INTERVIEW I

DATE: June 12, 1969

INTERVIEWEE: OTTO KERNER

INTERVIEWER: Paige E. Mulhollan

PLACE: Judge Kerner's chambers, Chicago, Illinois

Tape 1 of 1

M: Let's begin by identifying you, sir. You're Otto Kerner, currently United States judge of the circuit court, and during most of the Johnson Administration you were governor of Illinois and, at least from the standpoint of national publicity, best known for your chairmanship of the Commission on Civil Disorders.

Did you know Mr. Johnson at all before you were governor, back in his senatorial days?

K: Yes. As a matter of fact, back in his congressional days we met quite by coincidence. I was appointed United States attorney of the Northern District of Illinois in July of 1947, and shortly after the appointment then-Attorney General Tom Clark invited me to Washington to sit and visit and to get acquainted and discuss a number of the administrative policies of the Department of Justice generally. As we had concluded our business visit, Attorney General Clark invited me to stay for lunch in his offices in the Department of Justice Building. As we were about to sit down, a gentleman whom I didn't know at the time came in to just say hello to Tom Clark, and it happened to be Lyndon Johnson. He stayed for lunch and we had a visit, and that was my first visit with him.

M: Did your acquaintance then continue on from that point?

K: There was a hiatus, I would say, until Mr. Johnson became the majority leader in the Senate. Then when I was in Washington on business as U.S. attorney, and later of course as county judge of Cook County occasionally I went to Washington on the business of the people, I would stop in usually and just pay my respects to him and visit for maybe five minutes or twenty minutes, whatever time he had available.

M: It was social primarily rather than official.

K: It was truly social. So that our relationship really grew stronger over the years. Of course, I knew him reasonably well at the time he ran for vice president because of the necessary association that had to be developed between governors and the president. Naturally, I saw him quite frequently when he was president.

M: Did he perform any task for President Kennedy in regard to the governors?

K: I don't know whether he was given any task, but occasionally when he was vice president I would stop by and share with him some of the problems of at least the state of Illinois and the problems that I had as governor. I know that I discussed with him the problem particularly with the movement of a great many people that migrated to Illinois from other communities. I discussed with him first and President Kennedy later that certainly some program must be developed, because the category of public aid, the general assistance category, which was one hundred per cent funded by state funds, really was placing too great a burden not only on Illinois.

I had discussed this with Governor [Pat] Brown of California, Governor [Nelson] Rockefeller of New York and Governor [John B.]

Swainson of Michigan at that time and showed that, certainly [in relation to] the northern cities with the large industrial centers, the general taxpayer of the state was assuming a very heavy portion of maintaining people who were really not residents of the states in which they then found themselves. So the programs were developed later, as we all know. I talked to them particularly, and to Senator Douglas by the way, who was thinking about, talking about and later presented Senate Bill No. 1, which was the bill that provided that if unemployment rose above a certain level that county was at least available for assistance with federal funds. That was in a sense the first step. But a county such as Cook, for instance, would rarely if ever fall in that category unless we had a major depression.

M: And that's the kind of county that needs the program.

K: That's right. The same thing would be true of New York and Los Angeles and Detroit, various others of these large industrial centers.

M: That's interesting. You know Mr. Johnson's current critics, some of them--I'm thinking particularly of Mr. [Eric] Goldman--have made a big point that he never really understood urban problems. Here you say you've gone to talk to him about what is essentially an urban problem. Did you find that he did have some appreciation for this type of thing?

K: Yes, he was very receptive. As a matter of fact, President Kennedy was as well. I discussed this major problem with both of them, but initially with then-Vice President Johnson.

M: You served as governor through the Kennedy and the transition and the Johnson Administrations.

K: Yes.

M: Was there a difference in the way that President Kennedy worked with the governors as compared to the way President Johnson worked with the governors?

K: Yes. President Kennedy of course was, shall I say, adjusting himself and his administration in taking over as president, and he had a great many major problems. He had problems that were primarily federal in nature and, shall we say, secondarily those that were state in nature, in federal-state relations. But it wasn't really until Vice President Johnson became president that actually an office was set up through, I believe initially, Governor [Buford] Ellington.

M: This was OEP [Office of Emergency Planning].

K: Yes. He then established the office which was direct liaison into the White House through this office. Then-Governor Ellington, later Governor Farris Bryant of Florida, and then later Former Governor [Price Daniel] Davis of Texas. So I would say President Johnson was extremely aware of the necessity of the federal government, and certainly the chief executive, understanding the problems of governors and local problems.

M: Did this office--it was held by several people that you mentioned--act as a genuine funnel for your viewpoint being heard, or did it kind of keep you away from the President sometimes?

K: No, no. As a matter of fact, we were welcome at the White House whenever that was necessary.

M: No difficulty of accessibility?

K: None whatsoever. It was really easier to get into the White House through this office than it was in trying to set up your own appointment

through the presidential appointments secretary, because this office was considered by President Johnson as essential and necessary. Any request by the head of that office to the White House really opened the doors, I think, more readily, more quickly and more easily than they were available before.

