INTERVIEW III

DATE: September 19, 1988

INTERVIEWEE: DAVID GINSBURG

INTERVIEWER: Michael L. Gillette

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

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MG: Mr. Ginsburg, let's start today with the formation of the Kerner Commission [National Advisory Commission on Civil Disorders]. Did you have any indication before the Commission was named that you were going to be designated the executive director?

DG: None whatsoever. I was on the West Coast with my wife and children. We were on vacation. It was toward the end of July. At the moment we were in Seattle. We had just come back to the hotel from a visit to, I think they called it the Needle, or something arising out of one of the shows on the World Fair on the West Coast.

There was a call from the White House. I returned the call, and Abe Fortas got on the wire. I had known Abe for many years, and knew, of course, that he was much involved with the Johnson Administration and very closely involved with the President. He then described what had happened: the riots in the eastern cities, the fact that the President was going to appoint a commission. He identified some of the members of the commission for me and asked whether I would undertake to become the executive director.

I took a few minutes off and discussed the matter with my wife, and then called him back, said yes, that I would. I thought the issue was important, but also told him I did not wish to be compensated by the government, that I wanted to work on my own time, in my own way, and at my own cost. This was all acceptable, and he then asked that I come back to Washington just as quickly as I could get there.

We were then, as I say, in Seattle. We drove down to Portland, simply because transportation back was faster that way and I could get my family closer to where I think they were going. We were all going on a rafting trip down the Salmon River or something of that sort. I got on the plane to fly throughout the night, and it happened that Wayne Morse was there, on the plane. I sat with Wayne and we talked through most of the night about these problems and related problems having to do with the economic stabilization program during World War II, when he and I had met and we had done some work together.

Then as soon as I came in, I washed up and went to the White House. The President knew that I was coming, received me quickly, and explained what he was doing. He gave me a copy of the executive order and I thought that it needed to be supplemented in various ways, particularly in terms of the ability to get from others, within the government, information. Basically it meant that we wanted to work very closely with the FBI, with the CIA, perhaps the Defense Intelligence Agency, so that the intelligence agencies of the government would be available to us to provide information as we needed it.

MG: Did he feel that there had been perhaps some conspiracy in the disorders?

DG: Well, as he expressed it to me, he didn't feel that, he was certain of it.

MG: Tell me exactly what he said.

DG: I remember the scene: he was seated at the large desk back in the Oval Office, and I was seated to his side. He then said that it was not possible, in his view, for there to have been so many outbreaks in so many cities simultaneously unless someone had pressed the button, unless someone had made a decision that this was to go. I said it seemed odd, but I pointed out that things like radio and television changed the world from where it had been and it was quite possible that conditions in cities were comparable, and with information and communication so readily available to everyone that one also had to consider the possibility that it was not manufactured and not a single man's or single group's decision. He expressed doubt about that. I then remember referring that, "Mr. President, you were, after all, in the Kennedy entourage, and you saw it." I remember he didn't answer, but I was saying to him that I can understand that there were problems; I can understand why you felt as you do. But I thought, as a lawyer, coming cold into a situation, that before arriving at any decisions, you'd better investigate and determine the facts. I didn't say it to him as explicitly, in that way. But I was trying to resist the notion that there was a conspiracy, because it was clear in his mind that there was.

Now, I want to say that I don't subscribe in any way to Dick Goodwin's recent comments in his book about the President being paranoid, or anything like it. It seemed to me that, sitting in his position, that that's certainly a warning that I would give to anyone coming in to discuss what's to be done with this commission, and I accepted it in that way. I did not think it was in any way paranoid or out of bounds. But he was very clear in his mind that there was a conspiracy, and this is the way we began. I felt that we

had to respond to the President's personal request. We determined these facts as to the sources of the riots.

MG: Let me back up a moment and ask you if you were given the reasons why you were sought out to be the director of this commission and if you were surprised at the source of the phone call.

DG: I was surprised by both. I had not been associated in any active way with the civil rights movement. I had not been associated with the problems of the blacks in this country. I had no particular background in it. I came to it simply as any interested reader of newspapers. I brought nothing more to bear to the work than what I had read in the press, [and] heard on the television or radio. So I was surprised. And I was also surprised by the telephone call from Abe. I have known Fortas for a great many years. He came to this city in 1933; I came here in 1935. We met almost within the first few months. He was a friend of a friend. I met him in the summer of 1935--I think it was 1935--before I came to work in the government, when he announced his engagement to his wife, and I attended the ceremony. So I had known Abe, not intimately, simply because I think no one knew Abe intimately--we're getting on a different subject-- and we had been. . . .

MG: Why not?

DG: Why? Abe was not an overt man. He was not a man who was characterized by any degree of spontaneity. He was a man of calculation. I don't mean it in any demeaning way, but he thought through his positions and he played chess with 1ife. I found it uncomfortable. I don't believe in how many hundreds of conversations and meetings and meals we had together over the years that there was any particular pleasure in it, except sometimes when there was an issue to be analyzed and discussed and observed where we

could put out pros and cons, where it didn't concern us as human beings. I don't think he had a capacity for intimacy in any real sense. I don't think that anyone really knew him, what was going on in his mind. I lived on 31st Street between Q and R for many years, and he lived on R Street, around the corner, no more than two hundred yards away. I was in his house once during that time; he was in mine once or twice. But we would see each other in connection with work or politics or some common effort, but not as friends, and I don't know who were Abe's friends, within his law firm, outside socially, I know of no one now. I know a biography has been written about him, but I haven't read it yet [*Fortas: The Rise and Ruin of a Supreme Court Justice* by Bruce Murphy]. I have the book but haven't read it.

So coming from Abe and his relations with the Court and his relationship with the President, it was odd, but what went through my mind at the time was this really must be serious. I couldn't imagine that the President would have told him to call me unless the President himself was a little bit loath, a little bit reluctant to ask me directly, feeling that perhaps I could turn Abe down more readily than I would be able to respond to him. I thought at the time that--what really did flit through my mind is that he was giving me a way out if I wanted it, by having Abe call me. Now, that may not have been so at all, but I remember thinking about it. I can see the scene in the hotel room, and I was trying to see what was going to happen to my next year.

MG: But it's odd to have a Supreme Court Justice involved in this kind of appointment.

DG: Yes. Now, who brought my name up, I have no notion. From what I gather from the papers that I've reviewed, from the White House papers that you've made available, I suspect it wasn't Joe Califano. I must assume that the President discussed it with Abe,

and it was Abe who brought mine up. But I never discussed it with Abe, and I never discussed the report with Abe. After that conversation with him by telephone, I did not speak with him until after the report was completed. That was quite deliberate.

MG: Deliberate on your part?

