

Susan Burgess: And if we could just talk about -- as I mentioned at lunch, what you recall the major OTP initiatives being and what their resolution was and what their significance was.

Henry: OK. So, I'm looking at your list of major OTP initiatives. I think -- I think, yeah, these are the major initiatives. I don't, you know -- I don't recall the spectrum management application one very well. The -- well, the -- the so-called international policy, remember, Tom, every time -- well, I think, in this confirmation hearing Hughes asked, "When are we going to see an international policy?" And every time you went up for oversight thereafter, the same question -- I think this was Senator [John Orlando] Pastore would say, "Well, where is your international policy?" And then, at the every end of Tom's tenure at OTP, we came up with some hastily slapped-together international policy that, I think, upset the entire telephone industry, and caused, you know, senators to call you, and it was kind of --

Tom Whitehead: Which I had repressed.

Henry: You repressed it. This was, in those days, the international, you know -- there were, like, the carrier of the week, and the carrier of the month, and it was all very cartel-divided. And you got a call from, you know, like, the Tennessee -- the head of Tennessee Bell, or whatever, and then Senator [Howard Henry] Baker [Jr.] saying, "What the hell are you doing?" And you said something like, "I'm talking international policy. What's this got to do with Tennessee?" They had been --

Tom Whitehead: Was it the international policy that had caused that falderal?

Henry: I think so, yeah. But anyway, so, it was, quote, international policy was supposed to be a major initiative. It end ended up at the end of Tom's

tenure at OTP as kind of a slap-dash initiative. I think nothing ever came of it, but international policy certainly changed.

Tom Whitehead: There were two groups of people who thought they knew what OTP was going to be. One was Pastore, who was chairman of the Commerce Committee. And he was being pinged on by the international record carriers. And I guess they were actually pinging on Nick Zapple. And he - - or Nick, or both -- didn't like this constant bitching, and so they wanted some kind of an accord between AT&T and the record carriers to make the -- this international catfight calm down and go away. So, in Pastore's mind OTP was being set up to create an international telecommunications policy dealing with the record carriers, a municipal part -- excuse me, miniscule part of the business. The other group was the old office of telecommunications management, who thought this was going to be a glorified office of telecommunications management, running the federal spectrum, doing emergency communications planning, and stuff like that. In fact, I had very little interest in either one of those.

Henry: Yeah, that's right. Which is why Senator Pastore kept saying, "Where is your international policy?" And Tom kept saying, "Well, we're working on it."

Tom Whitehead: And I kept firing people from the old office of telecommunications management in order to create slots to hire people like Henry.

Henry: So, if you -- international policy, and there's also international slash satellite policy because during the OTP tenure, we, you know -- there's the Intelsat was being created. Comsat had been created, and Comsat was sort of the *de facto* international carrier, but then they were supposed to create an international organization that would handle international satellite policy. And OTP was involved in that. And, you know, Bromley

Smith had -- or Abbott Washburn had been working on that -- was the ambassador to that.

Tom Whitehead: Ambassador to the Intelsat --

Henry: The Intelsat --

Tom Whitehead: -- conference.

Henry: -- conference. Right. So, --

Tom Whitehead: But then --

Henry: OTP did have -- and this was related to them saying, "Where's your national policy?" because here you are. There's going to be this international satellite organization that was sort of required by the 1962 [Communications] Satellite Act, and, you know, OTP -- how are you -- how is that going to be integrated into the international industry? Where do they fit? Who owns them? No, ATT can't own them. That's why we created Comsat. Now, there's all this churn about international policy including the Intelsat part of this. Any of this ring a bell?

Tom Whitehead: Yes, it -- well, since -- it all comes back. It reminds me why I -- actually, I think we dealt with it fairly seriously. It's just that it was --

Henry: It, you know --

Tom Whitehead: It wasn't very interesting.

Henry: It never took up much of our time.

Tom Whitehead: Right.

Henry: It was always, "Oh, my God, another year has gone by. He's got to appear before Pastore. What do we say about international?"

Susan Burgess: Uh-huh.

Tom Whitehead: It wasn't quite that bad.

Henry: OK. It just didn't take a lot of -- anyway, so --

Susan Burgess: And is that because the issues were -- just seemed less pressing to your minds than the other issues that were --

Henry: Actually, I don't know. He just wasn't interested in them. And they weren't as -- the Intelsat side, that was -- OK, Abbott Washburn's deal. That's underway. Whatever you come up with, fine. Let me know.

Susan Burgess: Right.

Tom Whitehead: The -- the real interest was competition in broadcasting -- competition in television, and competition with AT&T. Those were the issues.

Henry: I think, at that time, there was a sense like, how can you talk about competition, then international in the same breath? You know, you got all these government organizations that own international communications. I mean this -- there was -- nothing was privatized. So, we got AT&T, and then, they were dealing with all these government organizations. Why do you want to talk about competition in international? Doesn't exist. Can't exist.

Tom Whitehead: Oh, there was a crazy cooked-up competition between the undersea cables and the satellites.

Henry: Yeah, but that was kind of resolved in the Comsat Act.

Tom Whitehead: Was it? Was it really?

Henry: It was certainly an issue there, and there was a resolution there. And I think we were dealing with --

Tom Whitehead: The Comsat Act was '60 --

Henry: '62.

Tom Whitehead: Two. Now, the issue drug on because of --

Henry: Because of the record carriers.

Tom Whitehead: -- because of AT&T, and the record carriers had a rate base, and --

Henry: That's why you had to fit satellite somehow into the existing structure.

Tom Whitehead: Yeah.

Henry: Right. So, it wasn't really, hey, satellites don't compete. How do you fit satellite into the existing structure without upsetting AT&T?

Tom Whitehead: More than you -- more than you have to because -- because what happened was, we forced AT&T to -- we forced AT&T to use satellites even though they didn't earn a rate of return on them. One major issue that's left off of this list, Susan, is the domestic satellite.

Henry: But that -- that was pre-OTP.

Tom Whitehead: It continued.

Henry: It continued?

Tom Whitehead: For my purposes, I'm just going to treat my White House tenure as OTP.

Susan Burgess: OTP, OK.

Henry: That's fine, but from my perspective, that was largely done by our time in the White House.

Tom Whitehead: It was. It was.

Henry: I would think some of your --

Susan Burgess: And when did -- when did you show up --

Henry: Huh?

Susan Burgess: Do you recall when you showed up, and when you left?

Henry: I showed up in June '71. I can tell you when I look at my departure gift from Covington & Burling. Yes, in June '71. And I left in, like, May '75. Others on your list, you know -- some of these were linked together. Like, well, cable had two parts. Cable was the -- sort of the policy for cable going forward, which is the cabinet committee aspect of cable, and then, cable was the cable freeze. How do you end the cable freeze? Distant signal, and syndicated exclusivity, and copyright. So, you can't just say,

cable. There was, sort of, cable policy, and then, the things that people really cared about, which was undoing the cable freeze, resolving copyright issues, prime-time access slash syndicated exclusivity, distant signal --

Tom Whitehead: Why -- why is fence-in a cable issue?

