

INTERVIEWEE: Mrs. Ruby G. Martin

INTERVIEWER: T. H. Baker

DATE : February 24, 1969

B: This is the interview with Mrs. Ruby Martin, the Director of the Office for Civil Rights of the Department of HEW.

Mrs. Martin, would you mind starting by summarizing your career up to the point you assumed this position?

M: Yes. I guess I'm known as a bureaucrat. I've been involved in government work since my graduation from Howard Law School in 1959. I first worked with the Cleveland Community Relations Board which is a civil rights agency in the city of Cleveland, Ohio. After being there a year, I moved back to Washington, and I worked for the United States Commission on Civil Rights for five years. The Commission is a fact-finding agency of the federal government on civil rights, very much concerned with the fact-finding that culminated in the passage of the Civil Rights Act of 1964. After the law was passed, I decided I would go where the action would be, and that was with one of the departments that would be enforcing the act.

I was invited by Assistant Secretary James Quigley of HEW to join his staff over here, with civil rights responsibility as it related to education. I joined Mr. Quigley and HEW in 1965, and I have been here since. So, in a sense, my entire adult work experience since graduating from law school has been with government, either city government or the federal government, and concerned with civil rights, human rights, community relations kind of work.

B: Did you play any part in drafting the Civil Rights Bill of 1964?

M: Not in drafting it. The Commission on Civil Rights was not involved

in drafting the legislation, but the Commission did the major fact-finding that the drafters used in finalizing the Act. In other words, we held hearings throughout the South on how effective Brown vs. Board of Education had been, for example, in desegregating schools. We held hearings on public accommodations activities, the extent to which people were denied access to hotels and motels and restaurants because of race. It was on the basis of the facts as we found them, we believe, that the people who did draft the legislation were able to present a very forceful picture of discrimination, denial of equal opportunity, in the South.

B: Were you happy with the final results in 1964--with the bill as passed?

M: Oh yes. I would have written it differently, of course. Most lawyers can improve on any of our colleagues' work. I would have written it a little differently, but there's no question in my mind that the Civil Rights Act of 1964 is the most significant piece of social legislation to ever be enacted by this country--or since Reconstruction anyway.

B: When did you first meet Mr. Johnson?

M: Actually, I didn't meet Mr. Johnson until 1968, the year that I was selected as one of the Federal Woman's Award winners. I met him personally when we were taken to the White House to meet the President. There was a press briefing, and the President introduced us to the press. That was my first actual opportunity to shake hands with him and chat with him for a little while.

B: Have you had any personal contact with him since then?

M: Just very minimal. I was at the sort-of-farewell party that the black appointees had for him. It was a very crowded affair. Most of my contact with the White House was with Doug Cater, whom I have a great deal of respect for. I do know him personally because he's the one person in the White House that I dealt with in my work.

B: Mrs. Martin, this is a very subjective question, and even a vague one. When you entered government service with the Civil Rights Commission in 1960 on into the Kennedy years, did you have an opinion of Lyndon Johnson in those days?

M: No, I didn't. When I entered the government of course, Mr. Eisenhower was the President. I entered in July of 1960. I was quite young--not quite young, I was young. I had spent most of my life in a college setting. I was not very political, lived as a student in Washington where we don't have an opportunity to really get involved politically. I knew that Lyndon Johnson was in the Senate and the status that he had there, but I really hadn't given much thought to a lot of things going on in and around Washington.

B: When Mr. Johnson became President on the assassination of Mr. Kennedy, did this create any sense of dismay in the sense that here is a man that is comparatively unknown, and what's known about him is that he's a Texan and perhaps somewhat conservative?

M: I was probably as distressed as any black person in America at the thought of a--and I considered him a Southerner--ascending to the Presidency, and during the period in our country where black people were still being discriminated against, people were dying on hospital steps, and school desegregation was a farce in this country. All of the things that we were looking forward to under Kennedy seemed to have just sort of--my reaction was that they were killed with him in Dallas.

B: Did this opinion change?

M: Absolutely.

B: Do you recall when and why?