DG: On my part, yes. I want to make clear that I did not speak with him about the report or the work of the commission. I did see him from time to time, indeed I saw him several times at the White House.

MG: Did the President indicate why you were being tapped for this, what they were seeking when they--?

DG: I want to get into that. When we met it was, I think, on Monday or Tuesday--no, it must have been a Monday, because I think Wayne and I flew all night coming back from Portland Sunday night. I remember as the plane was pulling away from the airport, we could see some fires there, and I had not known, nor to this day do I, I've never checked, [but] it struck me that there were some troubles going on in Portland as we pulled out.

At the meeting in the White House, the very first meeting with the President, I said to him, "Mr. President, you know that I have no background in this area." He didn't respond. He just dismissed it. It was a hand gesture, and he indicated that he wanted to get on with it. So I had no indication why I had been chosen, nor did I feel qualified. I think this was bothering me. I thought there were so many on whom he could have called who really had roots and spent their professional lives concerned with these matters. It's not that he insisted, but he just wanted to move on. Then came the very opening when he was beginning to tell me, after he told me who was going to be on the commission and had given me a copy of the executive order, I then went into the matter of the need for

supplemental information from within the government, the need to be able to get assistance from the other departments and agencies, which was critically important because I could anticipate in advance that there was bound to be serious money problems.

MG: Was he receptive to these?

DG: He made no comment. Then after the meeting, I don't recall whether it was immediately after or later that afternoon, I spoke with Califano, who arranged for an office for me nearby. I told Joe of the need for making these arrangements with the other departments and agencies. Ultimately all that was done. There was never any question. It was obviously a sensible thing to do, and there was never any doubt that it would get done.

So that really began, I remember, the very first afternoon sitting in an empty office, empty desk, alone, and [thinking] how does one begin on this? The executive order was very skillfully done that set this thing up. Basically, the President asked for three things: "What had happened?" So it's clear that we needed a factual investigation of what had happened, and that would mean also answering his question, was there a conspiracy of any kind or was the outbreak simply a consequence of social problems that existed in the country? "Why had it happened?" What had been in a sense, the causes, what had precipitated these issues? What really had happened? What property had been destroyed? What people had been killed? What events had taken place? And then, why had it happened? That forced us into a long social analysis. And then, finally, "What could be done about it?"

I realized the "what could be done" would involve consultation with a lot of people within the government, experts, far more expert than I was. I also anticipated the likelihood of hearings, and a staff that would be working in these areas. And I also

anticipated, as I've intimated, that we were bound to be faced with very real money problems. How do you finance a thing of this sort? My first concern was to get somebody on the staff with whom I could speak to ventilate these matters, to discuss the alternatives, and someone who had other ties with academia, as I had to some extent, but could supplement it.

When I met Governor Kerner, Otto, I must say I don't want to characterize him, but he didn't seem to me a very strong man; to the contrary, [he seemed] a little weak, a little bit concerned about outward things, but never passionately involved with the detail and the substance of the effort, although he was a decent man as I saw him. I mentioned to him the need for getting a deputy, and he immediately offered someone from within his own staff. I said yes, I would arrange to meet with him, but I must reserve my own independence whether we would take him. I did meet with him; it was a black fellow, and intelligent, able. But his parameters were even more limited than my own, and I felt it wouldn't serve the purposes I had in mind, in terms of contacts within the government, contacts within the politics of what we were dealing with and also, essentially, the universities and the colleges.

So I turned him down, [and] talked a little bit more with Joe. Joe came up with Warren Christopher, who was then over, I think, in the Justice Department. Chris had a friend, Victor Palmieri, who had been at O'Melveny & Myers, with him, in the law firm practicing for a while. And then Palmieri had left to go into a business venture, a real estate development, resort, Snow Mass, in, I think, Colorado. Then I spoke to Joe about it. And Joe had been thinking of him in connection with the Housing Department. The upshot of it was that I got Victor on the phone, we met, I liked him, we got along well

together, and that worked out very well. Victor was a major contribution to the effort. He was very good on picking up staff, recruiting people, very good in contacts with the universities and elsewhere. It would have been a very difficult thing to have gotten along without him.

MG: He had had an association with Pat [Edmund] Brown, is that right?

DG: That's right. He had known something about California politics. He also had some--the Watts riot had preceded what we saw in 1967, and Warren Christopher had been involved with the Watts Commission, the John . . . later headed the CIA for a while.

MG: McCone.

DG: John McCone. The McCone Commission. And Chris had been involved with the McCone Commission. We actually picked up a lot of information, techniques, and got warnings from some of them. So that Victor's ties with Chris, my own with Chris, Chris's ties with the Watts Commission, we had some ties back, some input back from the McCone Commission, and that was helpful.

Then it was a problem of making the necessary arrangements with Victor, of getting him over here to live in Washington during this period. I had to disentangle myself from the law firm. And little by little we began to put a staff together. That wasn't easy. Remember this was the end of the summer, we were by that time maybe in early August, mid-August, and I had hoped to be able to recruit from a number of sociologists and others, experts from within academia. That was very difficult. All commitments to the universities and colleges had already been made for the fall. How do you get them? I knew that we would be criticized if we did not have representatives, so we did the best we could, and that was a weak point, I thought, in our effort, but there

was no way in which we could have avoided it. People were already tied up and they just weren't available to join another one of these government commissions, which is the way it was looked upon at the time.

MG: Did you get them part-time or did you get them--?

DG: We tried to get them part-time; we tried to get them on a consultancy basis, by leaving them at the university. We tried to get them to do particular memoranda back at the universities which they would then send to us and discuss with us. But not having them there, not having them on the staff to meet with us, to meet with others, to train a group, was a limiting factor. I regret it, but I don't know even in retrospect how we could have avoided it. So little by little we began to put a staff together.

MG: Now you were going to address the question of why the President singled you out for this.

DG: I can't add to what I've already said. He didn't in any way respond to my suggestion that "Really Mr. President, there are others available to you who know a hell of a lot more than I do about this area." As I speak, I keep thinking about, did he anticipate that I would, more sensitively than others, respond to his political needs? That must have been assumed. But surely there were others in Washington who were far better qualified than I to deal with this matter. But I don't know what went on in his mind and I can't even guess. Going back to our early contacts many years before this, it's possible, but I don't think it was sentiment, [because] our relationship hadn't been that intimate. I don't know, I can't add to that. No.

The effort began with trying to put a staff together. I remember the problem: where we were going to have our staff? Where we were going to have our offices?

These physical problems were massive at the time. And little by little they were worked out, and we ultimately ended up in the Executive Office Building number two. I had an office in the White House, and Victor really had his main office with the staff, and it was all ultimately worked out. The financial problems were very serious. We had no money. We had to recruit a staff but how do you pay for them?