Henry: Huh?

Tom Whitehead: I don't understand why fence-in is a cable issue.

Henry: They were all kind of wrapped together, I thought.

Tom Whitehead: I thought fence-in was just a totally broadcasting issue.

Henry: I think that's right. I think that's right. So, maybe I smooshed that together too much. It -- once you're involved with one of these things, people start connecting. You know, so, OK. What are you going to give me if I give X to there?

Susan Burgess: Right.

Henry: We were -- we were up to our ass in -- in syndication issues, and who can carry what, and 70 miles away, hopping, jump -- it was just the weirdest thing. If you were to talk to Bruce Owen, he would just, you know, go, "Oh," you know, "oh, I don't want to hear about any of that. That's just," you know, "that's just the price we had to pay to work on cable policy." That was all bad. There was no economic analysis or anything.

Tom Whitehead: Wait a minute. I lost -- I lost you. What is bad?

Henry: What we were doing to resolve cable issues.

Tom Whitehead: Oh, yeah.

Henry: Bruce hated, didn't want anything to do with, thought we were, you know, whores, and --

Tom Whitehead: Whores of Babylon.

Henry: Right.

Tom Whitehead: Right.

Henry: So, anyway, there were these kind of cluster issues. Reruns, you know, I wouldn't even call reruns a major initiative. That was 1974. That was someone -- Lou Wasserman or someone grabbing Nixon at a campaign fundraiser and saying, "You got to do something about --," and so then the call to OTP -- us, do something about TV reruns, and, you know, it occupied us for about two solid months, but --

Tom Whitehead: Well, that was linked to the --

Henry: Huh?

Tom Whitehead: In my mind, that was linked to the prime-time access rule.

Henry: It was entirely separate.

Tom Whitehead: Really? Why?

Henry: Because it was -- they want more of them, you know -- there were usually 13 new episodes, and the networks were trying to cut them back to eight, or whatever. So, they were starting reruns in -- in the spring rather than in the summer traditionally.

Tom Whitehead: But I thought that -- in my mind, both -- both issues dealt with Hollywood economics.

Henry: Of course they did, but I thought they were simpler.

Susan Burgess: Tom, the reason he --

Tom Whitehead: Yes, they were simpler.

Henry: And -- and the rerun issue was something that was generated during the '74 campaign. We had no business -- and again, this was kind of Bruce Owen, "Hate this. Don't want anything to do with it. Don't take me to meetings," but he was forced to go to meetings. We've had -- we had some incredible meetings, and then, Thanksgiving, 1974, after the election, we made our one-day trip to all the networks, and the reported --

Tom Whitehead: '73.

Henry: '73?

Tom Whitehead: I was gone by Thanksgiving of '74.

Henry: OK. Thanksgiving --

Tom Whitehead: But you were there --

Henry: No, you were there. It was Thanksgiving of '73.

Susan Burgess: Yeah. Now, Tom, you might have those linked in your mind because you were working on them at the same time, because I came across a letter from you to Dean Burch about the OTP Rerun Study, and then, at the end you talk about the prime-time access rule. So, --

Tom Whitehead: The -- the reason they're linked in my mind, was that they were both driven by the Hollywood production community.

Henry: Hollywood. Right.

Tom Whitehead: And the -- the economics of their business vis-à-vis the networks.

Henry: But the rerun thing was a pure political shun --

Tom Whitehead: Yeah. Yeah. Which Nixon wanted. And I -- I remember a conversation with somebody -- probably with you -- saying, we got to give the president something. I mean, he gave us a lot of support.

Henry: Right.

Tom Whitehead: He wants this. So, --

Henry: Well, in the face of people like Bruce Owen saying, "No, we cannot get into this issue. This is a terrible issue. It has no policy element to it. It's just, you know, political fix-it." And Tom said, "Well, you know, in order to do all these other things, we got to do some political fix-it, too."

Tom Whitehead: Right.

Susan Burgess: Okay.

Henry: So, public broadcasting, yes. Fairness Doctrine, broadcast license renewal, yes. You know, if you ask what came of each initiative, the answer was, in our tenure, nothing. But where are they now? And, you know, whatever we set in motion -- I'm not saying because we set it in motion, but there was broadcast license renewal reform. There was such reform with the Fairness Doctrine that it doesn't exist anymore.

Tom Whitehead: Which we proposed.

Henry: Huh? Right.

Tom Whitehead: We proposed that it not exist anymore.

Henry: Yeah. Public broadcasting was just a --

Tom Whitehead: Well, we accomplished --

Henry: -- a trap, and a snare, and --

Tom Whitehead: Well, -- but we accomplished something there. We -- we kept it from being the hugely funded thing they wanted it to be.

Male Voice: Have you watched it recently?

Tom Whitehead: Well, we kept it for a while. But they still only get about five to ten percent of their money from the feds.

Henry: Yeah, but the fact that they get anything, though --

Tom Whitehead: That's beside the point.

Henry: Right.

Tom Whitehead: That was the argument I had with Chuck Colson. I said, "Keep them low. Keep it a small percentage." He said, "Nothing. Zero. Zip. Nada."

Henry: And look where we are. Anyway, so that --

Tom Whitehead: Five -- five to ten percent.

Henry: If you look at these other things, you say, oh, one of OTP's contributions was that it raised the right issues. It had the right philosophy on the issues, and maybe not in its lifetime, but eventually the rest of the world came to that. Not true of public broadcasting.

Tom Whitehead: Well, you'd have to say cable copyright, the end of the freeze. Domsats, specialized common carriers.

Henry: Well, if you want to divide it into, what did we accomplish while we were there, and what has -- ? Okay. Yes, we got rid of the cable freeze. Yes, on our watch, the cable copy -- cable broadcast copyright issue was resolved. But it took a couple of Supreme Court cases, too.

Susan: Whoa.

Henry: U.S. domestic satellite policy, yes. Intelsat was created, and the whole Intelsat -- the whole international satellite regime was created.

Tom Whitehead: Well, but I think that --

Henry: Eventually disbanded --

Tom Whitehead: That was before us.

Henry: It was one of -- one of your --

Tom Whitehead: It was one of our things, but it wasn't --

Henry: OK. Well, if you have more of a prior claim for that, that's --

Susan Burgess: No, what -- what? Could you explain to me what you think OTP should claim credit for?

Henry: While it was in being, it resolved -- or helped resolve the very, very thorny issue that it kept cable expansion frozen, which was cable copyright, and distant signals, and --

Susan Burgess: Oh, but the Intel --

Henry: Huh?

Susan Burgess: The Intelsat issue, I thought you were just talking about.

Henry: Oh. Oh, during OTP's tenure, there was an Intelsat treaty was signed, and the international organization was created.

Susan Burgess: And what was OTP's role in that, that you guys have just kind of --

Henry: We were kind of -- we were -- of the government agencies, we were the ostensible host of this set of issues. And people like Abbott Washburn, who was the ambassador to the Intelsat thing.

Tom Whitehead: No, first, Leonard Marks.

Henry: First Leonard Marks and then Abbott.

