INTERVIEW LI

DATE: August 14, 1989

INTERVIEWEE: JOSEPH A. CALIFANO, JR.

INTERVIEWER: Michael L. Gillette

PLACE: Mr. Califano's office, Washington, D. C.

Tape 1 of 1

C: In connection with the [Civil Rights Act] Title VI guidelines that were issued for the school year l966-1967, on February 26, Doug Cater sends the President a memo enclosing comments and results of consultation with all kinds of congressmen and senators, state school superintendents, Jean Patterson [?], and what have you. One of the comments that's included is Senator [John] Sparkman's, who urged that the new guidelines, which were tougher in terms of desegregation, requiring that free-choice plans result in desegregation, be held up until after Tuesday, March 1, the primary filing date. The President, obviously, reading all of this finally after a couple of weeks of making sure all the bases had been touched, approves the guidelines, but then specifically asks that Cater tell Sparkman that he asked that the guidelines not be issued until after the primary filing date so that Johnson would be able, the next time that he needed something from Sparkman, to tell Sparkman how he'd helped on holding up these guidelines.

Question of starting to bring the hospitals into compliance, and it was the--everyone was deeply concerned about how people would react to hospitals putting

blacks and whites in the same rooms and wards in the South, but it was interesting to me that there was such a barrel of money about to be dumped on the hospital[s] through Medicare that I don't think the President was ever concerned, that he thought the amounts of money involved were so enormous, and on that score, he turned out to be right.

Now, in March 25, 1966, Cater sends the President a memo informing him of HEW's [Department of Health, Education, and Welfare] about to start their first hearing under Title VI to withhold federal funds in Baker County, Georgia. And the President writes on the memo, "Go over it very carefully with [Nicholas] Katzenbach. Have Katzenbach talk to the two senators." Still--obviously still stung from the debacle in Chicago where HEW did not know--

(Interruption)

[Henry Hall] Wilson's memo of April--did we deal with this before? Okay. Let's deal with it now. Wilson's memo of April 5, 1966, is an indication of the difficulties we were encountering and the support we were losing on the Hill across the board as we pressed hard for school desegregation and civil rights generally. In the Civil Rights Act, there was a provision which said that desegregation meant assignment without regard to race, color, religion, or national origin, but desegregation, and I quote now, "shall not mean the assignment of students to public schools in order to overcome racial imbalance." The guidelines issued for the 1966-1967 school year, which required that the free-choice plan actually achieve desegregation, were attacked in many parts of the South as being in violation of that part of the act, and Henry Wilson began to feel and express the tremendous feeling in the South that we were violating that law.

G: Did you react to the memorandum?

C: Well, I think to the best of my recollection I would simply have told Wilson we weren't violating the law, and this was the price we had to pay, and it was kind of his job, and, to "get with it," and make it as easy as possible.

G: Do you think he has at all exaggerated the resistance on the Hill to this, the regulations on the guidelines?

C: No, I really don't. I think we had a tremendous, tremendous adverse reaction. The guidelines really were a very sore point. HEW became the focal point. Once the Supreme Court held the Voting Rights Act constitutional, and I notice here in March of 1966--it became very difficult to argue about the right to vote and denying people the right to vote and these crazy tests, poll taxes and what-have-you, but the school desegregation had a component of force to it. It has pressure of living together. I mean nothing, nothing created the animosity, for lack of a better word, up there, that the fair housing legislation did, which I guess we haven't gotten to yet, or have we? I can't even remember.

G: We did talk--

C: We did? Okay.

G: --about the 1966 component.

C: Nothing created the animosity, but when we went up with that [fair housing], that combined with this pressure to get these kids together in school, yes--was people. . . . It wasn't just that we were forcing this on them; it was on top of everything else. This brought back memories of Little Rock. It brought back memories of [James] Meredith. It brought back memories of Hunt [Pollie Myers Hudson?] and Autherine [Lucy], whatever her name--the University of Alabama kids. Whether it was Wilson, or whether it was

Wilson getting to the President, or whether it was the President, or whether it was me, obviously, we did in early April decide that something had to be done to cool it on the guidelines.