MG: No budget at all?

DG: No budget at all. At the beginning we finally got, as a result of Charlie Schultze, who was then head of the Council of Economic Advisers [Director of the Bureau of the Budget] and also a friend whom I had known for many years. Charlie and Joe arranged for a hundred-thousand-dollar advance from the emergency fund of the President. Then for the rest, on a very big contract, I spoke with McGeorge Bundy at the Ford Foundation. I had been Washington counsel of the Ford Foundation, and Mac and the Board of Trustees gave us, I think, some eight hundred thousand dollars to fund a massive, really baseline attitudinal program effort.

But the Michigan Survey Research Center at the University of Michigan was a first-rate job and I think remains *the* work in its field on which, I think, most of the other analyses that have followed subsequently are predicated and against which they have to be viewed.

So we had some money there. We thought it would have been possible, Victor and I, to have gone up on the Hill for an appropriation. I think that would have been the cleanest way to do it. But I now see from the papers you've provided for me that within the White House, essentially Joe Califano and perhaps one or two of his friends whom he had there, felt that either it was unwise or it couldn't be done, and the only other way that

was left to us and which we then proposed was simply to get the other interested departments and agencies, from their own appropriations, to ante up what was needed. I first estimated on a year's work, with a staff increasing to about two hundred people, and then decreasing rapidly after that, going up to a peak and then down again, plus the cost of the surveys that would be needed, the research that would be needed, outside research, that we'd need something like five million dollars, maybe a little bit more, 5.4. But these figures simply appalled everyone with whom we spoke, including Schultze and Joe and others. So we just had to 1ive from day to day. We borrowed people from other departments and agencies; we had monies transferred to an interagency committee, which was then made available to us, and we made do.

MG: I want to ask you a personal question here.

OG: Sure.

MG: How did you arrange to leave your own practice to do this for a year?

OG: Well, it was very hard. I had an active practice. What I would actually do is try to get to the office by six o'clock in the morning, which is what I would do. And I would stay at my own office, which was at 17th and Pennsylvania at that time, 1700 Pennsylvania, until about nine o'clock, and then I would go across the street to the Office of Management and Budget, not to the Executive Office Building, but to the Executive Office Building number two, the new one which had just been built, which was just a block away, and then spend the rest of the day there. At the end of the day, I would come back to the office and see what could be done. I had arrangements with my secretary to be there, and would carry on the necessary correspondence and work that I could. In addition, of course, I tried to transfer to others as much work as possible, but it was a very hard period

for me. The choice that I had was to simply withdraw from the firm at the time, but I did not want to become an employee of the government for this purpose.

MG: Why not?

DG: I felt that this was something that, if I undertook it, I ought not to take this on as a government job. It was almost a sentimental return to problems that had come up, I suppose, in [Felix] Frankfurter's course in federal jurisdiction at the Harvard Law School. It went back a great many years in my cosmos, and I just felt this was something I ought to do and not be paid for. It was costly, but. . . .

MG: Was there a desire to maintain an independence, too?

DG: Yes, I had the feeling that I wanted the arrangements to be tentative, that if I could not do what I felt ought to be done, that it would be possible for me simply to withdraw, and that I wanted everyone to know that. I made that very clear to the President from the very first meeting. I had thought about it, obviously, before coming down, what kind of nexus was there to be with my professional life. And it was not an area that was likely to contribute in any way to my practice, to the contrary. I just felt that, if necessary, this was an area that clearly was going to involve politics. By that, I mean votes would be cast on the basis of what we would recommend, or we would create problems for the administration. I was fearful of that, that we would have to be up on the Hill in connection with legislation. Not much of that happened, but I did anticipate that possibility.

I now see why it didn't happen, simply because the White House didn't want it to happen. When I speak of the White House, I don't know really of whom I'm speaking. It's clear that Joe Califano and I had very different views of what was the right thing to be

done. To what extent the President thought through these matters, I don't know. I have a feeling in some ways that he was not wisely guided.

MG: Let me ask you about having people from the agencies and departments. Were departments and agencies willing to let go or detail their really quality people?

DG: It was more important for us to be able to put our people on their payrolls, and that was the major contribution. In addition, it was also important that I remember coming away with some clear impressions. When we dealt with Bill [W. Willard] Wirtz and his people at the Department of Labor, they were open, they were helpful, they provided such information as they could, they were programmatic, so that we could utilize some of their thinking for purposes ultimately of the report and how we thought about the problems. In the welfare administration, in the social security, I felt that I got good professional help and advice. It wasn't so much that they detailed people as they made people available to us for consultation, the right people, as we subsequently learned, and also that they took people who we selected and put on their payrolls and supported them for a few months. The contact with the departments and agencies was, I thought, useful. That included also the Department of Justice, Labor, Welfare, Housing, but there were others who were simply removed and aloof from the issue and fundamentally hostile to it.

MG: You mentioned beginning with the empty office. How did the Commission decide how to address this task?

DG: At the first several meetings at the beginning of the Commission, it was hard to get them together. These were the governor of Illinois, the police chief of Atlanta [Herbert Jenkins]--it was a disparate group with very little, [if] any, sense of relationship each with the other. But I had made an effort to speak separately with each one, and to provide

such information as I had, give copies of whatever I had to give to them, so that they would get the sense that we were trying to work together.

The first issue before the Commission was, "How do you get information?" You get information through staff; you get information also through witnesses. I remember we discussed at great length holding hearings. Well, who would you call at the hearings? Would you keep a record of the hearings? Would the hearings be open to the press or closed? These were all very important issues that had to be resolved. The Commission would meet periodically. They would begin to meet in the morning, and it would go through lunch into the afternoon, and we would go through dinner, and break perhaps at ten o'clock at night. It was a long, dirty day that they put in, and the country should be indebted to them for that.

MG: Did the commission decide early on on all these procedural matters?

DG: Yes. I felt it had to be because you had to plan for these hearings, you had to make arrangements for getting the witnesses, and making all the procedural arrangements for them. Where would we meet? We ultimately ended up in a hearing room in the Indian Treaty Room of what was the old Executive Office Building. A marvelous room, it's quite literally the place where the old Indian treaties were signed.

MG: There's a certain significance to that.

DG: Well, I don't think it was intended. But it was where also [Dwight] Eisenhower had held several of his press conferences and to the cognoscenti it was well known, but not to me.

We decided these issues rather early in the game, and the list of witnesses that we identified in the report were all there, and they were of very great importance. That was one issue, the hearings issue. Then there was the consultants, the groups whom we would

consult on the outside, talk with and get information from, or have papers prepared for us. And then there were the views. We had to get the Commission out on the streets. They had to see. I had seen something when I came back. That was the first thing I did do, go through Washington in the riot areas, and at that time it was in the fall of 1967, it was not too serious yet. And then I went out to one or two of the other cities just to get the feel for it.

