



NATIONAL ARCHIVES ORAL HISTORY PROJECT

Oral History Interview

with

Ira S. Shapiro

February 13, 1985

at

Hart Senate Office Building

Washington, D.C.

Interviewed by Rodney A. Ross (National Archives employee)

Basic summary abstract prepared by Donnie Eichhorst (National Archives volunteer)

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Ira S. Shapiro. Washington, D.C. February 13, 1985. Interviewed by
Rodney A. Ross.

Shapiro is currently administrative assistant to Senator Jay Rockefeller. From 1975 until August 1984 he worked on Capitol Hill as a legislative assistant and/or counsel first for Sen. Gaylord Nelson and then for Sen. Thomas F. Eagleton.

In the interview Shapiro traces his involvement with archival-related issues from his work with the National Study Commission on the Records and Documents of Federal Officials to work on the Presidential Records Act of 1978 to work on PL 98-497, the National Archives and Records Administration Act of 1984.

Much of the interview concentrates on Shapiro's work for Senator Eagleton on the Archives independence measure. In the course of the conversation Shapiro discusses his interrelationship with Rep. Glenn English's staff assistant Edward Gleiman, Sen. Charles McC. Mathias Jr.'s staff assistant Marion Morris and Sen. William V. Roth, Jr.'s staff assistants John Duncan^{and C. Lippin}. In addition, he tells of his impressions of the work of Page Putnam Miller and of Charlene Bickford.

The interview, approximately 50 minutes in length, was conducted in Shapiro's office in the Dirksen Senate Office Building. Shapiro's remarks can be clearly heard and understood. Those of the interviewer are sometimes barely audible.

Abstract of interview with Ira S. Shapiro in Washington, D.C., on February 13, 1985.

Interviewer: Rodney A. Ross

Tape length: One 60-minute cassette (all of side 1 and part of side 2)

SIDE 1

QUESTION: Biographical background?

ANSWER: Ira S. Shapiro was born in New York on October 14, 1947. He grew up on Long Island and was educated at Brandeis University from which he graduated in 1969. He received his M.A. from the University of California (Berkeley) in 1970. He then went on to the University of Pennsylvania where he got his law degree in 1973. He was a Federal law clerk in Philadelphia and a practicing lawyer in Chicago before he came to work for Sen. Gaylord Nelson in 1975.

QUESTION: During your years with Sen. Nelson in what ways were you involved with Federal records and the National Archives?

ANSWER: Sen. Nelson was an author of the legislation that had asserted Federal custody over the Nixon tapes and papers. As a consequence Sen. Nelson was named as one of two Senators, the other Sen. Lowell P. Weicker, to the National Study Commission on the Records and Documents of Federal Officials (subsequently referred to in this interview as the Public Documents Commission).

One of Shapiro's responsibilities when he joined the Nelson staff was to represent the Senator on this commission. From November 1975 to early 1977 Shapiro was involved with the work of the Public Documents Commission, which issued its report in early 1977.

QUESTION: What was the nature of your involvement with the Public Documents Commission?

ANSWER: The Public Documents Commission held hearings, reviewed papers that were provided by staff and outside consultants, and deliberated about their conclusions. Shapiro felt pretty much involved, having had a lot of conversations with different people on the commission.

In early January of 1977 Shapiro served as chief counsel to a special Senate committee, chaired by Sen. Nelson, that wrote the Senate Ethics Code. This committee work pretty much tied up Shapiro full time. As a result neither Sen. Nelson nor Shapiro were involved in some of the critical deliberations of the Public Documents Commission in early 1977.

QUESTION: To what extent was the Public Documents Commission a precursor to Archives independence?

ANSWER: It played a significant roll in that it was a blue ribbon commission which recommended Archives independence. However, there had been other blue ribbon commissions over the years since 1949 that had made the same recommendation. Thus the Public Documents Commission^{Recommendation} in itself was not remarkable. It had a substantial effect on Shapiro because he stayed interested in the independence question and stayed active on matters relating to Federal records. Shapiro was able to use some of the background knowledge he gained for his later work for Sen. Thomas F. Eagleton.

