

INTERVIEW I

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INTERVIEWEE: WARREN I. CIKINS  
INTERVIEWER: Michael L. Gillette  
PLACE: Mr. Cikins' office, Washington, D.C.

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G: I want you to talk first about your involvement with the commission and how you became involved with the Civil Rights Commission. I don't want you to go into your background; I want to save that for a subsequent session.

C: For some other time, yes. Well, I was at the White House with Brooks Hays, who had been a very dear friend of Berl Bernhard, and we were even really concurrent--I guess what I'm trying to say is that I would have probably gone over to the Civil Rights Commission whether or not Jack Kennedy had been assassinated.

As I've been indicating in another context, I often wore a number of hats, and this was a time when it seemed like an appropriate place for me to be moving to the commission, along with the fact that, as I recall, Brooks Hays was also considering reducing his commitment to Kennedy and going to Rutgers University as the Arthur Vanderbilt distinguished professor; they had some kind of endowed seat.

So, as I recall it, during the months of September, October and November before Kennedy's assassination some of those negotiations were going on with Berl Bernhard. When I arrived at the Civil Rights Commission as his special assistant, I was a little puzzled when very

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shortly thereafter--and again, I don't remember the dates exactly--  
Berl himself left the commission, leaving it in the hands of Howard  
Rogerson. I believe Howard is a native Virginian, and he had come to  
the commission as a professional staffer under Governor [John] Battle  
of Virginia, his appointment. Howard stayed on. He had not wanted  
to continue with the commission, either, and at President Johnson's  
request, he agreed to stay on as acting director of the commission for  
a few months while the President sorted things out and got a succes-  
sor. However, that ended up being two years, for several reasons.  
One reason, there was a lot of political complexity involved in  
replacing Berl Bernhard, and so the President seemed relatively satis-  
fied, as most other people [were], because Howard Rogerson was doing a  
good job. The only one who was getting difficult circumstances was  
Howard himself. He should either have accepted the idea of being  
named director, which I'm sure the President would have done, named  
him director, or left. But he stayed on as acting, and did, I think,  
a splendid job as acting director for over a whole two-year period  
before the matter got sorted out. And then since Howard had never  
been a candidate, one of the other potential candidates within the  
commission itself was Bill Taylor, who had been the general counsel of  
the commission, and Taylor was named. So we had a blessed presiden-  
tial appointment with Bill Taylor.

Howard was kind enough; even though I was officially only [a]  
special assistant, he moved me into, I thought, a very nice office,  
the deputy's office, because he was the official deputy. He was in

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the office of the director. So in a rather, I guess I would say, really not very formal way and probably not all that significant, I was kind of acting deputy director for those two years, and we made quite, I think, a good team together on a low-key basis, especially under very difficult times, when we both were acting, in a sense. So Howard deserves enormous credit for how effectively he handled that commission in a very low-key way, with some really strong other persons on the staff as well as the commissioners themselves.

G: Who were the other strong persons on the staff?

C: Peter Libassi was one of the very strong people there. Peter has gone on to various other major achievements. Peter was general counsel in the Department of Health, Education and Welfare and very close to Joe Califano, another Johnson figure. Califano named Peter to be his general counsel; I remember that. Peter is now a very senior official in an insurance company in Connecticut, and by one of those interesting twists of events, is on various advisory boards to the Brookings Institution here. So these kinds of things happen.

And then there was a gentlemen who ran the state outreach program; Sam Simmons was his name. Simmons was a very strong person. And then there was another fellow who was a very strong person on the Washington scene, Walter Lewis, who is now, for example, chairman of the District of Columbia's planning commission and makes planning and zoning decisions. And he and I were good friends. So it was a commission of staff that was very strong, and of course there was Bill Taylor himself. Taylor and Libassi were quite close, because when

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Taylor became staff director later--and I of course had been very close to Rogerson--I realized that while Taylor and I are to this day very good friends and we see each other occasionally, I wasn't really his alter ego type. So that's when I took that year, as I mentioned to you, a position over at AID. I went over to AID for a year while I sorted some other things out. And Peter Libassi became the deputy staff director under Taylor.

Lewis, the fellow who is the planning director now, was the head of one of the major divisions of the commission at that time. We had some very spirited staff discussions, very strong points of view represented by about a half a dozen senior staff.

G: What were the major differences in views among the staff?

C: Well, I guess it's a matter of the degree to which the commission would push its views in the national debate on the issues. Of course, the biggest issue as we came on was just how much we could do to assist in the enactment of a strong civil rights act in 1964.

But then the next big achievement of our commission was its role in the Voting Rights Act of 1965. And there, there were a lot of questions about what type of legislation that should be and also something you and I talked about off the record, about this hearing in Mississippi that we held that was a very delicate activity and that demonstrated to the nation how unfair the whole process was. We had down there, you know, Ph.D.s testifying, saying that semiliterate voter registrars had flunked them on literacy.

G: Let me ask you to give the background of the hearing.

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C: Again, this is going to be vague; it's a long time back, and probably as we talk things may come back to me that are a little vague to me now. I know that there was a lot of worry about us doing this. We all worried about doing it, but when there was indication that possibly we shouldn't because of the fear of the repercussions, that seemed to strengthen our commitment.

Keep in mind that it wasn't that far removed from the time when the University of Mississippi had been in something that one could only categorize as insurrection against the United States during the Kennedy Administration. Ross Barnett was then governor of Mississippi--that was a very, very dangerous matter when the U.S. marshals that had been summoned there to try to keep order were not able to maintain order, and federal troops finally had to get there. And they got there almost in the nick of time, like the cavalry in the movies, arriving to make sure that there was no loss of life. As I recall, maybe one or two lives [were] lost in that incident, but not anything of any major consequence.

