments, and they just rolled through that committee. Gus
4 tried to testify he had with him Abe Zwerling, the UAW attorney,
5 and they didn't get the time of day. Well, Gus stormed out and
6 said he never again would vote for a Republican. So, really, in a
7 sense, General Motors was the one that got Gus Scholle to come
8 out firmly as a Democrat. Emil Mazey was a labor party person.
9 Walter was talking about re-aligning the political forces. Now,
10 Walter looked for the whole United States. And, you know, you
11 look at the Dixie-crats and what they were and it's pretty hard to
12 say, 'vote Democratic.' Well, Gus would look at Michigan alone.
13 He had a study made that showed that the third party would be
14 equal to about 1% or 2% were interested. Most of the people
15 surveyed said to keep the union out of politics and politics out of
16 the union. Some were interested in the Democratic party, very
17 little in the Republican. So he saw going into the Democratic party
18 as a way to really get political clout in the state of Michigan. He
19 was very active on that. In fact, it's interesting. I worked with our
20 resolutions committee in 1948, and we had one encouraging
21 people to run for precinct delegate. Emil Mazey came down to talk
22 at the convention. Emil and Gus were very close personal friends.
23 They were both worker oriented. Emil said, 'look, Gus, I'm going
24 to have to speak against that.' Well, Gus was a parliamentarian.
25 He called me to one side and said, 'Well, go see Emil. See if you
26 can work it out.' Well, I knew the two of them were very good
27 friends and didn't want to be in conflict. So Emil said, 'oh, look,

1 Gus can have his fun. Truman isn't going to win or Mennen
2 Williams in the Republican sweeps.' So we added a sentence for
3 that election alone people could be encouraged to be in the
4 Democratic party and then after the election there would be a
5 conference. Well, that satisfied Gus. It satisfied Emil. I think I
6 learned from that when two people really like each other and are
7 in sympathy, you can kind of work out problems. So that's what
8 happened, and, of course, Mennen won, and Truman won. I
9 think Gus was about the only one that I know of of any stature that
10 said they could win.

11 Bob: Tell us a little bit about the *old guard* of the Michigan
12 Democratic party.

13 Tom: Well, the *old guard* -- just because you're paranoid doesn't
14 mean they aren't following you. We were convinced the *old guard*
15 wanted to have a Democratic president, but a Republican,
16 governor Republican senators because then the patronage would
17 flow through them. And they were really, I mean 'sleazy' was a
18 good description for them. We re-vitalized it by getting people to
19 run as precinct delegate. We found at the precinct delegate level
20 that we'd send out a mailing for some candidate or other and so
21 many of the envelopes came back 'No such person there.' We did a
22 little checking and found that people had filed fraudulent
23 petitions. Now when I say 'fraudulent' I don't mean just one or
24 two names, but all the names are fake, even the name of the
25 person was a fake, and the person that notarized it -- at that time
26 it had to be notarized. Then in that particular district, the
27 chairman of the district would go to the county clerk and say,

1 'look, don't bother to mail those cards. Just give them to me and
2 I'll pass them out.' So he literally had the votes in his hip pocket.
3 So we got real live people to run. We did get into court on that.
4 George Edwards represented us and got thrown out on a
5 technicality and the Judge said, 'well, go ahead and let the
6 convention decide it.' So we had the 17th District that I was in, we
7 had a committee. Hicks and Martha Griffiths were very active. I
8 think their role was under-recognized, that they formed these
9 Democratic clubs around the state which were kind of in conflict
10 with the old Democratic party that was kind of moribund. We won
11 that election there. We set up a credentials committee and didn't
12 let people in that had those purely, you know, fake petitions or like
13 that and then there was a radio program called 'Blood on the
14 Street.' And Helen Berthelot was quoted. She was active there.
15 Gus Scholle. If you've read Helen Berthelot's book, she goes into
16 the details quite a bit. So that was a real vitalization of the
17 Democratic party. And, of course, along with that Mennen was
18 somebody to coalesce around and did an excellent job. Neil
19 Staebler later was chair and very active.

20 Bob: Tom, tell us a little bit about the development of the
21 midnight caucuses.

22 Tom: Yes. Well, what we had was that the convention was
23 usually held in Grand Rapids. We would have a midnight caucus
24 that consisted of the chairs. Gus Scholle sat in on, usually
25 someone from the UAW. I sat in on them. People said they were
26 dictatorial. It was just the opposite. I remember one of the chairs
27 at one of the districts didn't want to do it because he was either

1 13th or 15th, right half way through and he liked to make deals on
2 the floor as to what candidate he would support.

3 There was an interesting story. This fellow later on when
4 Mennen was elected governor had an employer replace a good
5 friend of mine, a former Republican senator representing one of
6 the utilities. Well, he kind of conned him saying you need
7 someone as a Democrat. So he would go into Governor Williams'
8 office when he knew the Governor was out, and he knew when his
9 client was out to lunch. He'd ask the secretary, 'May I use the
10 phone?' 'Yes' So he'd call and then he'd leave word there to be
11 called back at the Governor's office. So the secretaries were very
12 nice, and the call would come back, and he'd get on the phone and
13 he'd say, 'Yes, hello, just a minute, Governor. Governor, yes.'
14 Then he'd say to his client, 'I can't keep the Governor waiting any
15 longer.' And the Governor wasn't even there! So that's the kind of
16 'sleaze' that was going on.

17 The midnight caucus blocked individual deals because then
18 we worked out slates. We hadn't heard of affirmative action, but
19 we have a good distribution geographically, ethnically. We even
20 got a woman running one time, and that was pretty unusual. So,
21 I think the midnight caucus really avoided it -- Lani Guinier --
22 talked about the dictatorship of the majority. We'd have every
23 group. There would be Black representation, Polish, Ukranian,
24 very good, and us WASP's got our voice in once in a while, too. So,
25 the midnight caucus was a very democratic development whereas
26 it was interpreted the other way.

27

1 Bob: Tom, after Soapy Williams' election as governor in 1948, he
2 appointed you to the Michigan Employment Security Commission.

3 Tom: Yes.

4 Bob: Tell us a little bit about your experience, because that tenure
5 on the Michigan Employment Security Commission lasted until
6 the Romney administration.

7 Tom: Yes, that long. In fact, it shows you how fame is fleeting. I
8 wanted to check the exact dates and so I called up and the
9 question was 'Tom who?' But, anyway that was a long period. I
10 was Mennen's first major appointment. It was part-time, but the
11 Commission before then, well, I don't want to speak ill of the
12 dead. I'll say we had a chance for a Black to be promoted in the
13 employment service. The then-chairman had been a General
14 Motors protégé. He said the Black couldn't get a hotel in Traverse
15 City and that was against him. Another one, a real nice fellow,
16 but he had a nice black cocker spaniel, and he named it the 'n'
17 word. He was just against any Afro American getting promoted.
18 then the so-called labor person there said, well, it's all right if a
19 Black got promoted so long as he didn't have a white woman
20 working under his supervision. So it was really a very limited
21 approach, and I think, really I was over aggressive in retrospect.
22 The first thing I did they wanted the one I replaced to be made
23 attorney for the Commission which would have been ok with me,
24 but I called him up to talk to him and he never returned the
25 phonecall. So, I maybe arbitrarily showed my power, and he
26 didn't get the appointment.

