INTERVIEW IV

DATE: April 16, 1969

INTERVIEWEE: RAMSEY CLARK

INTERVIEWER: HARRI BAKER

PLACE: His home in Falls Church, Virginia

Tape 1 of 1

B: This is a continuation of the interview with Ramsey Clark.

Sir, last time, we carried the story up to the summer of 1966, which was another summer of urban disorders. The most dangerous, I suppose, the outbreak in Cleveland's Hough area. Is there anything in this regard that you think ought to be mentioned?

C: The federal efforts and even concern remained quite limited through 1966. We had nothing that really approached a constant alert center at the Department of Justice, and the Pentagon had nothing either. We were very much concerned about the cities in the summer of '66, primarily because of Watts the preceding August. I think both in '66 and '67 Cleveland was considered to be a most likely urban center for difficulty. The political climate in '66 was in marked contrast with that of '65. In '65 the Voting Rights Act, which of course is psychologically a much easier thing for people, was irresistible. And actually the provisions grew stronger from the time the bill was sent up to the time that it was finally passed.

In '66, President Johnson almost alone, really, had determined to send up an open housing bill. I remember discussions in December of '65 in which most of the administration leaders in the civil rights field and even many of the civil rights leaders in the movement felt open housing legislation would be unwise, because it could not be passed; it would raise expectations; and it would manifest an unwillingness of the American people to really come all the way toward equal justice.

B: Was that your opinion at that time too?

C: I was very doubtful in December of '65 that it would be wise strategy. Open housing becomes almost the closest issue to the individual. There was so much remaining to be done in areas that we had explored, but not implemented. Our experience with state and local open housing statutes and ordinances had indicated almost total ineffectiveness. There was so much obvious doubt as to motives that you questioned whether it was wise; in retrospect, I think it was clearly wise and it should have been done earlier and should have been done more forcefully.

B: Were you concerned with just the physical problems of enforcement, personnel, money, in your department?

C: Well, those are very central. We've never secured enough personnel and money to enforce earlier laws on the books, or even a fraction of enough. To put a massive new law on would have been very difficult to enforce. Even so, it seems very clear to me that it was imperative to keep the momentum of the civil rights movement going, to keep rallying points and causes for people to enlist their energies in. And while the bill was not a terribly strong bill when it went up in '66 and was whittled down to a much less significant bill before final votes, the vote was not so terribly discouraging as to make it seem impossible to hope to secure the legislation.

'67 was really probably an even more negative year. And after the really cataclysmic riots at Newark and Detroit in July, the pessimism amoung civil rights leadership generally was very great.

Coming into '68, we had several good, important pieces of civil rights legislation up. The jobs had clearly become a very important matter for central city employment as the quickest and probably the psychologically most satisfying impact, because pay checks start coming in immediately and people are involved in the daytime immediately and even though the jobs may not amount to much, something like housing is slow and cumbersome and hard to see, and other enforcement areas don't have the tangible--the immediate tangible impact. So this became a high priority to give enforcement sanctions to the Equal Employment Opportunity Commission. We had found in schools and in voting before the Voting Rights Act and practically every type of litigation involving civil rights that it is just much too feeble an instrument to effect any significant social change. The judicial process is a slow process and it's a carefully tailored process and it generally is quite limited in scope. One school district you've got thousands to deal with. One employer--one union, you've got thousands to deal with.

We also felt that the protection of federal rights from assault--we had seen so many civil rights workers murdered and otherwise assaulted, and the statutes 241 and 242, Title 18, were just hopelessly inadequate. And they imposed impossible trial burdens and the penalty is a year maximum for the one statute. And this is such an important thing to the southern Negro that this became a high priority. In December of '67 there were conferences, and in January of '68, as to whether open housing should be sent up in the civil rights legislation at the end of the '67 session. The Civil Rights Bill was on top of the calendar, and the agreement at the time of the recess was that it would be taken up immediately when Congress convened for the second session.

B: Was Mr. Johnson continuing to insist on this bill?

C: By this time his concerns and his time had shifted so far toward Vietnam that his

involvement was very, very limited. He just was not able to think very much about [it]. His interest, I'm sure, remained the same. My recollection is that he was very skeptical that anything could be done with open housing. There was some feeling that if you sent open housing up in the package it would destroy your chances of getting other legislation. Under any circumstances some of the senators, including Senator Mansfield, I'm pretty sure, had voiced pretty strong opposition to the inclusion of open housing in the belief that it would be impossible to obtain.

B: I suppose by this time--had you abandoned the idea, or had you ever considered the idea seriously of doing this by executive order through the provision that housing backed by FHA mortgages and so on?

C: Well, I think that had been explored and exhausted pretty much in '65 and '66. At that time we had expressions by the Department of Justice and others that this was probably not legal. In addition, President Johnson had shown very clear opposition as a matter of political science or governmental theory to effecting broad policy changes in legal enforcement through executive order. Unquestionably, a sound position if we're to be a government in which the laws are enacted by a legislative branch and enforced by an executive branch. But we continued to study these. President Kennedy's executive order had been quite limited, and at the time, I think, it was felt that you could extend it. But that was pretty much held in reserve.