M: When the White House or the federal government was developing legislation that had something to do with the states, did they consult the governors through that office or through the direct White House staff?

K: There were really three routes of communication. One was through this office. Another might be through White House staff. Another might be through the secretariat of the specific problem. As a matter of fact, we had a very excellent experience in the research statistics bill that was passed into law a number of years ago. I'm trying to remember the name of the Ph.D. who was not the head of this department but headed up this legislation, but I do recall that in a discussion I had with this doctor--Holman, something of that sort--

M: [J. Herbert] Hollomon was in the Commerce Department.

K: Hollomon, yes; it was Dr. Hollomon. I know that when I became interested here in this state in the importance of export for providing jobs and a good economic base for people in this state, we asked Dr. Hollomon to come to Illinois to the first of the conferences we had concerning it with our top business executives, and also with our smaller businessmen. At that time Dr. Hollomon and I were generally discussing this thing, or Dr. Hollomon, I think, proposed it to me. I thought it was excellent because we had discussed it with various of my cabinet officers as governor.

I said, "I do hope, Doctor, that when anything is drawn up, I would certainly hope the governors might see this before it is written in its final form." Because in the past so very frequently our first experience with a piece of legislation was after it was presented on the floor. Then I knew that sometimes pride in authorship or because of exigencies of time it was almost impossible to make certain changes in it and make it more fluid and readily available and useful in the areas where it was intended to be useful. So Dr. Hollomon, actually before the bill was written but [when it was], shall we say, in skeletal form, had conferences with governors. He sent out what was then proposed and we all had our suggestions and criticisms--I mean constructive criticisms--and when the bill was passed it was one hundred per cent backed by all the governors.

M: That helped get it passed, too.

K: It showed how easily it could be done, because then we got in touch with each of our congressional delegations. This method was really developed under President Johnson.

M: And the same thing was true of White House legislation or the President's legislation?

K: Yes. We were at least let in on the legislation before it was finally presented, and it made a *much* smoother movement of legislation, and certainly much more acceptable. Now on some, of course, there were differences of opinions of governors. You can well understand that.

M: There are several that come to mind. The poverty program, for example, has been criticized by both metropolitan [leaders] and governors.

K: Yes, we criticized it. Of course, my knowing Sarge Shriver personally over a period of years before he was ever in government really, I dis-

cussed with him this veto power. Because as governor, as chief executive, the federal money was flowing into the state; we at least wanted to know what was going on. I didn't say, "to participate to a *major* degree," but at least we felt that we ought to know that was going on. Usually we found out that a program was approved by the poverty group in Washington through a newspaper article or radio or TV article, and this came to us pretty much as a shock and left the governors in rather, I thought, an almost untenable position. Because you didn't really know enough about it and you were asked to approve it, which I personally always hesitate to do. I hated to approve or disapprove something unless I knew the fact of it, which took time. But nevertheless, I thought the program was of such great importance that we ought to know something about it on the way up. Had [it] come through our office [I wanted] not to stop it necessarily but to discuss with the people at the local level the pluses and minuses, suggestions, and in a sense to see whether it could be coordinated with other programs within the state that were state responsibility. So let me say it was not a selfish motive that I think we governors had, but to coordinate better and to get a more effective program.

M: Why do things like that happen, that you do not get informed properly? Is that just a breakdown in communications, or a lack of sensitivity as to governors' problems?

K: No. It was not said to me in the fashion in which I am going to express it now, but this is in fact what they meant: they feared that in certain geographical areas of the United States if the programs were going up they would be stopped by the chief executive. In other geographical

areas of the United States, they weren't as concerned about that. To be direct about it, they were concerned about the governors in certain southern states; they were concerned primarily about having federal money come into their local communities to help the racial situation. Because of prejudices that existed, they feared that certain of these governors would actually stop the programs from ever getting to Washington.

M: So in this case it was almost a conscious attempt not to coordinate as fully as they might have.

K: That's right. As I say, in certain areas, certain instances with certain individuals, I think their fears were completely justified. But they admitted that this was a minority number of governors, and the majority of us rather felt that we should not be punished or kept in the dark because of the idiosyncrasies and personal ideologies of the few.

M: What about the President's White House staff people? Were they sympathetic to state problems?

K: Yes.

M: They didn't try to take care of the President's office and leave the states out in the cold?

K: No. I would say under President Johnson that the door was wide open, and we always found listening ears and sympathetic ears. Of course, if they had information which would make the program we were discussing impossible they were very direct in saying so, which, may I say as an individual, I appreciated. I do not like to deal with anybody on a "Yes" and "Maybe," "if" and "and" basis, because time is so precious and so extremely valuable and a person's years in government office are in a

sense limited, some places by statute, some places just by wear and tear and time. I always wanted to feel that I was working on things that would have a good probability of being accepted and would be effective. As I stated on a number of occasions, I hate to just run and stand still, spin my wheels.

