



NATIONAL ARCHIVES ORAL HISTORY PROJECT

Oral History Interview

with

Stephen M. Daniels

January 31, 1985

at

Rayburn House 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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Stephen M. Daniels. Washington, D.C. January 31, 1985. Interviewed by  
Rodney A. Ross

Since 1973 Steve Daniels has been on the Republican staff of the House Government Operations Committee. Since July 1, 1984, he has served as staff director for that staff.

Daniels' involvement with the issue of Archives independence dated only from the summer of 1984, after his wife, Maygene, had ceased to be an employee of the National Archives. In the interview he described both the House floor action on the independence bill and the action taken by the House-Senate conferees. He told who were the staff members involved in the August 1984 pre-conference discussions.

Daniels explained the reasons the Internal Revenue Service (IRS) and the Justice Department had in opposing ~~the~~ independence bill<sup>provisions</sup>. He told in detail the timing of various Justice Department actions.

Daniels mentioned that instead of supporting the House version of the bill, Archives officials favored the less expansive Senate alternate in order to facilitate the actual enactment of an independence measure. Also, he noted the roles played by Page Putnam Miller and Charlene Bickford in galvanizing support for the cause of Archives independence.

In addition, he discussed briefly the origin of provisions dealing with records management authority, publication of disposal schedules and Trust Fund employees.

The interview, less than thirty minutes in length, was conducted in the Rayburn House Office Building.

Abstract of interview with Stephen M. Daniels in Washington, D.C., on January 31, 1985.

Interviewer: Rodney A. Ross

Tape length: Only one side of a 60-minute cassette.

QUESTION: Biographical background?

ANSWER: Daniels was born on March 28, 1947, in Boston, Massachusetts, but grew up in Los Angeles, California. He attended both Yale University and Yale Law School. He graduated from law school in 1972 and began work thereafter with the United States Congress in Washington. Since 1973 Daniels has been on the Republican staff of the House Government Operations Committee. Since July 1, 1984, he has been staff director for that staff.

QUESTION: How did it happen that only in the summer of 1984 did you become actively involved with the Archives independence issue?

ANSWER: Daniels' wife, Maygene, was for many years an employee of the National Archives until she resigned her position in July 1984. At the time she was an assistant to the Deputy Archivist. The two of them felt it would be inappropriate for him to become involved with the Archives independence issue due to a possible conflict of interest. Thus he did not work on any Archives matters until after his wife had accepted a job with another agency.

QUESTION: During the summer of 1984 the House took up HR 3987. What was it like on the floor of the House during the debate?

ANSWER: It was quiet on the days in question. Not very many members of Congress were present. Daniels suggested that many Congressmen didn't have a clear idea of what was going on regarding the independence issue. Daniels pointed out that both the chairman of the committee, Rep. Jack Brooks, and the ranking Republican, Rep. Frank Horton, were strong supporters of the legislation, and that the measure also had administration support. With a configuration like that most Congressmen would usually accept a bill like the Archives one as a good one.

The one vocal opponent to the bill was Rep. Tom Kindness of Ohio. He was the senior Republican on the subcommittee that considered the bill. Rep. Kindness realized that with the forces arrayed against him, he didn't stand much chance of winning. He gave speeches on both days of debate indicating his opposition to the bill, but he did so in a polite manner. He offered an amendment on the second day of debate, but he didn't ask for a vote on it. The consideration of the bill went very very quickly.

This was surprising since the bill came up under an open rule whereby anyone could offer as many amendments as he wanted to the legislation. Daniels related the story that someone who worked in the Republican cloak room asked how long they'd be on the floor and Daniels replied fifteen to thirty minutes. The fellow offered a steak dinner to Daniels and all Republicans who worked on the bill if they were done in fifteen minutes. The Republicans in question weren't able to collect, but the fact remained that there was very little debate on the legislation.

QUESTION: What was the question involving the IRS amendment and what happened to it?

ANSWER: The IRS was concerned that if the National Archives became independent and if the Archivist retained the authority to inspect all agency records and make them available to the public once they were accessioned into the National Archives, then all sorts of tax records would become public. The IRS operates under a statute in which their records are held in an extremely confidential manner. The IRS felt that if taxpayers understood that tax records could become public, taxpayers would be less likely to file tax forms. Consequently the revenue of the United States and the work of the IRS both would suffer.

Employees of the IRS, without the blessing of OMB or anyone else in the administration, approached the staff of the Ways and Means Committee and through that staff the members of the Ways and Means Committee to express their great concern about the bill. The IRS people seemed to be making some headway through the committee. However, on the first day of floor action Rep. Barber B. Conable, Jr. of New York, the ranking Republican on that committee and a very well respected member on both sides of the aisle, stood up on the floor and announced that he didn't understand there was any problem at all with the confidentiality of tax records. Tax forms were routinely destroyed by the IRS far short of the time at which they would even be considered for accessioning into the National Archives. There were statutory and regulatory protections for tax records within the National Archives, and it was extremely important for the Archivist of the United States to have some sort of control over the records that were a part of the archives.