QUESTION: Regarding Admiral Rowland Freeman, the decentralization of records, and the Emergency Committee to Preserve the National Archives . . .

ANSWER: Shapiro wanted first to continue with recounting his association with records questions following the end of the Public Documents Commission's work. His next point of involvement had to do with Presidential records. At the end of 1978 Congress passed the Presidential Records Act, which declared that after the 1981 Presidential inauguration, Presidential papers were to be considered Federal property and not the personal property of the President. Rep. John Brademas, Rep. Richardson Preyer and Sen. Nelson all had been involved with the issue.

The issue of Archives independence was put on the back burner while Congress was preoccupied with the Presidential Records Act during 1977 and 1978. At one time Shapiro had thought about including the independence matter as a part of the Presidential Records Act. It was decided that this not be done because President Carter had a reorganization team studying the question.

After the Presidential Records Act passed, it occurred to Shapiro that strengthening the role of the Archivist was important because his responsibilities were enhanced with respect to Presidential records. Shapiro thought that the matter could be dealt with in the next Congress. Then in the 1979-1980 period Admiral Freeman's decentralization proposal aroused a ~~strong~~^{strong} of opposition within the archival community.

The Emergency Committee to Preserve the National Archives formed in reaction to the Freeman proposal. Sen. Robert Morgan got very interested in the question of Archives independence and introduced a bill to that effect. Shapiro let Sen. Morgan's assistant, Pete Daniel, know of Shapiro's interest in the topic.

After Sen. Morgan was defeated in 1980, ^{in 1981} Shapiro spoke with Sen. Eagleton and told him how important Shapiro felt the Archives ^{independence} issue was. Sen. Eagleton was receptive. Sen. Charles McC. Mathias, Jr. had been interested in Archives independence for some time. In 1981 Sen. Eagleton and Sen. Mathias introduced Archives independence legislation in the Senate.

QUESTION: Was this about the same time that the House was holding oversight hearings?

ANSWER: The House hearings were very valuable in terms of creating attention to the problems of the National Archives. Shapiro remembered the publicity that Barbara Tuchman and Alex Haley got and observed that the hearings heightened the importance of archival issues in the public mind. **Nonetheless, Shapiro pointed out that Senators Eagleton and Mathias had introduced their bill prior to those hearings.**

QUESTION: Was Ed Gleiman's observation correct that Sen. Eagleton had read a report of those hearings in the "Style" section of the Washington Post and felt motivated to take up the Archives issue as a result?

ANSWER: Yes, that is ~~to~~^{the}. Shapiro then recounted his long active relationship with Ed Gleiman on archival issues dating from their work together on the Presidential Records Act.

Sen. Eagleton's written note to Shapiro after the "Style" piece said something like "This is an outrage. We should do something." The issue at

the time dealt with funding for the Archives, due to Gerald Carmen's budget-cutting activities. Sen. Eagleton repeatedly went to the Senate Appropriations Committee for NARS and for the NHPRC and got their appropriation raised. Although Sen. James Abdnor, the subcommittee chairman, was against the increase, most members of the committee were sympathetic as was the full committee chair, Sen. Mark Hatfield who himself had been on the NHPRC at one time.

Shapiro stressed that the "Style" feature had stimulated Sen. Eagleton's appropriations efforts on behalf of the National Archives, but that this episode came after Sen. Eagleton had previously introduced an Archives independence bill.

QUESTION: Was this S. 1421, introduced in 1981?

ANSWER: Yes, we're talking about S. 1421, introduced in 1981. The extended statement which accompanied that bill had been Shapiro's work. Nothing more happened on the matter until after the hearings of 1982 held by Rep. Glenn English's House subcommittee.

QUESTION: How much of S. 1421 was a verbatim copy of Senator Morgan's bill?

ANSWER: Shapiro thought that the bill itself may have been quite similar, or almost identical to the Morgan bill. Subsequently, in S. 905 changes were made. Also, the House came in with a much different bill.

QUESTION: What kind of discussions took place between Shapiro and Daniel after Sen. Morgan's defeat concerning the subject of an Archives independence bill?