M: Find out later that they're not going to go along with you.

K: Surely not. I appreciated directness. If they said, "No, this is not possible," we'd drop it right then and there, and I appreciated that. But if they indicated an interest and probability or a possibility, I appreciated that also, because then I knew I could work further in detail and gather more information and hope that a program could be developed.

M: And you did feel that when you went to the staff that your views got to the President one way or another?

K: Oh, yes.

M: They weren't blocking you out?

K: Oh, no. I never felt that. I think that the staff that President Johnson had around him was most cooperative, most cooperative.

M: Did he have a man who dealt sort of as a specialty with the governors?

K: That I don't know, except for the office that was established for that purpose.

M: But not a man in the White House?

K: No. Usually I consulted largely with Jack Valenti or Marv Watson, and later Joe Califano. I mean, these are the individuals, depending upon the subject matter, that I dealt with.

M: That White House staff is kind of an amorphous thing; people specialize sort of informally in things.

K: Yes. If perchance in speaking to one of the primary staffers it was an area of some particular area in which they did not have the technique, they would then refer me to that individual like [Lee] White, for instance, on civil rights matters. I would sit down and discuss them with him, and I would be certain that he would have the President's ear on these problems.

M: What about the background for the creation of the Commission on Civil Disorders and your appointment as chairman of that? What are the circumstances of your selection as you know them?

K: You're asking me why I was selected as chairman? Really, I don't know.

M: Not why so much, for the technique of selection. Did Mr. Johnson talk to you personally, for example, about it?

K: Oh, yes. I had received a telephone call previously out of the White House that the President was considering--at that time it was not a positive statement--appointment of a commission to look into these things. I was not told how many or who or anything of this nature, but if the President did decide to go ahead with this, would I serve? I said if the President wanted me to serve and felt me qualified, I'd be not only pleased but honored to serve.

That's the last I heard of it until I was up on the Mississippi River sort of putting the finishing touches to a bi-state problem that existed. Well, it didn't exist actually. I was trying to eliminate any problem in the future in the quad-city areas of Davenport, Bettendorf, Rock Island and Moline, to have these people work together across state

lines, rather than to work provincially and against each other, in a bi-state type of organization. They were having the first of a bi-state old Mississippi River steamer social and I was asked to attend that, which I wanted to do, because I had sort of motivated this whole thing. We were out on the Mississippi River when one of the state troopers with me with radio from ashore got word that I should get to a telephone immediately. The reason for it wasn't told on the radio, but I got into a little boat and went to a small little town along the Mississippi on the Illinois side, I think a town of about three hundred. As we got to shore the state trooper was there waiting for me and said that it was essential and necessary that I call the White House immediately.

M: You were a big man in that little town of three hundred at that point, I'll bet.

K: Of course, they didn't know. I just went into the local police station. I do recall an incident. One of the state troopers said, "It's expedient! It's an emergency! It's necessary you get here!" I said, "Well, I'm getting there as quickly as I can with a boat. I cannot walk on water!" We had a little fun about it.

I really didn't know why I was being called, but there I did get the message in person from the state trooper to call the White House immediately. So I did call the President from this local police station on their phone. That's when the President got on the phone and said he had decided to establish this commission and would I accept the chairmanship?

M: This time he said "chairmanship," not just be a member of it?

K: To be a member *and* to be chairman.

M: Did you go to Washington then to talk to him about it further?

K: Yes, we went to Washington the next day. I think it was the latter part of July. I've forgotten the exact date, but I know it was in the last week of July when, through the newspapers of course and the radio and TV, I did learn of the other members on the commission.

M: He had appointed those other members prior to this time?

K: Actually, you see, the reason it was necessary that I get on the telephone so soon was apparently that he had established a deadline for making an announcement, and this is why it was essential he speak to every one of the proposed commissioners before a certain time that evening. It was about ten o'clock that evening I think, our time here, that the public announcement was made.

M: But the commission had been selected independently of you?

K: Oh, yes. No, I was not consulted as to who should be a member, who should not. No names were mentioned to me except would *I* personally serve, that's all. Frankly, I thought it would have been rather presumptuous of me to inquire of the President who was being appointed. That was his power of selection certainly, and one in which I felt I should make no inquiry.

M: When you got to Washington did he talk to you privately, or were all the commissioners there? How did he handle the instructions?

K: No, all of us were invited into the Cabinet Room. We met in the room just outside of the White House offices and were all ushered into the Cabinet Room. The President did come in, and he read his executive order and appointed each of us. As he signed the executive order he handed each of us a pen with which he signed it.

M: Did he give you some kind of specific instructions as to what he wanted the commission to do?

K: None other than those in the executive order.

M: Just the general charge?

K: That's all.

M: No private ideas of his as to what he thought you ought to be doing?

K: No.

M: He left it pretty much up to you?

K: Yes, he did.

(Interruption)

M: Cy Vance was called in afterwards?