MG: Did you simply drive around in your own car?

DG: No, what you would do is talk to the mayor before you'd come, because the tension between the mayors and the feds was real. For example, [John] Lindsay was the deputy chairman of our Commission, a Republican at that time, and a lot of the mayors were Democrats and fearful of criticism from the Commission. So the Commission had to move lightly, because some of them felt at fault; some of them felt that they hadn't adequately attended to the problems of the cities that they could attend to, so they were not too ready to welcome us to their communities. But little by little that was attended to and it came out all right.

Tape 1 of 2, Side 2

MG: Was it your idea to have the Commission go out into the neighborhoods where these--?

DG: Absolutely. Well, my idea--I mean, I think a lot of people felt that that should be done, but I felt it was imperative. And it was done. Lindsay, Tex [Charles] Thornton, all of them went out.

MG: Did they generally go as a group, or did they--?

DG: We couldn't go as a commission. It would just be a parade going down the street. So usually two or three went together. I know I went with some of them, Victor and others

went with others, so some members of the staff accompanied them. Usually, we also had members of the staff go to the communities and just wander around to find out. Most of our staff were black, not all, of the groups that really went on the streets to talk with the people there. And so they went out, and they came back with a lot of information. We got a lot of information also through the FBI as to what was going on, and we made arrangements with the FBI to keep track of what was going on.

MG: What about other agencies that were not primarily investigative, like OEO [Office of Economic Opportunity], did you get information from agencies that had an involvement--HUD [Housing and Urban Development], Model Cities?

DG: Yes, we did. It was not as full or complete as we had hoped, but we got clues as to--often within these communities, there are one or two individuals who really know the city or the particular region or area within the community best. Who they were, [it was] very important if we could identify them and get a quick glimpse, then, with their help. These were people who really tried to do good, not to riot. These were the people who tried to quiet the riots and what had gone on, and they were helpful. But you mentioned OEO. With OEO, the relation was not intimate; it existed with HUD much, much more close and much more helpful, I thought. The big departments and agencies, in a sense, the cabinet offices, were much more helpful than the independent agencies that had proliferated in connection with the cities.

MG: Why do you think that was?

OG: I think the cabinet offices received their instructions directly from the President, and there was an executive order on the books, and they were told to work with us. Also, they were politically accountable, and no one would want to be criticized for not cooperating

with an inquiry into the origins of the riots, and they were much more sensitive to that. OEO was a much more neighborhood organization, really, and much more local, out in the field, and we were really working, at that time, with the agencies in the government.

But I remember very early in the game the mayor, now the mayor of Los Angeles, [Tom] Bradley, was probably the very first outsider with whom I spoke. He happened to be in town. Someone told me there was a black named Bradley who was good, a police officer, and we were concerned immediately about how do you control the violence, what do you do? Because in so many of these riots, it was a case of police shooting each other, and there was always an emphasis on guns, an emphasis on violence, when it's clear that guns wouldn't answer these problems. So I thought talking to a police officer would make sense. I spent, I don't know, a day, practically a whole day, with him, sitting there just [asking], "How do you do it? How do you control a riot? What do you do? How do you train your people? Are your people trained? Do they know not to pull the gun out and shoot? What do they do?" So we had to learn, and he was one who helped to teach us.

MG: Do you remember a particular visit into a community where you--

DG: Yes.

MG: --encountered something or really confronted a reality that--?

DG: I remember the visit to Newark. Newark had been one of the outstanding places of major destruction and major violence. The mayor was Hugh Addonizio. I don't remember his politics; I think he was a Democrat. He was later, I think, in jail for corruption. But we walked the streets. I remember Kerner was there, Lindsay was there, one other I don't

recall, [and] myself. We quite literally walked through the riot areas, stopped to talk to people. What had happened? What did they see? What did they think caused it?

Almost invariably the answer turned out to be a spark lighted the fire, and it was usually a quarrel between a policeman and a local resident, usually some young black, and the police would come into the areas with their lights flashing and their sirens sounding. The blacks would then gather. It was very often on a hot, muggy night when people were sitting out on the stoops of their houses. Blacks, the houses intolerable because of the summer heat, trying to get some respite from the night, and it would start. A rock would be thrown, the police would charge, a fight would start, people would gather. And then they would start going down the streets and the police would withdraw, and there would be the breaking of the windows and the looting and all of that. This was true in almost every case, and it was absolutely true in Newark. We learned a lot out of the Newark thing.

But the Mayor refused to come down. The feds were there; he would have nothing to do with them. I think myself that Addonizio was probably fearful of criticism. In particular, he was hostile to the idea that the mayor of New York, a Republican mayor, which he was at that time, would be coming into his city, a Democrat, and he would be subject to criticism.

It was then that I got my first clear view of the politics of what was going on or the fear of it. In a quite different context, I remember one time I was walking from the Executive Office Building over to the White House, across that street that's now closed, which used to be open. I was walking with Lindsay from a commission meeting that we had up in the Indian Treaty Room, going over to the White House for a discussion with

somebody there. A press man took a picture for the *Times*, which appeared the next morning in the *Times*. That afternoon, I had a call from Joe, saying "The President saw your picture in the paper this morning and really doesn't think you ought to have too many of those taken with Lindsay."

It's clear that the President, and now clearer to me than before, as a consequence of these papers that you've made available, really was fearful in some ways of Lindsay. To me, I know him and like him as an individual, but he certainly was no heavyweight on the commission. He was an attractive human being; he contributed through the discussion, always very much on the 1iberal side, very anxious to encourage expenditures, and it worried us.

It was he who was responsible for the one mistake that I think the Commission made; it may have made others, but the one that I--I remember one meeting in which we had come in with a recommendation regarding the numbers of new homes that could be built and should be built--new houses, because of the shortage of housing. So he got up, made a speech to the commission and, "By God," he said, "we should double it!" Without thinking of the economics of it, how you pay for it or how you administer it, and the Commission went along with him, and the number that's in the report is just actually twice what I think it should have been. It happens to be one of the items that somebody picked up, Joe or somebody else, criticizing the Commission for, and it was warranted.

So I never saw him, couldn't think of him in the same context as a political threat. He might have been a critic of the President, but he certainly couldn't have been a threat to him in any sense. But nevertheless, there was that degree of sensitivity to him.

I have a feeling I'm getting into too much of the detail that stays in my own mind.

MG: No, that's fascinating. You were appointed by the President, as were the members of the commission. Was the chain of command well defined? Were you, in effect, under the Commission, or were you independent and responsible to the President?