So what I'm pointing out is that that was in the memory of a lot of people, that there was a capability of some serious reactions, because there's no question that the arrival of the Civil Rights Commission in Jackson was going to be an event not well received by the people of Mississippi. But the commission, I think, really felt that it had no choice but to go ahead with this. We had an awesome amount of evidence that had been assembled [that] we'd spent a great deal of time in preparing and had many witnesses who had already

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indicated they were ready to go, had the courage to bring themselves there and testify in circumstances that were tense. So even though we had that worry--and I can assure you, having been there, we behaved very circumspectly to insure that we did not trigger any untoward event--it came off, as I recall, without any kind of adverse activity on the part of the people of Mississippi.

G: Did the White House try to keep you from going down there because of the physical danger?

C: If that was true, not to my knowledge. It was in the air, but not to my knowledge, that there was actually an attempt made to keep us from going there. I would think I would have known, or I would remember. I wasn't necessarily always a part of that kind of decision-making, but I was very close to Howard Rogers, who was the acting director at the time, and Howard and I were a team on much of what went on. If the White House had done other than letting us know that they were uneasy about it, had tried to go beyond that and tried to get people like John Hannah, Ted Hesburgh, Erwin Griswold--keep in mind, at that time those three gentlemen, apart from the other three commissioners, [who] were also able people, were considered quite giants in this area--I would think the White House would have been a little reluctant to really do anything other than sound some caution, because none of those three gentlemen would like to have it thought that they were backing off of that kind of a circumstance. And I'm not in any way saying that the others, like [Eugene] Patterson or Frankie Freeman or [Robert] Rankin [did], either. But I'm saying these other three were

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really the giants of the commission, and were viewed as such, and they were determined.

As I mentioned to you, Erwin Griswold, who has a wife confined to a wheel chair for many years, brought her there.

G: Did he?

C: Yes, he brought her there. She went everywhere with him, and as far as I know to this day--of course he is very advanced in years--he is still pretty sharp, and people see him on the street, I understand, friends of mine, and he's practicing law still. He would just not go anywhere without his wife. He took her with him in a semi-invalid state.

G: You indicated that the motel that you stayed in had been segregated. Do you--?

C: Yes. Now tell me, I can't remember if it was a Holiday Inn; I think it was something like that. I'm vague. I remember the building all right, but I can't recall whether it was a hotel or a motel, but more like a Holiday Inn-type place was what I remember. But as I recall, it had not ever been integrated before, and of course this was before the Civil Rights Act of 1964 was enacted, so there was no public accommodations law and that of course made us extremely nervous, because we were integrating a facility that hadn't been. But again, to the best of my recollection, there were no scenes, no confrontations over that.

G: The blacks who came with you as part of the commission or the staff were Spottswood Robinson, I assume--

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C: They all stayed.

G: --and who else?

C: Well, Simmons is black. Walter Lewis is black, and a lot of other staff. I mean, we didn't make any distinction black or white, you know. One of the reasons I wouldn't think a whole lot about it is because we were a team, and we just did our things as a team.

G: This was in what city?

C: Jackson, Mississippi.

G: Were there any incidents at all there?

C: None that I recall. We weren't welcome, but I would say to the credit of Jackson and to the credit of the people of Mississippi, under those circumstances we were received at least politely.

G: Did you have any trouble getting people to come and testify before the commission?

C: No. As a matter of fact, we felt some obligation to go forward because of many of the prominent [citizens]--when I say prominent, people of some stature, college officials--who were quite willing to take the risk to testify about their own problems. So we had more than enough witnesses--and we had a lot of witnesses--and it was a steady drumbeat of discrimination, people of considerable stature who had flunked literacy tests. And the amusing thing was the quality of those who had flunked them left a lot to be desired in terms of their own literacy.

G: The commission had the power of subpoena, I understand. Did you use it in that?



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C: I don't recall; I'd have to check back. There were, of course, a number of witnesses that might be classified as somewhat hostile. What I will do is get my volume--of course, there is a hearing volume that exists on all the witnesses--and I will go read it through again and recall who the witnesses were and what range they covered. But people came; I don't recall us ever having a whole lot of trouble getting people to testify before the commission. We extended invitations and people came, and in most of my experience with the commission, we didn't really have much confrontation over getting appropriate people to testify, whoever they might be or whatever their stand--either friend or foe.

G: Now, this was largely concerned with voting rights. You didn't get into other elements?

C: This was a hearing on voting rights. And it was all designed to provide the kind of ammunition that we felt necessary to get a voting rights act. And we did: the 1965 Voting Rights Act. I'm very proud of the fact that I have one of the pens that Lyndon Johnson used to sign that act. I have in my possession two black ink pens: one is for the 1964 Act and the other is for the 1965 Act. Those are the only White House pens I ever had, but I would not want any others for my career.

G: What was the relationship between your hearing down there and the Mississippi Freedom Democratic delegation?

C: Again, not much that I was aware of. We were in communication with the civil rights forces in Mississippi, but we tended to do our own

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thing. I'm not, maybe, as central to knowing about what might have been happening on that front. If you haven't talked to Bill Taylor, you should, because he may have some views of what other outreach was happening. To the best of my knowledge, we were just kind of doing our own thing. But Bill may have some views that are different--and my role in all of this, keep in mind, was as a kind of alter ego to Howard Rogerson. But in the commission there were other strong forces. In other words, Howard was viewed as a southerner, I guess, a very honorable and decent fellow doing his job. But there were a lot of other forces at work, and so there might have been some activities happening that Howard--I was pretty much abreast of whatever Howard was abreast of-- was not abreast of and I would not have been abreast of.