K: After we were given our charge. The President apparently had Cy Vance standing by somewhere and had Cy come in and visit with us for a little while because he had been in Detroit. He just made some very quick observations, prefacing it with a statement that of course he had been there under very trying circumstances and that he did not have enough facts basically but merely described to us what he saw. In other words, there were no conclusions of any sort. We all knew at that time that Vance was really the President's arm out in the Detroit area and would attempt to coordinate the whole thing.

M: And a lot of other areas. He was the trouble shooter par excellence.

K: Yes. As I say, at that time that was his primary responsibility and function.

M: Where did the staff come from for the commission?

K: Certain of the staff was selected by the White House--Dave Ginsburg, for instance. As to other of the staff, when Dave and I met we discussed

informally among ourselves individuals who we thought had the background, the qualifications and the ability to do this type of job. We knew it would be of extreme importance to get capable individuals who were not afraid to work, who would be willing to work really killing hours, and I mean that. Between ourselves and other people with whom we had contact, the staff was selected.

M: Were most of them from other places in the government, or did you find most of them--?

K: Some were in government, some were out of government. Some were in private industry; some people left their law practices, some people left their businesses and came to us.

M: Exactly how much [of a] role did the commissioners play in the collection of the evidence?

K: In the collection of the evidence the commissioners did not do the legwork, except that evidence in fact was collected in our formal hearings, and there were many. As I recall, there were some forty-eight formal hearings. We usually started about nine in the morning and sometimes went to supper and continued on till eleven and twelve o'clock at night. We worked weekends in these forty-eight formal hearings I'm talking about. I'm not talking about the collective visits that were made to various parts of the United States, those areas of Newark and Detroit particularly that had problems; Milwaukee at that time with Father Groppi having his nightly marches. But we also visited areas that did not have problems, but had the potential of having them.

M: And the commissioners generally were able to give that much time to this?

K: Oh, yes. We did not go as a full commission because it would have been too large a body and too noticeable. What we wanted to do was go as unnoticed as possible so that we could move in and around among the people in communities and actually see the conditions and talk to people ourselves personally. I made three of those visits myself, in one case only by myself because I couldn't get to Newark when the group was there because of gubernatorial responsibilities at the time set. So I went there by myself. Certain of the staff members met me there, and I spent the better part of a full day there in Newark. But I visited Milwaukee quietly and privately, as well as stopping in New York--and Detroit, where I think four or five of us visited in the first step of these visits by the commission.

M: When you went by yourself to a place like that, what kind of things did you do alone?

K: You must remember I'm a city boy, and Milwaukee, of course, I have known over the years. Upstate New York I have known over the years because I was schooled out east and I was familiar with New York. Relatives of mine live there, so I used to visit New York as a young teenager actually. So I could move around these areas pretty much by myself. I had with me one of my gubernatorial staff to make notes and to keep in contact. But I walked around there, and in those areas where there was a prepared visit I went through the prepared visit as quickly as possible and then went on my own. I usually learned more on my own than I did on the prepared visit. There I might sit on a curbstone or the stairway to a house or a cottage and sit and visit with people, unprepared. Most of them I'm sure didn't know who I was or what I was doing

there, except I just said I was interested in discussing these problems with them. This is where I really learned an awful lot.

M: That's remarkable. In the paperback version of the commission's report, Tom Wicker's foreword describes--the way he makes it sound--a pretty clear cut conservative-liberal division on the commission. Is that overstated, do you think?

K: I would think so. I would say that certainly all of us had had some experience in one degree or another. A man like Roy Wilkins had been spending all his adult years at it. I had been interested in the problem, I would say, from the time I was United States attorney. That goes back to about 1947-1948. As well as others--John Lindsay obviously was deeply immersed in it when he became mayor, and there were many others on the commission who had been interested in the problem and had been doing something.

Oh, I wouldn't say we had any conservatives necessarily on the commission. There were criticisms of us on the commission that there was no one there from either the sharp left or sharp right, but I want to say that we obtained the views of all the areas from left to right and the center and the areas in between with witnesses before us. Some of them I think shocked some of our commission members with their language and with their iteration of conditions and the expression of emotion that they had within them. Then, of course, there were certain ones that we wanted to bring before the commission; we felt that it would be a mistake to bring them formally before the commission so that actually their statements were taken.

M: You mean because of the publicity that might surround their visit?

K: Yes. So let me say [Stokely] Carmichael's testimony and statements are of record, as are Rap Brown's, as are [John] Birchers'. We reviewed all of that. It was available for all of the members to read.

M: I know the government had some reports that had been prepared after specific riots in the past. I think Ramsey Clark, for example, had done one on Watts, and there were probably others. Did you have those reports, too?

K: Oh, yes. As a matter of fact, we had the chairman of the California commission before us almost right to begin with to determine how they approached the problem and the pitfalls, the pluses and the minuses, because we had no blueprint on which to form this commission. We were just a group of people who had never been actually formed as a group to go into this type of problem as a group. We each individually had our own views. We wanted to have at least some sort of form, some organization. How should we form? Should we just call all people before us? Should we go out and visit? Should we have fact-collecting teams? How many? What should their background be? What should their characteristics be? We had a lot of groundwork to do initially there.

