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RAMSEY CLARK ORAL HISTORY, INTERVIEW II

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Signed by Ramsey Clark on September 11, 1978

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ACCESSION NUMBER 79-34

## INTERVIEW II

DATE: February 11, 1969

INTERVIEWEE: RAMSEY CLARK

INTERVIEWER: HARRI BAKER

PLACE: The National Archives, Washington, D. C.

Tape 1 of 1

C: The Civil Rights issues for the Department of Justice were of major importance in the early sixties. I had joined the department on a full-time basis by February 20, '61. It's hard to remember now, but at that time it remained very difficult to secure confirmation for an assistant attorney general in the Civil Rights Division, and it was several months after that before Burke Marshall was confirmed, and this delayed somewhat any initiative action in the civil rights field. In fact, delayed it until the freedom-rider episodes during the summer of 1961, when on several occasions we had people including the Deputy Attorney General, Byron White, and others in the South to protect federal rights of persons whose rights otherwise seemed jeopardized.

B: Did you make any of those trips to the South?

C: I didn't make any trips to the South in 1961 that I can recall right now. We had a team here that was a contact point for the people that were operating in the South and I can remember some weekends, but during 1961, as far as I know and can remember, our initiative activities were very slight. The number of cases, for instance, that we brought and that reached trial were very few. I don't believe ten cases were tried during the year.

B: Could you tell if the emphasis on civil rights activity came, if not exactly a surprise, as something unexpected, to John and Robert Kennedy? Had they anticipated the intense amount of effort that would be involved in it?

C: As a general proposition I would say that events outran leadership throughout the period that I was at Justice. The pressures and dynamics were pushing for civil rights reform and action were ahead of leadership, in a general sense. Now, in specific areas, the government leadership, would initiate but clearly through '63, we were well behind the urgent demands for civil rights activity for legislation and for reform. And we tended to, as you so frequently do in our times, grapple with the problems on an emergency basis, when something would come up.

B: Did you try to arrange some kind of liaison with both Negro leaders and white leaders in the South?

- C: Yes. There was quite intensive work of this sort, and it was frequently done as a matter of initiative for some weeks before September 30, 1962, which was the Sunday on which James Meredith was escorted onto the campus of the University of Mississippi. A number of us had been working with business interests and leadership in Mississippi to create a set of conditions that would ease the admission of Meredith.
- B: These were persons other than the formal leadership of the state? Governor Barnett?
- C: There was actually direct contact with the leadership of the state, with Governor Ross Barnett, and with Lieutenant Governor Johnson, and with a number of others. There was communications there and one of the people who was involved in the communication, Ed Guthman, who was public information officer, mentioned to me just the other day how much more communications seemed possible with Governor Ross Barnett then than now seemed possible in California where he is living with Governor Reagan, speaking in terms of the school crisis in California. So there was quite a bit of communication. In addition, we would take the major business interests in the state and we would contact them to see what they could do in a political and social and economic way to bring about some acceptability. I remember talking to a number of Texas business interests that had some substantial activity in Mississippi in this regard.
- B: Could you mention what kind of firm?
- C: Dr. Pepper. The Dr. Pepper Company, and usually the way we would do it would be people who had contacts with businesses that we knew were very active in Mississippi and so there would be a natural entree there. Some of the oil companies that would have operations, even if it were retail service station outlets that they leased in the state. This sort of thing.

The summer of '62 was not one in which we were yet prepared on an organized basis with adequate resources to handle all the problems that we had in the South. At this time civil rights activity was not only limited to the South, it was really limited to half of the states of the Confederacy, but Ole Miss was such a terribly traumatic event that it really brought us out of it.

I was at home, that was a fairly warm day up here, and I was called and asked to come down to the office just before noon, and I reported in, and I don't believe I left the Attorney General's Office for thirty-six or forty-eight hours, maybe. I spent all that night and the good part of the next night before I was relieved. I was in charge of the communications network that came through the Attorney General's Office, a good part of the time Attorney General Kennedy and Burke Marshall, who was the assistant attorney general in charge of the Civil Rights Division, were at the White House. Then the Deputy Attorney General, Nick Katzenbach, and a bunch of others, Lou Oberdorfer, who was assistant attorney general for Tax, he was very active in civil rights field and in part

because he came from a relatively quiet place in the Department of Justice, the Tax Division, as did I, in part because he was a Southerner from Birmingham, Alabama, with pretty good southern contacts; John Doar, Jim McShane, head of the Marshal's Service; Joe Dolan; Norb Schlei; a whole bunch like that were actually down at Oxford.

B: Was this the other end of your communications line?