DG: That was never defined. I regarded myself as an agent of the Commission. I thought I was serving as executive director of the staff of the Commission, for the Commission. I reported directly to the Commission.

I met with the President a few times during the course of the eight or nine months we were at work. There were some telephone calls. There were times when he would telephone me. I remember a couple of incidents in the morning. By that I mean two o'clock in the morning, one o'clock in the morning. "I'd like to have you come over." I'd get out of bed, get dressed, go over to the White House and sit, and we would talk, but not about the Commission, nothing about the Commission. But these were the times when he was very much involved with Vietnam, and it would range over--I've had this story--but it wouldn't be a conversation, it would just [be that] I was essentially there--or others I'm sure had similar experiences--as an audience. You'd nod, comment, say a word or two from time to time, but he would go on, and it was a means, I looked on it, of relieving himself, of expressing some anxieties or emotions. It was a kind of purging himself. I'm not sure of this, but I had a feeling that he found it necessary before he could really fall asleep.

Once, Lady Bird was there. They were in a big double bed, and he was lying in bed, and Lady Bird was by his side, and we sat there and talked. Then it was clear that Lady Bird had endured this before, and she quickly put on a robe and escaped to a nearby room. He just continued. Once a masseur was there in the middle of the night, and he

was on the board, being massaged, and we would be talking on this. But he found it necessary to verbalize his thoughts, and it wasn't the solicitation of advice, guidance or anything of that sort at all. You weren't there as a sounding board, you were there as a receptacle.

MG: Was it primarily concerned with Vietnam?

DG: Vietnam, problems with the Hill, in particular taxation, fears about inflation--I was presumed to be involved in this area because of my previous experience with OPA [Office of Price Administration] where we had met--and personnel: "I'm not sure about this fellow." I'm not sure what he meant by "not sure about him;" I never knew. Media attacks, how do you deal with them? It ranged over what was on his mind at the time.

MG: But he didn't seek your advice?

DG: Oh, no, no. It's not that. You know, sometimes you just get impatient and want to say something and you would intrude advice, but he wasn't soliciting it.

MG: Did you feel that he was a tormented man during this period?

DG: The word torment is not one that would come to my mind. He was more puzzled. It was as if he was running into problems to which he had no answers. I didn't get the feeling of a man suffering as much as I had of a man seeking to find a way out. He didn't acknowledge the fact that he was in a prison, but he was really working on how do you break out. It's quite a different sense of it. There was no pessimism that I got then. But this was a man who was really working on solutions to problems, and the way he found his way through was simply to talk about them. And he couldn't talk to himself, so he put somebody there, sat them down, and spoke with them.

MG: You've talked about John Lindsay, and briefly about Otto Kerner. Since Kerner was not a strong chairman of the commission, who did, in effect, run the commission?

DG: I think the commission was sufficiently, effectively run by Otto, despite his weakness. The strongest man on there was probably Fred Harris, then senator. But Fred did not try to take over the commission or direct it, in no sense [did he].

Another strong man on the Commission in the sense of having rather firm, fixed views --and he persisted in them--was Tex Thornton, who apparently was a friend of the President's--I didn't know that until, really, later--who was sending messages to the President, as I see from your papers, about the work of the Commission, particularly areas in which he disagreed with the direction in which the Commission was going. On the liberal side, the major alliance was between Fred Harris and Lindsay. On the conservative side, it was really Tex Thornton, Katherine Peden, who was the commissioner of commerce in the state of Kentucky, and two or three others.

The police chief of Atlanta was a major force for good. He was a thoughtful fellow. He was very helpful to the Commission; he was trusted by the commission. He never exaggerated a point. He contributed to the work of the Commission in a very real way. And there were others: Roy Wilkins, often regarded as a leader who the times had passed by. But I'll never forget one meeting of the Commission at which I had felt that there should be something in the report to give white Americans who really hadn't any notion of the black history some clue as to what had gone on before. And we worked out a chapter in here, and really with Roy's help. Then Roy undertook at one of the meetings to tell the Commission just in a narrative way, just to reflect on the history of the blacks in this country. And he must have gone on for two hours, two and a half hours, and it

was entrancing. He kept that group really within his hand. It was a marvelous performance. We ultimately, because of space, had to cut it down to the barest, really, key sentences in the report, but it's largely his work.

MG: Now was that in a formal hearing or just in an informal meeting?

DG: Meeting. No. There were times when there were hearings when witnesses would appear. That would normally be at the Indian Treaty Room. And then there were times when we would meet, usually at a room in the Statler Hotel, in the basement there somewhere. These were the meetings I told you would begin in the morning, last all day into the night, and we would eat together and just do everything that had to be done.

MG: Would the meetings normally be recorded, or would there be a stenographer?

DG: We did always have a stenographer present, but not everything was taken down. I would usually indicate what would be taken down, what would not be taken down, and all of these records are in the archives.

MG: You had, in addition to Fred Harris, Edward Brooke from Massachusetts.

DG: Ed Brooke. Ed was a very nice human being, thoughtful, considerate, but he was not a major contributor in any way to the Commission. Doubt that he attended more than half the meetings of the Commission. He didn't become deeply interested in the work. He was not at all, for example, like Roy Wilkins. He contributed a political sense, but he was not a major force on the Commission. He would not wish to take positions, so that I don't think the Commission leaned on him in any way.

MG: Then you also had two House members, [William] McCulloch and Corman.

DG: Corman. Jim Corman of California, McCulloch of Ohio. McCulloch was the Republican; Corman was a Democrat. Jim was generally on the 1iberal side, a

thoughtful, able fellow, a good man, and a good contributor to the work of the Commission, and in some ways so was McCulloch. It was interesting to see how politics tended to drop away as the Commission's work continued. As these people saw what had happened on the streets and saw what was happening to the people on the streets, the whole notion of politics became irrelevant. So there was a congealing process, a coming together of the Commission, except at the end.

At the end, people like Tex Thornton, on the one hand, Kay Peden, and others, felt that the prescriptions, the content of "what do you do about it," the governmental programs were beyond our reach, were either too costly, although many of them had not been costed out, and felt that they were impolitic; you could never do it and get it through the Congress. You're raising hopes of people that would be blasted in the reality. I think these people gave us too little credit.

It's true that in the report we didn't actually publish the cost of these things as they were then estimated, by people within the government. We couldn't cost out a housing program, but the housing people at HUD could. We couldn't cost out a lot of problems that were costed out of the Department of Labor and elsewhere, and we had those. The statements that were subsequently made by way of criticism that it would be too expensive, I think that they were unwarranted. In particular, I have in mind this memo Joe wrote that's in here. I don't think he had the facts.