Tom Whitehead: No, then Bill Scranton, and *then* Abbott.

Henry: I think they kind of reported to you from time to time.

Tom Whitehead: Oh, they -- they definitely reported to me.

Henry: Right. OK. So, --

Tom Whitehead: I -- I ran -- I ran the policy side of the negotiations. And there was a -- now that we talk about it, there was significant accomplishment because the PTT's --

Henry: All hated it.

Tom Whitehead: -- all hated it, and tried to make it in -- they didn't like Comsat.

Henry: Hated Comsat.

Susan Burgess: Now, who was this PPT's?

Tom Whitehead: PTT's --

Henry: Post-Telecommunications.

Tom Whitehead: It's a term that was largely --

Henry: No. Post telephone and telegraph.

Tom Whitehead: It's -- It's gone out of existence. It stands for Postal -- was a ministry of Postal Telephone and Telegraph. And all the countries of the world, except the United States, had their telecommunications owned, and run by government ministry. And these organizations mostly had the name of PTT. So, people just talk about other PTT's. Then, they became quasi -- quasi-commercial, and they became known as PTO's, Postal and Telecommunications --

Henry: I mean, there was --

Tom Whitehead: -- Organizations. The terminology has shifted but, at any rate, the international communications world was all government ministers, and over here on our side there was this private company, AT&T. And so, in dealing with these other countries, the FCC really didn't have a role. The FCC was not part of the Executive Branch. The State Department occasionally would try to get involved, but they didn't understand anything. So, OTP kind of came into a vacuum, and we were -- we became the United States' lead agency for international communications, which is what Pastore wanted. And we did make a difference. I'd have to go back and figure out what it was, but we did make the international world safer for commercial entities.

Henry: Yeah. I mean, you've got it here; February '69, formal Intelsat negotiations begin. Well, to some extent, it was OTP and Tom Whitehead who superintended the Intelsat negotiations.

Tom Whitehead: Right. And Leonard Marks, who had been the head of --

Henry: Who just died.

Tom Whitehead: -- who just died, who had been the head of USIA --

Henry: For Johnson.

Tom Whitehead: -- for Johnson -- Leonard had been appointed -- been appointed ambassador by Johnson. And we inherited Leonard. And Leonard was a very forceful kind of guy, right? But he was also very much plugged into the international diplomatic community, and getting along with everybody. And that caused an erosion -- or that caused a lack of -- the typical State Department lack of standing up for the United States. And so, at some point, it got to be so difficult -- fairly quickly -- that I gently suggested to Leonard that he might like to do something else, and he took the hint, and resigned, and we appointed Bill Scranton.

Susan Burgess: And then, did he leave to be replaced by Abbott?

Tom Whitehead: Yes, but the majority of our work was done when Bill was --

Susan Burgess: OK.

Tom Whitehead: -- the --

Henry: OK. So, claim credit for that initiative during OTP's lifetime.

Tom Whitehead: Figure out what it was, and then claim credit for it.

Henry: And domestic satellite policy. Excuse me.

Tom Whitehead: Well, I think you have to. I think you have to give OTP credit for filing the anti-trust suit, even though it came --

Henry: Yes. Yeah, yeah.

Tom Whitehead: Yeah. It came after I left.

Henry: That's not on the list?

Tom Whitehead: Right.

Henry: It's not on the list. Deregulation -- I mean, OTP was an encourager of MCI. This was just in the time that MCI was getting started, and we, you know -- we -- what did we do? Well, MCI really carried its own ball, because it fought at the FCC, and then it took the FCC to court, and they were major breakthroughs. But I can remember Bill McGowan, who was the -- at that point, the guiding force, genius --

Tom Whitehead: CEO.

Henry: CEO, but he wasn't John -- he wasn't the founder.

Tom Whitehead: No.

Henry: OK. But I can remember Bill McGowan coming around our offices seeking any kind of support he could get even if it was only moral support, and getting it.

Tom Whitehead: And Sam Wyly.

Henry: Huh?

Tom Whitehead: Sam Wyly, he was there.

Henry: Yeah, Sam Wyly, Datran.

Tom Whitehead: Datran.

Henry: So, we became -- because we were pro-competitive, anti-monopoly, we had Bruce Owen. These guys kind of sought us out, and said, "Whatever help you can give us, we're fighting this great monster over here." We couldn't give them a lot of formal help when they were carrying it out, but, you know, in discussions with the FCC, or in a speech talking about competition and the values of competition, it -- it helped -- OTP helped create a vocabulary, an environment, a context for thinking about competition in the telephone industry. And I think that was -- it's, you know -- it didn't have a particular piece of legislation, or a banner, or a flag, or anything, but I certainly would list it under an accomplishment or initiative.

And then, when we translated that sort-of generic context thing into a -- OK, nothing seems to be working with this goddamn AT&T. You got this jerk, John DeButts, who was the CEO, chairman, or whatever, who is -- who in the face of these little shoots of -- of greenery -- of, you know -- coming up of competition in MCI, and Datran, or what have you, who said, "We're going to crush it all, and blah, blah, blah." That's when we said, "Hey, this -- you -- you got to go break 'em up." So, the whole thing of telephone competition, and telephone policy, I think, we can claim credit for. Now, you can talk.

Tom Whitehead: Well, I was going to say that the specialized common-carrier decision --

Henry: Right.

Tom Whitehead: -- we deserve a lot of credit for even though Bernie Strassburg and Fred Henck managed to write a whole book about the subject without ever mentioning OTP.

Henry: Right.

Tom Whitehead: But I think we were -- I think the specialized common-carrier decision was an OTP accomplishment.

Henry: And there was a -- there was -- one of the many elements of tension between the FCC and OTP was just on this point. Like, can't you guys shut up about competition in the telephone industry? And there was a head of the FCC's Common Carrier Bureau at that time, a person by the name of Bernie Strassburg who was an old-line FCC regulator bureaucrat who was like, "Yeah, yeah. There's a lot of bad stuff going on, but don't you worry. I can handle it. I will regulate them. Etcetera, etcetera. You shut up." And he would go to Dean Burch, and say, you know, "these whiz kids over at OTP are making my life miserable."

So, there was this whole Bernie Strassburg, Dean Burch, OTP tension. And again, maybe I'm jumping ahead of where you want to be, but before this historic meeting with the attorney general there was -- there was finally something that happened where Strassburg said, "OK, you know, I've tried. I've tried to manage competition, and manage the [INAUDIBLE] -- and it's not working. So, you guys go and have it your way." And this was a message -- it was sort of the -- Bernie Strassburg gave up. The thing -- one thing that made him give up was this John DeButts went and made a speech -- a very hard-line speech.

People to this day in the telephone industry give these kinds of speeches where they say, "All right. For the past three years, we've," -- you know --

"we've been good citizens, and we've let these bureaucrats do their competitive bullshit, but over -- no more Mr. Nice Guy. This is the way it has to be." And John DeButts gave that speech, and there was an element even of attacking this Bernie Strassburg. And Strassburg, you know, said, "This guy's a pig. You know, I've really been trying to help him, and manage this whole thing, and what do I get for it? Now, he's, you know, attacking me, and taking the hard-line. You guys go, and do what you want." So, --

Tom Whitehead: "You guys," meaning?