C: This was one of the ends. We would coordinate with the Pentagon; we coordinated with the White House. The delay in the arrival of the troops from Memphis was a very frustrating thing. I know President Kennedy was terribly upset about it. It put all of us in a most difficult spot. The fact is, I guess, I had been reporting to the people in the administration building on the campus at Ole Miss that General Billingsley and his troops were airborne from Memphis a couple of hours before in fact they were airborne from Memphis. This could have been obviously quite harmful because they had quite a limited supply of tear gas, which was the major agent they were using to keep the crowd away from the marshals. As it turned out, some National Guard units and finally General Billingsley and his people got there before there was any general assault that brought direct physical contact between the crowd and the marshals.

B: Did you ever figure out the reason for the delay in the troops arriving from Memphis?

C: Well, there was quite a study, and this was a good outfit--I can't remember the airborne group--and they had been put on a four-hour alert, and some of the men had gotten into town, into Memphis. They were at an airbase that is south of Memphis, the same one we went into after Dr. King was killed. It's a naval air station as I recall.

B: Pennington Naval Air Station.

C: I think that's it. Yes. By the time they got them ready and got them airborne, just a lot of time had transpired. I have since learned that nearly always happens. The Army moves very deliberately and slowly. It's not used to this sort of exercise. Even after they were on the ground at Oxford, they surveyed a couple of hours before they would go in because the Army doesn't engage unless it has an overwhelming force or unless it is reconnoitered or unless it has to. So there was quite a delay there. In the meantime it was really a fairly desperate situation at Ole Miss.

I think in terms of history it is awfully interesting to compare Ole Miss with South Carolina State College at Orangeburg, South Carolina, in February of 1968.

Roughly at Mississippi there were fewer than two hundred federal enforcement people. They were deputy United States marshals; they were border patrolmen from the Immigration and Naturalization Service; they were prison guards, drawn from a number of federal prisons. These men, with the exception of the border patrolmen, are not really

well-trained for any situation like this. They have no crowd control training, at least they didn't at this time. The marshals at this time were not an effective enforcement agency at all; they were spending the greater part of their time in serving process on people in civil cases and criminal cases. The prison guards, of course, had no real training like this at all; they were used to prison environment where they had their conventional control techniques. Even so, with fewer than two hundred men, and a crowd that at the very least outnumbered them five to one, and probably ten to one, they never drew a gun or they never fired a shot. There were two or three people killed and there were some others pretty seriously injured, and there was a lot of shooting at the administration building itself and the last time I was down there you could still see the pock marks on the columns where the shots had hit. And there were several occasions on which I was asked for permission to draw guns and use them from the administration building at Ole Miss. I relayed on to Bob Kennedy who was over at the White House with the recommendation that the authority not be given, and it never was. I remember Bob Kennedy frequently after that would comment that that was the critical time. If guns had been drawn, the situation could have escalated pretty badly.

B: Were there any contingency plans? That is, did you give any thought to what would have happened if the troops would have been delayed further? If the tear gas had run out?

C: Yes, we were really very much concerned. The only way that the crowd was kept at bay was by the tear gas itself. It would run forward in waves and they would lob out the tear gas and drive them back and they were about to run out. If they had run out, then the question would have been whether the crowd would have kept coming, and if it had, it would have been quite a catastrophe. I'd say we came very close.

You compare that with Orangeburg, South Carolina. There were probably at the very most two hundred students there. As distinguished from Ole Miss the conduct in South Carolina, the situation had been developing over a period of days, the National Guard was present, the state police were present, county sheriff's office were present, Orangeburg city police were present. There was nothing surprising or emergent about it. And there, of course, law enforcement fired into the crowds of students and twenty-seven were wounded and three were killed and the great majority were hit in the back with double-ought buckshot. There is no concrete evidence of any firing from the crowd at the time of the episode. Now, there was probably some firing, casual firing earlier, at a place some hundreds of yards from the place where the shooting took place.

But back to Ole Miss. By midnight, as I recall, maybe a little later, the place was pretty secure, but some pretty rough and wild people had come from hundreds of miles away. People had come from Dallas and Atlanta, Georgia, for instance, hearing about this situation on the radio, they had been coming, and there were all kinds of cars found with guns in the back seat and stuff like that. So it had the real potential for a massacre. It was the first situation we had been involved in, and hindsight would tell you that we weren't

really prepared for it. I'm not sure you would ever foresee, but at this time we didn't have personnel who could really handle the situation like that and it was some very cool heads particularly at Ole Miss where the action was that brought us through that all right.

B: Mr. Katzenbach was nominally in charge of the marshals at Ole Miss. Was he actually in charge of them, too?

C: Yes, I don't think there was any doubt that he was in charge. He had a number of people with him. For instance, one of the ironies is that with all the confrontation going on at the administration building, and this has always haunted me, and the assumption that James Meredith was in the administration building, in fact James Meredith was not in the administration building. He was over at a dorm, and for some reason I can't remember the name of it now, but it is a quite famous dormitory, the dormitory where he was subsequently a resident during his period there as a student.

John Doar who had become very much concerned because if some people in the crowd had known, I think some probably did, but if some people in the crowd had known that Meredith was not in the administration building and had taken the crowd over to the other, to the dormitory where there weren't a handful of people, and they didn't have the gas, you just don't know what would have happened. Fortunately, that didn't occur.