I know the public generally probably felt we were dragging our feet, but they did not know how we were wrestling internally. We spent a good deal of time, practically the better part of a day, discussing the President's direction to us. All of us were aware there were other minority groups other than the Negro. Should we go into the area of the Spanish-speaking, the Puerto Rican, the Indian, the Mexican, all of these other groups? But with the direction given to us by the President of the United States, it said, "You will investigate into the civil dis-

orders of the summer of 1967." Coincidentally, all of the civil disorders in 1967 happened to be in Negro areas, so that we spent a good deal of time discussing whether we should broaden the direction of the President or whether we should keep it narrow. But because of the emergency situation, we decided if we tried to cover all areas we would certainly not be able to do the type of job that we thought the President directed us to do.

M: There still wouldn't be any report, perhaps.

K: There probably wouldn't be.

M: Did you keep in touch with the President during the deliberations of the commission at all?

K: No, not really. I sat down maybe two or three times in that period of time with Joe Califano, but not to discuss the substance of what we were doing. I was interested primarily in how this thing was going to be paid for, having been in an executive position myself and knowing that we had a staff to pay, we had reporters to pay, we had travel expenses to pay. We had quite a financial problem, and it was essential that I know how far we commit ourselves. I've always been raised under that philosophy, "You don't spend unless you have." I come of old Czech ancestry, and our credit system is one hundred per cent cash, you know, and I've always been raised with that philosophy. So my contact actually was with Joe. Of course, Dave Ginsburg was with me at all times on these visits since he was the chief executive, really to run the staff, and he should know so that we could set up our books and budget properly.

M: Did you have any trouble financially, getting enough?

K: Initially we did, yes. As a matter of fact, we had to get to the President through Joe to have certain of the agencies and departments of government provide us with some funds and personnel and with certain of their facilities, because we had nothing. We really didn't have an office to begin with. We just met in a room that was available to us in the Executive Office Building. We had no place actually for the permanent staff. We had to seek that.

M: Was all of that solved as time went by?

K: Yes, it was solved, but there was an awful lot of work put into that initially. Because if the President tells you to get a job done, you want to do it, but first you've got to establish an organization. This took a little time and it took a lot of telephone calls and a lot of personal visits with people to see that we had the proper personnel. The visits to the White House were not for the purpose at all of discussing what we were doing or what the President would like, as many people seem to think. They're absolutely wrong on that score. These were administrative and fiscal problems primarily.

M: How did you avoid a minority report? Some of your admirers think that's perhaps your greatest contribution of that group.

K: It was not really too difficult. There were times, yes, that I had a great fear and concern that we would have minority reports. I could see some developing. I would try to sit down and talk with those individuals, not secretly but just between ourselves, to find out what was troubling them. I would say a day before we closed our report we had a potential of a number as high as seven minority reports. There was that potential.

M: Seven *different* ones?

K: Yes. Not on the total report, don't misunderstand that, but in certain phases with certain recommendations we were making. There were seven people who did not go along completely. But in discussing with them their problems [we found they were not too serious], and not I alone because there were too many for me to do it individually. But certain of our top staff members knew exactly what we were trying to do, and I discussed it with them--and with Dave Ginsburg particularly. We actually found out the difference of opinion was not the philosophy at all, it was semantic, the selection of a word.

M: Curable, then.

K: Yes. So that last night and the following morning, the day we actually closed the report out, we were able to solve all these problems with the selection of a word that meant what I wanted it to mean and meant what they wanted it to mean. The difference was not really a great difference or a severance or a moving away from recommendations, but merely selection of words. Semantics, that's all it was.

M: There weren't any impasses that you had to go to the White House with?

K: Oh no, none. All those things were resolved among ourselves by talking them out.

May I say, from people who have worked on commissions and who have had some experience with them in Washington, they said, "This commission in a sense is a very remarkable one in the amount of time that was put in by all of the commissioners." The attendance was excellent. There were some of course who could not attend all of them, like the senators and House members because of votes. That's why we moved our hearings

over to the Capitol building, so that if a roll call was called for they were there and would not have to travel across town. They felt more at ease working in the building in which they had to appear. To the rest of us it made no difference where we were, and we wanted to make it as easy as we could. Mr. [I. W.] Abel was doing work at the UN, as well as having some steel problems in negotiation, so that he attended I thought quite well, in spite of the other responsibilities that he had. Senator [Edward] Brooke, for instance, was sent to Africa by the President. He was absent during that period of time. But I think with the responsibilities that all of the commission members had, the attendance was remarkable.

I do not know whether anyone has said this--I've said it publicly when I made a few statements about it--but the actual report--I'm not talking about the statistical part but the actual language of the report--was orally read word for word, and we would stop, consider it, approve it, disapprove it, change it. So that every single word of that report was read orally in our commission.