B: Plus I suppose if you were faced with the problem of enforcing this, it would be awfully nice to have Congress' moral power, at least, behind you.

C: There it would be very important, but there at least as distinguished from generally private housing, you would have economic sanction of federal money because your enforcement power would extend to the same areas that your financial powers were involved--your financial resources were involved. One of the real concerns, and a very strong argument was made by many people in the housing world, was that this would create distortions in the market; that you would find patterns of utilization of federally supported housing programs would shift because of it, and that you wouldn't get desegregation. Certainly, it would have made the legislation more difficult.

Anyway, I think the basic policies we came into '68 with for the administration was my responsibility. I was to keep all options open and to go forward slowly. We of course desperately wanted open housing legislation if we could get it. And we had Senator Mondale, particularly, and Senator Hart and one or two others who were anxious to try whether we could get it or not. We got--. As the legislative battle formed, the fight was coming up on the Senate first. This had been pretty much determined in 1966 when the House felt "done-in" by the fact that they had put their postion on the table and then the Senate had failed to come forward and act and break the cloture. As a result, the House had been saying ever since then that it wasn't going to go first the next time. It would be

up to the Senate.

There was very substantial Republican support for the open housing legislation. Senator Brooke, Senator Percy, Senator Javits, worked very hard without any reservations, and were major factors. While people still think in terms of Dr. King's assassination as having made the passage of open housing possible, the fact is that the filibuster was broken in the Senate, and a vote taken, and, you know, better than three-fourths of the Senators voted for a good open housing bill before Dr. King was killed. Now the House had always seemed an easier place, even though it has tended to become more conservative on civil rights issues, primarily because it seemed like there was a majority there and you didn't need two-thirds to break a cloture. After Dr. King's assassination it was only a matter of weeks before an open housing bill, in fact a comprehensive civil rights act with three or four major titles, became law.

B: But you believe the House would have gone along too even if it had not been for Dr. King's assassination?

C: I would be quite sure of it. We felt the real hurdle was the cloture in the Senate. That had been the hurdle even in '66. We'd already made it in the House, really with a weak bill and by a squeaky margin. And we had what seemed to be a majority in the Senate, a close one, in '66, but there's no reason to think that it wouldn't have come through; you know, quite strongly in the House. Maybe not with this strong a bill because the bill was actually strengthened some, but on the other hand, the major requests for funds to enforce the law were slashed to the bone. My recollection is that for the fiscal year beginning July 1, 1968, HUD was requesting fifteen million dollars which is a pretty modest sum even to begin enforcing the open housing provisions, and it came up with less than two million dollars, which I think, is a fraction of what would be needed to enforce the law.

B: Meanwhile, is there anything that stands out in your mind about the urban disorders themselves in '66 and '67, Hough, Newark, Detroit.

C: There was growing and increasing unrest and tension. My general view is that chance played a major role in where a riot happened to occur. The fact is that there was the potential in scores of places. There was a highly inflammable environment, and all that was needed was a spark, the right type of spark which involved chance, to set it off. I would say that many riots were prevented by wise action and cool heads. The riots tended, up until the riots that followed the assassination of Dr. King, to arise from a police incident that could have been avoided by effective police training and control.

Up until the Detroit riots--now at Newark, while we were in constant communication with--I was--with Governor Hughes particularly, and with some of his people, and while we had observers active all the time, we never came very close to a request for federal troops there.

On the other hand, at Detroit I was first called a little after midnight the Sunday night that the riot got out of control. And Mayor Cavanagh called and he said Governor Romney was with him, and they just wanted to establish communications because they didn't know whether they might have to call troops. Then beginning about 2:15 that morning, we began a series of conversations that resulted in the dispatch of federal troops. Actually, my recollection is, but I have quite definitive notes on it, is that at the time of the call at 2:15 I immediately called the Pentagon, really Stanley Resor, the secretary of the army, and asked him to put four thousand soldiers on, not a two-hour standby, but a ready alert.

B: Was this in connection with the previously worked out contingency plan?

C: Yes, we had plans and we had notified the governors and given them written materials on the history and the method and the legal requirements of seeking federal troops.

B: Had this yet been formalized in the Pentagon's Directorate of Civil Disturbances?

C: Well, it had been formalized certainly. It had not been really refined nor was it a substantial operation or concern really, even in the summer of '67. But there were patterns of troop readiness, and there were plans worked out for various cities as to where troops were to be called from, and combinations of contingencies. There had been a reluctance by governors to call for federal troops. During Watts there was a long struggle. Of course, Governor Brown was out of the state--out of the country; he was in Greece. There was some feeling basically, I think, that indicated a state impotence or inability to handle its own affairs. Then that was broken with Detroit. And after Detroit it became clear that generally governors would ask for federal troops very quickly, whether they needed them or not, perhaps on the theory that it's better to be safe than sorry. The meaning of that in my judgment is terribly significant. The fact is that troops are not trained for the quick sensitive response that is essential to civilian disturbance control. You've got to be able to move very quickly, and you've got to be able to move with a tailored force that is adequate to accomplish its mission but not so big that it itself becomes an issue or a drawback. We'd seen a National Guard at Newark become an actual provocation by its mere presence, because the Army basically is used to moving slowly and massively and from advantage. So it waits and works for advantage and then moves massively, and that's just not nearly adequate.