ANSWER: Shapiro didn't remember precisely what those conversations might have been. He observed that Daniel would have known that Shapiro would have been a logical person to carry on the fight given Shapiro's history of involvement with the subject dating back to the time of the Public Documents Commission.

QUESTION: Charlene Bickford has spoken about your efforts on behalf of NHPRC funding. Would you like to speak on that subject?

ANSWER: Some people saw a rift between Archives independence and the NHPRC. Shapiro believed in both of them. Shapiro's and Sen. Eagleton's original impetus for getting involved was on behalf of Archives independence from GSA. Once involved with the independence issue the NHPRC fights seemed closely related to what was going on at the time.

Shapiro didn't think he was involved at all at the time in 1981 when the bill was brought to the House floor -- and resoundingly defeated. That defeat was a traumatic defeat; it colored efforts for the next several years. That defeat was the reason why everything had to be done through the appropriations process.

QUESTION: Did you have a grand strategy for enactment of either S.1421 or S.905?

ANSWER: Shapiro didn't think he could say he had a "grand strategy." He did feel, however, that there was a good chance of getting S.905 through Congress when it was introduced in 1983. This he told Charlene Bickford and others, including Robert Warner.

Shapiro discussed his notion of how things work in Washington. He explained that ideas on Capitol Hill sometime take time to mature. By 1983 the combined

merits of the idea, the increased publicity of 1982, Gerald Carmen's being such a "blunt instrument" in terms of cuts, and Charlene Bickford's coalition activities, had made the time "right". The Archives independence question was an esoteric issue that Congress was coming to understand. Congressmen were hearing from the "grass-roots". There was a strong case for the notion of Archives independence and there wasn't a substantial political case against it, other than the Administration not wanting to create another agency.

QUESTION: In what ways was Sen. Eagleton himself actively involved with the issue after the bill was introduced?

ANSWER: Sen. Eagleton went to the hearings held in 1983. In fact, since Sen. Mathias couldn't stay, Sen. Eagleton chaired part of the hearings. At those hearings Barbara Tuchman testified, as did Samuel R. Gammon and James B. Rhoads.

Sen. Eagleton did the type of things Senators often do on some of these things. He made key calls when he had to make them. For the most part such things were done at the staff level.

Sen. Eagleton called Sen. William Roth, the committee's chairman, to get approval of the bill's markup by the committee. For the most part it was Shapiro who did work on the issue, including personally talking with a good number of the committee cosponsors.

QUESTION: How much more difficult a situation for Archives independence was it with the Democrats losing control of the Senate after the 1980 elections?

ANSWER: The new situation wasn't something which couldn't be overcome. The main concern in the Senate was that, while an overwhelming number of people were in favor of Archives independence, Senator Roth was not. Sen. Ted Stevens, the subcommittee chair, wasn't enthusiastic either. That could have been a problem.

Shapiro made calls to Sen. Stevens' staff to find out about the Senator's position and got the feeling that the Senator wouldn't stand in the way of the committee. Shapiro then worked to get the bill out of Stevens' subcommittee and elevated to the full committee. At some point Sen. Eagleton called Sen. Stevens on the matter. Sen. Stevens did allow the full committee to deal with the issue.

Overall, being in the minority wasn't that difficult a position. Sen. Eagleton's staff did have communications problems with the Administration and for that reason they relied on Senators Mathias and Hatfield for these communications.

QUESTION: Could you highlight your steps of involvement with S.905?

ANSWER: Shapiro indicated it was hard for him to remember the chronology.

Shapiro said that in the Senate there were only two persons actively involved: Marion Morris of Sen. Mathias' staff and himself. He characterized their joint activities and credited Morris with being very active and very effective in the whole matter. They would get to the point of thinking it was time for a hearing and would work to get it scheduled and invite the witnesses. Sen. Roth's assistants pretty much allowed Shapiro and Morris to determine who would be coming.

QUESTION: Who were Sen. Roth's people?

ANSWER: Shapiro replied that the person he had in mind was C. Lincoln ("Linc") Hoewing.

Hoewing would say, "Okay, the hearing's cleared. Why don't you tell me who you want to testify?"

Sen. Mathias came to the hearing, but Sen. Eagleton ran it.

Next the committee markup was scheduled and accomplished.