M: In retrospect I think that President Johnson was able to do a lot of things because he was a Texan, because he was a Southerner really, that

Kennedy would not have been able to do had he lived.

You may or may not know, I have tendered my resignation from this position, and probably more than anything the reason I did submit it is because I know that this is a program that cannot survive without the strongest kind of White House support. I know the agony that we caused-- "we" meaning the Office for Civil Rights--to the White House. I just know it, because I spent a great deal of time with Doug Cater. And I know that when the chips were down, the White House always supported this program, sometimes on the basis of fact and sometimes just on faith because we didn't have time to gather the facts. I personally feel that this program is not going to get that kind of strong White House support now, because it's very, very dangerous, and it's very tempting to compromise on this program. It is a program that can be compromised away innocently, perhaps--vindictively, of course. But I just am very, very fearful that the support it needs isn't going to be coming.

B: During the Johnson years when, as you say, this office was quite often in controversy and under attack from Congress and everything else, your main contact with the White House was through Mr. Cater?

M: Yes.

B: But in those controversies you had no doubt that he was in turn talking to Mr. Johnson, and you had Mr. Johnson's support?

M: Oh, absolutely. There were very few ready answers for us. We would have long meetings, and we would arrange to have a further meeting where we would discuss it some more. And there's just no question in my mind that Mr. Cater was discussing all of this with Mr. Johnson.

B: Did you ever get any indication from the White House that perhaps you should go slower or avoid controversy?

M: I think the thing the White House was able to do was to shift timing. Sometimes it's just as important not to do something at this particular time as it is to do it. My encouragement came because Mr. Cater and the President rarely said "no" or to "go slow" or to "stop." Their answer may have been that this is not an appropriate time, and can we do it in a month and it will still have the same impact and be just as effective. I learned that these are political decisions that have to be made. It's quite different saying, "Let's do it in two weeks," than saying, "No, let's don't do it."

Of course, there were some times when we had to go back two or three times with more information. The White House has a right to be absolutely certain of the facts and things like that in making the decision. There have been many times when I was quite concerned and thought that the answer was going to be "no," or "don't do it," when it would end up pretty much as I said earlier, "The timing is not right for that, let's do it later." Sometimes it was, "Let's wait just a couple of days."

B: Was this kind of debate involving the timing of, say, a cut-off of federal funds?

M: Yes, cut-off of federal funds or noticing a particular school district for a hearing. If there was a particularly critical vote on the Hill on, say, welfare amendments or somebody's appropriations bill and Congressman so-and-so was important and we didn't want to offend him, then I could certainly understand that you wouldn't notice a school district for a hearing of said Congressman X when he was chairman of the committee that you were trying to get something out of.

B: And I suppose it's no secret that in this kind of debate Mr. Johnson or the White House must have been under direct pressure from the individual Congressman.

M: Oh yes. We know that. Probably the most celebrated incident involving me personally was a letter that Congressman [John J.] Flynt of Georgia sent to the President demanding that he fire me. I do know that Mr. Cohen ended up at the White House--he was Secretary then--talking to the President; that Doug Cater and Mr. Cohen and the President did sit down and discuss the Flynt letter because Mr. Flynt said all of his constituents were behind him, and his colleagues from the South were behind him in their demand. And not only did I not get fired, but I was subsequently made Director of this Office. So there's another instance, I think, of support by the White House when there was a great deal of pressure put on them. They got no political mileage out of me. I came up through the government ranks, and I'm not a great NAACP leader, etc. There were very few people on the outside, I think, who would have rushed to my support because there was just no political value. I guess I was looked at as somebody who was capable of running the program. I like to think that that's the basis on which the decision was made.

B: When did you become Director of the program?

M: In May of 1968.

B: You had served before within the office?

M: Yes, I had been Deputy Director and Director of Operations, and carried a variety of titles, but always on the policy-making level--fairly high level.

B: Much of the controversy that your office has been involved in has, of course, revolved around the school guidelines. Who actually wrote the guidelines?