But second, they're so remote physically. With rare exceptions, it would take many hours to get them any place and the only way you'd ever have them--. A riot gets out of control and great damage is done in a very few hours. And the worst part is usually right at the beginning. If you have to wait six or twelve--twenty-four hours for troops, as a result, the fact is that troops were never located in direct contact and control activity with mobs or rioters before a riot was over until the riots in Washington, D.C. following Dr. King's death.

B: Did you ever also worry about the question of maintaining civilian control if the military were used extensively?

C: Well, I think it's a very great question, a very great concern. But the military is used to operating in a war environment, and they're used to a strict military discipline. They tend to have very little patience with civilian personnel, or really civil amenities. They deal in force and fire power. And while their discipline has been quite good in riot control, that is, they haven't been shooting a lot of people, their insensitivity to civilian consideration has been quite manifest. In all of our operations with them, our people on the scene felt a great difficulty communicating effectively and maintaining minimum standards of civilian right.

Then, in terms of resources, they overwhelm you. They spend more on their center at the Pentagon for civil disturbances than the Department of Justice is able to regiment for its entire civil rights, community relations, civil disturbance activity.

B: That's this new semi-war room kind of thing that they have at the Pentagon?

C: Yes. They're actually building new facilities but they've shared in old facilities there, and they've spent a lot of money on it heretofore. They're able to man it all the time while the Department of Justice, you know, has strains and has to draw on other very thin reserves to even man a place.

B: Was there any politics in the sending of troops into the Detroit riot?

C: No, I don't think so. The troops were ready to go. My recollection right now is that they were ready to move about 6:30 a.m. that Monday morning. I had told Governor Romney that it would take them quite a few hours to get into position, and that they would not be ready to go before 6:30 anyway, but that he would have to give the signal before we could move. And he would have to request troops. There was a delay occasioned in large part by his making a survey with the commanding National Guard General and being quite uncertain what he wanted to do. He started calling back about 8:30. I had gone down to the office and gotten there about--I'd say about three o'clock in the morning. About 8:30 he started calling back and indicating that he would probably request troops. I told him that they could come at any time that the decision was made here; that it was the President's decision.

Actually, we were in the Cabinet Room with the President and Secretary McNamara when we received word from Governor Romney that he wanted troops. And troops had actually been boarding planes for thirty-five to forty minutes before that. The executive order was not signed at that time though. This has created some question as to intent. It seemed quite sound to me, and I would certainly urge it in any other case--when troops are boarding planes at Fort Campbell, Kentucky and Fort Bragg, North Carolina,

LBJ Presidential Library
http://www.lbjlibrary.org
ORAL HISTORY TRANSCRIPT
Lyndon B. Johnson Library Oral Histories [NAID 24617781]
More on LBJ Library oral histories:
http://discoverlbj.org/exhibits/show/loh/oh

they are a long way from the streets of Detroit, for the federal government to endeavor to assume authority at that time is absurd. It has no capability to exercise authority. It's going to take them a long time to get there, and to assume command of, you know, in a legal sense, authority for the safety of persons and property when you don't have anybody present, is a serious mistake. In addition to that, when the time comes that you can really assume authority because you've got troops there, you may not need to. So you will have in effect done a harmful thing that was not necessary.

As a result, the troops were moved. They were flown into Selfridge Air Force Base, I think it was Selfridge. That took many hours. Long before they were prepared to move into the city of Detroit, Cyrus Vance as a special representative of the President with a task force in the Department of Justice including Warren Christopher, the deputy attorney general, had flown to Detroit, reconnoitered through the city and as late as about eight o'clock that evening, we were all back over at the White House with the President and Secretary McNamara and a whole bunch of us. Cy Vance had called in and said that the troops were now in very substantial numbers at Selfridge Air Force Base, and some were being pre-positioned in a park, as I recall. It was either a park or a public school ground in the city of Detroit within eight or ten blocks of the riot area.

At this time Vance reported that he did not recommend the commitment of federal troops. The fact is the federal troops could not have been committed before that time and in fact could not be committed at that time simply because they weren't there. They couldn't have been there earlier with the present techniques of transporting troops from where they were to where they had to be. So within an hour, he had said that he now then thought that troops were needed, and the President signed the executive order. It was probably about ten o'clock, 10:08 or something like that that night. In fact it was three or four hours after that before the troops were on the streets in a riot control capability, and the riot was over. The riot was really over long before they were in such position. Some might say that the word that the soldiers were coming had a deterrent effect, but I doubt it. I think there must be better ways of deterring riots than telling people soldiers are coming. But the main cause for the delay is the simple fact that it takes a long, long time to move soldiers. I have never been involved in one of these episodes that it didn't take many, many hours.