Some people think the confrontation wasn't really directed at Meredith but it was directed at the federal presence, but you get a wild crowd like that and unquestionably some rabble-rouser could have led the other way and you just don't know what would have happened. John Doar slipped out of the administration building on one or two occasions, one I know of and perhaps two, and got over to the dormitory in the night through the crowd to make sure everything was all right, and give us not much, but some sense of ease about it.

The tensions at Ole Miss after that were really just incredible for a long period of time. I went down early in the week and relieved Nick Katzenbach and stayed for seven or eight days as the principal federal civilian officer. General Billingsley stayed there. I stayed on the campus in I think a place called the Alumni House and the little city was really stunned. There were some people there that I had known, particularly the former United States Attorney Tommy Etheridge who was a nephew of Mark Etheridge and a brother of a man who is now Chief Justice of the Supreme Court of Mississippi, and the tensions within his family. He had a quite elderly father who lived there and who was apparently quite incensed that I would be permitted in the house even. Then his children were there, and they seemed so stunned that this could have happened where they lived. The children would subsequently, particularly one of the little girls, would visit whenever she came by Washington, and talk about how tragic it seemed that this could have happened where they lived.



I next went back down to Ole Miss in the spring of '63, March, and the purpose was to see why we still had all these soldiers there. The records would reflect, but my present recollection is that there must have been close to fifteen hundred soldiers still at the campus protecting, ostensibly, James Meredith. This is four, five, six months later, whatever it is. The marshals and others that we had there indicated that there had not been a single real incident on the campus since, December, none in January, none in February, and none in March up to the time that I got down there. I stayed for about two days and would go with Meredith, ate with him in the cafeteria and all just to try to sense the tensions that existed, and then surveyed the entire military thing, came back and recommended that we get the Army out. There was just no real justification for it. We pared it down. The Army can only work with massive numbers. I think it was pared down to about three hundred shortly after that, and I think we phased them out before the end of June, but we had quite a substantial contingent of U. S. marshals who were with Meredith all the time that he was on the campus. He would leave--this was always a matter of concern, you know, it's hard to know what the potentials are, but he would go to Memphis. He liked to bowl and he would go there to bowl. He would drive and this would be a matter of concern. You would also be quite concerned about him while he was in Memphis. He went to Jackson one time during the ten days--I take that back. I don't believe he went to Jackson. He wanted to go to Jackson, and I think we talked him into going to Memphis instead, but this was within ten days after this riot.

If you could put yourself in his place, you could have some sense of the tremendous pressures he was under. The night of September 30, was traumatic enough to make a person really fearful about his safety, but anyway he was going to Jackson. I was very much concerned about him going to Jackson because I could imagine the word getting out that he was there and having a real incident down there and we wouldn't have for some little time any real federal capability to protect him or any federal jurisdiction as a matter of fact. Anyway, that part worked out.

- B: What was James Meredith like as a person? Did you ever really get to know him?
- C: I can't say that I got to know him too well. I guess my main feeling was one of hope. I hoped he was a person of great strength and some vision. I remember giving him a couple of books while I was down there, one was Alan Paton's Cry the Beloved Country, and another was one of the early James Baldwin books. I can't remember which one. I couldn't find that he had any real interest in those things. Understandably, I would say he was a person without any clear plan or concept as to what he wanted to do.
- B: And he did have no real connection with any of the organized Negro groups?
- C: No, not even at that time. As a result of this situation, he had a very great potential for leadership, and he felt he was--. I must say I liked him, and I thought he was a very courageous person. But perhaps he had a hard time trusting people and understandably

too. As I recall, he had something like one hundred and sixty hours of college credit. He had tried to develop himself all of his life but he had had many frustrations and setbacks.

But one thing he felt and he could never articulate it that I know, but he felt that great need to make it possible for Negroes in Mississippi to live and walk and work without fear. And the way he went about it was strange because there was real jeopardy, there is no doubt about it, there was real jeopardy for him. But he would want to go and visit his mother who lived in a town called Kosciusko. It was named after a Polish general, but he would want to do it to show you could do it without fear, but he couldn't show that because he created such a threat by his presence himself because of the notoriety attached to him. So he would create fear rather than diminish it.