M: There's no single author of the guidelines. Let me just--while I have the opportunity--let me explain that the guidelines are nothing more

than assembling what the courts have said about school desegregation in one document. We did that to try to make it convenient for school people. The first guidelines were written almost as a direct result of requests by school officials to tell them the least they had to do in order to qualify for continued federal funding and assistance. Jim Quigley resisted them; I resisted them; most of us did, because we knew that whatever we said would be the floor, or the absolute minimum, and that that's what school people would do--the absolute minimum. But we did it; we wrote the guidelines. And all of a sudden, they sort of became an albatross around our own necks, and they were written because we were doing them as a favor to the school people.

We don't really need guidelines. We could simply cite controlling court decisions. That's why there isn't a single author. The General Counsel pulled together the court decisions. We had some people from the Office of Education who tried to take those court decisions and write them in language that the average school board could understand without an attorney. The Department of Justice went over them to be sure that the legal meanings were not lost in the transition from a legal document to a layman's document, so to speak. We always consulted with Congressmen. We consulted with mayors and governors and school people with stature before we released the first guidelines to be sure that everybody understood what was coming. The guidelines really have been given a status that they don't deserve, and I think it's just something that people have seized upon to indict what they feel is something that is not legally required. There's no question as to the legality of the guidelines.

B: Of course, Title 6 of the Civil Rights Act of 1964 implies that there shall be some regulations of that sort.

M: Yes. Well, we did issue regulations. The guidelines are separate and apart from the Title 6 Regulation. The Regulations are signed by the President. The guidelines are just issued by the Department, and they are a statement of policies.

B: I was going to ask if the guidelines themselves had to or did have the specific approval of the President.

M: They do not. The courts have said that the guidelines are not regulations and therefore do not need Presidential approval. Now there are some of us who thought that President Johnson could have settled the controversy by signing them. But there are others who felt that if the President had signed them, it would have given them the kind of status that we didn't intend for them to have because the court decisions were coming fairly rapidly, and they were expanding the law. So if the President signed it, every time the Supreme Court said something else you'd have to go back to him and have him sign them again.

B: Because the guidelines have been revised periodically.

M: That's right. They've been revised periodically.

B: There was a case, I believe in 1966, when a group of Congressmen wrote a letter to the President complaining generally about the guidelines, and he replied to them in a letter.

M: I think those were Senators. I think seventeen or eighteen Senators all wrote a letter complaining about the guidelines, about freedom of choice. And of course the whole quarrel is about freedom of choice and whether for purposes of complying with the Constitution and Title 6, all you have to do is offer Negro youngsters an opportunity to go to a white school. I don't remember exactly what the President said. He said something to the effect that his oath of office required him to uphold the Consitution, and that's what he was doing.

B: I was going to ask just generally if your office considered his letter in that case an adequate endorsement of the guidelines.

M: I don't recall it being an endorsement of the guidelines, but obviously we didn't consider it as posing a problem for us because I don't even remember what he said. If it had posed particular problems for us, then I'm pretty sure I would have remembered.

B: As you said, the freedom of choice aspect has received a good deal of the publicity; and in that it appears to me there is a subjective judgment that is made. As you said, the freedom of choice plan of offering students their choice of schools may not be enough to end desegregated schools, which seems to imply the assumption that there would be intimidation involved.

M: The courts have looked at instances of intimidation; the courts have said in some cases there doesn't have to be any intimidation--there's a history of intimidation that doesn't have to manifest itself in overt acts; that Negroes in some communities know their place without anybody telling them what it is. And I feel that in many respects the South, the Southern Congressmen and Senators, were so very, very hostile to President Johnson because I think they were expecting him to just reflect their attitude, particularly on the issue of the school desegregation--you know, that freedom of choice is enough. It's a concession the South is making, and Mr. Johnson as a Southerner or Westerner or however you want to characterize him more than anyone should recognize this. There's a great deal of discussion about the Southern way of life, and I've had Congressmen actually tell me that their biggest disappointment in the President is that he forgot the Southern way of life, and they were expecting it of him.

B: The business of traitor to your heritage kind of thing?