When James Meredith was taken onto the campus at Ole Miss, I was in charge of the office at the District of Columbia. We had taken a large number of airborne troops to Memphis. They were on the south side of Memphis just eighty miles from Oxford, Mississippi. More than being alerted, they had no other mission than to be ready to move to Oxford. When the marshals and the guards--the prison guards and border patrolmen, who were escorting Meredith onto the campus got into trouble late Sunday afternoon, September 30, '62, we called for troops that were just waiting, had no other purpose, and it took them eight hours to get there.

Now these troops from, I think it was Fort Campbell, Kentucky, and Fort Bragg, North Carolina, really it took them about twenty-four hours from the time that I first called Stanley Resor and said, "Put them on full alert," which was about 2:30 Monday morning until they were really in street deployment. The first four, five, six hours were spent getting the troops ready at the bases where they were stationed. This involves getting men out of bed, getting their equipment all ready, getting in buses, taking them to the air base, loading them onto planes that are being fueled and serviced and ready to fly, getting the planes ready to take off. Then the planes have to fly, and the planes have to land, and then you don't get all the soldiers in the air at one time; you've got a ferrying proposition. You've got planes turning around and coming back and turning around and coming back. When you get them to your new place, you're generally twenty, thirty, forty miles, because you're coming into a big air field, usually an air base from the place where the riot is. You've got to get them off the airplanes; you've got to get them into buses or trucks; then they've got to drive to some pre-positioning center where they can get organized, get some instructions, get their command set up, get their communications set up, and start moving. And it's a slow process.

One of the major difficulties with the appearance of the handling at Detroit was the fact that the press was constantly at the side of Governor Romney and Mayor Cavanagh. And just on the ticker, I noticed three or four times during the morning that he would say he may ask for troops, he had asked for troops, he was considering asking for troops, but none of this came over the phone. It just came over the ticker, because there were different newspapermen all around there and they were saying different things. The fact is, and one of the saddest facts, that when our people arrived--Cy Vance and John Doar, Warren Christopher and others, Governor Romney and Mayor Cavanagh and the General and the Chief of Police were sitting there waiting for them to come. They had not committed all the National Guard, and they seemed to feel that somebody else had to take care of this situation. Well, the country can't stand that. Local authority and state authority has got to move to take care of this situation or we're just going to have garrison cities and federal police. And I don't think we'd last very long with either.

B: One of the aftermaths of the Detroit riot was the Kerner Commission Report, and there was a good deal of talk at the time particularly about Mr. Johnson's reaction to the report, which was generally pretty cool. Did you discuss the report with him?

C: I have always been very skeptical about commissions, but I must say that I think both our Crime Commission, which the Department of Justice basically opposed, and the Kerner Commission rendered invaluable service. The composition of the Kerner Commission, which was criticized at the time, was, you know really well thought out I think, and outstanding people. Parts of the theory are reflected in what I was just saying--you've got to have city awareness, city responsiveness, and city capability. You've got to have the same thing with states.

As a result, we looked around and both Governor Kerner and Mayor Lindsay were my recommendations, my rather ardent recommendations. And they were based on my experience over a period of some little time dealing with different mayors and governors, and I found these two to be the best. Kerner himself had been a military aide to Westmoreland--General Westmoreland--during World War II. He had later been adjutant general of the National Guard in the State of Illinois, and he had held rank of at least major general. He had initiated, as far as I know, the first courses for national guardsmen in riot control when he was in command of the Illinois National Guard in the early 1950's. Chicago had had some disturbances in 1949, '50,'51, and he had provided generally sound leadership. In 1965 he had, I think, probably deterred a very high riot potential on one or two occasions, and again in '66 by effective early call of national guardsmen and pre-positioning. And we hadn't seen this in many places. Mayor Lindsay had just done a magnificent job in New York City under the most difficult of circumstances, and his appointment was very controversial from the beginning because he's a political figure, and he's a Republican, and I think he was resented from many places from the very inception as, you know, building a career of someone that the Democratic Administration should not build. Other representation on the commission was very strong good leadership from Congress, Chief of Police--one of the most enlightened one in the country--Herbert Jenkins from Atlanta. Nearly all of these had been people that we had recommended. We got this thing up in less than forty-eight hours.

The commission had an impossible assignment when you think about it, try to study the causes of riots and very effective prevention and control, because it's just as big as all out-of-doors. Their performance was just incredibly good. I think the diligence with which they worked exceeded anything that I had seen. They were a group of very concerned people that learned and grew with this experience. A good many of them came too without a great deal of background. A fellow like Fred Harris, senator from Oklahoma, just hadn't had occasion in his life to see much of this, but he plunged in and I think it's affected his whole attitude in the sense of priorities toward domestic concerns of this country.

The report was enlightened and forceful beyond any expectation I had, because this wasn't politically good. It hit at a time, that is, the report came to the President at a time that it was scheduled for public presentment, at a time that the financial burdens of the federal government were the most difficult that they had been at any time or were later during President Johnson's Administration. He had been unable though he had sought to get a tax bill; inflation was a problem; the burdens of Vietnam were at their height. There seemed to be a real risk that cutbacks would have to be made in domestic programs that had been labors of love for him in things that meant more to him in terms of hope, fields of education and poverty and things like that, than anything he had been able to do. And here this report came and said, "But we've got to do many, many times more than what we're doing. We've got to spend billions." Actually, there were some figures in the report earlier. There were some estimates of what would be needed in the way of resources, and

where it would be needed to be spent. And because of his very strong feelings, these were thinned out, but the general tone remained the same.