Anyway, coming back on the plane, I sat up all night and wrote a memo to Bob Kennedy about what I had found, and my recommendation that we get the soldiers out, but I further related that I found this city of Oxford to be as stunned and paralyzed as it was in October and I recommended urgently that we prepare civil rights legislation. I had four or five very vague thoughts about the nature of the legislation. These included what later became the Community Relations Service. They included an idea--Birmingham had started--when I say that, I mean the spring of '63 saw a long series of demonstrations in Birmingham, and these had already started, and I wanted to see whether we could work out something like the National Labor Relations Board that would force the various interests in civil rights disputes to come together under an agency that had sanctions, they could say, "You have to hire," or "You have to permit people to use this lunch counter," things like that. Well, we didn't work that out but as a result of the memo, on the Saturday after I got back from that trip, it may have been the following Saturday, we had the first meeting in the Attorney General's office on proposals for civil rights legislation that was introduced later that summer and it became the Civil Rights Act of 1964. The Civil Rights Division had been looking all along for new legislation and new techniques and we came right into Title II, the public accommodations section, and I would say even at that first meeting we decided after a statement by Louis Martin that was terribly forceful that public accommodations should be perhaps the main part of the civil rights bill, and of course all through the legislative history it was the controversial part and also the part that caused us the greatest concern. So much of the demonstration then going on in Birmingham and elsewhere related to public accommodations, to the right to use a lunch counter and things like that.

B: Did you consider voting rights as early as that, too?

C: Voting was considered. Voting had been an early civil rights concern. It's the most logical and the most natural in a way, because perhaps a premise of democracy is that given the vote, other things will take care of themselves. Although I guess the cities in the North tend to belie that premise. We had these massive cases going on involving voting rights. When I say massive, I mean they took tremendous amounts of research and

development of evidence to show patterns of discrimination in voting. It was very torturous and slow, but voting did not surface as a major issue, and the reason probably although it would take some historical study, is that civil rights leadership was really framing the issue, and one of the issues they had framed was the right of Negroes to use public accommodations. See, the bus riders themselves had had to do with whether you could sit in the front of the bus, whether when you go into a bus terminal, you've got to use the rest room that says "Colored," or whether you can use one that says "White" or whether you can even have signs on there for segregated rest room facilities.

B: When you say that the civil rights leaders were framing the issues, do you mean that they were in direct contact with the President and the Justice Department or just by their actions in the South they were creating the issues?

C: By their actions. By their actions that this is where the pressure was, and this is where the pressure had to be relieved, and this is what really motivated government action, I'm sure. I think--it's too bad, it would be nice if somehow or other government could look out there and see a situation and say that this isn't right, and let's do something about it. But that's not the way it happened. It happened because there is immense pressure and insistence and potential for friction and violence that caused us to face up to these problems and do something about it.

B: Did you get involved in that whole series of activities in Birmingham and in Alabama generally through the spring and summer of '63?

C: Yes, I was down there in Birmingham several times in the spring. I'd say I was down there within two or three weeks after I had gotten back from Ole Miss. Right now, I have a fairly spotty recollection, but I can remember getting off the plane down there on a Sunday, just having come in from Washington and going straight to a meeting that the Chamber of Commerce was putting on without any feel for who was in the meeting or what they were talking about or what the context of their discussion was, but realizing how, you know, this thing had been pretty wild a few nights there when there was a real potential for serious violence and urging them to yield, to give some jobs in some of these stores to open up on the city square the lunch counters and all that sort of thing.

I remember talking with the publisher or editors of one of the newspapers there and spent three or four days there on one occasion and was back a time or two. A good part of this time Burke Marshall was there. Lou Oberdorfer was there a good part of the time, and then a whole bunch of other people. Ed Guthman was there. I remember Ed Guthman was having two regular press conferences a day, one in the morning and one in the afternoon, and the national press was there in very great numbers, and this made it quite difficult locally because while the national concern and interest really compelled us to give an accounting to the nation as to what was going on, the very accounting tended to exacerbate the situation in Birmingham because to many people there at first it looked like

our purpose was to dramatize what was happening and make them look bad. But to many there were questions of fact! "Are these guys telling the truth?" That and--that tended to wane, there were concessions.

The next major project that I got on was southern school desegregation. We found in the summer of '62 that when we would send different people to the school districts that were to desegregate under court order in September that we would get different evaluations back, the reason being human nature. We were still living with the fact of Ole Miss, and we looked at every one of these situations as potentially quite explosive. In the summer of '62, we hadn't experienced Ole Miss, so we sent a bunch of guys down. One guy would go to one school district and one to another. In the spring of '63, I think it was really Burke Marshall who decided--I'm not sure, but anyway Bob Kennedy asked me to go to each school district that was desegregating that year under court order in September so we would have one person who would see them all and then we would have a better chance because there are so few objective criteria that you can use as to what the potentials for trouble are.

B: This really is a process of evaluating people, isn't it?

C: That's right. People and circumstances. Anyway, as a result, I spent a good part of that summer going from Baton Rouge to Charleston, South Carolina. The only one that I didn't handle was one in Virginia which Bill Vanden Heuvel handled because of its rather unique nature where they were closing the schools where the Negro children had gone and actually the kids were out of school down there for at least a school year, and we brought in private tutors and things at considerable effort.

B: Is that Prince Edward County?