I notice a cable from me to the President reflecting a meeting that Katzenbach, [John] Gardner, [Harold] Howe, [Harry] McPherson, and Cater had on the guidelines. Now, my sense of that is that, one, it was a classic kind of Johnson move. He brought me in because he had concluded in his own head, I'm sure, that Gardner, Howe, McPherson, and Cater were *aficionados* of these guidelines, that they were committed to them, that they would not be able to see any flexibility, and he brought Katzenbach in for the same purpose. He did that often, not just with me but with other people. He would bring other people in on something I was working on. And then, [that's] what I think explains this meeting, as I see this heat going up, and that led to a whole change in the way HEW was going to do this thing. It led to these meetings: Gardner meeting on the Hill, Howe's meeting with the school superintendents, getting HEW people down to the South to ease the problem now. We urged that there be--and we had very few school districts signing up--and Johnson approving my cable and saying, "Get all the help they can and get 80 to 90 per cent compliance if at all possible. Doug should have his head examined for not checking this out in advance."

G: What does he mean by that?

C: Well, I think that--Johnson was willing to take on opposition. That never bothered him, and he was certainly willing to go into controversial areas. But he didn't like to be surprised, and I think, now that I reflect on this and my memory starts to come back, what really burned his ass about this was that in his view it was not properly staffed. He wasn't

warned of what was going to happen, and to him, what becomes inexcusable about something like this is that he, that these districts are biting back, saying: one, we're violating the law, then Henry Wilson--and believe me, Henry Wilson didn't just write to me. He knew how to write to the President, and I'm sure he did, and he knew how to write to Marvin [Watson], who would be very sympathetic with that. The school superintendents are pissed. The senators are beginning to feel that heat. So Johnson, in effect, when he's saying, "Doug should have his head examined," what he's really saying is, "I was not properly alerted to the problems we were going to have." Had he been properly alerted, what would we have done? Either he would have worked harder on it in advance, or he would have made some changes in the guidelines. I don't know which he would have done, but it was the element of surprise that got him angry here.

G: Would you have passed this comment on to Doug Cater?

C: No. Not in the ordinary course. I mean, I wouldn't see any need to do that.

Then, obviously off of that and, in our effort to kind of cool the waters, we have a draft letter from Howe explaining that the percentages we put in the guidelines weren't a violation of the law, but they were just simply a guide. That even if the school didn't meet them, the problems with teacher desegregation--which was a serious problem, because there simply were not enough qualified black teachers down there at that stage in development, and then--

G: What was the solution to that?

C: Well, I think we ultimately eased--whether we changed the guidelines or not, we eased up on what they originally intended. We gave them a little chance to delay. But it's interesting here, obviously somebody sent me this draft letter. I sent it to Cater for

comment. HEW is still in a mode where they're having--they think Howe can do it, and I say it should be signed by Gardner, having some reflection of the President's signature. We revised the letter. That's a total rewrite, laying some of this on the courts and also making sure that the letter is signed by John Gardner.

Then we're back, and we got the story in the [*New York*] *Times* we wanted, which was that there was flexibility, and I guess we got back in the business of keeping a head count on these plans. (Long pause) [Inaudible] (Long pause)

In our Civil Rights' proposals. . . . Now we're back. I guess what this really reflects is--I just remember we got back in the business of--

G: Monitoring the--?

C: Then Johnson gets this letter signed, I guess, by just about every southern senator on May second, which--do we know what he did on this? Did he approve this? Can you just check the May 2, 1966, letter, a memo from me to him?

G: Oh. This is a Xerox from the original, according to the researcher note. There was no--

C: That's my handwriting on the--

G: On the top?

C: On the top. Well, what he must have done was call me about it. These are guys he obviously asked me to talk to. And then we started to get heat on the other side. Anyway, the letter went out, so he must have okayed it. I see that.