Henry: You the White -- you OTP.

Tom Whitehead: But how could we do what we wanted? I mean, what did they mean, "do what you want?"

Henry: Because we -- we had been yap, yap, yap, yapping about competition, and competition in MCI, and, you know, facilities, and specialized carriers, and Dean Burch kept holding back. I think if you had gone to the White House, and said, we've got to renew, or reinstitute the AT&T anti-trust suit, and Dean Burch had said, "Not on your life. Are you crazy? This Clay-head person, you know, is -- no." Dean Burch, because of this whole Bernie Strassburg thing, when the question came up at the White House, what should we do? Should we listen to this Clay-head person? Said, "Oh, OK." So, you were there, you know.

Tom Whitehead: Now, are you speaking metaphorically about a meeting at the White House? Are you -- was there actually a meeting at the White House that you recall?

Henry: I never went to a meeting at the White House. You somehow got White House sign-off for going to the Department of Justice and saying it's OK to reopen the anti-trust suit.

Tom Whitehead: No, I did not.

Henry: Well, that's a surprise to me about that.

Tom Whitehead: I never did.

Henry: Well, someone let you do it. You were carrying a message to Saxbe from the White House.

Tom Whitehead: No, I wasn't.

Henry: OK. There you go.

Tom Whitehead: That was -- that was the whole point of the meeting, was the White House -- I didn't want the White House to be involved.

Susan Burgess: Tom --

Henry: No, no, no, no. They -- they didn't --

Susan Burgess: Tell him what --

Henry: They didn't want --

Tom Whitehead: Saxbe didn't want the White House involved.

Henry: The White House didn't want to be seen to be involved.

Tom Whitehead: The White House didn't want us to be seen to be involved.

Henry: Right.

Tom Whitehead: And the parting --

Henry: But they let you do it.

Tom Whitehead: They let me do it.

Henry: Right.

Tom Whitehead: In part, because we didn't always tell them what we were doing, but they let me do it.

Henry: They let you do it.

Tom Whitehead: That's right.

Henry: And -- and one, you know -- they were distracted by other things. Whether there was a formal sign-off or not, I don't know. Was there a tacit saying, "OK, let him do it?" There must have been. Did Dean Burch have a role in that? I think so, tacitly, because, you know, Dean Burch -- we don't even have his like as an FCC chairman anymore. Dean Burch was a political player. He was a political force in his own right, and if you were Chuck Colson, or someone, or whatever, the White House, you know -- wasn't Dean, like, national -- head of the Republican National --

Tom Whitehead: He was chairman of the Republican National Committee.

Henry: National Committee.

Tom Whitehead: Uh-huh.

Henry: As well as Barry Goldwater's campaign manager in '64. Anyway, I'll go back to my original story. OTP and FCC, fight, fight, fight, fight, fight. Bernie Strassburg -- I can handle this -- tells AT&T, "Don't you worry, I can handle it," tells the hotheads, "I can handle it." Some point, AT&T screws him. He says, "I'm done." And somehow, the tacit White House mix -- Dean Burch says, "I don't care. Go get 'em."

Tom Whitehead: And Dean -- Dean was never involved in the anti-trust.

Henry: I know he was not. What I'm saying is that given his political stature, if he had said, because Bernie was tugging at him, "under no circumstances do you reopen the anti-trust suit against AT&T," I don't think it would've happened.

Susan Burgess: Now, how would the White House have been aware that this was an issue that was percolating in OTP? Was the White House at all aware that you were considering, or even talking about, this monster AT&T, and boy, it - - it really was shaking --

Henry: I don't think we talked about ATT monster. I think we talked about the benefits of competition, and there was competition right on the hoof; MCI, and some of the others.

Susan Burgess: And would the White House have been aware that you guys were having these internal discussions, or is this just --

Tom Whitehead: They knew that we were promoting competition.

Henry: Yup.

Tom Whitehead: They knew that competition was in the wings. And the idea of promoting competition with both the networks, and AT&T was a congenial idea in the White House, the Council of Economic Advisors, but --

Henry: Well, I mean, do you see speeches that --

Tom Whitehead: -- but my recollection, for what it's worth -- my recollection is that I had that famous George Shultz phone call, and that came fairly late in my tenure, and it tipped the balance for me, and I -- I think I had Bruce go to Don Baker, and say, "all right," you know, "if you'll agree to certain kinds of things, then here's the way we'll work it out." And my job was to put the administration -- excuse me. My job was to put the Executive Branch on the hook in terms of the national policy and national security. And given -- given my statement that a break-up of AT&T would not be damaging to U.S. telecommunications policy interests and would not be damaging to national security interests, Justice then felt like they could go ahead and file the suit. And that -- that deal was worked out between us -- Henry and me, and Baker and Saxbe.

Henry: Except Baker had no recollection of it.

Tom Whitehead: Of the meeting.

Henry: Never involved in the meeting, never involved in the --

Tom Whitehead: Right.

Henry: -- the fateful --

Tom Whitehead: But I gave -- as part of it, my -- my formal, public role in this was my testimony at -- was it [Senator William] Proxmire, Henry?

Henry: Huh?

Tom Whitehead: Senator Proxmire? Who was the senator from Michigan who had the hearings on competition?

Henry: Hart?

Tom Whitehead: Hart.

Henry: Phil Hart.

Tom Whitehead: Phil Hart. And we -- you and I prepared testimony for me to give that made those points, and we invited ourselves to go to Hart to testify. Hart was giving a series of hearings over a couple of years on competition in airlines, competition in railroads, competition in -- I don't know. And we just invited ourselves in, and I gave this testimony. You were there. You had to be there.

Henry: Yeah.

Tom Whitehead: And one of my vivid anecdotal memories was after I had read this testimony --

Henry: Which was brilliant testimony.

Tom Whitehead: -- which was brilliant testimony -- there in the room, of course, was Charlie McWhorter and Ed Crosland. And Ed came up to me -- you remember Ed?

Henry: Sure.

Tom Whitehead: You must have seen this interchange. Mr. Cool, in-control, the most powerful lobbyist in Washington, North Carolina gentleman lawyer, smooth-talking, and through clenched teeth lost it. He said, "Tom, that was the most irresponsible testimony I've ever heard in my whole career in this town." And he was just really off the edge. And Charlie physically grabbed him by the arm, and said, "Ed, come on. Come on. We'll talk about this later." But it was obvious what we had done.

Henry: Uh-huh.

Tom Whitehead: It was obvious.

Henry: So, just going down the list -- I don't see, you know -- you say, "How did the White House know what you were doing?" Well, you know, I don't see a speech, or whatever, but it was common knowledge. Well, but on your -- this [John] Ehrlichman memo, '72, one of the major points -- three major initiatives for the president to pursue -- was legislation of the right to [INAUDIBLE] and international common carriers. So, --

Tom Whitehead: Where are we?

Henry: I don't know.

Susan Burgess: November 27th.