C: Prince Edward County, yes. But among the towns that I recall were Baton Rouge and Mobile, Alabama; Albany, Georgia; Savannah, Charleston, South Carolina. I'd go into a town and I'd talk to the federal judge--it was his order--and see what problems--we would be talking about enforcement of the court order, we had a federal responsibility, what problems he saw, did he see some need for federal marshals, did he see a probability of compliance peacefully or did he think the children and their families would be safe and things like that, talked to the school boards with some exceptions. There is one exception where a federal judge wouldn't talk. He would claim he was on vacation. He was in town and just didn't want to talk to anybody from Washington. That was Judge Gordon West in Baton Rouge. The other judges, of course, were not only willing but seemed desirous of talking to be sure that their orders were enforced and weren't the cause of violence or injury to people. I talked to local police and the sheriff's office to see what they thought, to get some sense of the geography of the situation where the schools were located that the kids would be going to because in every instance it was a handful of kids. The greatest number were in Mobile as I recall at the moment, twenty-nine kids, something

like that. When they were under the court order, as it turned out, I think, finally nine went in because of various things that happened to delay them. I came back and gave reports.

B: Did you talk to, in the visits to the cities, the parents and children?

C: In some cases, yes, particularly to see if there was any intimidation at that time to see if there was anyone urging them not to do it, and to see what they thought the prospects were. The United States Attorney in many of these cases lent quite a bit of assistance and then we had, by this time we had men who were identified with the case in Baton Rouge--it was Frank Dunbaugh, who is now section chief of the Civil Rights Division. In Albany, Georgia, it was Jerry Heilbron, who's a lawyer from Ft. Smith, Arkansas, and had handled the Baker County case in Georgia. Baker County is contiguous to Albany, a pretty tough county, and Jerry helped me there. He's over the Criminal Division now. He's been in the Community Relations Service, too.

To show you the variety of things and the way we would mix it up, in the fall of '63, what we call the "citizens' mail" about civil rights had become a matter of great concern to Attorney General Kennedy, and we had thousands and thousands of letters that were unanswered. We had this tiny little division--must have been fewer than fifty attorneys in 1963, and there were months where we were receiving six, eight thousand letters a month, from concerned citizens and a lot from congressmen passing on letters from citizens, and we found that we had a backlog of tens and tens of thousands of letters that weren't answered, and that it was irritating a lot of people including a lot of congressmen. Bob asked me to get on it and see what I could do to clean it up, and I had given him a report on my recommendations on how to do it the week before President Kennedy was assassinated. And subsequently we got it straightened out. They had had about five or six lawyers, if you can imagine, which is a substantial portion of the entire manpower, trying to answer these letters. First, lawyers are just not psychologically suited to answer thousands of letters like this. They would try to write a legal brief. And secondly it was terribly frustrating and demoralizing to them when all they were doing was sitting there with thousands coming in while they could answer scores or hundreds at the most, and it wasn't legal work. We finally got some form letters up and we sent the letters up to the pools in the other divisions where the girls would just type them out. I guess we made some mistakes, but we got people their answers.

B: Were most of these letters critical?

C: Yes. It's hard to remember, but I think very clearly in November--Bob Kennedy's birthday is the twentieth of November, and that was a Wednesday. We had a birthday party for him, and in a whimsical sad vein he reflected on what a lightning rod he had become for the President and perhaps what a burden he had become for him because the civil rights was exceedingly controversial in these years and that combined with some other issues that had caused some problems, it had really been very difficult. There had been

speculations Bob would resign before the end of the year to get prepared in '64 to handle his brother's campaign for reelection, and there was a strong belief among some of the people in the Department of Justice that he would in fact do that in part because of the great controversy that was raging around the Department of Justice. You don't think of that too often now, but these letters--we have never received mail in the volume that we were receiving it these days.

B: Are those letters still on file in the Department of Justice? Did you keep the letters that came in?

C: I don't know. I just don't know. All of these letters wouldn't come originally to the Department of Justice. Many of them would go to the White House, and they would buck them over to us for answering.

B: And by that time, too, the proposed '63 civil rights legislation that you mentioned earlier just collapsed.

C: Well, we weren't making any real progress. There was no--I don't believe you could measure it accurately. I find it's very difficult to measure what the prospects for civil rights legislation are, but certainly our judgment at the time was one of pessimism that we would be able to get anything through and then after the assassination, President Johnson's magnificent insistence on civil rights legislation and his very strong and powerful address to the Congress really gave it a lift. Somehow or other, you know, before you weren't quite sure the nation thought this whole thing was respectable even, and after it became something of a crusade.

B: Did you help in liaison with Congress on them in '63 and '64 on that legislation?

C: I don't remember doing any legislative liaison work on the bill in '63. If I did, I sure don't remember it now. I doubt that I did. We had quite a team working on it, and I don't know quite why I wasn't working on it except I was just in other things, I guess. In '64, yes. I did some but not a substantial amount.

B: I think we had better remind anyone using this in the future that actually during all this time you were head of the Lands Division.

C: That's right.

B: And presumably have a good deal of other activity that you've got to deal with.