M: So that there wasn't any chance of somebody not having read it and approving something he wasn't sure of.

K: Right. Every member of this commission had every opportunity to make corrections, criticisms, anything that they wanted to say, and they were considered. They were considered in an aboveboard, objective manner.

M: Did the President give any private reaction, when the report was rendered to him, to the commission?

K: No. Actually, we did not hand the report to him because the report when we concluded was in sort of galley form, with corrections to be put in

and the printing to be done by the government Printing Office. In a sense, really, the President received it the same time we did in its [final] form.

We had arranged that the report would go to all the members of Congress and to all the media and to all the members of the cabinet, so that we all had it simultaneously. The media were given copies of it, but [with] a release date to be the following Sunday morning. Unfortunately one of the newspapers surreptitiously, apparently, had got a copy of the summary--let me say *a* summary so that I can explain exactly what I have in mind in a minute--and this newspaper, we found out, was going to release it, I believe, on a Thursday after we had closed our books. Both Dave Ginsburg and I got on the phone and talked to the editor of this newspaper and asked him please not to do it. Because if he was going to break the deadline we felt that it would hurt all the other media throughout the country, and since he had only a summary and did not have the substance or body or the report he was going off half-baked. And of course we didn't know which summary he had. But actually it was a summary that was not the final summary. I want to indicate that. But he *did* go ahead and he *did* release it, which upset all of us.

M: What paper was this?

K: It was the *Washington Post*.

M: They're usually more responsible than that.

K: Yes, that is their reputation. As a matter of fact, [Carl?] Rowan had a column already prepared apparently the day before printing. I remember--and you can check this so you have greater accuracy on it--

there was a little memo at the beginning of his column that day. Because when they got the final summary they compared it and found it was not the summary that they had and they had to make at least some comment in explanation. Rowan's column was already apparently in type, and they couldn't change it.

M: Was that a leak through the staff or a leak through a commissioner, or did you know how they got it?

K: How do I know? I really don't know. As a matter of fact, I think it remarkable that we were able to keep things as quiet and close to the chest as we did, when you consider the number of people involved. Because our staff never averaged more than about sixty-eight, although at one time or another about a hundred and seventy people passed through the staff. Some knew they had a job just for so long and then would go on, and we'd replace them with other people for a different type of job.

But the media were very much upset. Our purpose in holding a Sunday morning deadline was to have all the media get the full body of the report, tear it apart, consume it, analyze it, so that we hoped on Sunday all media would objectively be able to project this thing to the American public. Unfortunately, many media lost interest when the deadline was broken. It was unfortunate, very unfortunate.

M: The general impression was that President Johnson received it with silence. Did he ever explain to you his lack of public response to the commission's report?

K: No, not really. I do believe he was a bit upset with the early release. I have great admiration for him and always have had, [but] it certainly is no secret that when things leaked sometimes he remained completely

silent or even changed his direction. This is a characteristic of the man, and it is part of him. He has his reasons for it. He, I think, did feel it was unfortunate that the report did not contain in it the programs that he had proposed that actually were recommendations of our report, and the amount of money actually that he had recommended be appropriated for these purposes. This was discussed in the commission meeting; it wasn't overlooked at all, but it finally was the consensus of the commission that if we did put that in it might give the report a political flavor which we did not want it to have. But certainly all of us in the commission knew what the President was doing, and in talks afterwards I did specifically mentions the programs and monies and things of this sort that the President was attempting to effectuate. Some he'd already done, as a matter of fact.

But much of the criticism of the report initially was it would cost a fantastic sum of money. Well, of course, this was not true. We never put a price tag on it. Our critics did, not we, because apparently they had not really read the report. If they had, they would have recognized in it that certain of the monies we suggested be spent were already being spent, but we suggested they be directed in a little different fashion. So it would not be new money at all. Some were experimental, and certainly no one could actually put a dollar figure on those. It would depend upon the agencies of government, both local and federal, who wanted to get into these areas, and whether they wanted to experiment on a one-shot basis with maybe ten people or twenty or fifty, or whether they wanted to use this same experiment with a little different direction in, say, five areas of the state or nationally. These

were things on which we made recommendations which could not be priced at all.

M: Did the President object to the nature of your conclusions, so far as you know?

K: No, not to my knowledge. No, not at all.

M: He never expressed any disagreement?

K: No. As a matter of fact, with things he had said previously he was obviously one hundred per cent in favor of most of them, because he'd expressed himself, perhaps not as precisely as we did semantically, but philosophically.

Now you take a misunderstanding with many people about housing. Many people in the United States still today do not realize that there is a lot of unoccupied housing in the United States. We didn't expect that artisans could build as many living quarters as we suggested, but we said, "to make available." We tried specifically to use our words precisely. California, for instance, prohibits public housing. I don't know whether you're aware of that.

M: No, I wasn't.