At that point in the interview Shapiro recounted an early 1984 anecdote. It seemed Shapiro was writing the committee report even though he was in the minority. But Shapiro was too busy to write it. Thereupon the historical and archival communities bombarded Shapiro with calls asking about the delay. At one point Sam Gammon sent a telegram to Sen. Eagleton asking the Senator to urge his staff person to write the report. Shapiro phoned Page Miller, explained the situation, and asked that Gammon not write to Eagleton to put pressure on Shapiro.

Shapiro wrote the report with Marion Morris' help. On Sen. Roth's behalf Linc Hoewing asked that a couple of things be taken out as being too harsh on the Administration, and Shapiro complied. Although Shapiro thought that Gerald Carmen was a disaster for NARS, Shapiro recognized that it was important that the independence effort not appear as a partisan exercise. Thus certain things were changed in the report.

The report was filed and then the bill went through the Senate. Shapiro didn't remember how long it took to get the bill through the Senate. It was handled as a unanimous consent matter. At first Shapiro didn't remember there having been any particular problems. Then he backtracked as he remembered there were a couple of provisions that were objectionable to the Treasury Department. Treasury got Sen. Robert Dole to be concerned about those provisions. The bill's supporters had to change those provisions.

QUESTION: Was there anything besides the question of confidentiality for tax returns?

ANSWER: No. Shapiro reported that a couple of other things had been cut out because of Administration opposition, but he was referring to the change sought by the Treasury Department.

SIDE 2

Supporters of the bill had to reconcile S.905 with some of the objections Treasury had.

This situation was one in which Marion Morris and Shapiro had some disagreement. Morris was very anxious to preserve the Archives' role in handling tax records. Shapiro thought the privacy of tax records was very important. While Shapiro commonly supported NARS positions, in this instance he decided that NARS wasn't right about certain aspects of the tax question. Consequently he understood Treasury's problem.

NARS had litigated one case concerning the confidentiality of tax records under another provision of Title 44. In that case, according to Shapiro,

NARS was wrong, but NARS litigated for a long period of time. Shapiro thus interpreted this past action on the part of NARS to mean NARS would fight for maximum interpretations if something wasn't clearly defined.

Anyway, the Treasury provision was agreed to, and the Senate passed the bill. Later the House passed its bill. Thereafter Shapiro "left the scene" to take a position with the Mondale-Ferraro campaign.

Nonetheless, Shapiro came to one or two meetings of staff people working to reconcile Senate-House differences prior to the conference. Shapiro kept in touch with both Marion Morris and John Duncan, Senator Roth's assistant on the issue. Shapiro had a strong belief which he communicated to others that the conferees should not support some of the House provisions which would have added to the Archivist's authority. Shapiro's basic view was that if those provisions were included the Administration would have vetoed the bill.

Nobody could get a very clear signal from the Administration. Ed Gleiman and others felt that the bill really wasn't worth doing unless those provisions were included. Shapiro, on the other hand, felt that independence was the important issue. Sen. Eagleton's view was the same as Shapiro's. Ultimately the House people agreed not to push some of their positions.

QUESTION: Were you at all surprised that of all agencies only IRS and Justice expressed their concerns on the bill?

ANSWER: Shapiro thought that the positions of State and Defense were known, or would have become known, in the White House. Had the conference left in the provisions giving the Archivist authority over what was a record, OMB and the White House would have sent the final version around to the agencies and would have gotten enough ammunition to veto the bill.

Shapiro recounted ~~why he thought~~ -- and had told Robert Warner -- why he had thought the Administration would support a straight-forward reorganization bill.

QUESTION: When did you leave Sen. Eagleton's staff?

ANSWER: On a full-time basis, August 21, 1984.

Shapiro went to a couple of staff pre-conference meetings thereafter, but most of the work in reconciling the two versions after he left was done by Marion Morris and John Duncan. Duncan, who had recently left a position in the House, was sympathetic to the position that the bill could be vetoed, as was Morris.

The Senate people were the cautious ones. Ed Gleiman and people from the House, on the other hand, took a contrary position. Shapiro told of one meeting in which Gleiman had walked out saying: "I'm just going to say once more, 'This bill isn't worth doing if we don't do it right and I'm excusing myself from the whole process.'"