27

1 Bob: Tom, you mention John Lovett at the Michigan
2 Manufacturers Association. What was his influence on the
3 MESC?

4 Tom: Yes, this was very interesting. When I was on the
5 Commission, and, again, I was probably overly aggressive, I
6 made some approaches to Ray Smith, who was the GM person,
7 and we talked and didn't get any place. Well, John Lovett, as I say
8 for some reason he and I got along on a very candid level, so then
9 when Mennen was governor, he knew I might have something to
10 say about who would replace some of the members of the
11 Commission. He came up of the name of Chet Cahn. Now, Chet
12 Cahn represented the small employers in the skilled trades. He
13 had a very good relation with labor. I checked with the unions he
14 bargained with. Mennen did appoint him. Now, I think, there the
15 fork-in-the-road that I should have done with Chet Cahn is say,
16 'Look, the present director we have probably won't stay on. I don't
17 know anyone on the staff that would really be good. So, why don't
18 you and I, and if you want to talk with John Lovett and with Gus
19 Scholle, get somebody really good, probably from the outside,
20 maybe ask advice of somebody like Professor Bill Haber from Ann
21 Arbor that was the expert on social security, and do come up with
22 the name of a good director. Well, you think back in your life, not
23 so much what I did wrong, but what I could have done better.
24 Well, Chet was a real decent person. For example, we had a
25 woman who was at the top in Civil Service to get a promotion.
26 There is a rule of three and the staff said we can't have a woman.
27 And I said, 'well, why not?' 'Well, you know about women.' I said,

1 'Well, tell me. I'm married and I've got four kids.' Well, they
2 said, 'well, once a month they don't show up and when they get to
3 be 40 or 50, they're no good, absentee and so on.' I said, 'Well, let's
4 make an absentee study.' And we did, and, of course, men had a
5 higher absentee rating. Chet went along with me. We broke the
6 gender line and had a woman manager, and she did very well,
7 and later several others.

8 So, the other one that was interesting was during World
9 War II, you know, if the body was warm, the employer would hire
10 them. The Muskegon foundries had a lot of Blacks they'd brought
11 up from the Deep South. Then when the war was over they wanted
12 to lay them off and then hire from districts so they'd have lilly-
13 white. Well, then the employment service always recognized
14 discriminatory basis on weight, height, and they didn't quite on
15 race, but what the recommendation was from areas that were
16 lilly-white. So I remember asking, 'Well, what do you need to
17 work in a foundry?' 'Well, you've got to get to work on time and lift
18 a hundred pounds.' So, I said, 'Let's put a hundred pound weight
19 in the MESC office and if the person can lift it, send them out.'
20 And I remember someone saying, 'Well, what if an 80 pound
21 Black woman can lift it?' Well, I said, 'Send her out.' 'What if
22 there's no washroom?' 'Let the employer worry about that.' 'Well,
23 what if the person lives a hundred miles away?' 'If they punch in
24 on time they get paid, if they don't, they don't.' Well, I can still see
25 these people were really frantic. Now, what it was, it kind of goes
26 back to my 4th grade teacher in Columbus. Because I was a threat
27 to their job security. Here they made their living just going into

1 these fine specs on geography and weight and sex and education.
2 And I cut to the heart of the thing. In fact, I anticipated -- what
3 was that famous case, I think Duke Power case. Where the utility
4 said they'd only hire high school graduates to keep out Blacks
5 because they wanted to promote somebody to be president they
6 wanted them to be at least a high school graduate. The U.S.
7 Supreme Court said, 'no way.' Well, I anticipated that. Chet Cahn
8 went along with me. He was very decent. By that time, we had
9 some other good commissioners. There was Ted Hammond, a
10 former senator, Republican, and George Higgins, a former
11 Republican, but they knew how to work with people. Then Frank
12 Martel, I talked with him about Jack Cassin, and Frank Martel, I
13 would not want him to be on the opposite side. He got Pat
14 Zimmerman appointed. He was very good. He died. And then
15 Walt Campbell is still alive. Walt and I see each other probably a
16 couple of times a month. So the whole Commission itself changed.
17 The staff varied a lot. Some was good. Some wasn't good. We did
18 have the problem when FEPC passed where you weren't supposed
19 to designate by race. Well, what the staff did was there was an '8'
20 on the employment card. They put a circle around the '8'. That
21 meant it was Afro American. So, I said, 'Well, I think we've got to
22 stop that.' So, they took ink eradicator and erased the circle. Well,
23 the only thing that shows up more than the circle was the
24 eradicator. So, we had the people copy those by hand and do them
25 properly. So there was a lot of conflict within the agency. Tom
26 Doherty of the UAW was on the advisory council. He and I
27 checked the migratory camps. There were federal standards, but

1 the pressure on the staff was to get placements because then you
2 got your budget based on that. I remember one place we were
3 checking and let's see, I want to be genteel, the fecal stuff was
4 there, 'yeah, but it's dry, don't worry about it.' Well, Tom and I
5 didn't eat unwashed fruit for quite a while. So I mean there's a lot
6 of, and I think I learned why people did things. It's kind of like
7 that NYA project with the religious right people. That here were
8 people that their job depended on the number of placements they
9 got. Well, they wanted to get the placements. And I'm not
10 justifying. I'm just saying that it's where the economic incentive
11 comes from on what happens. So the federal standards weren't
12 too bad, but it was the matter of trying to enforce them. So it was
13 an interesting experience, and I think I was entirely too
14 bombastic and argumentative. I said I laid the base so Walt
15 Campbell could get things done genteely. The meetings were kept
16 secret and the doors were shut and I wanted them open so I just
17 opened the door and said if any commissioners wanted to shut the
18 door he could go ahead and do it. But, I'd have been much better
19 off if I'd gone to the legislature and said, 'Look, let's get an Open
20 Meetings Act going.' I did recommend that benefits be on an
21 index basis which later on came to pass. At that time, the UAW
22 person assigned to work with me said, well, wages might drop,
23 which was a pretty cynical approach. I wrote an article on
24 indexing. Then on the matter of duration of benefits, I said, 'well,
25 why not make them unlimited?' And I checked European
26 countries and this whole discussion of welfare, see, welfare is just
27 to keep people surviving. What the employment service is doing,

1 it's main job is to get people jobs. And I think if this had been
2 handled through the employment service with the job emphasis
3 we'd have been better off. That didn't get any place. I did go to
4 Washington and talked to Senator Pat McNamara. He was
5 sympathetic, and then he went and died.

6 In fact, an interesting thing. The staff told me I couldn't go
7 down to see Pat McNamara. I got to go down and see him, but
8 there was a very strong jealousy that the director wanted to run
9 things and not let the Commission get involved. The other thing I
10 got going was a two-way program that used to be junkets once a
11 year. We'd have nice trips. I said, 'well, look, let's have one night
12 with labor, one night with management. See what people think.'
13 And I think the Commission learned more and it let people know
14 we were interested.