When Rep. Conable made that very strong speech, a lot of the steam went out of the efforts of the IRS and the Ways and Means Committee staff, who had put together an amendment similar to the one that had passed the Senate.

Eventually what happened on the second day of bill consideration by the House was that Rep. Byron L. Dorgan of North Dakota, a Democratic member of the Ways and Means Committee, did speak about the problem, but never offered an amendment. He was given various assurances by Rep. Brooks that the problems the IRS saw were not real. The tax records would be treated properly and confidentially. Thanks to Rep. Conable's intercession and strong public statement, there was very little trouble on the IRS question in the House.

QUESTION: Did Tom Persky, or others from the IRS continue to wage a fight in getting conferees to accept the Senate version as opposed to the House version on IRS matters?

ANSWER: Daniels remarked that they may have done that, but he himself had no personal knowledge of it. Once the bill got to conference, OMB--principally through the efforts of Joe Wright, its Deputy Director--was able to pass the word to the IRS and to Senator Dole that the IRS amendment which the Senate had passed was not a good one and the administration would not support it.

Support for the amendment evaporated in the Senate. House members had little to say about the amendment since their bill's version didn't include it.

QUESTION: When you say not many members were on the floor, how many were you talking about?

ANSWER: Close to a dozen. Only the members who were most interested in the issue were there.

On the Democratic side Rep. Brooks and Rep. Glenn English were there. On the Republican side those present included Rep. Frank Horton, Rep. Tom Kindness and Rep. William F. Clinger, Jr., of Pennsylvania.

QUESTION: What number of staff members would have been on the floor at that time?

ANSWER: There were two staff members on the Republican side: John Parisi, minority counsel for the Government Information subcommittee, and Daniels.

There were three staff members on the Democratic side: Bill Jones, the general counsel on the full committee; Bob Brink, his assistant; and Ed Gleiman, counsel for the Government Information subcommittee.

QUESTION: What were the concerns of Robert A. McConnell and the Justice Department?

ANSWER: The Justice Department had been concerned early on about provisions in the House bill that said the Archivist would be authorized to tell Congress whenever he felt the Attorney General was not properly bringing suit against Federal officials for the removal of what the Archivist considered to be government records.

Daniels related that fairly early on in the process the House had toned down the language on that subject to go along with some of the complaints of the Justice Department.

People in the House didn't hear from the Justice Department for a long time afterwards, so those in the House assumed the modification of the bill had satisfied the Justice Department.

After the Archives independence bill had gone to conference, the Justice Department again became quite concerned about the provisions in the House bill. The Justice Department people communicated their concerns to other staff people, mostly on the Senate side.

In House-Senate staff discussions on what to recommend to members of the conference, the language was further modified to say that the Archivist, when he felt a suit should be brought, should ask the Attorney General to bring it and at the same time inform Congress he was making the request. The Archivist was restricted against commenting on the Attorney General's failure to bring suit. The staff felt that with this revised language the Justice Department would find the product acceptable. The Congressmen in question agreed and accepted the language in the conference.

The day after the conference report was filed, Rep. Horton and others received a letter from Bob McConnell, Assistant Attorney General for Legislative Affairs, protesting this provision and other provisions of the bill and stating that if the bill remained similar to what the House had passed, the Justice Department would recommend that the President veto it.

According to Daniels the members of Congress were quite incensed about this letter. The Justice Department had participated very very little in the consideration of the bill and had not made its views known before the conferees had met. In fact, the letter was sent the day after the conference, and it included no realization at all that the conference had occurred or what changes the conferees had made in the language.

At Rep. Horton's direction Daniels phoned Bob McConnell and asked if he would take a look at the language the conferees had adopted. Daniels asked that if McConnell felt the language was acceptable to send a letter retracting the original one. McConnell was very understanding over the phone, but never sent the letter of retraction.

The Justice Department did get in touch later on with the Republican leadership, specifically Rep. Robert H. Michel and one of his staff aides, Walt Kennedy. Kennedy complained to Rep. Horton that something had been put in the bill that was not acceptable to the Justice Department thus causing the risk of a veto.

According to Daniels, Rep. Horton was upset with the Justice Department because if they had any concerns they should have expressed them earlier. Rep. Horton was prepared to go full speed ahead with the conference report on the House floor. That is what was done; no member objected to the conference report. Evidently the Justice Department didn't convey its views to very many members or the Justice Department was not successful in conveying its views because the subject wasn't mentioned on the House floor.

QUESTION: To stave off a possible veto would Rep. Horton have contacted the White House directly, or is that not done?

ANSWER: That is something that is very very rarely done. House Republicans had had good contact through the process with OMB, GSA and the National Archives, and it was known the administration was on record as supporting the bill. There was great confidence that the individuals in those three agencies who had worked on the bill would recommend to the President that he sign it. It was believed all along that the President would sign the bill, so there was no need to make an extraordinary step like having Congressmen contact the White House.

QUESTION: During the August negotiations what role did the Archives play in trying to get either the House version, with increased authority for the Archivist, or the Senate draft accepted?