B: Mr. Johnson saw a preliminary report before the--

C: I'm not sure that he saw an actual draft of it, but certainly he was made aware generally of its contents. These commissions don't work in a vacuum; the major part of their staff support is the Department of Justice and other federal agencies. And I don't believe there has been one where there hasn't been--there'd have to be under any circumstances a very substantial input from the federal agencies and their guiding and helping shape. I think the commissions tend to be independent, certainly they should; they shouldn't exist if they're not independent in their judgment, but that independence doesn't include an isolation from the experience and resources that they have to have to make a good judgment. So there were exchanges; we certainly saw drafts as they progressed and even the plans. We worked with them constantly on the plans of where to investigate; what to look at; what to judge; what special contracts to put out for research, and special reports and things. So he was familiar through Department of Justice communications, and I think even from White House staff members who were familiar. My recollection is that both Joe Califano and Harry McPherson stayed in fairly close contact with the commission staff and commission members, not all of the members but some of the members.

So the President was cool, and unfortunately cool, I think. It may have been impossible for him to greet the report any other way, but I think he had to make a basic judgment. And that was whether the country could benefit, or whether it might be divided if on the one hand he said, "We have to do all of these things for the cities. We've got to spend tens of billions of dollars; we've got deeply imbedded racism that we've got to root out, and it's going to cost billions in housing and health services and education and employment, and all these things." On the one hand, and on the other said, "But inflation is a great peril; we've got to have a tax bill, and I can't get a tax bill. We've got to cut back expenditures some place, and the war in Vietnam is continuing to escalate." So, I think his basic judgment was that he couldn't join in the strong statements that there were these urgent domestic needs that required such vast expenditures. I think he should have, and I thought at the time he should have. I think that these are very real facts of life, and I think we have to face up to them.

B: Was he also irritated by the white racism concept?

C: I don't think so. A lot of people have indicated that they thought that was it. I never saw any evidence of that at all. I never saw any evidence of it. You know, men are caught by their experience and he remembers the Depression. And the tax bill and his inability to secure its enactment really plagued him. He just couldn't stand the thought of a Depression. Heaven knows, the country couldn't stand a Depression. This seemed a real risk to him. His economic advisers would tell him this. You know, I was fairly close to

him through all considerations on the Kerner Commission Report, and I just think that he felt that it would be impossible for him to speak in terms of spending these billions when he couldn't ask the country to do it for fear of the economic consequences. And then it was all caught up in Vietnam. Vietnam wasn't a popular war, even at this time. The public wasn't quite aware how unpopular it was. I think it was much more unpopular then than it appeared to be, because the protest hadn't been as outspoken yet. It had been plenty outspoken, but, you know, it wasn't like it became in later months. But certainly the President could feel this, and the costs of commitment of manpower and resources there was continuing to rise, and he was just caught in between.

B: Then comes Dr. King's assassination. You went to Memphis immediately after the assassination, didn't you?

C: Yes, I went that evening. We were holding a staff meeting on that Thursday--I think it was April 4, '68. And I got a call in the conference room that Dr. King had been shot. Actually, one of the Community Relations Service men had been within ten or twenty feet, Jim Lave, and he called within five minutes. The original report that I got was from the FBI, and the indication was that he was alive and as far as anyone could tell, would probably survive. The impression was that it had smashed his jaw, but not done perhaps any brain damage. Jim Lave called within a few minutes and said that he was, he thought, dead.

B: You know, you said earlier that you had long feared that someone would take a shot at Dr. King. Had you ever given any thought to providing protection for him, or can you legally?

C: I had been terribly concerned about it during the Selma-Montgomery march and at other times. I don't know of any way in an open society where private citizens can be afforded constant physical protection against a general fear as distinguished from a specific threat to their safety. We'd have to have an awfully big Secret Service complement to handle it, because there are a lot of people that would be potential victims. Anyway, there is no authority for it. There never has been anything even close to authority for it. It couldn't be done. Actually, during Selma-Montgomery we were able to provide some very close protection, simply by having deputy marshals and others who were involved in the execution of the court order close to a leader who was prominently involved. So, they would, you know, they were all around during the march and stayed all around him, because this was not only authorized, it would be an essential--it would be a strategic point in the enforcement of the order if you feared interruption and violence, and certainly we did. We had, you know, soldiers ringing the camp at night and they were in Lowndes County and things like that. I think people like Dr. King come to believe that they have to take their chances anyway; that their relationships with the public, their contact with thousands of people was an essential part of their mission. And the idea that you can provide much more than a deterrent by having people around is hard to visualize, because,

it's just hard to give much protection to people who are moving around in public areas a whole lot.

B: Had you known Dr. King well?