Tom Whitehead: November --

Henry: Anyway, there wasn't -- the Ehrlichman memo says, "More reliance of free enterprise in competition communications rather than monopoly and government regulation." And so, while there was not a specific major initiative, this is what -- this was the parlance of the day. This was MCI. This was battles. This was Carterfone. You know, this was the -- these were the opening battles in getting rid of the ATT monopoly, Western Electric monopoly. And it culminated, at least as far as OTP was concerned, into a realization or determination that the only way you could let these little green shoots come up, because we've, you know -- for the past three years, we've seen this dynamic -- was to bust up AT&T. They -- they will not let it happen. They announced they won't let it happen. They are pole climbers to the core. They will never accept any change. You got to bust them up in order to get these little competitive shoots into mature plants.

Susan Burgess: So, you're saying -- just to make sure I understand -- even though there may not have been a formal dialogue, it was so much a part of the day --

Henry: You bet. You bet.

Susan Burgess: Yeah, that --

Henry: It was as -- for our internal compasses, as to what the big initiatives were, this was the -- the second major one. You know, what did you really want to accomplish? We wanted to bring competition to the telephone industry for all the benefits that will have, and we want to bring competition to the broadcast industry. Everything else was kind of targets of opportunity. You know, because we were there, oh, work on the cable freeze. Oh, public broadcasting, yeah, yeah. Nixon cares about both. Who knows

why, but he cares about it, so let's do that. Reruns, oh, someone grab the president and tell him what we've been doing. International, oh, that's in the statute and the executive order; we've gotta' do that. But if you took any one of us in that three- or four-year period, and say, you know, OK, two big goals; telephone competition, broadcast competition.

Susan Burgess: Now, when you were interviewing for the job, is this something that Tom or Nino told you, that these are our two objectives?

Henry: No, no.

Susan Burgess: How did it so happen that, you know, these four or five individuals, who are the core of OTP, shared this vision?

Henry: Oh, it's a, sort of, mutual reinforcement. You had people like Bruce Owen, who philosophically, dogmatically, these were articles of faith. You couldn't even -- these couldn't even be discussed. This had to be. You had Tom who philosophically was there but not in any, you know -- he -- he knew, like you saw in the memo, I got to keep -- yeah, I'm with Owen, but I got to keep him leashed a little bit. And then, there, you know -- and then, Antonin Scalia, again, philosophically, "Yow, kick government out of all this stuff, particularly broadcasting." I came in, you know -- again, I was sort of hired gun, outside lawyer. OK, yeah. This is compatible. Sure. Makes a lot of sense. I'm for the little guy. I'm for competition. And Brian Lamb, too. I mean, it's like, OK. That's the program at the office, so we signed up for that.

Tom Whitehead: You got to remember that I -- I hired all of them. So, there was a certain -
-

Susan Burgess: Selection.

Tom Whitehead: -- selection process -- warped. Which -- which was -- which was part of why it was unique, because we -- we were not an established bureaucracy where people had been there, and been promoted, you know, and kind of had institutional roles. All of the key people, even Charlie Joyce -- all of them were, I wouldn't say picked because of this filter, but they were -- they were picked to look at this policy era, area, in a certain way at a certain time. And so they -- they came together. They were brought together as a group, rather than just being long-time bureaucrats.

Susan Burgess: Okay.

Henry: OK. I mean, have I been clear to a variety of philosophical things, a bunch of de facto, ad hoc, yeah, might as well -- for whatever reason -- might as well.

Susan Burgess: Now, with the Fairness Doctrine, could you talk a little bit more about that, basically, how OTP tried to tackle it? I've read many, many speeches from various folks and memos between each of you, but I wonder if I'm missing anything other than that and letters to Dean Burch.

Henry: If the -- the Fair -- the anti-Fairness-Doctrine thing was not driven by the broadcast industry at all. It was like, "thanks, no thanks, stay away, you know -- everything is fine here, just us chickens, don't you worry about it." That was -- that was, again, like the telephone, you know, competition who was like, philosophically, government should not be dictating what's going to be on the airwaves. We had a -- you know, if you want, rather than have monopoly, but then, this sort of special access provision for fairness -- that's all it is. It's someone else can come on and give a contrasting point of view. Go to competition.

So, there was kind of a two-pronged attack; reduce government regulation of content -- and again, if you go back to the Ehrlichman memo, which I don't think I ever saw, but here it is. Get rid of government regulation of content and get more competition. Now, you know, Tom can explain how he got buy-in, you know, on both parts of that policy from the White House because, you know, they were all for competition, and breaking them up, and getting rid of the power of the networks, and stuff like that. They weren't so sure about content. Man, if -- you know -- if someone's going to do our content that would be fine.

Tom Whitehead: Well, Chuck Colson was pissed about the Fairness Doctrine initiative, because he had it in his mind that he could use the Fairness Doctrine against the broadcasters.

Henry: Yeah.

Tom Whitehead: And I think, I can't remember now whether it was a letter or a speech.

Henry: Who?

Tom Whitehead: I can't remember if I did it in a letter or a speech --

Henry: Oh.

Tom Whitehead: -- but -- but we -- we staked out a public position on the Fairness Doctrine, and Chuck went ballistic. Nothing ever came of it. I mean, we continued our -- we continued that policy.

Susan Burgess: Uh-huh.

Henry: Yeah, here it is, October '71, abolished the Fairness Doctrine.

Tom Whitehead: The reason we proposed that was because we were – in both of these philosophical areas that Henry is discussing, we were looking for things that we could do to deregulate. Like, we proposed that the radio stations shouldn't have to keep logs of their programming. We -- abolition of the Fairness Doctrine.

Henry: License renewals.

Tom Whitehead: License renewals should be extended. The specialized common carrier decision should allow competitive networks to AT&T. We were looking for ways to shoehorn and point the way to show how competition could be incorporated into what had been a totally monopolistic structure.

Henry: And, you know -- and the other thing was the role of technology, too -- that you can't divorce, like, the domestic satellite policy from that. At a number of levels, some even conscious, we understood that if you had cheap, long-distance facilities, it was easier to get competition in the phone industry, because poor MCI had come in and built tower, tower, tower, tower. Gee, if you had a satellite, then there could be more MCI's. Also, with satellites -- and again, this was part of my -- this is knowledge that I came to OTP with, because, as I said at lunch, we had represented in the law firm a TV Network Affiliates Association who said, "Oh, we want to have satellite dishes so we're not tied to the networks."

So, it was like, lightbulb. Oh, yes. The networks control all the local stations because you don't have a choice. If you don't take the network feed coming down the landline, what are you going to do, run a test pattern? So, there were opportunities. Yeah, Open Skies wasn't just good in itself, but if you encourage satellites, you get these other intended effects. You'd get cable. You know, all of a sudden, there was HBO, who

could use a satellite. You know, HBO's network of paid TV was Long Island through mid-New Jersey, but with the satellite, it could be everywhere. Ted Turner comes along with CNN, or TBS first, it's everywhere. So, we knew that. I mean, that was not, like, oh -- we knew going in that if you apply pressure in certain choke points, whether it's telephone, or broadcast, or whatever, you could bust it open.