M: That's right. I've had them tell me that in meetings. I can't describe it in any other way but there was a great deal of hate on the Hill for the President, and I think simply because he disappointed them, and he turned them against them, many of them said. It's like they would have expected this from a Jack Kennedy, but they certainly didn't expect it from a Lyndon Johnson.

B: Is this kind of attitude not necessarily directed at Mr. Johnson himself, but the difficulty your office has generally--is it universal among Southern Representatives and Senators, or do you have any allies?

M: Oh no. It's not universal. I think there are two separate problems. There's the Southern politician who's political for the people back home. We recognize that. And then there's the Southern politician who's a racist. And I would say that perhaps the former are more abundant than the latter on this issue. They're plenty of guys who have to make the right kind of speeches so they get in the press back home.

We try to protect the White House in administering this program. And one of the things we tried to do was to always keep the Congressmen informed about what was going on in their district, so when they'd call the White House, at least they couldn't plead surprise. They would have to plead the facts and ask for a favor. And many of them, giving them prior information about what you were going to do, were able to write their speeches for their constituents ahead of time and give the kind of blast that they thought they needed to give early.

There's a great deal of this going on all the time. We have Congressmen right now who will call us and say, "My X-school district board members are coming up here, and I'm going to come over with them, and I'm going to give you a hard time, and then I'm going to excuse myself." Or they'll say, "People from X school district in my Congressional district are coming up here, and they want me to come with

them, but, gee, I'm just too busy, and I know you people aren't going to do anything different. Would you please make my apologies for them." And sometimes we spend fifteen minutes explaining why "Congressman So-and-So from Mississippi couldn't be with us today because he wanted to be here and explain your position to us." All is not bad among the Southern Congressmen.

B: That must keep you awfully busy because I have had indications that every time a school board comes up here to talk to you about what's going on in their area they seem to invariably get hold of their Congressmen as a kind of ambassador, and you can hardly ignore a Congressman.

M: Oh absolutely not, and this is one of the ways that we try to protect the President, is to make ourselves just as available as we need to to talk to Congressmen and their new school people that are coming up, at any time, at their convenience, in the Congressman's office, a hotel, wherever it was. We try to be accommodating. And I think in the last year of the Johnson Administration, the battles over school desegregation were over the issues and not personality. The program got off to a very bad start because Southerners could say "Sam Jones was demanding in X county more than John Smith was demanding in Y county." We tried the President's soul; I know that we did; and it took us awhile, as with all new programs, to get it settled down, to get the policy clear, communicate it, and roll it.

In the last year of the Johnson Administration the only fight over personality was when Congressman Flint raised the issue about me. I accused the Georgia school district of bad faith, specifically the superintendent of acting in bad faith. But other than that, there were no accusations hurled at people. The accusations were at the policy, and I think that's where the fight should be. The President couldn't

win very many battles over people. When you get right down to it, why should he stick his neck out over people! But if you're arguing over the policy, then I think that's a real test of a man's character, and I think the President stood up very well.

B: At least early in this office's activities, your field people received a good deal of criticism on the grounds of inexperience, and occasionally of arrogance.

M: That's right. And error--

B: Was this justified?

M: Justified, absolutely justified. It was a new program. There weren't experts in school desegregation just waiting around to be hired in 1964. The only people that had been involved in school desegregation were the lawyers--Legal Defense Fund lawyers from the NAACP. And the work of the lawyers from 1954 to 1964 resulted in two percent of the Negro kids in the Southern states attending schools with white students. But [with] the fumbling and bumbling and the arrogance and the failures of the first year or so of school desegregation, there still was a substantial increase. That's what I mean, that the arguments were over the people in the early days.

And then the confusion! There was a great deal of confusion and misunderstanding because the people were new. Most of them were young, energetic zealots, whose hearts were in the right place. And it took us a while to administer this program. We're law enforcement officers, we're not advocates, we're doing our job, "the courts are saying this, the Constitution requires this." And I think that's where we are now.

B: Another area of controversy, particularly from Congress and from the public generally in the South at least, has revolved around the question of busing. The allegation that your office goes beyond and even

in contravention to the Act of 1964 in requiring, or at least encouraging, busing of students.