C: Well, I'd had, you know, a good many contacts with him. I don't guess I could say I knew him well in the sense that we were never together socially except on the briefest of fairly formal occasions. And we had contact personally and over the phone many times. The first time that I met him where we visited for any length of time was in the White House when he came to see President Johnson in December of 1964. I visited with him some; I had met him before and seen him before a good many times, but always more from a distance when other people who had a greater need to communicate with him were around. After that, we were in communication from time to time about a broad variety of things. He would frequently complain about things that we had done or not done and on the other hand, he would frequently ask us for help--I say frequently, I don't mean every week or even every month, but from time to time.

B: You know, for a time there, at least as it appeared in the public press, it looked like J. Edgar Hoover almost had a vendetta going against Dr. King.

C: I think there's something to that. I think it's somthing of very great concern. Dr. King had really incurred some very ill feeling from Mr. Hoover. They had had that episode when he had visited him in the Department of Justice. And there were months and months, even several years, when you couldn't talk very long with Mr. Hoover without him bitterly criticizing Dr. King as being an immoral person, a bad person. Then there was this episode that was in the press so frequently about the bugs and wiretaps on Dr. King, which, you know, has to be inexcusable, unlawful and unforgivable from any standpoint.

B: Were there such things, and was there a tape of alleged sexual activities among Dr. King and some of his group?

C: Well, I don't know. My guess is that there was. I never heard it and never saw it, and I was told that it did not exist when I became attorney general and asked about it. On the other hand, I saw papers that indicated microphones had been installed in hotels where Dr. King was staying in rooms where he would be on several occasions. And perhaps, and this was in 1965 . . . Earlier than that, there had been, as far as I could tell, perhaps telephone wiretaps on Southern Christian Leadership Conference offices in several places. This was all pretty remote chronologically from the time that I became attorney general and it was more than a year after the President's order of June 30, 1965, prohibiting any wiretaps or bugging outside the national security area. This had been a very traumatic experience for the Bureau, and it just kind of turned off conversations about what had happened before that, and certainly turned off any practice.

B: It did turn off the practice?

C: It turned off the practice, although there were requests--there were a good many requests from the FBI to me for authority to wiretap or bug people that worked in this area, including Dr. King.

B: But you never granted any--

C: I never granted any. My recollection is that there was a request as late as April 2, 1968. I never granted any, and, well, I would be very confident that there was no wiretapping or bugging of Dr. King from late 1965 until his death, by the FBI, because they would not wiretap without approval, and they would not bug with the specific disapproval. The reason they wouldn't wiretap without approval is it would be a violation of the federal law, and they would be afraid they would be prosecuted. The reason they wouldn't bug is because in the years before June 31, '65, there had been no specific prohibition so there was a vagueness and argument as to whether something was authorized or not. After June 30, there could be no question about authorization, and I don't think they would take the chance.

B: You said you heard of the shooting of Dr. King at a staff meeting that afternoon?

C: Yes, it was about seven o'clock. And as I recall, it was nearly an hour before word came that he died. We had word even before he died perhaps that there was great unrest through the city of Washington in many places. There were crowds forming on Fourteenth Street, Seventh Street, Anacostia and half a dozen other places. This presented police problems unlike those of any time that we had experienced. Heretofore, it had always been one place at one time where an incident had occurred, and usually the police were there at the time the incident occurred and part of the incident. This one, though, they just started coming out of the houses. I sat in the department there and worked. We immediately went into operation on an intelligence gathering and alerting, preparation basis for any disturbances. There were many little details like the Vice President was speaking that night, and we had to get word out to him what had happened, and that's just an illustration of a dozen things like that. By the early morning hours, I had decided that I should go down to Memphis.

B: Was this to show the federal presence?

C: It had a variety of purposes. I think the main purpose was to demonstrate our commitment and to be sure that we were doing everything that could possibly be done to apprehend the assassin. Actually, I stayed here all through the night because things were pretty restless and left, I'd say, about five o'clock in the morning. I took the third-ranking official from the FBI with me and Roger Wilkins, as I recall, and Cliff Alexander, I believe, from the White House staff at that time, and a few others. And we proceeded to

Memphis, had fairly lengthy conferences with the local FBI staff, with the Chief of Police, who is a former special agent in charge of the FBI there, with people who were gathering all of the evidence information we had. Had a press conference that morning; there was of course just immense national concern. The statement I made, the critical part, had been typed out for me at my request by the assistant to the director, Cartha DeLoach, who was the third-ranking official in the FBI, because it was an investigative matter and I wanted to say the facts in language that would be consistent with the investigative status of the case and also not undercut it in any way.

At that time we felt that the man would be apprehended in less than twenty-four hours. In fact, I won a bottle of sherry, as I recall, from Mr. DeLoach in a wager that we made on whether he would be caught in twenty-four hours. I did not think we would catch him in twenty-four hours, and he thought we would. I won another bottle later on whether we'd catch him in a week. I'd rather have lost both of those, but anyway at that particular time, that Friday, we thought we would have him very soon. And Sunday, we still thought we'd have him very soon. I remember when we were flying back Friday night, probably April 5, thinking perhaps when we got on the ground, we'd find we'd caught him. It kind of reminded me of the . . . We were airborne when Mrs. Liuzzo was murdered, or at least when we got word, flying back from Montgomery, Alabama, to Washington, D.C. I thought perhaps we'd get some good word, you know, similar tragic subject.