Tom Whitehead: Yeah, and we --

Henry: And I think you have to give -- well, give Tom Whitehead credit, but you have to give OTP credit for that.

Tom Whitehead: I think that's right, and -- and along with that, we had a lot of people who were coming to us behind the scenes, if you will, and saying, yeah, yeah. You know, like, we -- we won't get out in front publicly, but you're right on target. The Hollywood community was very upset with the power of the networks.

Henry: Uh-huh. Right.

Tom Whitehead: And they said, "You know, we -- we don't want to be -- because we're staunch liberal Democrats, we don't support Republicans. We don't support Richard Nixon. We don't support what you're doing in public broadcasting. We don't support you. But the network monopoly is terribly abusive. We'll do anything we can to undercut it as long as we don't have to go on the public record."

Henry: But on the other side, they hated cable.

Tom Whitehead: On the other side, they hated cable.

Henry: So, they liked your, you know, competitive broadcast policy. They hated your cable policy.

Tom Whitehead: Right. And the -- Motorola was behind us all the way, because of their -- at that time, they were trying to introduce the cellular telephone, which AT&T belittled. The people who were making fax machines -- I don't know. There was just a constant stream of -- Bill McGowan, who's --

Henry: Yeah. All these renegades -- renegades who --

Tom Whitehead: Yeah.

Henry: You know, entrepreneurs who -- they found, hey, that someone in Washington is saying things that -- that resonate.

Tom Whitehead: If you'd let us -- if you'll let us compete, we, you know -- we'll compete. Just -- just get the policy there that lets us do it.

Susan Burgess: Now, if OTP hadn't been there, would these policies have taken root through another means?

Tom Whitehead: I don't know. Eventually, I suppose. But --

Henry: But let's take a look at -- I think -- I think the -- it's a difficult question. Take a look at satellites. If OTP, or Tom Whitehead hadn't been there, we would've had a satellite policy for domestic communications that matched the satellite policy for international communications, which was a chosen instrument. You would have had Comsat.

Tom Whitehead: Or a Comsat-like arrangement.

Henry: Or a Comsat-like. There would have been a monopoly. And on international, you did have a monopoly. OK. So, but for OTP you would have had the monopoly in domestic communications. Would it have lasted until 2006? Probably not. Probably somewhere around 1996 or something, that would have eroded, or 1992 -- whatever. It wouldn't have been the same. But the fact that there was an OTP -- because -- the international monopoly has eroded. We have -- there are no -- governments don't own telecom in most places, etcetera, etcetera, etcetera. So, you know, it's hard to repress the forces. I think the fact that OTP was there then, and articulating it, and in some cases doing something about it, like domestic satellite policy, made a difference.

Susan Burgess: Uh-huh. It strikes me that there --

Henry: You know, you -- you would have -- I -- probably have gotten to the same place now, but it would have taken another 15 years or so.

Susan Burgess: There weren't any other organizations that were really waving the banner for competition as --

Henry: No. You were getting, you know -- you would get a seminar at Stanford, and -- but, you know, it would build up. And technology, you know -- Christ, technology would come along and bust things up for you. But again, the fact that there was an OTP that could articulate, and as I say, could create the vocabulary for thinking about these policy issues, made a difference.

Susan Burgess: And maybe it also helped -- and tell me if I'm wrong -- that you guys were all young and didn't have these lengthy political careers where you were tied to particular political agendas already.

Henry: Yeah, I mean, you had to balance all that.

Susan Burgess: I'm thinking of the FCC.

Henry: You had to balance it all because you couldn't do A -- it's like Bruce Owen. Leave Bruce Owen to his own devices in those days -- he's older and wiser now -- and, you know, they would have locked him up somewhere. So, a Tom Whitehead had enough instinct for self-preservation or whatever -- or getting beaten up by the White House and chewed up by the Congress -- that he was able to juggle a little bit better. Now, yeah. Sure, we made a difference.

Tom Whitehead: No, I think we definitely did.

Henry: You bet. Now, take our cable policy, and Tom and I, I think, disagree on this, but there's still people who will call me, and say, "You know, we just came across the 1972 Cabinet Committee Report of Cable -- that's -- there's -- you guys, they had great stuff in there. You were prescient about this or that." You know, you really didn't have to be prescient because you sit down, and you say, "Oh, yeah, the guys who have the pipeline own all the programming. Something bad is going to happen there. If they're successful -- if they're -- if they fail, who gives -- if they're successful, something bad could happen there." They, you know -- even worse than the TV -- three TV networks -- two and a half TV networks. So, you didn't have to be that prescient.

So, in 1972 we said, "Don't let vertical integration." OK. So, today we're dealing with, you know, not only with a cable industry that is not only totally vertically integrated, but throwing its weight around everywhere. You talk about Hollywood not liking people. It -- but you have a telephone industry that's saying, we want to just -- we want to be just like

cable. So, there's, like, the "cablization" of things. So, anyway, there we didn't make a difference because they ignored us, but there are still people around today that say had cable policy gone in that direction then, we'd have a much different environment today.

Susan Burgess: Tom, you have --

Henry: Maybe there -- maybe there wouldn't have been cable today, for instance. Maybe the cable guys would have said, "Oh, if you stopped us from taking interest in content, we couldn't have built the cable system."

Tom Whitehead: "There won't be content." Yeah, that's what they said.

Henry: Right.

Tom Whitehead: And they may have been right.

Henry: They may have been right. I don't know. But I'm -- I'm -- my clients -- or a bunch of clients are feeling the effects of that today.

Tom Whitehead: I -- I think if -- if we had said --

Henry: The public's feeling the effects of that today.

Tom Whitehead: What we said was cable should be a common carrier.

Henry: Essentially.

Tom Whitehead: Essentially. And if what we had said was more broadly -- that there are three or four ways of dealing with vertical integration -- vertical

integration is bad, and there are three or four ways of dealing with it, that -- that might have been a more effective strategy.

Henry: I know we didn't get anywhere.

Tom Whitehead: We didn't get anywhere with that.

Henry: Right.

Tom Whitehead: Because -- because the policy basically pissed off everybody.

Henry: Right. And it was the end, it was 1974.

Tom Whitehead: It was 1974, and I was fading out.

Henry: So, was the administration.

Tom Whitehead: So, was the administration.

Susan Burgess: Tom, did you have any more questions for Henry, because I think we only have him for another couple minutes?

Tom Whitehead: I guess, it would be good -- I assume that most of the lobbyists that came through my office came through your office --

Henry: Uh-huh.

Tom Whitehead: Who were the ones that you remember as the most effective, important, influential?

Henry: Well, you know, how do you define lobbyist? The people that were most effective were -- and you made --

Tom Whitehead: I don't mean in the case pretense. I mean, that -- I would include people who were --

Henry: In the industry.

Tom Whitehead: In the industry.

Henry: Right. Because, like, Ed Crosland and McWhorter -- they were lobbyists for --

Tom Whitehead: Exactly.