G: You talked briefly about the members of the commission, but let me ask you to assess each one of them individually: John Hannah.

C: Sure. Well, I was tremendously impressed with John Hannah in this role, because he was a man generally classified as a conservative, but there was no question of where he was coming out on these issues. He was a tower of strength. I didn't see Hannah being doubtful or hesitant. He had a strong commitment. Of course, it goes back to my own childhood in a way. I remember in Boston there were some very conservative Bostonians from the Boston Brahmin type, who were yet extraordinary civil libertarians, many of them who had helped found the ACLU originally and were strong supporters of ACLU. They believed deeply in human rights, or in this case individual rights rather than

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broad civil rights. And so the fact that one is conservative doesn't mean that one is not highly sensitive about human rights or individual rights, or whatever. I'd learned that as a child in Boston, and I saw that here in the fact that in the civil rights world some conservatives in many ways were equally as committed as the traditional liberals in this world. And so I found Hannah to be just, as I say, a tower of strength in leading the commission. Nobody was pushing John Hannah; he was leading.

G: How much actual direction did he give to the staff director on a day-by-day, month-by-month--?

C: Not much. There's a lot of difference today, I gather. The current chairman is here in Washington a great deal. The commission came for meetings, and the meetings were--I can't even be sure now whether they were quarterly or monthly--monthly maybe. I'm even now a little vague about that. But other than their meetings, the commissioners would arrive and we'd have an agenda for them, and I had the major role in helping prepare that agenda. And they would make decisions as they were presented to them. But the staff to a considerable extent controlled the agenda, and mostly what the commission was about was really dealing with the issues as presented to them by the staff. So they would make the decisions; it wasn't that the staff was making decisions. But the staff was pretty much in charge of the agenda, and in all my two years at the Civil Rights Commission, I never got the impression that there was an overbearing presence of the commissioners, or that they were watching the day-to-day [activities], or

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keeping an eye on hardly anything, other than the fact that they were making these major decisions, and very much like a board of directors of a corporation, and not getting beyond that.

G: How about Theodore Hesburgh?

C: Ted Hesburgh, of course, was a very committed person as well, always has been, and also a man of great strength, so that he would not be intimidated. He was far from anybody who would be intimidated by threats; that would just harden him to do what he thought was right. Again, Hesburgh was a very strongly committed person. That's what made those meetings so fascinating and exciting, really, for me--to watch people there making decisions at a difficult time when the country hadn't sorted this all out yet; when the Civil Rights Act of 1964 had not yet been enacted; when the Kennedy Administration in 1963 hadn't really thought through exactly what it wanted; when the early part of the Johnson Administration, right after it had taken office, was still thrashing about to see what provisions should go into the Civil Rights Act of 1964. Yet the Civil Rights Commission was unflagging in its commitment, and it just marched on without allowing itself to pause or to feel, because of this terrible tragedy of Kennedy, that there should be some pause. I guess the opposite was the impression: the need to take advantage of this terrible tragedy, to marshal the country to stronger actions in the field of civil rights. That was overwhelming--I just got that total feeling, just being in that commission at that time, that the attitude was that we should push for every possible feature of a civil rights act that we could get in

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1964, and especially the Voting Rights Act then in 1965. And that was certainly shared by Hannah and Hesburgh and then--you want to move to Griswold?

G: Yes.

C: Erwin Griswold: somewhat more cautious, of course, in the sense that he had been dean of Harvard Law School, so he had more of a legal framework for all of his thinking about how we should carry out activities. But, nonetheless, equally as committed. And I found it kind of interesting, having watched Griswold during that period, that he would later accept a solicitor general position in government, interesting that he would do that in view of how I viewed him more as a scholar, not as much an activist. He was [an] activist in a sense with us, but it was a much different role than being solicitor general of the United States.

G: Robert Rankin, one of the southerners--North Carolina?

C: Yes. Rankin hadn't left as much of an impression on me, other than being an honorable man, other than the impression that this commission did not have any rancor in its meetings. These were meetings where we had a great deal of good will. It was rare that there were confrontations or strong differences of opinion during that two-year period. It was a period where there was a considerable effort toward getting consensus, and so I don't recall in Rankin's case him being any less forward. He was quiet, of course, and not a major voice. But I don't recall any likelihood of him being a negative in any of what we were about.

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I might say, incidentally, that these commissioners were very faithful at meetings. As I recall, almost always the full number of commissioners were there. So they took it seriously. And he spoke out, but I guess it's a measure of my own reaction that I don't recall him anywhere near as sharply as the three we first talked about.

G: Let me ask you to assess Eugene Patterson and Frankie Freeman.

C: Yes. Well, of course, Gene Patterson was a newspaper publisher, I guess, from what--the Atlanta Constitution? And he by southern standards was certainly a liberal, and had a kind of a flair that you would have expected from somebody who had probably gotten some of the Ralph McGill commitment. As you recall, Ralph McGill, of I believe the same newspaper, had been one of the handful of southern liberals who fought for civil rights over many decades. And so Patterson had that in him, too. He also had a little bit of the bravado. McGill was not a hesitant person, and I think that's true of Patterson, too, in other things he's done, as I have followed him, that he is not a shrinking violet and on issues of civil rights was prepared to stand up.

Now, Frankie Freeman, of course, was a very, very committed civil righter. She had a whole background of activism in that world, so she would have been as committed as anybody. Again, I think all three of these folks, Rankin and Patterson and Freeman, were deferential to the other three. At least that was the image I had, that they really looked to the others for the major leadership, in terms of the stature

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of the others. So I always think of the big three and the others as how the commission was functioning.