(Interruption)

What is--this is Cater's memo. Are we on the tape now?

G: On May 19.

C: --on May 19 of 1966. "Talk to Bill--Califano. I'm speaking too much." (Laughter) No, I think there is an element of a road taken here, a kernel of it, and I don't remember this memo independently reading it, but the concept of using Title III really seems to me is the kernel of what ultimately became the magnet school program, and it does reflect a recognition. I think it's a thoughtful memo; I think it reflects a recognition. Now what we did with it, I just can't remember. But [it is] a recognition of the fact that we were just consumed with this problem, and Cater would be closer to Doc Howe and the Office of Education in terms of their being consumed with it.

G: Was there a sense that if you cut off the funds that in itself would harm the disadvantaged who were going into the poorer districts?

C: Well, what had been thought to be a carrot that would lure people along turned out to be a stick, yes, there was a concern that we were hitting the poor black kids with the stick when we jerked the funds. And I also think it was a concern that what we had viewed as a major step forward in terms of elementary and secondary education, federal funding, general federal funding for poor districts, was across the South being turned into just a massive civil rights club, and that was all, that we were totally embroiled in this issue, and [there was] a lot of frustration reflected there. This issue of *de facto* segregation began to rear its head, with the South, incidentally, very much egging on any effort in the *de facto* segregation area.

G: Why do you think the South took that position?

C: Incidentally, give me another Xerox of this.

G: Okay.

C: May 23, 1966. They can Xerox one on top of the other. Why do I think the South took the position? Because they were saying the North is just as bad as we are. Nobody's looking at the North.

G: Do you think that was the way to derail the program, by building opposition to it [inaudible]--?

C: I don't know.

G: --or simply to--

C: I think maybe, but I think it was more a sense of, "You're a bunch of hypocritical bastards," basically. It was here in July. The Teacher Corps got all wrapped up with desegregation, and what had originally been an idea that we would encourage kids to go into the Teacher Corps and then go teach for a couple of years and teach kids became an issue of civil rights. What kind of teachers were these going to be? Were they going to be teachers who would preach civil rights? Were they all going to be black? Were they all going to be desegregationists? And, I guess, it made the Teacher Corps funding battle an enormous one every year, and I guess once we left office, it was not--we survived. We kept it barely alive, but. . . . And, also, the House took away the compliance money for Title VI.

G: Did you anticipate that to happen?

C: I don't know if I did. I mean, we knew, when you look at that letter and you look at the attitude of the southern senators--and they were in control of the Appropriations Committee. We're talking about Lister Hill and [John] Fogarty on the House side. My hunch is the President saw that coming, and not unless he was losing touch with Congress, which I don't think at this point he was.

What fascinates me here--I mean, we really watched this, and here Gardner comes up in August, August 5, with some ideas about how to provide a more positive focus and to encourage people to desegregate. We must have given [Peter] Libassi an order to, or Gardner, to tell us of every district in which any proceedings were going to be instituted against any states. [Inaudible, reading to himself] This looks to me like J.G. here, Jim Gaither. It looks to me like this was recast into one memo, and I must have sent a memo to the President or Cater did--

G: Okay. I'll check.

C: --on this subject, which included not only these but also the ones listed back here. And I think we stayed with the guidelines. Didn't we?

G: Yes. But did you sense that there was a private acquiescence where there was a public outcry on the part of some of those--

C: Well, I think that what we basically had was that we were in a fight that was exhausting everybody, and nobody wanted another round opened up. Yes, I guess to some degree. I mean, You know, there's no question that race ate and ate and ate at our congressional support over those years. The southerners--you know, the [Richard] Russells, the Sparkmans--were in control of the Senate in a way that even today committee chairmen are not in control of the Senate, so they may have acquiesced in the sense that, "Why issue a new set of guidelines?" There was just a political reality that this was the best they'd get out of this president. There was no backing off of those guidelines, and if we issued anything new, they'd probably be worse than they had, so in that sense, maybe it was an acquiescence, but it hurt. It hurt politically.