M: Busing is a red herring in the South. Most of the school districts that we deal with are already busing children because they tend to be rural or semi-rural school districts that just bus children. There are many school districts that introduced the element of busing as a community service and not because of any requirements on our part.

Let me just illustrate a Texas school district. And let me say that while Texas has emerged as the Southern state with the greatest amount of desegregation, it did try the President in the early days. We got a number of calls from school people claiming to be a third cousin of Lyndon Johnson, very upset, and who had absolute access to the White House; and "if you don't call off your troops," as they said, "we will use our relative relationship with the President to take care of this."

B: Did it ever happen?

M: There were plenty of calls to the White House, and Doug Cater would call us, very upset and very concerned about a Texas school district. But the thing that I liked about dealing with Mr. Cater was that he made the decisions on the facts. And if X school district had a bad desegregation plan and was not in compliance and he was convinced that our fact-gathering was correct and it was not in compliance and he knew that another third cousin three counties away had complied--you see, those are the things you have to look at. You can't start treating your cousins differently.

There's a Texas school district that we are now involved with that has said that in order to desegregate according to the plan that we recommended, it's going to have to introduce busing into a community

that has never had busing, never bused their students. But the reason they are busing students, and they're busing only white students, is because we have recommended a pairing plan, utilizing two schools to cover X number of grades; and while the white students could walk to the formerly Negro school they'll be assigned to, the school people feel that they cannot ask white parents to permit their small children to walk through a Negro community. While the Negro kids will be walking through their own community and through the white community to the formerly white school, these white children will be on the bus for about three or four minutes, simply because the school district doesn't believe the white community would stand for white children walking through a Negro community. Now that's not any kind of busing that we are requiring. It isn't busing in the traditional sense of busing to overcome racial imbalance. These schools are close enough so that anybody in the area that it's serving, that anybody could walk. And there are plenty of white children going to other white schools at a greater distance that are walking. We're getting a great deal of this.

There are communities that have traditionally bused students to preserve segregation, and we are maybe introducing five-percent more element of busing to desegregate. But it's five-percent more busing than they're presently doing. And I might add that generally school desegregation results in less busing, because in a segregated system you have a white bus and a Negro bus traveling down the same road, picking up children, dropping them off at the Negro school and dropping them off at the white school.

B: A third major area of Congressional criticism has been what the critics call a selective enforcement in your office; that is, that your office has been almost entirely Southern-oriented and has not attacked desegregation problems in the North.

- M: The facts are accurate, that we have focused our program in the South. We did this because we looked up the legislative history of Title 6. To us it's clear that the Congress meant for Brown vs. Board of Education to be implemented. And Brown vs. Board of Education dealt with Southern school systems, systems that had a public policy or a state law requiring the separation and segregation of students. And as we construe the legislative history, that was where the greatest concern was on the part of the Congress.
- B: Of course the Brown decision is Brown vs. Board of Education of Topeka, Kansas.
- M: Yes. But Topeka, Kansas, had a permissive state law so far as the segregation of pupils is concerned, so it was a Southern school system in the sense that it did permit segregation. But there were five cases involved, and Topeka just happened to be the one that it was named after, but the other four had mandatory policies. So you had a permissive policy of segregation and mandatory policies whereas in the North you have policies prohibiting segregation of students. Usually you have a public policy, but in fact, you have substantial school segregation.
- B: Has your office given any thought to approaching this problem in the North, which, as you say, is a different problem?
- M: Yes.
- B: It's largely a problem of de facto segregation by residents in the big cities.
- M: Yes. We're under Congressional mandate to have a uniform program.
- B: I was going to ask you generally the effect of the Whitten rider.
- M: The Whitten Rider isn't really what--it isn't the Congressional mandate. The Congressional mandate goes back to the amendments to the Elementary

and Secondary Education Act when Congresswoman Edith Green introduced a bill that was passed amending ESEA to require uniform enforcement. The current guidelines are applicable to all school districts. In April of last year, 1968, we began a systematic review of Northern school districts. We have reviewed about forty.