Now, we all knew that in the middle of the Vietnamese war we just couldn't bring forward major new social programs and have them enacted within a year or so. We all knew that it would have to wait, most of it would have to wait until the end of the war.

Nobody anticipated that this would be taken as a program and enacted by the Congress at the next Congress.

MG: You saw it as more of a long range--

DG: We saw it as something gradually to be introduced. We didn't say it all because we didn't regard ourselves as essentially the program people. In the Department of Education they would know better than we how best to deal with the blacks of the inner city, or so we hoped. In the welfare departments they would know better. But we wanted to point the way, point directions. True, we had targets for housing. I've mentioned them before. I thought those targets, myself, were excessive. In retrospect, they were not excessive. Apparently we did very well in terms of housing. But none of us were thinking in terms of a program which could be enacted immediately. But it's clear that the White House did view it in that fashion. When we recommended a program that was somewhat more, or substantially more, than they were spending in a certain area, they felt that this was a political attack on them. Nobody conceived it that way. Nothing that ever saw, even in Lindsay's discussions or demeanor, or he had an assistant named Jay Kriegel, K-R-I-E-G-E-L, who I thought was sometimes very difficult, but I didn't get the feeling that they were playing politics with all of this. I may be naive and wrong, but I didn't get that sense of it. I didn't get the sense that Fred Harris, essentially a populist, was trying to embarrass the White House by programs of the sort that we recommended in here. And certainly the staff that basically conceived these things and worked them out with the departments and the agencies, and who had priced them out, was--certainly I was not trying, and certainly Victor Palmieri was not trying, in any way to embarrass the White

House. The notion that it would be taken as a source of embarrassment, to my mind, just wasn't a factor. I wasn't thinking of it in those terms.

MG: When the commission was first appointed and you had your meeting with the President, was there a discussion then about the restraints on proposals that--?

DG: None. The press has been after me on this issue. At no time did the President or did anybody else--I'm going to get to that in a moment--ever indicate that [we should] be careful about the costly programs. We were repeatedly told, "I want to know what happened, why did it happen, you tell me what I can do about it." I'm sure others have a similar story.

This is in a totally different context, [which] had nothing to do with this report: one time we were speaking with him about an issue and I just casually said, "But, politically, Mr. President, I don't think--" and he lambasted me, said, "When I want your political views I'll ask for it. I want to know really what you think." And this is really what we thought, with one or two exceptions in the report.

But I didn't get the sense that at the end, when we had the whole report finished, I felt it was essential that this middle-of-the-road, middle-class commission come out unanimously with whatever it was we were going to come out with. It wouldn't be reading the supplementary concurring views of Joe Doaks and so on, it would just be a report on the base of the people whom the President had designated to make it. They wouldn't come together. At the end, we had Tex Thornton out, Kay Peden out, Bill McCulloch out, I won't go through the agonies of the final meetings, but we finally worked it out that I put some language in the report saying, "Not all of us concur on all of the recommendations here," which took them off the hook.

MG: But they didn't issue a--?

DG: They did not issue a supplementary or dissenting report, and I felt that was very important. Tex Thornton was the one who held out until the last. He was the most difficult one to deal with. I was very much upset by that because that would have spoiled the whole programmatic effort that we had worked out, but we managed to avoid it.

MG: What was the relationship between the Commission's mandate and work and the U.S. involvement in Vietnam?

DG: The government has a certain amount of money to spend depending on its revenues. If Vietnam was draining the resources of the government, other programs would inevitably suffer or alternative taxes would have to be increased. That was all clear to the members of the Commission. Certainly I knew, and certainly Charlie Schultze knew, that the facts regarding the expenditures in Vietnam and its impact on revenues was not widely known, and indeed, I won't say necessarily concealed, but it was not being treated as a major problem in open discussion. So we knew, as I said before, that the programs we recommended could not be, on their face, accepted and implemented. There was a long discussion--I don't want to get into it--within the Commission about the unearned increment, about how we might be able to finance some of these programs through the impact of increasing incomes within the country because of rising prices and so on. Taxes were remaining at their existing levels, and incomes were rising. Therefore the amount of taxes that you would get, the revenues for the government would be, in a sense, the unearned increment. We ultimately deleted it from this analysis and we gave neither, we didn't cost out the programs nor did we indicate the need for additional taxation.

MG: Why did you delete that portion?

DG: We just weren't sure. We didn't know how it was going to work. I remember long discussions with Charlie Schultze about this, and we just felt that these programs were needed. To predicate them upon an increment that might not be earned would be the wrong thing. We felt these things should be done without reference to whether the increment was earned or not at a later date.

MG: But did the President tell you or members of the Commission that he did not want Vietnam to be considered as a cause or something that--?

DG: As a barrier to. The answer is no. He never, to my knowledge, spoke either with Kerner or with Thornton, and certainly not with me, about the limitations. His constant injunction was always, "What do you think has to be done."

MG: I'm not thinking of Vietnam solely as a question of a diversion of resources but in terms of actually being one of the elements that might have caused the disorders.

DG: No.

MG: Do you think Vietnam was a cause?

DG: Well, it's a *sine qua non* cause in the sense that without Vietnam we could have afforded many more of these programs, but to say that Vietnam caused the miseries of the blacks in the country is, of course, absurd. But, similarly, the space program could be, to the same extent, the cause, and the space program was on its way then; we were spending lots of money.

I approached this meeting with you today, having read these papers, with one thought in mind that ties into what you just said. That is, I wish that we had known what it was that the President wanted. I wish that some instruction had been given. I wish that

I had known what Califano was worrying about. I didn't. He didn't speak with me. The President didn't speak with me, or to any others so far as I'm aware, about the need to preserve his political position *vis-à-vis* Vietnam or anything else. I approached this effort, and it was a major effort for a long time, really on the merits, and it may have been naive, but there was no word of instruction on the political aspects of this issue. The only comment that I ever received was the one that I mentioned, that is, the fear, the certainty, as he expressed it, that this was the result of some conspiratorial arrangement--the riots were. But there was a lack of political communication, and it's a mistake. A president who wants this kind of inquiry has got to permit the participants to know the parameters of the inquiry. And we had no such parameters; we were just sent off on our own.

MG: Was the publicity surrounding the commission a problem for you? Would it be better to do all of this in anonymity?

DG: First, it couldn't be done in anonymity. It's utterly impossible after you have a hundred million dollars worth of property destroyed and a hundred people or more killed in riots that affected all the major cities of the country and you see what's coming. We said in the report that there are ten cities that are going to have majority black populations within the next ten years, and it happened that way, and we knew it was going to happen that way, and there was no way in which we could. . . . We might have just released the report and said nothing about it, not had a summary in it which enabled people to catch the substance of it quickly, not had the press briefings that we had. But there wasn't an effort to publicize individuals. I didn't get the sense--perhaps the exception was Lindsay, who seemed to want publicity at every point.