G: Right at the time you moved over to the commission, there had been a debate raging in the Senate about extending the life of the commission another year or maybe four years, and it followed the issuance of this biennial report that was so controversial. Hannah at the time pressed Congress to go ahead and extend the life of the commission, saying that the Civil Rights Commission was going down the drain, staff people were leaving because it was becoming demoralized and there was too much uncertainty. Was this the atmosphere in which you found the commission when you--?

C: Well, I think there was a lot of uncertainty--in a way, people wondered why I was signing on on what might have been a sinking ship. (Laughter) However, I never doubted that it would get extended. And I honestly think that most of the others at the staff level expected that. These strong staff people that I'm mentioning to you all hung in there, and none of the, say, top five or six major staffers left that I recall--if any major staffer other than Berl Bernhard left, I don't recall. And I think in Berl's case it wasn't for that reason at all. I think that for Berl the time had come when he wanted to do some other things. So I don't attribute that to Berl's departure at all. And on the other hand--in fact, I don't think Berl actually left until--well, I may be wrong on this, but I think the commission probably had been resolved by the time he left.

G: I think that's right.

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C: So clearly that wasn't the matter. I think there was a lot of unease. Clearly, anybody who's on an agency that's facing a deadline of survival is not going to last. But I wouldn't have gone there if I thought it was ~~going to~~ not last. You can never be sure of anything in Washington, certainly in the Congress, but in the aura we were living in at that time--an aura that was creating a 1964 Civil Rights Act and leading to a voting rights act and then later a housing act of 1968--I just can't believe that the nation was going to allow this entity to go under. So, frankly, I just never really doubted it. You had unease, but I don't think you had any kind of hysteria.

Incidentally, just as an aside, the Civil Rights Act of 1968; we were beginning to get involved in that at that time, and at some other point we might want to talk about that. But I had the privilege of sitting in on a confidential meeting on the planning of strategy for how to get that act, and if nothing else happens I would hope that the world would know that Clarence Mitchell of the NAACP did an awesome job for the 1968 Housing Act of singlehandedly firming up the entire United States Senate to go forward on that. It was an awesome demonstration of his courage, of his tenacity, of his leadership.

G: Who was in on the meeting, do you recall?

C: Well, there were about eight or ten senators and four or five staff. Others who were there included [Jacob] Javits and I believe [Philip] Hart, and I believe Senator [Joseph] Clark of Pennsylvania was still in the Senate. And the Senator from Massachusetts, [Edward] Brooke, was not there, the black senator. He was in Africa at the time on



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some meeting. But he was strongly committed to going forward. Paul Douglas was there also. The sense of that meeting was that we couldn't make it; we couldn't break this filibuster, so why don't we just back off?

And then Clarence Mitchell spoke with such eloquence and such conviction and determination that we must go forward and fight this to the end, win or lose, and not back off. It was probably in my experience one of the greatest demonstrations of how one person can make a difference, and how he turned an entire group of liberal senators around and got them fired up to go out and do battle [that] led to the enactment of that act. I just throw that in now because I've often thought that he never got enough credit for that, and it was a fantastic experience just to be sitting in that little room and seeing how that man would operate.

G: Did Lyndon Johnson expand the role of the commission at all?

C: I didn't detect any effort on that part. Frankly, how I saw what Lyndon Johnson was doing was really letting the commission carry on. I got the impression that Lyndon Johnson was more satisfied with what the commission was doing. If Lyndon Johnson hadn't been satisfied with the commission, he would have moved fast to get a new staff director. The fact that he would allow it to move ahead for two years with an acting staff director was an indication that he felt relatively comfortable with what was coming out of the Civil Rights Commission. Now, keep in mind, during that same period Brooks Hays and I were both on his staff as well, so Brooks Hays was still quite

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active in civil rights matters throughout that period, and here I was, a back-and-forth guy--not that what I was doing was all that significant, it really wasn't. It's just that I was there, and if Johnson had been unhappy with the commission, he was a man who could act very quickly in terms of his feelings, so if he'd gotten the impression that the Civil Rights Commission was carrying on in a way he didn't like, he would have had me thrown out of the White House in two seconds. He was quite capable of doing something like that.

So all those years there was none of that and he maintained a very cordial rapport, I guess that's about as good a way as I can put it; to the best of my knowledge, in my little corner of the vineyard, I didn't ever get any sense that there was any effort on the part of the folks at the White House. Of course, Bill Moyers knew I was there, and others knew I was there, and seemed quite happy with what was going on. So I would say that that was a period where relations between the commission and the White House were pretty gracious.

G: The commission did serve as a clearing house for civil rights information--

C: Oh, yes.

G: --throughout government. Was this part of its original function, or was this something it picked up?

C: I think it was always understood it would do that, and it did do that to a considerable extent, and that was kind of a networking thing. One other thing, this fellow Simmons headed the state--one of the

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areas where we had a lot of interesting experience was with state civil rights commissions we created in all the states of the Union.

And just to give you an example of what we would try to do in the way of trial balloons: I think it was the New Jersey Civil Rights Commission that sent up a trial balloon of having a system of quotas in the suburbs of housing for blacks. In other words, if you took a metropolitan area, take Washington, for example, where the percentage of blacks in Washington is 25 per cent, metropolitan-wide. The percentage in the city is about 70 per cent, and it's far less in all the suburbs. Well, if you have blacks moving into one of the suburbs, the fear is among some whites, at least in those days it was certainly a worry, that they would be overwhelmed by blacks coming into that suburb. Now, I think Prince Georges County in Maryland has probably gotten a higher percentage of blacks than the other counties that surround Washington itself, but what if you'd had a system where each county would welcome blacks up to 25 per cent, which is the percentage they are of the total area? And no one county would be worried about blacks coming in to overwhelm them, in terms of the percentages--as in all this tipping-point talk we used to have in those days about how at some point if there are so many blacks in the community, then all the whites would run for cover and then it all becomes black.