G: And there was criticism on the other side, in the other direction, that the school districts were not actually being desegregated.

C: Well, that's what prompted--well, that plus our own numbers that the freedom of choice plans did not result in any significant desegregation. That plus the move on faculty, that we had to get black teachers, and that the problem there from the southern point of view was, one, there weren't qualified black teachers, and there weren't many then. Two, we'd bring black teachers down from the North and if they were forced to hire black teachers, they'd go hire some guy that might be teaching in the North, and that was offensive to them. But, by and large, there was just no give from the President on this, and I think they probably all sensed it. I mean, he was willing to take the political flak, and while I detected a lot of annoyance, for example, at Cater, because he didn't--you know, "have your head examined," and stuff like that and a lot of irritation all along the way, it was more as to how we were doing it. It wasn't, "Don't get those schools desegregated. Slow down on desegregating those schools." It was, "Get ways to do it."

G: Were the guidelines inconsistent with the Civil Rights Act?

C: I don't think anybody thought they were. I mean, I think the point was that, "How do you measure progress without some yardsticks?" And the courts ultimately upheld us on that, so long as we said these were objectives; these were not numerical standards that simply had to be met.

G: But they did ultimately become numerical standards [inaudible] that you had court rulings.

C: Well, what we said was we wouldn't necessarily deny you funds if you didn't meet these percentages. You might fall below them, and you'd still get the funds. [It] depended on

the nature of your effort and what have you. The courts came along and put in all kinds of tools but it was fine. We took the attitude that if the courts ordered it, then we were just following the court order, and we had to follow the court order, and you had to uphold the law. And we thought that gave us some political comfort *vis-à-vis* the southern barons in the Senate particularly, but also in the House. But the reality was that they viewed it all as us, all of it. That the judges wouldn't be doing that if the Justice Department weren't in there arguing that they do it, and they were our judges, and, you know, the President did make civil rights views a litmus test for the appointment of southern judges.

G: In retrospect, was there a more effective way to accomplish desegregation [inaudible], or should greater emphasis have been placed on other means?

C: I think we probably went into--well, we knew we'd have resistance in the South. We thought they were wrong, not just on the other side of a political argument, but we thought they were morally wrong, that what they were proposing was in conflict with the Constitution and with fundamental precepts of justice.

Now against that background--and in the beginning, we viewed the federal funds much more as a carrot than as a stick. I think we thought districts would not want to be denied federal funds. I think we thought they'd recognize that these funds were being denied to white kids as well as black kids. But the point you made is well taken. The federal funds were focused by formula into school districts in which we had the poorest kids. So white or black, what was happening was that where federal funds were denied, it was the kids that were being hurt, and it was much more of a stick than it was a carrot. I think that concepts like magnet schools, building a school and making it the best science

school or the best theater school or the best business school in the area, then having all the kids go there, was a concept that was viewed eventually as effective with high schools. When I was at HEW, I really pushed magnet schools. But nobody viewed magnet schools as a concept that was effective at elementary school levels, and that was where we were focused. Remember we were working up. The theory was if you got the first grade desegregated, the worst situation you were in was that in eight years the whole school would be desegregated, and in twelve years the whole elementary and secondary education system would be desegregated. So all of our focus was on the early years and on elementary school.

G: How much pressure was there to go faster?

C: Well--

G: --to show greater . . . ?

C: Well, I think the civil rights groups and the Civil Rights Commission was critical of the pace in desegregation. I think we heard from the civil rights groups. I think the pressure came more from ourselves and, to some extent, from the President. I do think the President became conscious over time that we had opened a window of opportunity here for blacks and that they wanted to race through and get out there and that we were really in a race with that, with expectations, more than we were in a race with whether the NAACP [National Association for the Advancement of Colored People] thought we were going fast enough or not.