MG: Did he?

DG: I think so, but I'm not even sure of that. I walked in New York with Lindsay and it took a certain amount of courage--yes, there were police around us--but to go into those terrible districts and to sense the pervasive hostility and to see the misery of life there in certain of these areas. That's something I thought was important and to his credit.

MG: Did it get to the point that you could compare one tinderbox, let's say, with another, and say that "X" community was worse than "Y" community?

DG: We made a special effort to investigate why there had been no riots in some of these cities. For example, in St. Louis there was no riot. I simply could not understand. The black condition in St. Louis was worse than in many of the cities where there had been riots. And it turns out that there was a mayor in St. Louis who listened sensitively, whose brother was a priest, and that priest was walking the streets and helped to keep that city quiet. It's just random, irrelevant facts of this sort, facts that you can't reconstitute them in different contexts. So that we did that in Pittsburgh, we did it in St. Louis, we did it in various other cities, to find out why they hadn't rioted, and it always turned out to be some human factor of the sort that existed in St. Louis. But in almost all of those places, we foresaw the likelihood that there could be trouble because the conditions there were so terrible. The conditions today I think are clearly worse. So many of the able, intelligent blacks who've moved out of the lowest, poorest, impoverished classes into the middle class have actually left the city center, now gone out in the suburbs in integrated areas and are living there. In a sense, what exists within the city centers today, I think, are largely leaderless, the less intelligent, the more drug-ridden, the less educated, the more impoverished, the fatherless families. It's really the worst of what the inner city can produce without the best.

Tape 2 of 2, Side 1

MG: Was [Daniel Patrick] Moynihan's report [*The Negro Family: The Case for National Action*] something that the Commission considered during this period?

DG: Well, certainly it was considered by the staff. Victor Palmieri and I both visited Pat a number of times. We called on him in Cambridge; I remember having a long lunch with him and his wife, Elizabeth. I think Derek Bok's wife was also there. And we talked with him at great length about all the matters we've discussed here. Pat is an enormously informed fellow, and he was helpful to us, but he was a busy man. We couldn't intrude too much on his efforts, but we did go over the report. The report was, in a sense, a very narrow one about the role of the black family and the black father, or the absence of the black father. Many blacks preferred not to believe it, but it's now statistically history. It's valid, it's true, it's part of the reality of life today.

MG: Did Moynihan's report occupy some discussion time in the Commission proper?

DG: We distributed the report to all members of the Commission. It came up from time to time. Not so much from the point of view of discussing the report, whether it was true or not, but really, what could we do about it. And the answer was the same. There are problems having to do with jobs; there are problems having to do with housing, education, social welfare, and these were the basic thrusts of the report itself. And it's only as you change the totality can you change that particular aspect of the deficiency.

MG: Now, you've talked about Newark and the problem of federal/local relations there with the mayor. Let me ask you to address Detroit and the situation there with Mayor [Jerome] Cavanagh.

DG: Detroit begins not so much with Mayor Cavanagh as with Governor [George] Romney. Detroit exploded, essentially exploded, after the assassination of Martin Luther King and the assassination of Robert Kennedy. The problem was how do you respond. The riots were on the streets. I remember I was in the White House at the time, and Cy Vance was over from the Defense Department. Warren Christopher was involved, Victor, and myself. We felt that we had to deal with the problem, stop the rioting.

Romney didn't really want to ask for federal troops. And yet, he really waffled on the matter and delayed. We had, really, hourly reports as to what was going on from various people within the city. The problem then was what do you do. Under the law and the Constitution, you cannot send federal troops in unless the governor asks for them. Finally, he did ask for them, and then the troops were sent on the streets. We were convinced that the situation in Detroit could readily have been handled by any decently trained national guard and by the police. There were all sorts of stories [that] came back as to how the police themselves and others and the national guard, ill-trained, badly equipped, and without any serious set of orders as to what they were to do, really messed it up. Detroit became a much bigger job than it should have been, and we knew it was happening. This was Governor Romney, a Republican. Similarly, Cavanagh was involved. He was afraid, basically, of criticism, and should have been, and I think he was subject to criticism. In a sense, the realities of the riots in the streets and the explosion in Detroit was exacerbated by the political tensions.

Ultimately, [to] the extent that anything of that sort can work out well, [it] did work out adequately, but it was a political mess, and I think really stems from the clumsiness of the community and state organizations. There's a marvelous book on this,

on Detroit, written by--what was the name of the novelist, he lives up in New England; I tried to get him to come work with us on the report, to prepare the report. And then he told me that he was going to write a book on Detroit himself, and then I felt that he couldn't get involved, and so we got Bob Conant to work with us on the report. He was shocked by what he found up there. His, in a sense, novelist's eye caught much that we didn't see. His book was a superb contribution to this kind of literature.

MG: Let's talk a little bit about the relationship with Congress. Do you think the President saw the Commission as a way to pressure Congress into acting on measures that they had delayed in acting?

DG: I don't know.

MG: Rat control?

DG: Yes.

MG: Model cities? Slums? Housing? Rent supplement?

DG: He had sent up a number of issues, and as I remember, our concern from the Commission's side was to what extent we should get involved in pressing for the enactment of these measures that he had supported. I felt myself, I don't remember with whom I spoke at the time, that it would be a good thing that this body had seen more about the impact of riots and knew more about the causes of the riots than perhaps any other in the country, and that they should go up, or at least send letters up, and do what could be done to secure the enactment of these things.

Remember that one of the basic thrusts of the report was that what was at bottom was the issue of racism, of white hostility to the blacks, historic and, in reality, currently, and the unequal treatment they had received and were receiving. We thought that some

of these things should be done, but the White House--and actually we did, we sent up two or three letters to the Congress in connection with some of these measures. But it was clear, not made to me but to Otto, to Kerner, that the word came down to him, that "stay out of this; we will handle these matters ourselves." Why that was so is not clear to me because I thought we could be helpful in getting these things through, essentially on a bipartisan basis. This was a bipartisan commission, a nonpartisan commission, and an expert commission, and I thought we could have contributed to it. We did, in some areas, but in many more we did not, and I think it was simply because we had instructions on the point. Not to me, but I'm virtually certain through Kerner. But, again, I don't understand the politics of it, nor do I understand the economics of it. It wasn't that we were adding to the bill, the cost of dealing with these problems of the inner city, nor were we adding any ideas, or trying to change--these were ideas conceived within the White House, casted out by the White House, and recommended by the White House, which we might have supported and secured the enactment. But we stayed out of most of it, came into some of it. Where we did come into it, I thought we were effective.

MG: Did LBJ blame Congress as one of the. . . . ?