C: That's an awfully important job, I believe. It's involved in important matters and ideally would be a full-time job. In fact, it's more than you can do. You just do as much as you can. But the priorities were such and the resources were so thin that we didn't have much

choice but to do this other.

B: Then in '64 comes Selma difficulties and the Selma-to-Montgomery march.

C: That was in '65.

B: Excuse me, in '65.

C: The--'64, of course, July 2 we got the Civil Rights Act, and there was a glorious feeling about it, there really was. It just seemed like there was immense generosity in the American people and good will and they were going to do something about this great wrong. The President made what I consider his finest civil rights speech at Howard University and there was a buoyant atmosphere, and as soon as we got through with that bill, we were beginning to look for something next because, you know, we felt a sweep and we felt a power for more action.

B: Did anyone have any doubts about the intricacy of the legislation and this kind of thing?

C: Well, not as much as we should have. We were quite legislation-oriented. The Department of Justice, its actions are based on laws generally, and we have no power except with the legislative base, and we realize how feeble our legal tools were, and I think it was quite understandable the Justice Department would look to legislation as a technique; and of course President Johnson, so much of his world has been the making of laws, and this is the beginning for him. We never quite realized how much more difficult implementation is than the passage though, and we never really geared up to demand the resources that are necessary to enforce these laws. I think today that if you took the entire resources that are allocated to civil rights in the Department of Justice, you could not enforce all of the federal statutes in a single Southern state. And this gives you some idea of the dimension of the problem.

B: My chronology was off. In '64, that summer came the murders in Philadelphia and several disturbances in northern cities, in New York and Rochester.

C: Yes, I particularly wanted to mention those. Of course, the Philadelphia murders were a profound shock, and in a way they began the cynicism and division between the young idealistic black and white civil rights workers. To so many it had been kind of a game up to this time, and then they realized it is a very serious business and you are not just kidding. There is danger. It takes a long time for that to soak in for a white person. I can remember even in the spring of '65 when I was the federal coordinator or whatever you call it, the chief civilian officer for the Selma-to-Montgomery march and the night we spent in Lowndes County how frightened so many of the blacks on the march were, and I--you know, it's hard to believe, but they had reason to be afraid.

B: Were you ever frightened yourself in these trips to the South?

C: No, I don't think so. I don't remember being. I think maybe if I went through it again I would be more frightened. There were so many times when I'd walk into a little country store or something like that and after I would see where a priest would get killed with a shotgun for doing the same thing I might have been a little more, but I always felt a kind of at home. My grandparents were both born in Mississippi, and because I've known the South, I have a southern accent, and I didn't ever feel any real hostility toward me except on rare occasions you would run into some tough guys. Then you would see cars--on something like the Selma-to-Montgomery march, you would see cars circling around. Usually I would be riding in a border patrol car, and we would go up and see what they were doing, and we would always be a little concerned about that because we were very much concerned, all through Selma to Montgomery that there would be some assassination attempt on Dr. King. This is perhaps getting out of the chronology a little bit, but I was really very much concerned that on the culmination day when the march up to the state capitol was to be made and a huge crowd was to be there that someone would try to assassinate Dr. King, and we just took immense precautions with the resources that we had to look for snipers in buildings and on rooftops and things like that.

Back into the summer of '64, I think one of the things that would be well worth studying out was how distant Rochester and Harlem and the other major disturbances seemed to the Department of Justice. We were so consumed with the South and there was so much to be done there and so little that we had the potential to do, and when we thought of the North we didn't think of civil rights then really. We really didn't. And we always thought of, you know, these big fine police departments up there that--one of our problems in the South was always your skepticism about the police themselves. Are they really prepared to protect the rights of a Negro. In the North we didn't think of that as a problem. We just thought they've got big fine police departments and they can take care of it. So we went through the summer of '64--Cambridge was a big thing for us, and that got into the border states. Cambridge, Maryland, was very tense all summer long. Burke Marshall was in protracted negotiations with the various people there. And that was much bigger to us than the riots which we really didn't see. It was August 11, 1965, before we--and that was the beginning of Watts--really focused on the problem of the riot in the big cities.

B: Was that feeling in '64 general throughout the Justice Department and on into the White House?

C: As far as I know, it was, yes. I'm sure, there is no question that we followed those events carefully, that we were concerned about them and we wondered what we could do. But in terms of a sense of responsibility, in terms of all the other things in the civil rights area, in the Negro area and the poverty area that we were engaged in, this was a very distant thing, a very remote thing comparatively. We just didn't see it.



I should go back and pick up the next legislative proposal briefly. There were some conferences in the latter part of '64 in which President Johnson began to talk of the voting rights. He was anxious that we get into voting rights. We were prepared to go into voting rights. We were drafting all that winter. We couldn't find quite the right mechanism. We needed something where you didn't have to litigate for fifteen years before you finally get on the second remand from the Supreme Court some relief. This brought us up into the spring of '65, and it was really after the Selma-to-Montgomery march which was a pretty inspiring thing that we got legislation up. Our legislation was always more cautious in this year, '65, at least in my judgment, than the conditions warranted. We could have gone further, but we were really literally swept up in this insistence for some reform in this area and just carried along by the civil rights movement and the concern of the country.