15 The other thing I got done was Mennen was a really nice
16 person. He and Milliken were probably both equally naive. I mean
17 very decent people. He'd come out with a program and his old
18 hangover staff would go to the legislative committees and
19 undercut him. So, I made the recommendation that each
20 department when Mennen came out with the program analyze it.
21 Well, of course, when the boss comes out with a program, they say
22 it's a pretty good one. Well, then you get that in writing. And
23 that's still going on as you probably see. I think they've changed
24 the form some -- how much does it cost, what does it affect? But
25 that was a start to see that people that were the governor's
26 appointees or on the staff were loyal to him.

27

1 Bob: Tom, did you have any trouble getting confirmed by the
2 Republican senate?

3 Tom: Well, yes, that's an interesting story. The first time I was
4 appointed, and I did the tape from King Doyle. That's at Wayne
5 University, now. He brought out, which was common knowledge,
6 Republicans didn't like Sigler. So, many Republicans said, "We'll
7 let that upstart Mennen in for two years and then we'll knock him
8 off." So none of the appointees of Mennen's were confirmed
9 because the Republicans said, "Well, look, in two years we'll have
10 a Republican governor and all new appointees." Well, then two
11 years came and they wouldn't confirm. I'd serve about a four year
12 term, about three years and six months, and then get confirmed.
13 Well, then one thing I did in the Constitutional Convention was
14 get a provision that in 60 days you would either be rejected or you
15 were automatically confirmed.

16 A kind of interesting side things is that Joe Olson was a
17 strong Republican and appointed Insurance Commissioner in
18 1995. I talked to him and said, 'Well, I think the problems I had
19 are going to mean you can serve because I don't think anybody is
20 going to reject you in 60 days.' And he had a good sense of humor,
21 and he got a kick out of that.

22 Bob: Well, you mention that the Republicans expected Soapy
23 Williams to be defeated in 1950. It was a close election against
24 Harry Kelly. Was that one of your first involvements in recounts?

25 Tom: Yes, in fact, that was the first major one. George Edwards,
26 who was later a federal judge, was in charge of the legal work.
27 Joe Kowalski and Adelaide Hart and I organized kind of our own

1 WPA training on how to challenge, and we just did so much better
2 of a job than Republicans. We had slides and samples. We'd run
3 through ballots. We did a tremendous job. We always fed our
4 people. They'd have long shifts. And I don't know why the
5 Republicans didn't feed their people, but, of course, our soft-
6 hearted Democrats would split their sandwiches. But that was a
7 fascinating one. Then the election there. Let's see, I'm trying to
8 think, that was the one -- oh, yeah.

9 This is a fascinating story. See, at that time, and you have to
10 be careful in using *right wing* and *left wing*. Gus Scholle and
11 Walter Reuther were right wing, and the Communist party
12 considered left wing. Now, that doesn't mean everyone left wing
13 was a Communist. In fact, the way you could really spot a
14 Communist was when the war was started the left wing wanted to
15 open a second front, get in there. Then when Hitler signed the
16 pact with Stalin, suddenly it was no longer a facist war, it was ok.
17 So then they were against strong support. Then when Hitler
18 invaded Russia they switched back. So you could tell. I mean the
19 real hard cored Communists -- it was funny -- the Wayne County
20 Council had a resolution, one supporting Russia, then the one
21 criticizing Hitler. The chair said, 'now, which resolution do you
22 want?' They just changed over night. So then, at that time, we
23 elected 21 people from Detroit, and the Democrats would almost
24 automatically get it. So the Wayne County Council that had been
25 left wing was being taken over by the right wing, and they were
26 stalling every minute they could and hoping that we wouldn't
27 have time to get our slates printed. We had to get those slates

1 printed. So I anticipated what the 21 would be that would endorsed
2 and went to Eddie Fishman, Goodwill Printing. I talked to Gus,
3 and I said, 'here's what we want.' And he said, 'well, we'll worry
4 about money later.' Well, Eddie printed them when really they
5 hadn't all been approved. Really, 20 had, so we had a meeting to
6 see who the final ones should be. And I said, 'well, we better make
7 this one because the slates are already printed.' Well, that was
8 really arbitrary, but if we hadn't done that the slates would not
9 have gotten printed and Mennen might not have won that
10 particular election. I don't know. But the fact that we got those
11 slates out, oh, we had hundreds of thousands, and I tried to find
12 one. They seem to have all disappeared. So I think there when
13 there's a close election -- Mennen won that, I think, between 1100,
14 I think it was 1164 -- it was a very small number. And that's
15 where we had the vigorous recount and we found the Republicans
16 would count oleo margerine votes for their candidate. There was
17 the ballot question of whether colored margerine should be legal.
18 There was always a suspicion of Hamtramck votes by the
19 Republicans. They found one seal just didn't make any sense at
20 all. I can hold -- let me have a piece of paper and I'll show you
21 what it was -- You see that's 6019, then you turn it upside down
22 and it's an entirely different number, it's 6109. And that's what
23 had happened, that there had been a mix-up, that they'd read it
24 upside down.

25 Bob: In Hamtramck?

26 Tom: In Hamtramck. And the Hamtramck council finally passed
27 a resolution commending me. In a recount, Republicans straight

1 paper ballots were counted and then the mixed ballots were kept
2 separate and counted. Well, we'd go in places where the
3 Democrats straight ones were rolled up and still up on a shelf
4 uncounted. Now, I'm not saying it was deliberate fraud. Maybe
5 it's like people psychologically want to do it the way they want it to
6 come out, but we did win that recount. It was a very hard one, and
7 from there on we did get some change in the election laws where
8 the boards were much more bi-partisan. In fact, one of the
9 problems with the Board of Canvassers now is that it's really bi-
10 partisan and sometimes dead locks. But I prefer a dead locked one
11 to one that was tilted one way or the other.

12 Bob: Well, two years later you had another recount and by that
13 time George Edwards was on the bench.

14 Tom: That's right.

15 Bob: So you were even more actively involved in that recount.

16 Tom: I was very involved in that one.

17 Bob: We talked a little bit about re-districting, but let's return to
18 that for just a second. Tell us a little bit about what caused Gus, in
19 particular, to authorize the law suit of *Scholle v Hare*.

20 Tom: Yes. What it was was this complete frustration that more
21 people voted for a Democrat for state senator than a Republican.
22 The Republicans had the senate about 3 to 2, then the committees
23 would be sometimes 4 to 1. I went over the committees. The
24 Republicans would pick the members of the committee and on the
25 important committee they'd put the dumbest Democrat. That
26 wasn't always easy to find. So I showed this to Gus, and he said,
27 'well, look, this doesn't make sense.' At that time, the U.S.

1 Supreme Court Justice Frankfurt said apportionment was a
2 political thicket. And Ted Sachs did a brilliant job on the legal
3 work. He went to the Michigan Supreme Court and lost, I think, it
4 was 5 to 3. Anyway, it was a close one. Went up to the U.S.
5 Supreme Court, didn't get review, and then finally there were the,
6 oh, you're familiar with the *Baker v Carr*, the congressional
7 districts and then *Reynolds v Sims*, the state legislative ones, had
8 to be elected on the one person, one vote basis.