We have not yet noticed a Northern school district for a hearing to terminate funds. It takes longer to build a record of either action or inaction by Northern school districts designed to bring about racial segregation or discrimination. But we've been able to do it, and where we've done it and presented the school board with the facts, they have capitulated. Just last week Union Township, New Jersey, a small school district, when presented with a factual account of how one school became all Negro, presented us with an acceptable desegregation plan. And I feel that we're going to have this kind of luck in the North, whereas in the South, it wasn't until last year really that we began to get the kind of cooperation from school districts that we think we're going to get early in the North.

B: What about the very big cities in the North?

M: We haven't tackled the very big cities in the South because most of them are desegregating under court order.

B: I was thinking in the sense of cities in the North in which the inner-city area is preponderantly or even overwhelmingly Negro.

M: That's not a Northern phenomenon. It's an urban phenomenon rather than a Northern one. It's just a very, very difficult problem. We made a conscious decision--some people call it a political decision--we made a conscious decision not to take on any large school districts right now because our resources are limited. You can get involved in a large city for two years and come out of it bloodied, bruised, and

scarred, and nothing that's going to change the situation. We decided to deal with fairly small to middle sized school districts in the North--Pasadena is about the largest one we've taken on--and try to begin to establish some legal precedent in the North as there is plenty of legal precedent in the South.

B: Incidentally, what happened in the Chicago case?

M: Gosh, only the President knows. I suggest you ask him. There are plenty of rumors going around, and some of them are awfully funny, but nobody really knows. I certainly don't know.

B: From the view of this office, was it plain political interference on the part of Mayor Daley?

M: I think so. There are some people who suspect that Lady Bird's Beautification Program was at stake, and that Mayor Daley controls eleven votes in Congress, and he threatened to pull all eleven of them back to Chicago or off the floor when Lady Bird's Beautification Bill came up. I really don't know.

Let me say that that was a tremendous setback for us generally, because the South seized upon it as we knew they would, and made a political football of it. There are some of us who feel that we would not have had the political problems that we had, had not the Chicago incident taken place. And I think the President recovered very well from that by being consistent after that. It was also the fault of our office partly because we could not present Chicago with a recommendation as to what it could do to get those funds undeferred as we could do in the South.

B: Who decided in the first place to take Chicago--?

M: I think Jim Quigley and Francis Keppel, the Commissioner and Assistant Secretary, looked at a complaint--an extremely well-documented complaint

that we have from Chicago. And I know the White House was asked something, either was it all right, or "here are the facts, and we're going to do this. Do you have any objections." I think there was just some failures on both sides to follow through. It would be an awfully good thing to write a book about if anybody could get all the facts.

B: That was presumably before you made this conscious decision not to get involved in the big cities.

M: Long before. That happened in 1965 or 1966, I believe.

B: Incidentally, in relation to the big city school areas, there seems to be a fairly strong movement among blacks themselves to resist integration; that is, to prefer all black schools and a measure of community control.

M: I think there's a great deal of misunderstanding about what the blacks are demanding. We're getting some of that in the South. But if you listen to what they're saying and read what they're saying, the blacks in the South are not demanding all black schools. They're demanding integration that's real, that works both ways. They're saying, "Why do black people have to sacrifice, make all the sacrifices! Why is it necessary to close Negro schools and assign Negro kids to formerly white schools! Why can't a district utilize all of its schools in order to desegregate!"

You see, in many communities in the South school people are closing the newest school in the district, which is the Negro school. And black parents feel, and I agree with them, that they are attaching some kind of significance to a Negro school. They're saying, "This school is so bad simply because Negro kids attended it that we wouldn't dream of putting white kids in it." That's what's happening in the South when you have the push of what appears to be anti-integration and it is

not. It's anti-integration the way it's being proposed and carried out by the school people.

B: In some of those cases geography must be involved; that is, the formerly all Negro school is more likely than not to be close to a Negro area.