The FBI, I think, realized how much was at stake in this investigation. And in my opinion they did everything that could possibly have been done to locate the killer. I think it was their number one priority for a long time, and I doubt that they ever put so much manpower into a single investigation. They had agents in every city in the United States that just on routine inquiries, areas of town where Ray had been known to--I mean, towns where we never knew him to be, but the type of, the part of town where he would tend to hang out. They'd take pictures and other identification that was quickly accumulated. Because there was just such a very substantial body of evidence right from the beginning, you know. There were good strong fingerprints, handprints, and personal identification by people who had seen him twice when he bought the gun, when he bought the binoculars, when he checked in at the Rebel Motel, when he checked in at the little place, the little flophouse from which he fired. So there was just a tremendous amount of evidence, more than you get in the average case. But as chance would have it, he got away and even got out of the country, and the trail would grow hot and cold from time to time. Then I had a fear all through May that he was dead. There was a lot of speculation in the press that he was dead. I remember on several occasions a body would be located. One was dug up in the sand at Puerta Vallarta, and we had to send a man down to try to get fingerprints and dental identification and other things. And they'd have to pump up the fingers so they could get a print; it turned out not to be Ray, of course. Same thing up in Pennsylvania, while we'd wait six or eight hours kind of anxious to hear. There became speculation in the press that he was dead because it was a conspiracy; the conspirators had killed him

because he had been identified and they didn't want to be identified by him.

Actually, the trail picked up from Canada because he had been known to have been up in Canada. In addition, it was known that that was a good place to get passports. He was identified as having gotten a passport up there, and then his movements were followed through airlines and other ways. And the word of his capture was made public during the ceremony in St. Patrick's Cathedral on the Saturday that Bob Kennedy was buried. I was in the church, and when I came out somebody gave me word that I should call Washington immediately, and the word I got when I called Washington was that Ray had been arrested in London. I had known for about two days that we thought we were close, but it was one of those very nerve-racking things where he could get on a plane and be a long ways off real quick. We were afraid of Africa and other places. Lisbon was a place that he had been looked for pretty closely. I was kind of surprised he was back up in London when I finally got the word.

B: Did you, to your satisfaction, remove any question of a conspiracy?

C: Oh, I don't think all question of a conspiracy has been removed. The circumstances give rise to greater doubt than the circumstances surrounding President Kennedy's death, or Bob Kennedy's death. On the other hand, I watched all of the evidence for a long time. I mean, I'd go by the laboratory and I'd look at the physical evidence. I'd just spend hours and hours on it. I'd read all the reports, and it was a, you know, quite consuming interest. All of the circumstances, as I see them, tend much more strongly toward his acting alone than in conspiracy. It's not impossible that someone helped him. I think you can be pretty sure that it wasn't anyone of great power or wealth, because they could have either gotten rid of him or gotten him out of the reach of the United States. He was hopelessly floundering, he was broke, he was having to make small robberies in England, he had no money left, he couldn't make communication and contact to find a way to get to Rhodesia or other places. And it wouldn't have taken much help to get him beyond the reach of--to get him to a country that doesn't have an extradition treaty where we couldn't get hold of him.

So, you know, I think motives can be seen pretty clearly. The way he got away seems incredible, but it would be incredible if people helped him too that we hadn't picked it up. From everything you see about his life, he's a loner. He's a real loner, always has been a loner. Therefore, I'd say, that while any new evidence should be thoroughly investigated and while we should remain skeptical, that the overwhelming preponderance of the evidence today is that he acted alone. When I say today, known to me today.

B: I was going to say--let me put in here for the benefit of anyone using this in the future, that as of now, Ray's first trial has been completed with his sentencing, but without his testimony and he is now, I believe preparing an appeal.

Did you have any part to play in the disturbances in Washington and elsewhere after King's assassination?

C: Yes. While I was in Memphis on that Friday, I talked with Washington a good many times and late in the afternoon before we turned around to come back--I had also met with the family down there, Mrs. King and the Southern Christian Leadership Conference people--. About four o'clock in the afternoon down there, it would be five o'clock up here, I had had one conversation in which the indication had been we should bring troops in. I got back up here fairly late Friday evening, I'd say it was nine o'clock. When we flew in, I asked the pilot to circle the city, which he did fairly low two or three times, and it was one of the saddest sights you'll ever see. There were substantial fires in four or five widely scattered areas, and smoke miles to the south of Washington. The blazes were at their height probably at that time or within a few hours after that. The rumors that we had heard in the meantime from our own sources and others were just incredible about all downtown destroyed, things like that. Of course, it was bad enough, but it wasn't that bad.