9 I've got a little story that I want to tell about the role of Gus
10 Scholle and Walter Reuther. Walter Reuther's staff person, Nat
11 Weinberg, probably one of the best labor economists, or economist.
12 And I remember he was talking to Gus about something to
13 replace the sales tax. He had the back of an envelope and he says,
14 'Here's the sales tax, 3%.' And then here's his idea on an income
15 tax. You add this, subtract that, make this a general rule, oh,
16 about ten or twelve calculations. He said a worker would pay less.
17 He said, 'Gus, what do you think of it? Got any questions?' 'Yeah,
18 what if the worker doesn't have a pencil?' And the second question
19 was, 'What if he doesn't keep receipts?' Well, Gus had that really
20 down to earth. I would say that Walter Reuther was more global
21 and educational. For example, Gus was president of the glass
22 workers local and a Black was entitled to be promoted. Then
23 somebody raised the question of his promotion. Gus said, 'Does he
24 have seniority?' 'Yup' 'Pays his dues?' 'Yup' 'Shows up on the
25 picket line?' 'Yup' He gets the job. Well, they'd ask Walter
26 Reuther that, and as Emil said, 'You ask Walter what time it was,
27 he'd tell you how to make a watch.' Well, he'd take his opportunity

1 to educate on the brotherhood of man and sisterhood of God, and I
2 mean, the whole civil rights talk. And so they would end up the
3 same place, but they were very, very different temperamentally.
4 Gus was a down to earth worker, and Walter both got excellent
5 contracts and administered them well, but also could march with
6 Chavez, with Martin Luther King that wasn't popular with all the
7 members. He could talk in Berlin, Mahatma Ghandi. He and
8 Eleanor Roosevelt were very good friends. In fact, they had their
9 family vacations together. Well, I just don't see Gus Scholle and
10 Eleanor Roosevelt having a long academic discussion on the
11 future of the world. Where I'm sure that she and Walter would.

12 Bob: Tom, while we're making observations on Gus Scholle and
13 Walter Reuther, let's take some other prominent personalities at
14 the time and just give us some reactions and some comments.

15 Tom: Sure.

16 Bob: Pat McNamara?

17 Tom: Yes, Pat McNamara, I liked. He was real solid, down to
18 earth. What had happened, Blair Moody had been appointed, and
19 he was endorsed by everybody and Charlie Edgecomb got Pat
20 McNamara's name in the primary. Well, then Moody died and
21 McNamara was the candidate. Well, Gus and McNamara got
22 along well, and so did I. So, we wanted to show that labor was for
23 him, so Pat appointed me in charge of his Wayne County
24 campaign. Well, I wanted to make it broad and said I wanted a
25 tri-person chair. Ted Bohn was the Wayne County Democratic
26 chairman, and I got Pat Zimmerman who was with AF of L and
27 the three of us formed the committee, not that we did a lot of work,

1 but that we were to show that there was a labor Democratic
2 support for Pat. And Pat did an excellent job. I think there was a
3 matter when one of his appointees was having trouble on
4 confirmation with the judiciary committee, I think Eastlund from
5 Mississippi or one of those was in charge and they had a little
6 trouble with Pat's candidate and said to Pat, 'Well, I don't like
7 what you say about me.' And Pat said, 'I don't like what you say
8 about me.' Pat was in charge of government construction and
9 said, 'If my appointee doesn't get appointed, there aren't going to
10 be any more post offices in Mississippi.' And the fellow got
11 appointed. Now, Phil Hart would not have done that. Phil was too
12 much a gentleman.

13 Bob: Tell us about Phil Hart.

14 Tom: Well, Phil was just, he was a gentleman, well, gentleman
15 isn't the right word. He was just a decent person and he was not
16 vicious. I mean he couldn't, in fact, when the question was
17 whether he should run for president. He said, 'I'd make a terrible
18 president. I can't make up my mind.' And he was very candid on
19 that. He was an excellent senator. He'd think things through,
20 absolutely honest, and really the best in politics.

21 Bob: How about Sandy Brown, who was our state treasurer?

22 Tom: Oh, Sandy Brown was interesting -- Farmer Brown. Well,
23 Farmer Brown was elected state treasurer. All he knew about
24 banking was if you had a checking account you could write a
25 check and get the money right away. If you want interest, you had
26 to deposit it for a while. Well, there he is state treasurer and he
27 goes over and he sees that the state funds are deposited in banks

1 in checking accounts and he gets to wondering *why*? And, you
2 know, he's not paranoid, but was that kind of a little patronage or
3 not? So, he wrote checks on all these banks, millions of dollars.
4 You know what? They didn't have the money. They had loaned it
5 out on mortgages. So he got the banks to start paying interest on
6 what had been checking accounts. So, I think there's an example
7 where, I don't want to say simple-minded, where a person that
8 hasn't had a lot of sophisticated education got to the guts of things,
9 the same way Gus Scholle did. And I think he did a good job as
10 state treasurer and he saved the state thousands, millions of
11 dollars over a period of time that way.

12 Bob: Tom, you've always been recognized as an expert in election
13 law. Tell us about Jim Hare.

14 Tom: Well, Jim Hare was the Secretary of State. Jim ran for
15 governor. He and Swainson and Ed Conner did. And Jim just
16 didn't make it. Swainson did. Zolton Ferency had maneuvered for
17 Swainson very much. Jim ran a good Secretary of State's office.
18 He was the first one to put driver's licenses on computers. I think
19 it may have been one of the first of the states to do that. He came
20 out for seat belts, and so on. So, he was a good straight
21 administrator.

22 Bob: How about some of his staff? Bernie Apol?

23 Tom: Bernie Apol is probably, you've known Bernie well. I've
24 known Bernie for, I don't know how many years. We've been to
25 conferences in Indiana. I never knew if he voted Democrat or
26 Republican, but Bernie was highly respected. He ran a good
27 straight ship and he was very -- I think he was a little too strict on

1 declaring some ballots, you know, ruling things out. But he did it
2 equally and he was very strict, and he's still alive. I see him every
3 now and then at our Con Con reunions.

4 Bob: Speaking of Con Con, let's shift to that topic. What caused
5 you to decide to run as a delegate?

6 Tom: Oh, I kind of liked the idea. I was on the fringe of the
7 legislative operation. My name had been suggested to be one of the
8 21 from Detroit. I was kind of neutral. And it was really a creative
9 experience, and writing the constitution is much, conceptually
10 much broader than deciding if the gas tax should be one cent
11 more or one cent less, something like that. And I think it was just
12 kind of an interest in government and, oh, kind of wanted a new
13 experience.

14 Bob: You ran from the 4th House District, which, at the time,
15 was one of these multi-member districts.

16 Tom: Right.

17 Bob: Tell us about that campaign.

18 Tom: Yes, that was an interesting one. The district was two-
19 thirds Afro American, one-third white. So, I teamed up with
20 Father or Canon Dade, who was a Black minister, and Daisy
21 Elliott, who was very active in the trade union leadership council.
22 That was the leading organization of active labor people, Negroes.
23 Later on they let some of us whites in. And the three of us
24 campaigned together very well, and I learned a lot in that
25 campaign. Canon Dade, in particular, would get me into Black
26 churches, and I began to really understand the impact and the
27 basis the Black church had. Here were people often discriminated

1 against all week, and then Sunday was their day, and it was a
2 tremendous learning experience for me. Daisy Elliott got me into
3 the trade union leadership committee meetings. I got them into a
4 lot of meetings like unions that were predominantly white. So, the
5 three of us campaigned very strongly together and all three made
6 it. Now, the district right next to mine was two-thirds white and
7 one-third Afro American. There, Dick Austin, the latest Secretary
8 of State, ran with two white college professors, Mel Nord and
9 Harold Norris. All six of us made it, and all six worked together
10 very closely.