M: That's right. And it isn't formerly. It's all Negro generally. Generally it is located in the Negro neighborhood, and Negro parents are saying, "Why can't the bus now bring white kids to this school rather than taking all of our kids and making them ride for twelve miles? Why can't the white kids ride six miles?"

In the North the move toward black schools, I think, is because people are giving up on integration. How are you going to integrate the schools in Harlem! Particularly when white parents are protesting! Look at all the suits that white parents in New York City brought in state court opposing integration! And Negroes are beginning to feel, "well, to hell with it. People don't want us there and integration isn't feasible, and we want good schools, we want good black schools." I just think it's the most natural reaction around.

You know, I haven't given up on integration. I think it's right. I personally went to integrated schools, and I just believe that it's the way to solve the problem. But people who have given up on it, people who have seen white parents go to great expense and great extremes to object to it, have a sense of pride, and correctly so, I suppose, in saying, "Well, if you don't want us to go to your schools, we don't want to go!"

B: Does this apply in the South too--in the small-town South?

M: No. The small-town South, I'm saying--the Negroes want the Negro school to be a part of the total integration package rather than

closing down the Negro school, which is something that's happening frequently because school people feel--white school board members feel that their communities will not tolerate white kids going to a formerly Negro school. We've found that many school officials just don't give their communities enough credit.

B: Is the Whitten Rider likely to seriously affect the Office of--?

M: Not as it was passed last year, but my great fear is that the Whitten Amendment is going to be introduced again this year to our appropriations bill. And I'm just awfully fearful that it will not get the kind of--this office will not get the kind of support it needs from the White House to fend it off; or that the White House will not take the kind of steps that it took last year to help beat it off.

B: I was going to ask. I assume the change in language in the Senate has helped negate the effect of it.

M: Yes. It in effect negated it because what's said in the Whitten Amendment has already been said in the Elementary and Secondary Education Amendments of 1967. So it didn't really add anything.

B: Was there White House influence in that change in language?

M: Yes. I know that Barefoot Sanders made some calls on the Hill. I know that Doug Cater did some work on it. This is the kind of support that's just absolutely essential in order to keep this program alive.

B: Does your office get involved in any other aspects of anti-discrimination, Medicare, Welfare--?

M: Yes. Ninety percent of our staff resources are concerned with school desegregation simply because it's the most explosive issue, and it's the most important. We have a Health and Welfare Unit concerned with hospital desegregation, and nursing homes. And we have tried to build the States into our compliance program for health and welfare because

the States have frequently had direct controls in health and welfare that they don't have in education.

We've had much better success in our health and welfare program for a variety of reasons. You're talking about short-term assignments of people to hospitals. Our Nursing Home Program is very much like the school program. There's a great deal of reluctance to desegregate nursing homes because it is long-term.

The other reason for our relatively and comparatively more luck with the hospitals is that you're not going to the heart of the community as viewed by a lot of communities. The schools really are the hearts of a lot of communities, and they should be where they're not. You're talking about small children as opposed to adults, and we've had plenty of people tell us that whereas they wouldn't mind sharing their room with a Negro in the hospital for a week, they absolutely object to their small children--their small white daughters having to sit next to a big black boy for nine months. There are plenty of reasons why we've had better luck in hospitals than we have in schools. The big problem in health and welfare is not so much discrimination as it is the delivery of services to poor people regardless of race. Title 6 just doesn't deal with that.

B: It's just about 11:15. Is there anything else you'd like to say for this record?

M: I can only say that I think if the Democrats had won, I think I probably would have stayed--while I'm not really a political animal. This program is going to need the greatest amount of protection and support because it's so easy to dissipate the energies, it's so easy to really destroy the program.

I'm going to be very much concerned with civil rights outside of

the government. There are very few black people who have been in government and who have moved out who have been able to carry with them a kind of knowledge and expertise about the bureaucracy that it can use from the outside. I'm very grateful for the opportunity to have been in government for almost nine years, and I'm delighted with the prospect of being able to go out and understand the bureaucracy, and to perhaps be able to put some pressure on people other than the President. You see, most of us black people go right to the President, or we would go right to the Secretary. But I know that many of the decisions are made at a much lower level and that it's a complete affair when you get to the President because you're asking him to reverse something that has already been done. Hopefully I can begin to point to some other people and point to some time periods when you can put some pressure on before the decisions are made. I'm delighted that I've had a chance to wander through this bureaucracy and to have some notions of where the real pressure points are, and hopefully I'll be able to use that knowledge.