Henry: But there were also industry people. I thought one that was very effective was -- was [Amos B] Hostetter, because he was reasonable. This was in the cable industry. A lot of the cable people, like Irving Kahn came to you just sort of, you know, threaten you, and grab you by the neck. Hostetter was very restrained, in a reasonable --

Tom Whitehead: Smart.

Henry: Smart. Al Stern, I thought was --

Susan Burgess: Did Hostetter work for the cable industry generally, or --

Henry: He was a -- he was a cable executive. He didn't -- he wasn't NCTA. The NCTA people -- who was the head of NCTA at that time, Foster?

Tom Whitehead: Foster. Oh, no it was someone else.

Henry: It was Foster. One was Foster. One was the guy from -- Taberner, right?
It was the guy from Maine.

Tom Whitehead: I forget.

Henry: David Foster.

Tom Whitehead: David Foster was a --

Henry: Not very sharp.

Tom Whitehead: Al Stern was good.

Henry: Stern.

Tom Whitehead: Stern.

Henry: The other cable lobbyist was the general counsel, Gary Christianson. See, you know, there were -- there were --

Tom Whitehead: [unintelligible].

Henry: There were two -- I'm sorry, there were two cable industries. One was the old style cable industry; the guys who, you know -- Adelpia, in the mountains of Pennsylvania, or this one, or that Irving Kahn. They were a rough and tumble -- policy-shmolicy, you know, don't-talk-to-another policy -- the bottom line, and they were -- they didn't make any headway with us. They hated us, and we hated them. Then, there was the new cable. This was the cable that we have now, of the, you know -- industry cable. The old style, you go to -- you could have been at the, you know,

Stockmen's Convention in Las Vegas. The new guys were cool. They -- they had been to college. You had the Al Sterns, and Bud Hostetters, and those people.

Tom Whitehead: Do you remember Bob Wright?

Henry: Bob Wright? Not *the* Bob Wright. I don't remember.

Tom Whitehead: Yeah, he came through.

Henry: Anyway, these were the -- the new cable guys could speak your language, could talk policy, understood where you were coming from, had had the economics course in college, or even graduate school. So, Hostetter and Stern, they set up well.

Tom Whitehead: Travis Marshall?

Henry: Travis Marshall from Motorola, saw a lot of him. He was effective, I thought.

Tom Whitehead: I thought so.

Henry: The networks, we had an assortment of network people. Ev Berlak. Remember Ev?

Tom Whitehead: Yeah.

Henry: ABC.

Tom Whitehead: Yeah. What's his name?

Henry: Who?

Tom Whitehead: The guy who started ESPN. ABC, ESPN -- they had ESPN.

Henry: I don't know. Jack Valenti

Tom Whitehead: Oh, Jack Valenti.

Henry: Jack Valenti was always -- there all the time, had the best ticket of a lobbyist in Washington. He could invite you to the -- their little theater at NPA headquarters. Get to see great movies, good food, sometimes there were even Hollywood stars around. That, you know -- I mean, then there were industry people. But we saw a lot of Valenti. We probably -- we probably saw more of Valenti than you did.

Tom Whitehead: Right.

Henry: Because he would always invite Nino to lunch, and Nino said, "I'm not going to lunch with him alone," you know, "you're coming with me."

Tom Whitehead: Two Italians.

Henry: Right.

Tom Whitehead: I bumped into him in the men's room at Reagan Airport about a month ago.

Henry: Jack Valenti?

Tom Whitehead: Yeah. He's one of the guys I want to go talk to.

Henry: Jack was big.

Tom Whitehead: Jack was really big.

Henry: Public broadcasting side? Losers. Chuck Marquis, do you remember him?

Tom Whitehead: Oh, my gosh, spare me.

Henry: There were other ATT lobbyists. I mean, he saw the first rank of ATT lobbyists. Every -- every senior person at OTP had, like, a separate ATT lobbyist assigned to him. They were all -- when I first got there, I once walked through the mailroom, and -- in those, you know -- there was mail in those days, and it was paper. And they had, like, these cubby hole things marked -- general counsel -- There was one marked that said AT&T. And I went to someone. You know, I don't know whether it was Mike McCrudden, or something, and I said, "Why is -- does AT&T have a place in our --?" Oh, because blah, blah, blah, blah. I said, "No, no, no, no. I've just come in from the outside law world. You don't want to do that. Take that right off there. Tell them, you know, to get their -- their stuff in the elevator lobby." But that's -- that's the way -- and, you know, every two weeks -- two-and-a-half weeks, you'd get a call from the AT&T lobbyist who, you know -- he had it on his calendar --

Tom Whitehead: Take you -- take you to lunch?

Henry: Right. Had it on his calendar --

Tom Whitehead: Two martinis.

Henry: -- and it's like, gee, Joey, I can't make lunch this week. And it was like, "No. No. No. You don't understand. I've got to write my report that, you

know, you and I had lunch.” “Well, write the report anyway, and, you know, catch me the next time.” But they were a pervasive lobbying force.

Susan Burgess: And despite that, what could they do? What could they do?

Henry: You know, you didn't agree with them. It's like, you know, I mean all these, “Oh, you can't take more than a five-buck lunch for something.” You know, you're never going to -- if someone's going to buy you lunch or dinner, or give you a ticket -- ABC used to give us, you know, tickets to Redskins games or something. Maybe I shouldn't say that on tape. So, we're about at the end of our --

Susan Burgess: Yeah. Can you think of anything else that we haven't covered that you think we should? This has been a good initial interview, very broad, and - - but I don't want to miss anything that you think we should cover.

Henry: I don't know. You know, but it -- it -- like any -- well, you've got access to the internal memos and things, as well as the speeches and press articles. So, you've got a fairly good picture. The stuff I never knew, I mean, to some extent, Tom sheltered a bunch of us from, you know, his talks with Chuck Colson, or John Ehrlichman, or whatever. So, there was that whole traffic going on that, for the most part, we weren't aware of. Oh, we knew that it was happening, and we knew that, you know -- when Tom came back and said, “You got to do this or that,” or “Sheesh, you know, you won't believe the conversation I just had with Colson.” But it was still, “I -- I am the buffer between the policy legal people who I've got to rely on to, you know, carry forward the program, and the political guys who don't understand it, but are just looking, you know, to the next set of headlines, or whatever.” So, he -- that was a, you know -- that was *the* essential role.

Susan Burgess: It's interesting because Brian says that Tom was kind of out of touch with the political world, but it seems like maybe he wasn't quite so out of touch if he was able to filter --

Henry: Maybe I -- he was -- he may have been -- I don't think Tom -- let me put it this way. Brian was right, and probably to this day Tom is out of touch with the political world. So, if Tom was sitting in a room, and you would say, "Well, should we do this or that depending on its political effect?" Not a clue. What he wasn't out of touch with were the group -- was the group of people at the White House who would either applaud or hate something that would be going on. So, yeah, he may have been -- he couldn't read the larger political world, but he certainly could read the White House.

Tom Whitehead: Who is "he?"

Henry: You. And I -- a lot of times --

Susan Burgess: And I think Tom is --

Henry: -- they weren't hard to read because they'd pick you up by the throat and shake you.