B: You mean Congress would have gone further?

C: Congress would have gone further and faster and the provisions that we sent up were actually tightened and made stronger and more effective in the legislative course of the bill. Our experience theretofore had been just the opposite and our experience thereafter has been just the opposite. We sent up a strong bill and you just hang on to everything you can. This year it was the other way. There was a surging desire to do something in the civil rights field. Voting rights was a natural, and the impetus was for a strong bill.

B: How did that formula originate in the '65 bill?

C: Well, there were a lot of people working on various formulas and things. I have always credited Archie Cox, the solicitor general, with that formula. It may be because I didn't see the whole picture, but he's the one that, as far as I know, primarily conceived it and certainly he's the one who developed it and refined it, he and the people in the Solicitor General's Office brought that in to the rest of us that were working on problems, and it had some arbitrary features about it. It's a hard thing for lawyers because we're trained to think in terms of due process and deliberation. It reflected a judgment that the game had been played too long and now something decisive had to be done. It had to be automatic. You couldn't wait for years while you litigate these things out. You need relief right now. And as an experiment in the role of law and democracy in securing the vote, it must be one of the most dramatic of any country at any time.

It really provided a basis for registration and voting and in a few years it literally doubled the number of Negroes in the southern states that were registered and voting. And then, of course, as a result, now just three and a half years later, we've got close to four hundred black elected officials in southern states, easily ten times the number in comparable positions just five years ago. In terms of the progress that we have needed, I would judge this to be clearly inadequate because the needs are so immense. At any other time this much progress would seem heroic really because it's a very profound change in a

relatively short period of time.

B: While that was going on, you were spending a good deal of time in Montgomery as you said coordinating the march activities.

C: During a good part of the legislative drafting, yes. My recollection is we didn't get our final bill up until after the Selma-to-Montgomery march. We had been very anxious to get it up before and we just couldn't. We weren't able to work it out. We got it up after, and then I worked--of course, I was Deputy Attorney General at this time, and I became Deputy in late January or early February of '65, so I had primary responsibility for the legislation and although I was out quite a bit in Selma and Montgomery, places like that, I was working constantly on this legislation. It's one of the ironies, real ironies, that the historic signing of this bill, a dramatic occasion, in the Rotunda of the Capitol, with national leadership and black civil rights leadership all there, even SNCC John Lewis was there and all the big six were all there and represented, and just the slightest sense at that time as expressed by Lewis and the SNCC people that maybe this wasn't very substantial and maybe it wasn't much, and the rest, really buoyant in faith and confidence. Here this is the first week in August, I think it was the seventh of August, and four days later the rumble from Watts had really changed the entire outlook and perspective and subsequently so much of the political history of the country.

B: What did your work in Montgomery involve that spring?

C: Well, this was in connection with the march from Selma to Montgomery. The march was under a court order. The federal government, therefore, had the very difficult responsibility of enforcing the order. This meant protecting the marchers, and this meant keeping order among the marchers. It was a five-day march, roughly. It left from Selma on a Sunday afternoon. One of the ironies was I was just east of the Pettis Bridge over which the marchers came and which had been the site of some of the violence where Sheriff Jim Clark's horses had run into people and things like that. And I was relaying on a border patrol radio through what we call a patch in to a phone and up to Washington so that Attorney General Katzenbach and the President could know what was going on. Someone was intercepting the radio or some other border patrol car with a radio going had left a door open or something where a newspaper reporter was taking it all down, and my description appeared in the New York Times a couple of days later. It was one of those ridiculous things that happens. Didn't hurt anything, but it was--

B: Did you hear from Mr. Johnson about that?

C: I don't believe I ever heard from him about it. It was mortifying to say the least. Fortunately, I didn't say anything scandalous apparently. But I wouldn't have said it exactly that way if I had thought it would appear in the national press.

B: Did you find that you had to help the Southern Christian Leadership Conference a good deal on their plans?

C: Well, it was very difficult for them. The thing you don't realize is the very intense politics that goes on within their councils. Stokely Carmichael was down there a good part of the time. There was one night during the week before the march started in which I think quite clearly Carmichael wrested leadership away from Martin Luther King. When he succeeded in doing that, King went out the next day and led a march over the bridge and beyond the line that Judge Johnson had said they could not transgress within the limits of the court order. King called us--Dr. King--and said that he had to do this because his leadership had just been undercut and he had to restore it, and he did not want to violate any court order ever but that he had to do this.

B: Did he call you before or after he did it?

C: He called after. There were some conversations before, but he called after. He did this the next morning at ten or eleven o'clock. No contempt proceedings of any significance developed. There was some talk about it, but we didn't ever develop them, and he maintained pretty good control after that but you can see that this meant he had to deal very carefully with anybody because this thing could have been wrested from him, and if it had, it could have taken an entirely different course.