11 Bob: The election of those delegates to the Constitutional
12 Convention were done under the current state legislative re-
13 districting plan which obviously favored the Republicans. But, you
14 found that when you counted up the number of delegates there
15 were about 2 to 1 Republican to Democrats. You were chosen by
16 the Democrats to serve as a vice president of the Constitutional
17 Convention.

18 Tom: Well, it wasn't quite that simple. The one thing, in fact, I
19 raised a question with Gus and Ted Sachs, whether we should
20 challenge the Con Con because it wasn't based on the one person,
21 one vote. The time just wasn't right, and I agreed with that. Then
22 what I wanted to see was that we didn't have the Republicans
23 dominant and pick all of the committees. So, I started putting out
24 press releases saying that we should get one-third of committee
25 assignments being able to pick our one-third. Well, then the fellow
26 elected president was Steve Nesbit, and I also took the position,
27 and the Democrats agreed that if the Republicans won they should

1 pick the president and we shouldn't get involved. There were, oh,
2 some rumors that we were to try to be the balance of power and so
3 on because, let's see, the biggest fight was Steve Nesbit, George
4 Romney, John Hannah, Ed Hutchinson, a lot of Republicans were
5 vying for the presidency. Steve was absolutely the best choice.
6 Well, then to follow that 2 to 1, I hadn't thought of it for vice
7 president. Steve was the one who said, 'well, look, if we keep that 2
8 to 1 ratio there should be three vice presidents.' And Steve had
9 known me from the United Way. I had been on committees with
10 him, and he'd ask me if I were interested and, you know, the
11 caucus had no objection to it. So, Ed Hutchinson and Romney and
12 I were the vice presidents. The Republicans couldn't decide
13 whether George or Ed would be first vice president, so we were all
14 equal vice presidents, so I got equity with them.

15 Bob: A troika.

16 Tom: A troika, that's right.

17 Bob: Now, Steve Nesbit was an executive with Gerber's?

18 Tom: Yes. He was a very gentle person. I said he didn't have a
19 mean bone in his body. He just had the ability to keep things
20 glued. I know he was very concerned about night sessions. Some
21 of the delegates were real old, maybe 60 years old. And he didn't
22 want them staying up too late. He was just a very thoughtful, kind
23 person.

24 Bob: Tom, Ed Hutchinson, one of the other vice presidents at the
25 convention, went on to be elected to the U.S. House of
26 Representatives and served as the ranking Republican on
27 judiciary during impeachment. Tell us a little bit about Ed.

1 Tom: Yes, an interesting story. He and I took the same course in
2 social legislation at the University of Michigan, and the professor
3 teaching it would raise a question and ask Ed for the answer and
4 ask me for the answer, then tell the students the real answer was
5 somewhere in between. But Ed and I got to become very good
6 friends. We had one of our Con Con reunions and I said as time
7 went on I told that story. I said I came to realize that once in a
8 while it might have been that Ed was right and even more rarely
9 that I was wrong. Well, people cracked up and I remembered
10 after one of the Con Con reunions he came over to the house here
11 in East Lansing and we had a very pleasant time. Now during the
12 time when he was senator, he was in that group that said that
13 Williams was going to be defeated, don't ok any Democrats. He
14 was on the committee on confirmation. I don't say he voted
15 against me, but he didn't really push for me. But he would after
16 about three and a half years go along and let it through. So, Ed
17 was a very honest conservative. He was from, I think, Allegan
18 county, and he was a very straight arrow. He came by his feelings
19 very strongly and he and I, we could talk to each other. We didn't
20 convince each other, but we listened.

21 Bob: And that leaves us with George Romney.

22 Tom: Well, George is a fascinating person. There was supposed
23 to be an oral history done on him, and I offered to, but we thought
24 somebody who knew him better would be better. I've never learned
25 too much about the impact of his being driven out of the United
26 States, his family. You know, the Mormons were driven into
27 Mexico, and I think that must have had a tremendous impact on

1 him. You can imagine yourself being driven out of your home and
2 going to a country that had a different language and culture. And
3 I'll never know, in fact, if I'd done the oral history on him, I'd
4 have asked that.

5 Well, I think there are two things George Romney did that
6 were tremendous. The one was he came out against the gas
7 guzzler and had the small car and he had a little dinosaur on his
8 lapel. The second thing was he said he was brainwashed on Viet
9 Nam. That may have knocked him out of the chance to be
10 president. I don't think he would have made president, but what's
11 really amazing to me is that here's George Romney, high school,
12 no college, went to Viet Nam. He first recognized he was
13 brainwashed, then he had the guts to say he was. And I think that
14 took a tremendous amount of courage because I think he knew
15 that that wouldn't be -- I mean as politically astute as he was, it
16 wouldn't be politically popular. In fact, I was looking at the
17 McNamara mea culpa book. I looked in the index and Romney
18 isn't even mentioned. Well, there was McNamara, was it a
19 Harvard or Yale graduate, one of the best and the brightest, one of
20 the wise men advising Johnson, and it took him 25 years to realize
21 what George Romney realized right away. I think, in fact, some of
22 this populism going on in the country of supporting Gingrich and
23 Arme y who were not graduates of Harvard or Yale; but of some
24 backwater college graduates are the best and the brightest. I
25 think there's a mood in the country that maybe the George
26 Romneys and the Gus Scholles had better political insights than
27 the McNamaras and so on. So, I think those two things George

1 Romney should be given a lot of credit for. He probably was the
2 most active person that had supported Con Con. I think he felt bad
3 that he didn't get to be elected president because he had had the
4 most credentials supporting Con Con. However, I think as a
5 president of Con Con, he would not have kept things glued
6 together the way Steve Nesbit did. I think he would be the CEO
7 wanting to get things to move his way. Now, the main criticisms I
8 had of George Romney were two. One was he failed to support one
9 person, one vote, even though he was strong for civil rights, and
10 he had a good record, but to me was a very basic civil right on
11 apportionment that you are very familiar with that it takes six
12 votes from Detroit Democrats to equal one Republican out state
13 voter. I think that's a basic violation of civil rights. Granted, it has
14 a political impact. But, George Romney would not go along on one
15 person, one vote. In fact, I was very disappointed. The other
16 problem I had, and it may have been my fault as much as
17 anything, is George would not listen. Now, I think of other people
18 like, well, Steve Nesbit, Ed Hutchinson, or D. Hale Brake, we all
19 had very congenial conversations. We may not have convinced
20 each other. Bob Danhof. Well, you've been on panels where Bob
21 Danhof and Glenn Allen and I've been and they were Con Con
22 delegates later on Governor Romney's staff and Court of Appeals
23 judges. We all on a personal level got along. But, I think George
24 would make up his mind and that was it. Now, I remember a
25 couple of instances, one that Adelaide Hart was the caucus chair.
26 We called her the den mother, a very wonderful person. She
27 taught music at Jefferson School which is in the ghetto area. And