Susan Burgess: Uh-huh. Tom said that a lot of the work was sending the memos to the right person -- to the person who would approve what you're looking for.

Henry: And then not telling people things. And then telling them what they want to hear, or casting it as they wanted to hear it, but then going up, and, like -- oh, we can really, you know, kill all dissent and criticism of the broadcast networks if you only had five networks.

Tom Whitehead: Right.

Henry: So, let's work to get five networks.

Tom Whitehead: I don't know who has been -- did you and I talk with Brian like this?

Susan Burgess: Uh-huh.

Tom Whitehead: Brian made the point that we were selective in who we ran things by at the White House.

Henry: Well, that was you.

Tom Whitehead: That was me.

Henry: Right. It was a big help. I -- what I was saying, is that you protected a bunch of us --

Tom Whitehead: Right.

Henry: -- from all of that pushing and tugging at the White House.

Tom Whitehead: Right. Now, it -- you may have further questions because this is really for you.

Susan Burgess: I don't at this point.

Henry: You may have what?

Susan Burgess: Have further questions.

Tom Whitehead: Further questions. But I will pose a question --

Henry: Yes.

Tom Whitehead: -- in the voice of Susan, and that is what was the director of OTP like to work for?

Henry: An absolute miserable tyrant.

Tom Whitehead: A benevolent tyrant.

Henry: Huh?

Tom Whitehead: A benevolent tyrant?

Henry: Indifferent. I mean, what you describe as even today, I mean, were characteristics then. You'd have to be on him constantly to keep him focused. "OK. Now, blah, blah, blah. No, no, no, nope, nope. We're not going out to the bluegrass thing. Nope." It was just his -- his mind is so broad and inclusive that he requires tending to. And that was a problem, because you had -- even more than in your office -- you had people with turf, and budgets, and grievances. "What the lawyers are doing to me now, the goddamn economist is doing to me now, or --" stuff like that, that he -- and, you know, a lot of times he would just sort of, not physically, but intellectually or emotionally disappear, and you had to deal with that vacuum. There are other things that -- and Brian Lamb was a -- a great gadfly in this kind of issue -- is that Tom wouldn't understand how something he would do or say might have an, an effect, and, like the size of his office, or arriving in a coach and four, or whatever. And Brian would -- would have to shake him, and say, you know -- and sometimes

he would enlist me to say, you know, we got to bring him back down to earth. So, that's what it was like, constant travail.

Tom Whitehead: A lazy, unfocused tyrant.

Henry: Lazy, unfocused tyrant. To your credit, the positives were, I mean, you helped us all *think*. I mean, challenged us, and came up with all the why nots, and the -- that -- that -- really provided the, you know -- the drive for the office. It's one thing to get a group of talented people and another thing to give them a framework and challenge them and inspire them to go out and do these things. And very loyal. You know, at times when people were coming after your ass, you know, Tom would protect -- protect you from the White House, protect you from the industries who were always snapping at you. So, that was good. You weren't such a bad guy.

Tom Whitehead: Modestly bad. Tell Susan about the Indianapolis speech, the context, the tremors.

Henry: Now, you -- you're going to get me this -- which one was the Indianapolis one?

Susan Burgess: That was the one that set off the big furor -- the ideological plugola.

Henry: Plugola?

Susan Burgess: Yeah.

Henry: Oh, that was because there was -- God, there were so many. There was the Miami speech on public broadcasting --

Tom Whitehead: But you wrote the Indianapolis speech.

Henry: I wrote 'em all. There was Mountain Shadows, that almost put Dean Burch in --

Tom Whitehead: Which one was that?

Henry: Don't you remember Mountain Shadows?

Tom Whitehead: No.

Henry: Mountain Shadows was some resort in, like, Scottsdale, Arizona.

Tom Whitehead: Yeah?

Henry: And Dean -- and Dean Burch was from Arizona, so -- political power in Arizona, and he didn't like Tom anyway. And the fact that Tom came into his backyard and was highly critical of him just -- there was an explosion. See, you just need to remember Mountain Shadows. Have you seen the Mountain Shadows speech? Get -- whatever it was, I forget what it was on. Maybe it was on competition in the telephone industry or something. Anyway, Indianapolis. Ideological plugola, elitist gossip. The impetus for that? Or the background? Or whatever?

Tom Whitehead: Yeah, the context, the background, if you got --

Henry: Oh, about three minutes.

Tom Whitehead: Three minutes.

Henry: It was after the landslide election victory. It was -- and again, I don't know the specific genesis in the White House. I suspected that it was someone -- Colson, or someone saying, "OK, we played around with all your policy bullshit. Now, we got to get a very hard line, and very specific with these guys." So, that was my instruction. We used to have -- before the speechwriting, you know -- we'd get in Tom's office around a table, and he would, you know, look at some scribbled notes he had off of envelopes, or whatever, and then, he would sort of give me the framework for what he wanted to do. And in this particular time, the framework was, you know, we're going to take off the gloves, and we're going to, you know -- enough pussy-footing around with these guys. We're going to tell them the way things are going to be in the next four years.

So, I was sent off to do this draft. And, you know, I would come -- you -- you probably have the various drafts. I would come back, and it was like, no, punch it up here. And, you know, no. And, you know, I can remember everyone sitting around, and saying, "Are we going to say political plugola? Elitist gossip?" There was this whole Agnew thing, you know, about alliterative and pondering pompouses of negativism or whatever. So, that's, you know -- we did that. And then, I was supposed to -- this was pre-speech -- I was supposed to call my buddies in the networks and tell them that, you know, if you want to see what the next four years is going to be like then get your ass to Indianapolis, or wherever it was, and -- and -- so, we were doing internal -- we were doing promotion of the thing. This is the new administration's new policy in broadcasting. So, who put you up to it?

Tom Whitehead: Colson.

Henry: Figured.

Tom Whitehead: It was -- well, it was two things. It was -- it was our interest in encouraging the local broadcasters to play a more active role *vis-à-vis* the networks, which in retrospect was a totally ridiculous idea. And -- and it was part of my accommodation to the political wing of the White House, that --

Henry: As if there's another wing.

Tom Whitehead: -- that -- and I don't remember the exact -- in fact, I don't remember the conversations, but the -- the -- the -- sort of the subtext was, "OK," you know, "we've supported you in a whole bunch of these broad things." I said, "by the way, the president approved them all -- or the ones he knew about, he approved." "And now, we want, you know -- we're going to get tough, and you can be part of getting tough, or not." And my reaction to that kind of talk was, "if I'm not in the game, then I'm irrelevant." So, the question was what could we say that sounded tough, was tough, but still fit in with the broader policy objectives that we were trying to --

Henry: Yeah, then there others who said that because you took that lurch into the political that you made it impossible to get the -- you -- you couldn't -- after you'd done that, you couldn't get back to the policy initiative.

Tom Whitehead: That was -- I think that was a fair criticism. That plus the eroding power of the administration because of Watergate in general.

Henry: Because of that. Right. OK. Well, we can continue sometime. It's always fun to look back ...

End of recording.