So the New Jersey Civil Rights Commission ran that up the flag-pole--I think it was New Jersey; it might have been New York--as an idea that maybe we should work toward having--now, this was understood to be a transitional, temporary quota concept-- blacks received

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comfortably in the suburbs by whites, not fearing that this was just the nose under the tent and that they'd be overwhelmed later or whatever. And they caught unshirted hell. I remember the New York Times and other papers denouncing them for this terribly outrageous anti-American doctrine they were recommending, and then of course they backed off of it.

But that was the kind of way we used some of our state commissions to test out ideas. That idea in some ways had a lot of sense to it. Sure, it's easy to cite principle: this quota, outrageous. On the other hand, how else were you going to get a reasonable reception of blacks throughout the suburbs, at least during that period?

G: The way that would work, presumably, you would limit the number of blacks to 25 per cent in an area, and if more than 25 per cent wanted to come, they would be restricted from living [there]?

C: They would be restricted, yes. That's a tough way to play a game, but what about the fact that none were coming out, that there was total hostility in all the suburbs for any blacks coming in? I mean--

G: It sounds unconstitutional to me, for some reason.

C: Well, you'd have to have done it in some ways that would have been not under the cloth of law but custom, or something. After all, it's only custom that's prevented the blacks from coming out to the suburbs anyhow. Even now, what percentage of the suburbs are blacks in Washington anyway? Except for Prince Georges County, I don't even know what percentage they are there. If the blacks are 70 per cent of

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Washington, and they're 5 per cent of Montgomery County, doesn't that tell you something?

Anyway, that just happens to be one example.

G: Yes, that's an interesting point. Any other examples of using state commissions?

C: Well, we did a number of things like that, and that's the one that comes to mind because that was the most controversial. It raised all kinds of hell, and as you're reacting quite normally, it's others who said, "My God, how could you do such things?"

G: My reaction was followed along the lines of some of the others; they were not reacting in a way that this would get too many blacks into the suburbs, but it was too restrictive.

C: Exactly.

G: Was that the criticism?

C: Well, both. First, that it was restrictive and, secondly, that any quota at all was just un-American. Now, here's an interesting thing, talking about quotas. There's where the civil rights community rose up and denounced it because it was a quota system. Then later we got into this whole quota battle in a whole different framework where the roles were reversed somewhat. Because if quotas were horrible, un-American then, why would one be able to argue that quotas in terms of hiring are okay in other circumstances? Interesting contradiction there.

I thought that that quota idea wasn't too bad of an idea. It was transitional, temporary, just to avoid white flight, to avoid

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white terror that they were going to be overwhelmed, and 25 per cent was a reasonable per cent. And if the blacks had indeed moved out to all those suburbs at that slow, rational pace, over time there would have been no need anymore to worry about it, because then maybe it would be 30 per cent in one place and 20 per cent in another, and that's about it.

When I was with the Equal Employment Commission, I always argued that I opposed quotas for employment. I believe in goals and I believe you could make a great distinction between goals and timetables and quotas. Now, in a recent debate, everybody's trying to blur the distinction between--at least some people are--goals and quotas, but there's no reason to blur those distinctions. And both Democrats and Republicans have made those distinctions very sharply, because I know that in the Nixon Administration the Civil Rights Division put out papers discussing exactly what the difference was between goals and quotas, and they made it very clear what they thought the difference was. That was the Nixon Administration doing that.

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C: In any event, that was one example of what we used--now, these commissions still exist, these state commissions exist in all the states still. It is an interesting thing about the Civil Rights Commission, of course, in its whole different configuration now. You wonder, and I don't have any answer to this, what kind of relationships they're maintaining with these civil rights commissions out there, since they

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would, you'd think, be a good bit more progressive than where the commission is coming out these days.

But to get back to my world and my time in the sixties, there was a very good rapport, and we were gradually building these state commissions as voices of some consequence. It was still an early period--keep in mind that the commission was created in 1957, so it hadn't had all that long a life, so there was still a lot to be done. Now we're at a much later time--I'm talking now about 1963 to 1965, and we're at 1986, so that's about twenty-one years--this was still a very new entity, and we were still struggling and feeling our way in a lot of ways. And some of these concepts were very controversial in their own right. The idea of having state commissions, people weren't too happy about that in some cases.

G: Did you meet any resistance from the government agencies in making accountings to the Civil Rights Commission and reports on their own entities, for example, the Department of Agriculture or other government departments and agencies?

C: Yes, there was.

G: The files do reflect some tension here.

C: Yes, there was. My recollection, just off the top of my head, is that there were a number of departments that were not eager to cooperate at all. In fact, the Civil Rights Commission was not viewed as a great boon to most federal agencies, and so we had to walk softly in our relationships with most federal agencies. And this is part of what I've just been saying to you about we being a new boy on the block;

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it was a hell of a controversial area, everybody sensitive. Bureaucrats--and I don't use that word to demean them, but they're very cautious and worried about their status--tended to be very reluctant to provide any more than was absolutely necessary, even what was necessary. That was pretty much true wherever you turned, and I got that experience even when I ran that program at AID for the year I was there, that I had to do a lot of cajoling of the career bureaucracy to get cooperation. It wasn't that they were not people of good will, .pa but they were just very fearful, just fearful of what the repercussions of all this would be. And that was true throughout.