QUESTION: Did the House-Senate differences stem from the fact that the Senate is the more conservative institution?

ANSWER: No. Shapiro indicated one couldn't generalize like that.

According to Shapiro, Gleiman and Shapiro had a fundamental disagreement, even though they were close and had been so for years. Shapiro then discussed their different perspectives.

QUESTION: What role did Page Putnam Miller play in getting the bill passed?

ANSWER: Miller played an important role. She did a lot of lobbying and she got a lot of Congressional cosponsors for the bill. Although Shapiro talked directly with members of the Senate committee and got them to be cosponsors, Miller obtained a lot of cosponsors in both the Senate and the House.

Charlene Bickford's group did a lot in terms of consciousness-raising.

QUESTION: (Garbled)

ANSWER: Shapiro restated what had happened vis-a-vis the question of reorganization versus increased authority for the Archivist.

QUESTION: From your perspective what archival-related legislative topics remain to be enacted and what are their prospects?

ANSWER: Shapiro answered that the Kissinger papers question still needed to be addressed as to who determines what is a Federal record. Shapiro indicated he sympathized with the view articulated by Ed Gleiman that it would be very hard to address those unresolved issues with free-standing legislation. Shapiro then restated once again why he had supported the position he had taken vis-a-vis S.905. He suggested that in his frequent contacts with Bob Warner, Claudine Weiher and Dick Jacobs they -- thought Shapiro -- followed his judgment. Marion Morris, too, thought that the prospect of independence ought not be put in jeopardy.

Shapiro speculated that a stronger conference measure could have been passed by the Senate. He then repeated that of more speculative concern was the question of whether in that case the bill would have been vetoed.

QUESTION: How typical was the ultimate success of S.905 in terms of legislation passed by Congress?

ANSWER: It was typical in that in this area you can do a lot with very little active Senatorial involvement. There weren't any real natural opponents. It was the same type of experience on the Presidential Records Act. It moved fast and far without that much active Senatorial involvement.

With this legislation Senators Eagleton and Mathias really cared about it, and Sen. Mark Hatfield was very helpful. He made valuable phone calls downtown. He talked to Joe Wright or even to David Stockman to get a sense of how OMB was disposed toward this measure. It wasn't always easy to read the Administration because Gerald Carmen, even when he was out of office, was telling everyone that people were opposed to it.

Whether this was typical or not, it was not like airline deregulation with strong economic interests arrayed on both sides. The players involved were relatively few. Once the coalition got active and was able to express its concern about the future of NARS, it made a great deal of difference in terms of softening the mood and it allowed a few people who cared about the issue to move ahead.

QUESTION: Anything to add?

ANSWER: Shapiro gave concluding comments about what a rewarding experience it was to see the enactment of independence for the National Archives after his involvement with the issue dating from his work with the Public Documents Commission.

GENERAL SERVICES ADMINISTRATION
NATIONAL ARCHIVES AND RECORDS SERVICE

Legal Agreement Pertaining to the Oral History Interview of

Ira S. Shapiro

In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms and conditions hereinafter set forth, I,

Ira S. Shapiro of Potomac, Maryland
(name) (city and state)

do hereby give, donate and convey to the United States of America all my rights, title and interest in the tape recording and transcript of a personal interview conducted on February 13, 1985 at the Russell S.O.B. in Washington, D.C. and prepared for deposit in the National Archives. This assignment is subject to the following terms and conditions:

- (1) The tape recording shall be available to all researchers upon its being accessioned by the National Archives.
- (2) The transcript shall be available to those researchers who have access to the tape recording, as soon as the National Archives' processing schedule allows sufficient time for transcript preparation.
- (3) I hereby assign to the United States Government all copyright I may have in the interview transcript and tape.
- (4) Copies of the transcript and the tape recording may be provided by the National Archives to researchers upon request.
- (5) Copies of the transcript and tape recording may be deposited in or loaned to institutions other than the National Archives.

Ira S. Shapiro
Donor

Robert M. Shaw
Archivist of the United States

Feb. 14, 1985
Date

Feb 22, 1985
Date