1 George said to her once, 'Well, all you need to do is get the family
2 around the piano.' Well, many of her students, she said, didn't
3 have parents, let alone a piano. She kind of shook her finger at
4 George and said, 'Well, you just don't know what's going on.'
5 Well, there was just that inability to listen. I know one time he
6 said, 'Well, I was just a special interest CIO.' And I said, 'Look,
7 we have a pretty good record on civil rights, ecology, education.' So
8 that he had that inability to listen. Now, I know with Mennen
9 Williams, Adelaide Hart -- she was really something else -- she in
10 her school teacher fashion would shake her finger and say,
11 'Governor, your staff didn't tell you what's going on. They got you
12 cotton bandaged. I want to tell you what's happening.' And
13 Mennen Williams would listen to her. Now, I don't know if
14 George Romney had anyone that did that with him. Now, I think
15 often when George Romney made his decisions like the gas
16 guzzlers and on Viet Nam, he made the right decision and
17 charged right ahead. But, I got the feeling he had great difficulty
18 in listening to other people. Maybe I was the one, I may have been
19 abrasive and he knew where I was coming from on
20 apportionment and for some reason he was convinced his way
21 was the way to apportion Michigan. Kind of equate people with so
22 many acres. Later on the U.S. Supreme Court said we were right.
23 In Con Con I often said we ought to quit offering people an
24 unconstitutional constitution because there was not one person,
25 one vote. That statement always kind of got under his skin, but it
26 turned out the U.S. Supreme Court agreed with me.
27

1 Bob: Tom, as the Democratic leader in Con Con, did you know
2 from the 'get-go' that Romney would challenge Swainson in '62?
3 Tom: I don't know, and I would say if he built citizens for
4 Michigan to become governor, I see nothing wrong with that. The
5 one indication was, we were talking about income tax. Well,
6 Williams had tried to get it through. Swainson had tried to get it
7 through. One of the disasters of the Williams administration,
8 which I didn't agree with, was having the payless payday in the
9 hopes of getting an income tax. Well, that boomeranged. But,
10 what was happening was Romney was coming out in the Con Con
11 for a constitutional income tax, not graduated. I think it was
12 several of the delegates said, 'well, if you want an income tax, why
13 don't you go across the street and get a few Republicans to vote for
14 it in the legislature?' And he would not go to the legislature. Well,
15 that gave me an indication that he was more interested in the
16 concept if he were governor than he was in getting it done because
17 I think he could have walked across the street and got enough
18 Republicans to go for a state income tax. So, that was an
19 indication, but I emphasize that if he wanted to use Con Con as a
20 springboard to be governor, I see nothing wrong with that. Ed
21 Hutchinson used it as a springboard to get to Congress. My good
22 friend, Bill Ford, to get to state senate, and Daisy Elliott to the state
23 legislature. So, I see nothing wrong. The only thing I would be
24 critical of is his primary concern was the income tax to help
25 Michigan. He could have walked across the street to the state
26 legislature and got enough Republican votes to have an income
27 tax.

1 Bob: Tom, for our viewers, tell us a little bit. Where was the Con
2 Con held?
3 Tom: It was held in Lansing in the Civic Center.
4 Bob: Any recollections about the physical arrangement?
5 Tom: They weren't bad. Jim Hare had Bernie Apol in charge of
6 that. We got our own parking spaces and I'd say the group itself
7 was a very congenial group. I think each reunion we have we're
8 more friendly. In fact, George Romney was at the last reunion.
9 We wrote letters, 'Dear George and Dear Tom' letters. I was very
10 glad that we had that rapport.
11 Bob: Tom, did you meet often with Governor Swainson?
12 Tom: Adelaide Hart was the den mother. She and I would meet
13 with him once in a while, really nothing profound. We did talk
14 about the income taxes and things like that. There really wasn't
15 much impact one way or the other.
16 Bob: Tom, you told us about apportionment being one of the
17 battleground issues at the Constitutional Convention, and
18 perhaps the income tax. Any other issues stand out in your mind?
19 Tom: Well, the apportionment was the main one and I had
20 suggested unsuccessfully that we separate the vote on that from
21 the rest of the constitution because I think on balance except for
22 apportionment it was better than what we had had. I suggested
23 that to Dick Van Dusen, he was a floor leader for the Republicans.
24 Steve and I had mentioned it casually. George Romney we never
25 got the rapport to talk about it, and I think that would have been a
26 good thing to do because it just barely passed as it was. And there
27 was the matter, should the Highway Commissioner be elected or

1 appointed? The Pollack approach was, as I sarcastically said, to
2 get the voters the choice of three from Civil Service, to be governor.
3 Then the governor would appoint all others. It was a little
4 exaggeration, but there was that conflict really not the Democrat-
5 Republican so much as they called themselves the 'county gang'
6 the D. Hale Brake, rural area, as opposed to the George Romney
7 suburban one. Now, D. Hale Brake won out but it was partly
8 because of the apportionment that the urban areas that Romney
9 was with didn't have the representation based on apportionment.
10 the supporters of D. Hale Brake and Ed Hutchinson were over-
11 represented because of apportionment. Brake and Hutchinson
12 maintained county government. Township government was
13 written into the constitution.

14 Bob: Tom, is there any sections of the constitution that you can
15 turn to and say, 'well, that's the Tom Downs influence?'

16 Tom: I've got three. One of them was, you may know there are
17 recorded votes in committee. Now, that happened -- I'd be talking
18 to legislators -- maybe 9 on a committee said, 'Tom, I'm with you.'
19 They'd vote secretly. Know how many votes I'd get? Maybe three.
20 Each one said, 'Well, I did.' So I got that part in and then the
21 other one was on the confirmation that in 60 days, if you aren't
22 rejected, you're in. And I think that gives a little stability. I could
23 stand waiting three and a half years, but if it would mean a term
24 or within the agency, a guy wanders in or out. Then I did work
25 with Gil Wanger on the one against capital punishment. But I'd
26 say the two I can put my finger on are the recorded roll call vote
27 and the 60 day provision. Another provision Ed Hutchinson and I

1 got in was in Art. 2, Sec. 8 that permitted a referendum provision
2 to be changed by 3/4 vote. The 3/4 was to prevent a partisan
3 change. This helped correct a technical error in the bottle bill
4 referendum.

5 Bob: Tom, let me ask you of some observations on some of the
6 individual delegates -- Bill Marshall.

7 Tom: Yes, Bill, I liked. Bill shot from the hips, but the one time he
8 was vice president of the AFL-CIO, and one time John Martin
9 who was a Rhodes scholar who was up speaking. John was a kind
10 of a very, you know, 'prissy' is a wrong word, but very, you know,
11 well dressed, and so on. Bill got up and said, 'I'm a Rhodes
12 (roads) scholar, too, but I've driven on every one of them.' Well,
13 Bill had a good sense of humor. He shot from the hips. I was very
14 fond of Bill. He had a real good guts reaction to things.