DG: As holding back? Not to my knowledge. I have no recollection of anything he was critical of. To the contrary, he was working--I remember one time I was in the Oval Office with him and suddenly he said, "I have a call to make," and we were just sitting there, not at the desk, but at the other end of the room, and he reached under a table and he pulled out a drawer which had a whole series of phones in it, picked up the phone, and he got hold of Everett Dirksen. I'll never forget the conversation: "Everett,"--I knew Dirksen very well, and could hear the voice booming back over the phone--"Yes, Mr.

President?" "I need two votes on number four"--whatever the number of the House [bill] was--"I need two votes. Can you get them for me?" Everett must have replied yes, and the President then commented, "Thank you, Everett, and I'll remember what we talked about the other day." So he got two Republican votes to get something through, and he worked directly with, he was dealing with him absolutely as if it were his own majority leader up there and got it, and it apparently was a routine thing. My point is that when the President wanted to get something through and was personally interested in it, he did. Now, I don't mean to say by that that this legislation that he had recommended, whether it was for dealing with rats or whatever in connection with the inner city, was that he was not interested in it; I think he was, but somehow there was something going on that he was not pushing at that time, and I don't think he wanted us to push.

MG: Well, of course, you had to get the surtax.

DG: The 6 per cent, yes. Yes, that was another one. I think I told you the story that one time when we were together and I was pushing very hard on the surtax, and talking about them and how we had managed between taxes and interest rates to deal with the--and direct price controls during the wartime--about the need for getting a tax component into the Vietnam analysis. He slammed his fist on the table there: "You tell me how to get this legislation through the"--his name escapes me always--

MG: Wilbur Mills?

DG: Wilbur Mills. --"how to get it through Wilbur Mills and I'll send it up." It was a fact that he knew how to deal with the Senate much more effectively, I think, than he ever knew how to deal with the House, and of course [it was] much more difficult. Also, the legislation that he had sent up, to the extent that it dealt with poverty, with the interests of

the black community and so on. I think he felt seriously about it. Some people think that he was just a phony in this area. I do not. I think it was real. I think, from everything I saw, that it was something which was important to him.

MG: I want to ask you about the Commission's subpoena power. Was this something that was utilized?

DG: We never had to rely on a subpoena. We discussed this at some length very early in the game. Indeed, I think the subpoena issue was one that I mentioned at the very first meeting with him.

MG: Did you have this authority?

DG: We felt that we could have it, had we wanted to use it. I was never quite certain of that, but I felt that we could get the assistance of the Justice Department in finding ways to get information if we needed it that otherwise couldn't have. It was never tested. I'm not aware that we ever issued a subpoena. People came voluntarily or we got substitute testimony. It was something that bothered us at the beginning, but as we got into the work of the Commission, it was not of any great importance.

MG: About the question of televising hearings, or portions of hearings--

DG: I don't recall any discussion of this. We published summaries of the testimony quickly, and we made available testimony. Usually there was written testimony which we gave out to the press. So there was no effort to conceal what we were learning, and so nobody was pressing to televise at the time.

MG: Was the mass media, do you think, a factor in the causing of the disorders, or at least in the spread of them?

DG: I think there's no doubt that as the riots started, and the media were insensitive to their own role, that they contributed at least to its spread. I have no awareness of any incident where they really created, gave rise to a riot, or anything near it. But the notion that on a hot August night or in the middle of a sensitive confrontation between the police and the community, that they would come in with cameras and flashing lights and people in uniforms, policemen in uniforms, and they tried to elbow their way in. There's just no doubt that that was dangerous and that it created problems.

We had a session at the IBM headquarters in Poughkeepsie, in which we invited members of the press and the television community. That was the Poughkeepsie meeting at which we spent two or three days discussing this. We issued our views for purposes of guidance--there was no way that we could control these matters--and I must say that so far as we could see the press cooperated and the broadcasting media cooperated and the police learned. We thought within the Commission, initially, that the most important contributions we could make would be to deal--to enable the police to deal more intelligently with their problems. We wanted essentially not to continue their heavy reliance on weapons. We wanted to get the police on patrol. We wanted to establish a decent relationship between the police and the community. We wanted the police educated as to how to deal with threatened riots, what's to be done on that Saturday night, that hot August night, when a quarrel develops between a policeman and some drunk coming out of a nightclub. And we concentrated on that at the beginning.

There are two major chapters in the report at the end of it--we included them essentially as appendices--that are very important and became the bases for, essentially, schools that the Justice Department set up to help to educate not only the mayors and the

chiefs of police, but the fire department, and others within the municipal staff as to how these things should be dealt with. We had a large number of these meetings over a period of weeks and months over the late fall and winter of 1967-1968 that I think helped to avert more serious bloodshed and destruction when the second series of riots came in the spring of 1968.

Secondly, the essential reason that we had accelerated the report [was] because we had thought there would be a preliminary report, essentially consisting of these chapters about police-community relations and riot control, [to] come out as Volume I, and then the rest of the report, perhaps even more elaborate than this come out as Volume II later. We decided to consolidate the reports, to get it out fast, because we were fearful of what would happen in the summer of 1968. Obviously we had no notion about Martin Luther King or Robert Kennedy or anything of that sort. But we felt that there was danger of another hot summer so we decided to get everything out as quickly as possible. There was another reason also in the back of our mind. We were having trouble raising money from the other departments and agencies to keep us going, and so we wanted to cut down on the numbers of people, to finish the work as quickly as possible. There was some intimation at the time that because the report might be taken as critical of the administration, the administration wanted to close the investigation and close down the Commission. This was absolute nonsense. There was never any suggestion of that, never any, nothing of that sort.

MG: What about the legislative cycle? Was there a desire to get the report in so that it might fit into either the legislative cycle or the President's re-election, or--?

DG: No, the next year was an election year, and so far as we knew, when we were writing, the President was going to run and all of us assumed really, at least I did, that he would be re-elected despite everything that had gone on. And had he run, I'm virtually certain in my own mind that he would have been re-elected. But we got the report out because we were worried about the summer of 1968. Happily, the report was out, and in the hands of, essentially, the police departments and the fire departments throughout the country, because we made sure that they all had it, before the riots started after the King and Kennedy assassinations. But this was all--stories developed about it, but they have absolutely no relation to the truth.

End of Tape 2 of 2 and Interview III

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DAVID GINSBURG

In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms and conditions hereinafter set forth, I, David Ginsburg of Washington, D.C., 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 August 15, August 26, September 19, and November 11, 1988 in Washington, D.C., and prepared for deposit in the Lyndon Baines Johnson Library.

This assignment is subject to the following terms and conditions:

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

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David Ginsburg
Donor

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Date

Acting Archivist of the United States

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