Now, some of the more old-line departments were even more fearful, say, the Agriculture Department or Commerce Department. They tended to be quite worried about what the impact would be on their own circumstances. But again, I can understand this. You have to put yourself back in the era. I was on the Hill in 1957 when we got a civil rights act [and I remember] the battle to get just a really nothing law. If you look back, the law of 1957 is a nothing law, and [I recall] the awesome battle we got to have some breakthrough to get some civil rights legislation in 1957 for a nothing piece of legislation in today's context. And yet all the fear and worry and this concern was shared--people have a very erroneous impression, I know Richard Nixon did, that people in the federal bureaucracy are liberal. Many of the people I run into in the federal bureaucracy are quite conservative. And therefore they were just as worried as you might



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expect anybody to be about a commission that was snooping, as they would look at it, into what's going on in their area.

G: Of course, the commission did investigate some of the departments, too.

C: Oh, of course, we did. And we raised hell with them, yes. That's one reason why they had reason to be worried about our snooping, yes. So most of our reports were not complimentary about what was going on in those fields.

G: Was there any pressure from the White House to soft-pedal these reports?

C: Again, not that I was familiar with. I would say as a tribute to the Johnson Administration and, again, I have to say all of this as a reflection of the then-staff director and my intimate involvement with him, but not necessarily throughout the whole commission, because there were various other threads of relationship there, but we just marched on and did our thing, and organized our studies and went out and did them, and called them like we saw them. And I just never detected that Lyndon Johnson or any other folks in the White House were upset by what we were doing. I think that's quite a tribute to President Johnson and to the whole White House staff in that period, that they were quite willing to see the commission undertake the studies that it was undertaking during that time.

G: Do you think that the commission in these studies made an impact on, oh, for example, discriminatory hiring practices within government?

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C: Oh, yes. What's the power of the commission? The commission has only one power, then and now: public opinion. And it's awesome what that power is, because it isn't any power; it can't order anything, it can't direct anything. But it puts out reports and it gets attention; it gets a lot of attention. It certainly did maybe more then. What gets attention today more I guess is the cross fire within it, which is sad, but in those days we'd put out reports, we'd get a lot of attention, and [this] would lead to change. And it would effectuate change, because there was a climate--again, you have to put it in terms of the climate of the country. You have to really get yourself into that aura, in the fact that in the sixties, there was that sense that this country could indeed improve itself a great deal in what was wrong with it. It's the great tragedy, we all know, of Lyndon Johnson's administration, that the Vietnam War derailed so much of this.

But in the mid-sixties, in the period I was with the commission, we had a tremendous attitude of accomplishment, of what we could do and how we could shape the well-being of our country. And the country reflected that. Johnson was accomplishing so much in his legislation; this Great Society legislation had poured out that now the revisionist historians are attempting to debunk, and I consider them full of baloney and [think] there'll be a revisionism of the revisionist historians [that] will come through soon, because they don't know what they're talking about, most of them.

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But, in any event, during that period, even for that reason, in a sense, you know, part of that tragedy is--and I remember this very well, sitting both at the White House and at the Civil Rights Commission--that when Lyndon Johnson started to escalate somewhat the Vietnam circumstances, I said, "Gee, I'm a little worried about that," because we'd gone through this Korean experience, which ended up not too happy. "But," I said, "I don't like it and probably I wouldn't do it, but Lyndon Johnson, he knows, he can do no wrong. He has the golden touch. Everything he's touched is done right, and we're doing beautifully, and this country is moving and things are happening. We're getting rid of poverty and we're getting rid of a lot of things. It's actually happening, and it's a fantastic aura we're in. And so Lyndon must know what he can do in Vietnam." The country was caught up in all of that, which gave Johnson a much freer mandate in Vietnam than he might otherwise have had, or any president might have had.

But while that ended up unfortunately, of course, by the same token it had a great deal of pluses to it in civil rights and in the world I was living in. So the commission was caught up in that, the Johnson Administration was caught up in that, and while I don't want to overstate it, there were a lot of roadblocks, a lot of people weren't happy with what we were doing, but we were caught in a tide with a nation that was pleased with what was happening, and we were riding that tide or leading the tide or whatever, in pointing out discriminatory behavior in this country, and people would respond to that.

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So that was the aura of the times, and therefore while we issued reports they caught hell in some places. But the national aura was very strongly sympathetic. And that was all part of the milieu of that time.

G: When you got together your findings in an investigation, would you normally turn those over to the Justice Department, or how would you proceed from the fact-finding stage to having something resolved?

C: I'm a little weak on that in my recollections and, again, Bill Taylor would be much better for you on that. Except my recollection--again, I'll answer your question as best as I recall it--is that we would go forward and issue whatever reports and then make the material available to the Justice Department or anybody else. I don't recall, from my corner of that vineyard, that we made any special feeding to the Department of Justice, other than the fact that we made public a lot of stuff, and of course that would all get into the hands of the Department of Justice. But I could be wrong, and I should be careful of what I'm saying here, but as I recall it, we were, during that period, pretty much doing our thing. And then we would come out with our information and then it would be available to the Department of Justice. But I don't recall that we had--I certainly didn't sense it--any kind of a day-to-day regular rapport with the department, or feeding in material to the department, or doing anything of that kind.

G: How did the Watts riot affect your work at the commission?

C: Other than maybe to intensify some of what we were doing, I don't recall that we were affected by it. The fellow who was a major figure

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in the Watts riot, as a cooler-offer of the Watts riot, one of the black community leaders, as I recall, came to become director of the Civil Rights Commission some years later. This was after I'd left, but I got to know him. The man who was one of the major black community leaders in that area later became staff director of the Civil Rights Commission, I think maybe right after Taylor or the time after that.