15 Bob: Con Con delegate was the first post that Coleman Young
16 ever got elected to. Tell us about Coleman.

17 Tom: Yes, this is very interesting, that Coleman Young was in
18 the fight in the Wayne County Council. He was in the left wing.
19 Now, I'm not saying he was a member of the Communist Party
20 because the left wing they had, well, they had control of it. If
21 everyone there had been a Communist, well they would have had
22 the overall majority. Well, Coleman ran for Con Con. I think the
23 Detroit News, in particular, said he was a Communist and said
24 he shouldn't be elected. Well, there are not many people in his
25 district that read the Detroit News, let alone follow it politically.
26 Well, he got elected. Then the Democratic Party called the first
27 meeting of the Democratic delegates. Adelaide Hart chaired it

1 because she was Democratic vice chairman. They didn't include
2 inviting Coleman Young because of this left attack on him. Well,
3 Bob Millinder was one of the leading Black activists really was for
4 integration. He was a very good friend of Gus and mine,
5 tremendous person. He called Gus to say, 'Well, Coleman wanted
6 to be at the meeting.' And I said, 'Well, why not?' Called Adelaide
7 Hart and said, 'what about it?' She said, 'Were you elected?' 'Yes'
8 'Well, am I not going to second guess what the people in your
9 district did? Of course, you come.' So, the meeting is held.
10 Adelaide had talked to me about it before hand. So, Coleman's
11 there. so the first motion is made, 'I move that every Democrat
12 that was elected be welcomed as long as they act like Democrats.'
13 Adelaide said, 'Motion made, seconded, and passed.' She didn't
14 even have a vote on it, and Coleman Young played a very positive
15 role in Con Con. He did a very good job, attended all the meetings,
16 and it was very constructive. I think that was the start of his re-
17 vitalization.

18 Bob: Any other delegates stand out in your mind? How about
19 John Hannah?

20 Tom: John Hannah was a very good delegate. John Hannah's
21 strength was as an administrator, not the legislative process. He
22 sat right next to me and had the kind of humor that if a professor
23 would get up to talk and he would nudge me and look at his watch
24 and say, 'Well, there goes 45 minutes. That's the length of a
25 class.' He was usually right. But John Hannah had a tremendous
26 loyalty to the state of Michigan, and particularly MSU. He got
27 MSU equated with the U of M. The 1908 constitution talked about

1 the university, the U of M. Well, that was nonsense when John
2 Hannah was there. So, he was a very good delegate. We did, in
3 debating on the adoption of the Con Con we had one meeting kind
4 of interesting. See, he came out for the Republican
5 malapportionment plan, and I was on a debate and quoted him in
6 Mississippi where he was the head of the Civil Rights commission
7 saying that lack of apportionment was a problem in Mississippi
8 and I said, 'John, I think your liberalism is the square of the
9 distance you're away from home.' Well, he kind of was offended at
10 that, but John was a very good delegate and excellent president,
11 and I think he's the one person who could have been elected
12 governor or U.S. senator, but his heart was with MSU.

13 Bob: Well, as it turned out, the voters of the state of Michigan
14 adopted the '63 constitution by a very narrow margin.

15 Tom: Yes.

16 Bob: There may have even been a recount.

17 Tom: There was.

18 Bob: Yes, and I was not enthusiastic about that one. We'd had a
19 meeting, Gus Scholle and I, and I think it was Roy Reuther and
20 somebody Quayle, one of these great pollsters -- said he should
21 turn around and support it. Well, Gus was adamant on, see, what
22 happened on apportionment, Ted Sachs felt, and I think at that
23 time he was right, that if we voted for any change from one man,
24 one vote, or one person, one vote, the U.S. Supreme Court might
25 say, 'Well, you've got a constitutional right to give away your birth
26 right.' On the other hand, Bob Danhof and I have talked about this
27 very candidly. The Republicans felt if there was any giving Detroit

1 would have taken over the state of Michigan. Well, you've heard
2 Bob and me on panels and we were both wrong that the population
3 shift after Con Con was from Detroit to Kent county and western
4 Michigan. The U.S. Supreme Court decided they didn't care what
5 the state's legislators had done, they stuck with the one person,
6 one vote. So, we were both wrong on that.

7 Bob: And your old friend, Joe Kowalski, got elected as Speaker in
8 that election. Tell us about Joe.

9 Tom: Well, Joe was an amazing person. I think I told you I was
10 his deputy on the old WPA workers service. Joe had a real feeling
11 for people. He couldn't write well at all. I had to do all his writing.
12 Then when he was Speaker he had Dick Miller do his writing for
13 him. Now, Joe had a guts feeling for things. I helped do the
14 maneuvering to getting the votes to be Speaker. He was an
15 excellent Speaker. People thought of him as a Polish Catholic.
16 When he appointed committee assignments he got more Blacks
17 chair of committees than had ever been done before. The ones that
18 were short changed were women when we elected those 21 at
19 large. Joe did a very good job. One thing he did in particular. He
20 never got credit for it. There was always a concern of the power of
21 lobbyists. Well, he got the Ford Foundation to give money to hire
22 people to do staff work. Some of them are still around. Phil
23 Frangos was one. So there are a lot of people who started that way,
24 and Joe did a tremendous job that way. I remember in those days
25 if you wanted to know what was in a bill John Lovett would say,
26 'Well, Tom, don't ask them. Ask me. I put the bills in.' And at
27 that time the Democratic senators had a total of four staff people.

1 And the Republicans and Democrats in the House didn't have
2 their own offices. So you could see a person a half hour after the
3 session closed at his desk. Well, my good friend, John Lovett, if he
4 would see somebody talking to Gus he'd go to the fellow and say,
5 'Look, saw you talking to Gus Scholle. I don't think the boys back
6 home would like that.' That was one warning. The second time,
7 sure enough the boys back home heard about it. Gus said that
8 talking to a legislator was like telling a guy to come around to a
9 house of prostitution or something. But, Joe opened up the
10 legislative process. Now, maybe it was over done, but he got the
11 technical staff, so legislators could rely on their staff people rather
12 than on the lobbyists. That's never been brought out sufficiently.

13 Bob: Tom, in 1966, George Romney swept a victory over Zolton
14 Ferency and brought back almost, well brought in a 55-55 tie in the
15 state house. Give us the story of what happened to E.D. O'Brien.

16 Tom: Well, E.D. O'Brien, I guess, got a trip down to the
17 Caribbean, and Joe had been very sympathetic to E.D. O'Brien,
18 hurt Joe. Joe had this massive, his office was down graded, I
19 don't know, it was a massive heart attack. He never recovered. In
20 fact, he got his workers comp on the basis that it was not more
21 work, it was less work. You might talk to Bob Waldron about this.
22 I don't want to do the gossip, but I think when O'Brien wanted the
23 second trip, he didn't get the second trip.

24 Bob: So, he abstained and Bob Waldron became the Speaker.

25 Tom: Yes. Bob and Joe were good friends. Bob Waldon did a good
26 job. I mean I am not critical of Bob. He did a very good job. I think
27 that, well, I'm disappointed in E.D. O'Brien.

1 Bob: After Gus Scholle retired, you began looking at the private
2 sector and went into private law practice. Your principal area of
3 activity besides doing legislative work was also in the area of
4 election law, and I remember first hearing about you, Tom, as the
5 person who basically was involved in the longest running recount
6 campaign in American history in New Hampshire between
7 Wyman and Dirken. Any other recount campaigns?