K: But our California representatives indicated there was unoccupied housing in California, and this is why we suggested perhaps rent supplements instead of public aid generally to raise the level of housing of many people. It might have meant only five dollars or ten dollars or maybe fifty dollars a month, which would have provided better living quarters for many of these families who really wanted them and desired them and would really motivate the children educationally. How can you expect a child to study at home when there are five kids in one room, or more?

With a proper type housing at home, it would further motivate the individual to better learning, a better job, more income on his own to become self-sufficient. So many of these things actually are pretty realistic. They still are realistic.

M: You're anticipating my next question. Could you tell that the administration did utilize the report in attempting specific implementation of your recommendations?

K: Of course, the President had already delivered his message. He delivered his message in 1967.

M: January of 1968.

K: 1968. It was March of 1968. He did try. In one conversation he did have with me about it after the report he said, "You know, we've been trying to do these things that you've recommended in the report, and as you know Congress is not very acceptable to the things that I proposed. But I want you to know that I have the members of the cabinet and the White House staff people still trying to have accepted those things I've already recommended." And he said, "You, as a governor, know how precarious it can be, that if you press too hard you may lose the ground you've already gained. We've got to do this diplomatically. But I want you to know that we're trying to do it. It may not be apparent on the face of it, but we're working behind the scenes in trying to garner enough votes to get these programs adopted."

M: The media always implied rather broadly that the commission, and I suppose *you* being the representative of the commission, felt like the White House didn't receive the report as favorably as they might have. I take it you're saying this is not so.

K: No, I did not think that. You must understand, too, that my association with the President was closer than the majority of people that were on the commission because of our long-standing acquaintance. Knowing the characteristics of the President and knowing in a sense some of his operating methods, I think I could sense more readily than most how he was trying to accomplish this. Sometimes you accomplish much more by not being obvious about it. Certainly that was my experience as governor. In many instances where I was aggressive about something I lost it, but if I quietly stayed in the background they were accomplished. I can document it.

M: What about feedback to you and to the other commissioners with which you're familiar from your work on the commission? Did you get a lot of unfavorable personal difficulties because of it?

K: Not any difficulties. I got a lot of letters, which of course did not surprise me; I had received letters of that nature over a period of years, just more of them. But I also received a great many favorable letters, hundreds. Most of my letters before I left the governor's office I had xeroxed, and they are with the commission records. I suggested that the other members of the commission do the same thing. Some of them are filthy and foul, as you would expect them to be. But I thought that if it were possible to turn over the originals or copies of them so that sociologists or psychiatrists, certain of the areas that would have an interest in this thing, could read them and analyze them maybe they'd be helpful. All of my letters while I was still in the governor's office are presently in the archives with the commission records.

M: You don't think it caused any political difficulties for the commission members or yourself?

K: For me, no. As a matter of fact, you know that it was in February that I announced I would not run again as governor.

M: Right, before the report came out.

K: Oh, yes. As a matter of fact, even after the report came out people were urging me to reconsider. Politically, I think it would have been helpful to me, if I were observing it from that view, surely. Of course, my position on civil rights and minority groups was no secret over the years. Back in 1960 it was certainly publicly known, and more generally it was known even before that.

M: When did Mr. Johnson talk to you about taking your present position? In the middle of this?

K: No, there was no discussion of that at all. As a matter of fact, it wasn't until some time in April when I decided that since I was not going to run again, there was this vacancy here, that I gave it consideration. Certainly I had no consideration of it in February; I had none in March, and it really wasn't until maybe around the middle of April that I gave this position any consideration whatsoever.

M: Were you involved in the 1968 political situation in Illinois at all?

K: No, I could not be.

M: I know after you were judge you couldn't be, but I was thinking--

K: This was May, you see.

M: Right. I was thinking particularly about the period at the time Mr. Johnson announced that he was not going to run again.

K: Now when was that speech?

M: That was March 31.

K: Yes. No, I was not involved in that at all. I happened to be listening to my TV that evening, as most of us were. I was not completely surprised because I spoke to the President in January that I was giving great consideration as to whether I would run as governor again in Illinois, and he did state to me he was not surprised, that the decision had to be my own of course [and] that he had just completed I think about ten days previously talking to John Connally about the same subject. He said, "You know, I'm giving consideration to this same subject matter myself."

M: This was in January?

K: This was in January. It was about the second or third week in January when I was there on commission work. I asked for an audience because I felt he should know that I was giving serious consideration to not running. I had not yet made up my mind. There were a number of things I had to consider, but [I said] that when I did make up my mind I certainly would be in touch with him.

M: I don't want to cut you off. Are there other areas in which you had close contact with the President which we haven't mentioned here?

K: Well, of course, I saw him frequently. Whenever he was in Chicago, naturally I saw him. When he was vice president I used to see him very frequently when he was in town. I'd stop and visit with him, and many times Mrs. Johnson would come in.

M: What about Mrs. Johnson?

K: I think she's a lovely lady, very able, very gracious, warm, very considerate and extremely able. I think she has a remarkable mind and memory.