But there was nothing that happened in the Watts riots that I recall that was in any way inconsistent with what we had been warning might happen if there weren't the kinds of reforms we were calling on happening. Now, the key person that I interacted with during that period, again, was this gentleman I've mentioned to you, who was in the Civil Rights Division of the Department of Justice, Jerry Heilbrun. Jerry by that time had gone to the Community Relations Service; he had moved out of the Civil Rights Division, and he was a key player in the Community Relations Service. He spent a lot of time out there trying to help cool things off. And my sources of information on what was going on in Watts were mostly through Jerry Heilbrun and the Community Relations Service, because we had good relations with the Community Relations Service. And for some reason or other, Franklin Roosevelt, Jr., gets in my mind as a key player during that time. Was he chairman of the Community Relations Service at that time? He was under secretary of commerce.

G: He was Commerce, yes.

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- C: And for some reason or other, his name pops into my mind as being a player and helping in that affair.
- G: In September 1965 President Johnson ordered a reorganization of civil rights programs, and one element of that was moving Community Relations from Commerce to Justice, and to expand the duties of the Civil Rights Commission and abolish the President's Committee on Equal Employment Opportunity and the Equal Opportunity Commission or whatever.
- C: Well, what happened was over that period of time throughout the sixties there were efforts made to strengthen both the EEOC and the Civil Rights Commission. Now, EEOC got much strengthening. One of the things I tried to do for EEOC later was to get it what they called cease-and-desist order powers, some congressional legislation. We failed on that. But we did get a broadening of the jurisdiction of EEOC to get into the federal realm--you know, took it away from the Civil Service Commission, which had been orchestrating hiring practices for the federal employees. The irony of that is, the Civil Service Commission doing that was the fox got in the henhouse, so it really was a good thing that they pulled that out of the Civil Service Commission and they put that in the EEOC.

But by the same token, there was an effort made throughout the sixties to kind of get a more rational order out of the government units involved--I used to give a fair number of lectures in those days to civil servants through the Civil Service Commission's own education effort. There were some people at the top who really cared there, but when you got to the Civil Service Commission, all the same problems

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you would have of discrimination in the agencies were there, too, and therefore they didn't really respond. But at the higher levels they were trying to do right, and so at least the guys who directed their educational efforts would bring people like me in to talk to their people. And one of the things I remember very well from the lectures I would give there is, I would always start by listing the twenty-five or so agencies that had some jurisdiction over something or other. You know, it was just total chaos. And so clearly the Johnson Administration was trying to bring some order out of chaos and to get this into more orderly system.

G: Was there overlapping between the Community Relations Service and the Civil Rights Commission?

C: I would think so, yes. The key to it was, again, good will. That might have got exacerbated after my time, but during my time there was overlapping, but I didn't see that as being anything other than a healthy thing in a way, in that it meant that you got more attention than you would have otherwise have gotten. The problem, of course, with that is that resources were limited in both cases and that it may not have been the optimum allocation of resources to have overlapping in some places and nothing in other places. But, again, putting it into that milieu--and to this day, for that matter--it's so hard to know where you should put resources, or where it's intelligent to put resources.

To give you an example of that, the Justice Department did attempt to crack down on the county on which board I served, Fairfax

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County here, a suburb of Washington in Virginia, in arguing that we didn't have an adequate hiring program. Well, as a former EEOCer, a former civil righter, when I was on that board I fought like a tiger to put in an affirmative action program. And I got one on a vote-- nine members on that board; we won five to four in a hellacious debate over having an affirmative action program with goals and timetables. I won that one, five to four, and we were gradually implementing it. Then not long thereafter, but I guess I was already out of office by then, the Civil Rights Division of the Justice Department brings suit against Fairfax County because it isn't doing well enough. Well, it wasn't, probably, but there are 3000 counties in the United States, and if 2500 of them aren't doing a lot worse than Fairfax County, I'll eat my hat. Probably 2900 of them. So why was the Civil Rights Division of the Department of Justice bringing suit against Fairfax County? It's because it's in the suburbs and it's tidy and it's neat and the guys who will do the investigating live in the county and they don't have to travel to Albuquerque.

So there are a lot of other factors to get into the allocation of resources; that's all I'm trying to say. I found it rather remarkable, especially after I had acted at great political risk--I had maybe 2 or 3 per cent blacks in my district, and for me to have stuck my neck out to fight for that politically and then to find out my county is being sued, wow! So that's just an aside, but it's evidence that even though there was some overlap in the way issues were being addressed--this is a huge country with enormous problems with civil



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rights to this day--it didn't worry me, if that would mean that that area, at least, would get some real improvement.

G: Did the Community Relations Service have a better grass-roots network than you did in the commission?

C: To the best of my knowledge, our network was through the state commissions; theirs was much more informal. They tended to network where they could, and it was a kind of happenstance kind of networking. So in some cases it might be better and in some cases worse. I would say that in terms of steady flow of information and knowledge and awareness, we had a better system, because we had it set up and running and working and they were struggling. And I think they had less resources, even. Well, I don't know about that; neither of us had much resources. But my own self-serving statement would be that I think the Civil Rights Commission had a better networking of knowledge of what was going on in the states than the Community Relations Service. But, you see, what was their role? Their role was to put out fires. So they were just running around looking for fires to put out, and so that's different than what we were about.

G: Do you think that the Civil Rights Commission focused too much on the South and not enough on discrimination in the other parts of the country, or--

C: One could make that statement--

G: --not enough on the South?

C: --but I don't share that. I think for the time when I was there, that's where the action was, where the problem was.

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Now, another criticism that hit us during that period, and I was involved in trying to offset that some, was not focusing on the Hispanics sufficiently. And I remember our first report, that I had some hand in preparing, although others prepared it; I mostly editorialized, you know, looking over it. We had one of our earliest reports on discrimination against Hispanics. Hispanics tended to feel very upset with the commission for not having much priority, and one could argue that since, again, we were feeling our way, for reasons as you know of exactly the opposite motivation, women's rights got into the Civil Rights Act of 1964, when the congressman from that same district that I live in, Howard Smith, got <sup>IT</sup> in there as a joke.