ANSWER: According to Daniels, officials in NARS, the National Archives and Records Service, were interested in getting independence on virtually any terms.

In general, Archives people advised those on the House side to go along with the Senate bill, because the Archives people didn't want to risk any particular controversy. The Archives people didn't want to risk the conference report never being filed, or never coming up on the floor, or being vetoed by the President.

Ultimately, the bill that was enacted provided very little new authority for the Archivist.

QUESTION: There was really only one area where the Senate version would have gone further than the House version in strengthening NARA, the National Archives and Records Administration. This involved putting ORIM, the Office of Information Resources Management, and other computer-related information services that GSA has, back under the National Archives. Was that provision of much interest to you?

ANSWER: That was a subject of some discussion on the House side. Congressmen Brooks and Horton have had strong interest in the centralization of information resources management functions within the government. They felt all along that the transferring of all records management functions to NARA would go counter to their longstanding interests.

Quite early in the process, before Daniels was a part of it, the committee staff sat down with officials of NARS and GSA and reached a compromise that would maintain the status quo with regard to the division of records management authorities. That compromise was backed by the House managers of the bill and by the administration. The Senate conferees had very little interest in pressing the Senate's point of view.

QUESTION: What role did people like Page Miller and Charlene Bickford play in ultimate passage of the independence bill?

ANSWER: They were very useful initially in getting interest among members of the House. Without them there wouldn't have been nearly as much interest in the bill. Probably many members who had had visits from archivists from their communities would have otherwise looked at the bill much more critically.

Once Daniels became involved -- when the bill was headed for the House floor and for conference consideration -- the outside lobbyist played virtually no role in the bill.

QUESTION: How did the measure which required that lists of official records scheduled for destruction be published in the Federal Register get into the bill?

ANSWER: That was an interest based on several oversight hearings of Congressman Glenn English. He had put that provision into the bill at the beginning, and in one form or another it stayed all the way through.

QUESTION: Was Rep. English also responsible for the provision regarding Trust Fund employees.

ANSWER: Yes.

QUESTION: Who was involved in the August staff negotiations? Were these formal discussions, phone calls or what?

ANSWER: There were a lot of discussions over the telephone and several meetings in person. The staff who were involved on the House side included Democrats Bill Jones, Bob Brink and Ed Gleiman and Republicans John Parisi and Steve Daniels. From the Senate side the principle Republican staff member was Marion Morris. She was joined at times by the Governmental Affairs Committee staff director John Duncan and one of his assistants, C. Lincoln Hoewing. On the Senate Democratic side was Ira Shapiro, minority counsel to the committee. We were all joined in some of our sessions by the House and Senate legislative counsels who were assigned to the bill. The draftsman of the bill from the House was Steven A. Cope. The draftsman from the Senate was Susan V. McNally.

QUESTION: Was the discussion similar to other pre-conference negotiations?

ANSWER: It was similar to the ones that take place after the House and Senate have passed virtually any bill of any complexity. The idea of these meetings is to divide the issues into major and minor issues, to try to settle all minor issues at the staff level and to present to the members of the conference recommendations for a compromise on minor issues. The staff members also explain what the major issues are and suggest what the arguments on both sides are. Thus they brief the members so when the members come to the actual conference they will be prepared to discuss those issues and come to a conclusion on them.

QUESTION: Could you paint a "tone poem" of what happens at conference?

ANSWER: The structure is very formal, but meetings themselves tend to be quite informal. Senators sit on one side of the table with their staff behind them. The Representatives sit on the other side of the table with their staff behind them. It is usually arranged in advance who will be chairman of the conference. For Governmental Affairs - Government Operations conferences chairmen Roth and Brooks alternate in acting as chairman of a particular conference.

These conferences almost always include senior members of the committees. They are men and women who know each other very well. When they sit down at the table, it's like seeing old friends again. Even though the setting is formal, the discussions are informal and friendly. The members want to reach agreement very quickly and they want the agreement to be very amicable. The meetings of the conference usually don't take very long.

QUESTION: How long?

ANSWER: This conference probably took about 45 minutes.

QUESTION: Anything to add?

ANSWER: Daniels made a comment about his feelings regarding the fact the tape of the conversation would be retained at the National Archives, the workplace of his wife for so many years.

GENERAL SERVICES ADMINISTRATION  
NATIONAL ARCHIVES AND RECORDS SERVICE

Legal Agreement Pertaining to the Oral History Interview of

STEPHEN M. DANIELS

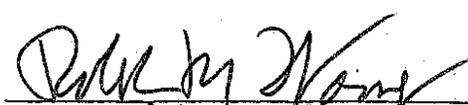
In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms and conditions hereinafter set forth, I,

STEPHEN M. DANIELS of WASHINGTON, D. C.  
(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 JANUARY 31, 1985 at RAYBURN HOUSE OFFICE BLDG., 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.

  
Donor

  
Archivist of the United States

JANUARY 31, 1985  
Date

February 6, 1985  
Date