8 Tom: Well, I think a lot of fascinating ones -- was the one in
9 Oregon with Wayne Morris. It was about 3:00 in the morning. We
10 knew we lost. We were talking just like you and I are, and I said,
11 'Well, Senator, what do you need to be a senator? Do you need to be
12 a lawyer?' He said, 'No, no, you need someone that wants to be
13 elected but doesn't have to be elected.' And I thought of that more
14 and more, that I'd say Governors Milliken, Williams, Phil Hart,
15 Pat McNamara, wanted to be elected, but they didn't have to be.
16 You and I can name some that have to be elected and put that
17 first.

18 Another interesting one was in Nevada on the recount
19 there. Let's see, the fellow, oh, I'm trying to think of the very
20 conservative senator from there...

21 Bob: McCarran?

22 Tom: McCarran. And I made some crack about McCarran. This
23 fellow was the head of ADA, the liberal Democrats. Said, well,
24 don't talk about him that way. Said, well, how come? Well, what
25 he'd done, see, Nevada didn't have a law school. He wanted to be a
26 lawyer. His daddy said, 'You go down to Senator McCarran's
27 office. Sit there until you see him, and tell him you want to be a

1 lawyer. He did. So McCarran said, 'Fine, you're from Nevada.'
2 Then he got him a job running elevators. You've seen those
3 elevators that are kind of hidden away and lost. Bobby Baker made
4 the assignment of elevators, so assigned him to one where he ran
5 the elevator and could study all day. Then they'd come back and
6 McCarran would get his people appointed as county prosecutors.
7 Now, in Nevada a county prosecutor is a pretty big thing. So, that
8 was really the basis, I think, for the machine was not his
9 conservative approach. I was on a possible recount for East in
10 North Carolina, Jesse Helms' protégé, and, you know, you get to
11 know a lot of things when you go in on a recount. It got around
12 that he shouldn't have got any votes in the Black community
13 because of his racial position. He got a big chunk because the
14 tobacco industry hired a lot of African Americans at good wages.
15 So I think Jesse Helms' base is not necessarily his right wing
16 thinking as it is the tobacco industry and the jobs that come out of
17 it. So there are fascinating recounts, a lot of them.

18 Bob: A couple of other things I want to talk to you about relate to
19 your involvement in trying to stop the Lyndon LaRouche faction
20 from taking over some Democratic party activities.

21 Tom: Lyndon LaRouche, you may know as a real, well, shall I
22 say, nut. He'd been a Socialist, a Trotskyite, so he wanted to
23 invade the Democratic party, and sure enough they ran against
24 incumbents -- John Dingell, Levin, thousands of excess petitions,
25 and people, most of them gave up, not John Dingell. He's a tiger.
26 He wanted me to check it out, so I got, you know, Dennis
27 Gilliland, the statistician at MSU. We went over the signatures,

1 where they were, and they could not physically have been done
2 because you would have had to have a person get maybe a
3 thousand the same day in Flint, Grand Rapids, Detroit, Traverse
4 City. So, we did some checking and found out what happened.
5 LaRouche had his person that was an attorney from Flint that ran
6 for U.S. Senator. I forget his name. He'd go into a shopping mall,
7 and they'd have ten LaRouches from maybe Chicago and New
8 York. They'd go around, I mean they really were effective. They'd
9 say, 'Sign here to lower your taxes.' So then this fellow from Flint
10 would sign saying they'd been done in his presence. Well, we got a
11 subpoena and Bransdorfer, the former state bar president,
12 Republican, and Mike Pyne, Democrat, were two key members on
13 the state Board of Canvassers. They didn't want people monkeying
14 around with the election laws. That would have helped the
15 Republicans to have LaRouche on. It just would have made
16 confusion. Bransdorfer didn't want the laws used that way. So, we
17 had the hearing. I remember the one part. It was Bill Ford's
18 secretary had the petition and I asked this fellow from Flint, 'Can
19 you see it being signed?' It was twenty feet away. He said, 'Oh,
20 yes.' I said, now, and I didn't coach her, I said, 'What did you
21 have?' He said, 'a ballpoint pen, but it wasn't open.' Well, they
22 took the position there was some presumption of irregularity
23 instead of regularity. LaRouche went into federal court before
24 Judge Horace Gillmore and appealed to the Court of Appeals ,
25 LaRouche lost in both courts.
26
27

1 Bob: Tom, I've got a couple of personal questions I want to ask
2 you. One thing that a lot of people don't know about Tom Downs is
3 that you're a clown. Tell us how you got into clowning.

4 Tom: Well, somebody said, 'Who's that clown that thinks he's a
5 lawyer -- that lawyer that thinks he's a clown?' Well, my wife got
6 me into it. She was working with a North Lansing group. I've
7 enjoyed it a lot. I just did one last week. One of the secretaries, her
8 7 year-old twins were having a party. I do the young kids. I like
9 them a lot.

10 Bob: Some of the other activities you've been involved in, and I
11 know personally you teach at Cooley Law School, a legislation
12 class and an election law class. But another area that you've done
13 some extensive activity in is travel. Tell us about some of your
14 world travels.

15 Tom: I've learned a lot on that one. I took my 15 year-old
16 grandson down to the Amazon Basin in Equador. We spent two
17 weeks with a tribe. The contact was a son of a missionary. He
18 went to MSU, and MSU wasn't ready for him. He married into the
19 tribe. Here were people who had no shoes, no written language,
20 no radio, no television, no alarm clocks, and no refrigerators.
21 Well, the babies were breast fed on demand, and if a kid was
22 fussing about something the nearest adult would pick it up and
23 jiggle it. In fact, my 15 year-old grandson would see a kid fuss,
24 pick it up, jiggle it, and it'd be all right. Then you talk about
25 bonding. The mothers would have the baby bare to their body with
26 kind of a cloth around it, and they'd be fishing with the baby right
27 there. Well, what amazed me was here the latest thing in Dr.

1 Spock and all -- demand feeding, breast feeding, bond -- well, here
2 were these people with no education, and I think the child for the
3 first year, if he/she didn't get a disease were probably better off
4 than in the United States. I didn't see any children crying there.
5 They didn't have to wait to be cared for. Mothers in the United
6 States at one time were told you have to wait to feed the kid every
7 four hours and get in the habit of waiting because it will get him
8 used to waiting in line for unemployment comp or whatever.

9 Bob: Tom, one of your future plans, I know, is to take one or
10 more of your grandchildren on the Silk Route.

11 Tom: Yes. Well, I think as time has gone on -- while I was in a lot
12 of vigorous fights -- it's more and more enjoying the family, the
13 children, Bette, my wife, to travel with me, and the
14 grandchildren, and just enjoy that type of thing more and more.
15 We had a delightful week in Alaska with my 18 year-old
16 granddaughter and her aunt, my youngest daughter. I do want to
17 plan to do the Silk Train from Beijing to the Caspian Sea and also
18 go again up the Amazon on a boat trip there. I am just enjoying
19 life a lot. I want to do more and more travel. I still work at the
20 office. I don't work nine days a week now, but I still go to the office
21 regularly.

22 Bob: Tom, you've had a remarkable career and you've got a
23 bunch of great stories that you've told us. Thanks a lot.

24 Tom: Ok, well, thank you, Bob.

25
26 * * * * *

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