G: Well, to kill the bill, I think that was his objective.

C: Yes, he was trying to kill the bill, but Martha Griffiths of Michigan was able to run with it, and got it carried. Well, I know when I later went to the EEOC that an awesome percentage of our workload was women's cases. On the other hand, the Civil Rights Commission of that time wasn't doing much of anything on women's issues. It was pretty much focused I would say; my mental orientation on the Civil Rights Commission for all the two years I served was on discrimination against blacks in the South, and that's how I viewed what we were doing. And we may have had an occasional doffing of the hat to some other national problems of discrimination, and as I mentioned to you, the idea of getting something done about discrimination in New Jersey or New York, whichever one it was, worrying about housing discrimination and cracking that tight noose around the central city.

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That's what we wanted to do; we wanted to crack the noose. Every central city had this tight noose around it, and we were trying to figure out a way to crack that damned noose, and so we got hell for some of the innovative ideas that we threw out, but it was better than not doing anything. And so we did some hit-or-miss-type outreach elsewhere. But if you're asking my mentality about how I thought we focused what we were doing and where we were prioritizing our work during my years, it was overwhelmingly in the South and overwhelmingly in discrimination against blacks.

And so later discrimination concerns of Hispanics--we were dabbling in the others. We dabbled in the Hispanic, we dabbled in women, we dabbled in other minority concerns, but the tension and the resources were just as I say in that time. But I think that's right. I'm not criticizing that; maybe I'm only being self-serving again, but that's how the nation viewed it. That was right for our time. My God, when you realize the horrible things that had been happening, you know what happened in Birmingham, Alabama, and Bull Connor--and now we have a black mayor [there]--my God, it is tremendous that those things have happened in those areas that needed [it]. That's where it needed the attention, but I don't say that with any effort to whitewash other areas.

I come from Boston. I was at Little Rock when I saw those discriminatory faces in 1957 around the Central High School attempting to stop those nine, Little Rock Nine, black kids from getting in that high school. I lived through that. I watched it. I saw it, and I was

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there. Then later, a long time later, in my home city of Boston when they tried to integrate South Boston's High School--I wasn't there, but I saw pictures; I saw TV--and I looked at those faces around that South Boston High School, and they were the same faces. I said, "I know those faces. I've seen those faces before."

So it's certainly not fair to say that the South was the only place that was discriminating. But that's where the crisis was. Primarily a legal crisis, in a way. Discrimination in other areas wasn't, at least, blessed by law. The South had a whole legal framework as well as the mores that were anti-black rights. And something had to be done about that. Now, the rest of the country may well have had the mores that were anti-black or anti-other minority, or whatever, but in terms of priority, it certainly seemed like to crack what was wrong with our country, we needed to crack the South first. I don't think that was a mistake, but I'm certainly happy with cracking it everywhere we can.

G: Were you involved in the planning session "To Fulfill These Rights," the White House Conference on Civil Rights in the fall of 1965?

C: I was not heavily involved in the planning, but I was a participant. I may have been somewhat involved in the planning. Who were the main players?

G: Well, Berl Bernhard was the executive director.

C: Yes.

G: And the co-chairmen were Morris Abram and William Coleman.

C: William--the man who became under secretary of transportation?

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G: Yes.

C: Well, of course I know them all. I did not interact with them personally. I think I may have presided at some session of something on it at that level, which was a pretty low level of involvement.

G: Now, why did you leave the commission?

C: The Civil Rights Commission?

G: Yes.

C: As I mentioned, Bill Taylor became executive director, and he brought Libassi. Libassi was his alter ego there, and so, as I was trying to say in as polite a way as I can, there were, at the staff level, many different forces there. I'm probably friendlier to Bill Taylor today than I was when we both worked together at the commission. I was a Howard Rogerson man, and even though I'm a Bostonian, I was viewed as being a kind of southerner, a Brooks Hays southerner, so maybe on the part of some of the really dedicated, somewhat suspect, or whatever. So when I knew Taylor was going to be director I knew the time had come for me to move to something else. It was not a matter of either one of us having less or more commitment or anything, just that there were different forces in that world and, like I say, I've always had great respect for Bill Taylor. I do to this day. Like I say, we're probably personally friendlier. But you've got to remember the timing then, too, and Lyndon Johnson's own view. He was suspect to a lot of people at that time, still. Lyndon Johnson was very suspect, and any moderate southerner was suspect.

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Before Brooks Hays lost his seat in Little Rock, a lot of northern liberals were beating on Brooks Hays to do more than he was doing, and he tried to explain to them, "Hell, this is a tough situation I'm in here." And so he lost his seat because of what he tried to do, and then when he went on "Face the Nation" to explain it, I urged him and he agreed to tell this story that he liked. And he told the story--it's like the hypochondriac who had put on his tombstone, "I told you I was sick." Northerners just really didn't understand what was happening there, and so they were beating on the handful of white, decent southerners who were trying to make for change, and expecting them to change things much more rapidly. And there's no question that Lyndon Johnson was very suspect, and you probably have a whole lot more evidence of that amassed than I could give you, and Brooks Hays, the courageous Brooks Hays who lost his seat, was still suspect. So I, even as a Bostonian, came to the Civil Rights Commission as a Brooks Hays man with southern auspices and with a southern aura, and I worked for a southern Howard Rogerson. And you know, he came with Battle, who was a conservative southern governor who was put on that commission originally by Eisenhower, I guess, to watch those liberals. And that's where he originated. So there was a lot of staff wariness.

End of Tape 1 of 1, Side 2, and Interview I

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