You have to remember a couple of things. It was awfully tough for the civil rights leaders to argue that we weren't moving fast enough in the wake of what had gone on for the past two hundred years in this country. Secondly, what we were doing was very

unpopular among the majority of the American people, and there weren't many blacks that were voting in those years. There were more and more blacks voting in the North, but blacks were not voting in the numbers they are today, so they didn't have a lot of electoral clout to throw at us. And in that sense, I do think this is one area in which the President took the unpopular course, spent political capital generously, and was willing to go to bat even though he knew it was unpopular. He obviously decided this was one of the centerpieces of his presidency, and he did this one on moral grounds and for the history books. He didn't do it for what it brought him. It brought him nothing but grief while he was in the White House. It may have brought him satisfaction, but it brought a lot of grief.

Witness the Teacher Corps. I mean, it became instantly a racial issue and [was] viewed as such.

G: The southerners claimed that the HEW inspectors who went down there all of a sudden to look over the school districts were really inexperienced.

C: I have no idea what they facts are, but my recollections are that they were probably right. But nobody had ever done anything like this before, so they were inexperienced in that sense. And secondly, I think they undoubtedly walked into a culture that was so foreign to the culture they'd lived in in their own lives. And the other side of that is, they were dealing with school superintendents who didn't want to do anything. You weren't going down saying, "We've got a problem. Let's solve it." We tried to get some of that tone in the later Gardner and Howe letters, as you can see, but they were walking into a situation in which the guy wanted to give as little as possible.

G: Anything in particular on George Wallace's posture of essentially massive resistance, urging them, the state as a whole, not to--?

C: No, I think we--I think Alabama and Mississippi were in all my years in the White House by far the two most difficult states to deal with, but I don't have any specific recollections.

Tape 1 of 1, Side 2

G: Did Henry Wilson, again going back to that memo of April 7, that "the reaction was deep enough and strong enough to wreck the very foundation of our relations with the Congress"--was he overstating the impact of--?

C: Well, I think what Wilson was--you remember, Wilson was the House man. I think what Henry was talking about were guys like [Harold] Cooley, who had a lot of power, and the southern committee chairmen, who were very angry about this and who were feeling a lot of heat from home about it. I think that the other thing he was undoubtedly reflecting were things like the Teacher Corps, where other issues were becoming race issues on the Hill. You know, "wreck the very foundations of our ability to move with Congress." I don't think--that turned out not to be true. We passed much legislation in 1966 and in 1967 and in 1968.

G: Did this spill over into other areas that were not civil rights-related [inaudible]?

C: You know, we had a chronic problem. Sure, it spilled over. I mean, Model Cities was not a civil rights piece of legislation, but Model Cities became a major issue in the context of civil rights because of Watts, and it became a black issue. I think we really had--we had more of a sort of very liberal--we had our liberals who were with us on the domestic programs and then turned against us on the war. We had the conservatives who were with us on the war and against us on the domestic programs. That, coupled with

this tremendous racial thing, and the race thing ultimately did get to the North. I mean, we had Manny [Emanuel] Celler. I can't remember whether it was the Voting Rights Act or the--I think it was the [Fair] Housing Act. Manny Celler ended up getting sick--we'll have to go check it--but conveniently sick, as I recall, when the bill was to go on the floor of the House because he had a district in Brooklyn, which had been almost entirely Jewish with a few Italians, which was changing fast as blacks were moving in, and his constituents, his Jewish voters, were against Fair Housing, and he didn't want to be out front on that bill.

You also have to remember that we were relentless on the subject. I mean, it wasn't a subject on which we were giving much, and, while most poor people in the United States were then, and are today, white in terms of the number of people who are poor. 60 per cent or more are white. A higher proportion of the people who are black is poor than the proportion of the people who are white is poor, and that--and they became the more visible part of the poverty equation.

G: Okay.

End of Side 2, Tape 1, Interview LI

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Joseph A. Califano

Interviewed by: Paige Mulhollan, Joe B. Frantz and Michael L. Gillette

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Joseph A. Califano Jr. — Donor

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