So I was back on the ground and back in the office probably by ten o'clock that night and I don't believe I went home for seventy-two hours probably, I was at the office all the time. The first time I left was to--I went out and surveyed Fourteenth Street and Seventh Street on Saturday morning. I don't believe that we went to bed Friday night. I spent Saturday night there and slept three or four hours and went out to be on "Meet the Press" Sunday; and I don't think I got home until Tuesday, working, you know, not only on Washington but on the commitment of troops to Chicago which came Sunday, and Baltimore which came Sunday afternoon, and half a dozen other places that didn't get the headlines. Pittsburgh was a place of great concern, and I must say that there Governor Shafer and Mayor Lawrence evidenced really great restraint. As best I can tell, there was substantially greater justification for a commitment of troops to Pittsburgh than to Baltimore or Chicago. While in the other two places there were insistent demands immediately for troops when they weren't really needed, particularly Baltimore. Neither the Commanding General of the National Guard nor the Army General who had been sent over as advance command potential recommended that troops go, but troops went. Pittsburgh, as an illustration, had more violence and a greater threat by far from all that we could see, did not ask for troops. Had it asked for troops as I had told them, it would have taken twenty-four hours to get troops there.

B: Were you in regular touch with Mr. Johnson during that weekend?

C: Yes.

B: Was he occupied pretty much fulltime with all of this?

C: I'd say by far the greater part of his waking hours were concerned with the combinations

of call for troops and domestic violence that was going on--the riots, Dr. King's death, and what to do about that. What could be done in terms of investigation, in terms of, you know, leadership.

B: One thing that comes up in this whole general area--it came up a good deal that summer and on into the presidential campaign--you got a good deal of criticism for not prosecuting, say Stokley Carmichael, or Rap Brown, under the laws about crossing the state lines to foment riots. What was your reasoning in that area?

C: My judgment is that you can't prosecute individuals just because the public wants you to. You have to have evidence and laws that would warrant prosecution, and we never had evidence that would support the prosecution under an interpretation of the law that was constitutionally valid. It would have been the easiest thing in the world for me and a very comfortable thing to prosecute Stokeley Carmichael, but we didn't have the evidence. I reviewed, you know, a good many files where the investigative agencies had brought forth materials that warranted review, but we never found it.

Actually, Rap Brown was prosecuted, and under a fairly peculiar and a somewhat technical statute. I think there was a clear violation. The penalty was unjust; he was given five years. What he did was he traveled in interstate commerce across state lines with a gun in his possession, when he knew, or at least the evidence showed he knew, he was under a felony indictment in the State of Maryland as a result of the riots at Cambridge. We found out about it about three o'clock Friday afternoon. He had flown back from Louisiana that night. We had to get investigations going simultaneously in Atlanta, Georgia; Baton Rouge, Louisiana; New Orleans, New York City, and Los Angeles. And by two a.m. that next Saturday morning, less than twelve hours, we had enough evidence to convince me that there was probable cause to think he violated this law. And he was arrested, and has since been tried and convicted. The case is on appeal. He was given five years for it. It's a rarely used statute, although it's a reasonable statute, although I think five years is pretty extreme.

I've got a lunch with the Community Relation Service, so I'm going to have to cut off. Is there one thing we need to wind up here?

B: I was just going to ask you if you had ever received any kind of pressure or criticism or encouragement from Mr. Johnson in this area we were just talking about. It would have been comfortable for his administration too.

C: It certainly would have, yes. I think he wondered, as most laymen in the country did, whether there wasn't a conspiracy among people and whether violence wasn't being fomented, and whether Carmichael and others weren't violating the law. He admonished me on a good many occasions to, you know, really be very aggressive and study the thing, but he certainly never urged me to bring a case that I didn't think was right.

We had the same thing with the Adam Clayton Powell case. We had letters signed by over a hundred congressmen urging prosecution, but, you know, you just can't prosecute because somebody wants to. You've got to have a case.

B: Thank you, sir.

[End of Tape 1 of 1 of Interview IV]

GENERAL SERVICES ADMINISTRATION

NATIONAL ARCHIVES AND RECORDS SERVICE

LYNDON BAINES JOHNSON LIBRARY

Legal Agreement pertaining to the Oral History Interviews of Ramsey Clark

In accordance with the provisions of Chapter 21 of Title 44, Unites States Code and subject to the terms and conditions hereinafter set forth, I, Ramsey Clark of New York, New York do hereby give, donate and convey to the United States of America all my rights, title and interest in the tape recordings and transcripts of the personal interviews conducted on October 30, 1968 and February 11, 1969 in Washington, D. C. and on March 21, April 16 and June 3, 1969 in Falls Church, Virginia, and prepared for deposit in the Lyndon Baines Johnson Library.

This assignment is subject to the following terms and conditions:

(1) The transcripts shall be available for use by researchers as soon as they have been deposited in the Lyndon Baines Johnson Library.

(2) The tape recordings shall be available to those researchers who have access to the transcripts.

(3) I hereby assign to the United States Government all copyright I may have in the interview transcripts and tapes.

(4) Copies of the transcripts and the tape recordings may be provided by the Library to researchers upon request.

(5) Copies of the transcripts and tape recordings may be deposited in or loaned to institutions other than the Lyndon Baines Johnson Library.

Signed by Ramsey Clark on September 11, 1978

Accepted by James E. O'Neill, Acting Archivist of the United States on October 4, 1978

Original Deed of Gift on File at the Lyndon B. Johnson Library, 2313 Red River, Austin, TX 78705

ACCESSION NUMBER 79-36