M: Was she important to him as far as his actions were concerned?

K: Oh, I think so, I think a great asset to him, believe me. I know sometimes when I would meet Mrs. Johnson there would be literally hundreds of people around and there was no one next to her to prompt her, which I say is important, [and] she would know the name and she would inquire of the family. She would inquire of things that you would think the first lady of the United States wouldn't even know about. These were all very complimentary, and she was sincere about them. She *was* sincere. I have great admiration for Mrs. Johnson. She's a lovely lady and very able.

M: Anything else you'd like to add while you've got history at your mercy here?

K: I don't know if it's history. I had many visits with the President on problems statewide and multi-statewide. I was most interested in the economy of this state in relationship with the coordination with the federal government. Illinois has been one of the largest revenue raisers of the federal government, I think number two at the time--New York and Illinois. Then on the other hand, in almost inverse ratio did New York and Illinois participate in federal funds, and I often discussed this with the President. In addition, I did point out to him that since I was governor Illinois had taken the number one position in export, and we were bringing more foreign money into the United States than any other state in the Union. So that he could be very certain

that I was as interested, if not more so, in the balance of payments than he was. He acknowledged that.

I spent a great deal of time and a great deal of effort in cooperation with many people about this new accelerator that is presently being located here in Illinois, at Weston, and did point out to him that I thought we should be given these. He said, "Of course I'm not going to make the judgment on that, but I'm glad to hear what you've got to say about it." I said, "I would not consider this an Illinois project but a midwestern project, because we in the Midwest actually produce the greatest number of Ph.Ds and yet we are losing them because of government contracts on the east and west coasts."

I felt that we should not be provincial, and I'm *not* provincial, but I did feel that certainly anyone who has gotten his education in Illinois and gone up to a Ph.D had cost the taxpayers of this state then some $52,000. I felt that we were having a brain drain and we must have something here in the Middle West to retain these brains and this corps of great intellect that we had actually produced and developed here in the Middle West. Not with the idea of any status--I had a very good, solid fact that I was concerned about. If you retain these brains in a community--and I don't mean just Illinois; I certainly want to make this clear--this would affect the entire Middle West because the facilities would be available. Those people who are interested in further discovery and research and experimentation would have the facilities nearby, whether they come from Missouri or Michigan or Minnesota or Dakota or Ohio. It didn't make any difference. But by doing that, then

you retained this quality in your community, and by that quality you developed further intellect and also commercial product.

M: Did Mr. Johnson understand this type of concern?

K: Oh yes, very much so.

M: You know, he's looked upon by some people as kind of provincial himself, a southwestern, not a midwestern provincial.

K: Let me say that was good for him, because I think it provided him a better platform to get insight into other people if they took that attitude.

M: You don't think that's true?

K: Certainly he was not a provincial man. I think his language, his method of expression may have given that opinion. Mr. Johnson is a very able man.

M: He never indicated to you that, for example, the Midwest might have to take second place to an area that was undeveloped like Appalachia or the South?

K: No. We recognized that there were these other problems, and certainly coordination between these two could be beneficial to each. Just as I took the attitude as governor here. Before I became governor there was a lot of conflict and competition between states rather than coordination among. Certainly as governor one of the things that I'm so pleased about is we got the states and the congressional delegations working together rather than against each other on a provincial basis.

M: Provincialism can be at a lot of different levels, can't it?

K: Yes, it can, and I could document these things that I say. So that now the Middle West, which really is the economic backbone of the United States. . . . Say what you want, it is, and I'm talking about industrially and agriculturally. We feed the world. We produce equipment for the world. This is where employment has its greatest possibility. We have the finest workmen, and I'm telling you what the business executives tell me, industrial executives. We have the finest quality of workmen. I didn't say the finest men, but group-wise the production of the people here in the Middle West is excellent, very excellent. I was able to get the other governors to recognize this, and we were able then to work together rather than to snipe at each other.

M: It's easy to fight across the river.

K: What would benefit Illinois would benefit the states around us. If something would benefit Wisconsin, obviously it benefits Illinois. Take the automobile business in Detroit. A lot of Illinois' economy depends on that. Where do you think a lot of the parts that go into automobiles come from? Owens Illinois Glass.

M: Sure, you're overlooking it right here.

K: We have upholstery manufacturers here; we have a lot of electrical and electronic businesses here, which all becomes a part. Where does the steel come from? All of these things you see are interlaced, and the President knew this. He was *very* aware.

I wish the people of the United States were able to know this man as I have known him over the years. They would be astounded by his fund of knowledge and the depth and accuracy of it, which he rarely displayed except in small groups. Many of the governors in the governors' confer-

ences [were impressed] when he kind of let his hair down. After a secretary would get through with an explanation, he would jump in and further build up the things they were saying. He had those facts and figures at his fingertips, and they were accurate. He's an amazing man, an amazing man.

M: That's about as good a peroration as I can think of. I certainly thank you for your time.

End of Tape 1 of 1 and Interview I

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