B: Incidentally, since you've announced your resignation, the school program which at first the Nixon Administration seemed to temporize in was this grace period for cut-off; then seemed to get stricter and then, Mr. Farmer was appointed to a tri-policy position here in the Department.

M: I think we've yet to see how high that policy position is. Let me say this: I've just been delighted with what Mr. Finch has done. I think he has said a lot of things that he should not have said. It has caused a great deal of confusion so far as this office is concerned. My staff is constantly bringing newsclips of something that has been said that makes the front pages of the press in the South. The South

is very clever. The fact that three school districts were terminated was on page 37, but the fact that Mr. Finch said that desegregation and discrimination may not mean the same thing was on the front pages of all the papers. And I just think that there's a sophistication that he's going to learn as he goes along.

The most disturbing thing that he has said, and he has said it consistently and I think he means it, is that he is stuck with a set of guidelines and he inherited a machinery that's working--the implication being that if he could get unstuck with the guidelines, and if he could get unstuck with the machinery, then, you know, that would be all right too. There just may be some people on the Hill who are ready to unglue him from this, you know; and it makes me awfully nervous because I know just from the telephone calls that have been received from congressmen--Congressman Fountain--he's going to have a chance to go at this program again through the ESEA Amendment. Mr. Thurmond's AA has asked for information on a consistent basis, and I just know that there will be all kinds of amendments introduced.

So it's very easy for the Administration to say, "Gee, the Congress did this, and now we have to change the machinery and get unstuck," and this just bothers me. I think you have to say, you have to keep saying, "this is the law of the land; the highest court has said it; and this is the way it's going to be," and not indicate any kind of--it's the neutrality about it--that bothers me, the consistency with which he has said, "I inherited this; the machinery is there; the Congress has said...." That bothers me. I'd like to hear him say, "I'm ready to defend this program against Congressional attack, etc., etc., etc. because no matter what, desegregation is important, it's the key." And I guess Wilbur didn't even say that.

B: Mrs. Martin, thank you very much. I hope I haven't kept you overtime.

M: The last thing I want to say is that, but for John Gardner, and I think that was probably the best appointment that the President made, this program would not have gotten off the way it did. And I just thank God for a man with the stature and the guts that John Gardner had, that he got this program started and not some other Secretary, or it would have been in just terrible, terrible shape.

B: Absolute support from him?

M: Absolute support from him.

B: From Mr. Cohen too?

M: Not quite as absolute, but Wilbur is a different kind--Mr. Cohen is a different animal from Mr. Gardner. He's more of a political animal. And while we did receive support from him, Mr. Cohen did not have to establish the precedent. It was already established, and he supported it and he defended it. But there's still a question in my mind as to what his position would have been had it been just reversed, if Mr. Cohen had been the first Secretary and Mr. Gardner had been the second.

B: Thank you, Mrs. Martin.

M: You're welcome.

GENERAL SERVICES ADMINISTRATION
NATIONAL ARCHIVES AND RECORDS SERVICE

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By RUBY G. MARTIN

to the

Lyndon Baines Johnson Library

In accordance with Sec. 507 of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 397) and regulations issued thereunder (41 CFR 101-10), I, Ruby G. Martin, hereinafter referred to as the donor, hereby give, donate, and convey to the United States of America for deposit in the Lyndon Baines Johnson Library, and for administration therein by the authorities thereof, a tape and transcript of a personal statement approved by me and prepared for the purpose of deposit in the Lyndon Baines Johnson Library. The gift of this material is made subject to the following terms and conditions:

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Signed

Ruby G. Martin

Date

September 24, 1974

Accepted

Harry J. Middleton for
Director, Lyndon Baines
Johnson Library for Archivist
of the United States

Date

Sept. 16, 1974

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