B: Did Stokely Carmichael want more confrontation than demonstration?

C: That was our assumption. Our assumption was that he would have been much more radical, that he would have purposely instigated violations of the court orders--remember, there were limitations on how many people could march for a good, say, fifty miles, and for about forty miles they could have only five hundred marchers, as I recall. And there were a lot of people who wanted to be one of those five hundred, and they had to march on the shoulder, you know, so traffic could go by, and of course this involved traffic control problems because if you get some guy coming by, he could run through the crowd with an automobile, he could throw a bomb or something. So it was quite a production getting them across there. There had to be camp sites chosen every night, and it was just incredible the planning or the lack of planning. For instance, one night, the site, the people who had promised the pasture for the next night revoked it; apparently they had been put under some pressure. People were scrambling around trying to find a place for the campers to hike, to sit down. We were working night and day, and I don't think we slept two or three hours a night during this whole thing till we got through.

The scene in front of the state capitol was really a very moving thing. There was a huge crowd. I met people from California and Texas and New York and Washington that I had known, from the University of Chicago and Harvard, and it was a pretty inspiring thing. At that time Governor Wallace was in the capitol building and we could see him

from where we were looking at the crowd. He wouldn't accept the petition. Then after some rather intensive negotiations--I was working directly with several state legislators and others--he agreed to accept the petition, and the people went up with the petition. There was a debate--a discussion--as to how many could carry the petition up. Then he wouldn't let them in and they stood there with this huge crowd behind them waiting to get in, and they finally got in, then he didn't see them.

When the chips were down, he didn't see them inside. Some executive assistant, I can't remember the guy's name, took the petition. We got on a plane that night. We felt awfully good, awfully relieved, and we were about an hour out of Washington--we were on a military plane--when we got the call that Mrs. Viola Liuzzo had been killed, and this was a rather crushing thing. She had driven back and forth from Selma to Montgomery taking the kids back to Selma, and she was killed driving back from Selma to Montgomery. Well, I didn't go back down. I wanted to very much, but there really wasn't anything I could add. I could add more from up here. A bunch of the people turned right around and went back down, and of course the FBI did an incredible job of investigation and that case was broken immediately in forty-eight hours or less.

- B: During that Selma demonstration, there was a lot of talk in the South about the alleged immorality of the demonstrators, their conduct in public. Was that just anti-demonstrator propaganda, or was there any justification for it?
- C: Well, I saw no justification for it. A lot of it, I know, is not true because for instance some of it would say that in the big tents there were unmoral happenings. I would go through the tents at two o'clock in the morning and four o'clock in the morning and that just wasn't happening. This doesn't mean there wasn't any. You get that many people together and you may have some. The same thing was said about Resurrection City here in Washington. There is a little more evidence supporting that here than I was ever able to see there. We had people in the crowd. We had people who kept us informed, and we had people watching the camps all the time, and of course every night around the camp we would, you know, literally have soldiers stationed around the camp because we were afraid somebody would come in there with a bomb or something to try to injure kill people. But we never detected any.
- B: You mentioned the FBI's work in the Liuzzo case. There had been some speculation that--well, to put it as gently as possible--that the FBI wasn't as interested as it could have been and should have been in civil rights activities in the South.
- C: Well, I think that's true. It's a difficult thing for the FBI, I wouldn't minimize that. Their effectiveness depends on a very close relationship with local law enforcement. Local law enforcement, you know, outnumbers them one hundred to one any place they are, and if they are not able to work very closely and effectively with the local law enforcement they just lose a major part of their opportunity. Take direct cases, stolen automobile cases, the

overwhelming majority of these cases are handed to them by local law enforcement. So this makes it very difficult for them to be in an antagonistic position with local law enforcement. Second, their resident agent situation in the South was such that they had people with the background and personal predilection that was deeply southern oriented. They changed this, but--and I don't think they were too candid about the change--but there was a change, and it helped a lot. Finally, they had no Negro agents and, you know, all through the early years there were just no Negro agents to speak of. So I think they came very slowly and had to be pulled some, and I think this was a major part of Bob Kennedy's difficulties with the FBI--not the whole part, not even half, but a major part.

B: Did Mr. Johnson have to apply any pressure to Mr. Hoover?

C: Well, he was very effective, I must say. When he got Mr. Hoover to go down to Jackson, Mississippi, and establish that office, as I recall Allen Dulles went with him--who was that other person--somebody like Dulles.

B: It was Dulles.

C: Yes. Well, I was amazed frankly. I didn't ever expect to see Mr. Hoover let himself get in such a position. It helped a lot. It helped create a new little climate, particularly among the agents down there. We've had some awfully good special agents in charge in the South since then who have been, you know, very vigorous in developing cases for us.

[End of Tape 1 of 1 and Interview II]