

## INTERVIEW II

DATE: January 29, 1969  
INTERVIEWEE: STEPHEN POLLAK  
INTERVIEWER: THOMAS H. BAKER  
PLACE: National Archives Building, Washington, D.C.

Tape 1 of 2

B: Sir, beginning in 1964 you served as counsel to the President's Task Force on the War on Poverty, I believe. Would you take up that story where you became associated with it?

P: Yes, Mr. Baker. The starting point is really in middle or later February. President Johnson established the Task Force on the War on Poverty--I think that was its official name--early in 1964. I was working in the Solicitor General's Office and had no relationship to the task force. Sargent Shriver came back from overseas on February 2, and assumed the chairmanship of the task force. I watched through the newspapers what was going on and interested myself through conversations with my old associates on the National Service Program, some of whom had low-level staff positions or very intermittent relationships with the task force. It occurred to me at the time, and it certainly occurred to these men like Richard Boone, that they had been associated with the Kennedy undertaking and the Johnson poverty undertaking was not making use of them. I don't know whether that was really purposeful or whether it was a correct evaluation.

Pollak -- II -- 2

I was aware that the conversations of the task force and the bill drafting were not including any domestic peace corps. I was also aware that my friend, Norbert Schlei, the legal counsel, and his staff--Sol Lindenbaum, who later became Ramsey Clark's executive assistant, and John Steadman, all in the Legal Counsel's Office, and Leon Ulman also in that office--were drafting this War on Poverty bill. Late in February either Nick Katzenbach or Norb Schlei came to me and asked me to draft a title or section for the anti-poverty bill, establishing a domestic peace corps. I did that, drawing upon the bill that we had had before.

The bill we had had the prior year was perhaps twenty, twenty-five pages long; and as a political matter, we determined that it should not be blown up so big in the draft legislation. In the end VISTA, or domestic peace corps, was one section in Title VI of the anti-poverty law.

B: Were these men acting on their own in getting you to draw up this title just in the hopes that it could be included or--?

P: No. I was informed, and I'm quite confident that it was the case, that Robert Kennedy, who must have been a member of the War on Poverty Task Force in his position as attorney general, had made a final effort in the closing stages of putting together this legislation before its transmittal to the Congress, to have the task force and the President conclude upon including a domestic peace corps provision. That decision had been made, and when I was asked to draft it,

Pollak -- II -- 3

I was told that the decision was made, and that all that needed to be done was to write the provisions.

B: Was there any opposition to that decision, was there any implication that because it was a Robert Kennedy idea that it might not get in the program?

P: The problems that Congressmen Devine and Gross had raised the previous year, the opposition that the domestic peace corps had had the previous year, had made Shriver, who after all was looking to the big picture and wanting to achieve a successful passage of the bill, desirous of not including this, not because he didn't like it or because it was a Kennedy item, but because it was thought possibly to be a liability. In the end it needed a champion to overcome this understandable legislative tactical reluctance.

B: It's curious, though, because it looks like there would have been many other things in the poverty bill proposals that would have been more controversial to Congress than the domestic peace corps.

P: Well, no question about that. To the extent that it was thought to be controversial, it must have been a lightning rod for opponents rather than--or it must have been thought to be a lightning rod because its monetary amount was just miniscule, a few millions maybe. It may have been the early stages of Kennedy/Johnson opposition, or it may have been a Shriver/Kennedy difference. Those two men had a proper, but I do not know that it was a warm relationship.

B: They occasionally had differences between them?

Pollak -- II -- 4

P: I think so. I think that my previous year's experience where we obtained no strong enthusiasm for the National Service Program from Shriver, even though his brother-in-law was promoting it for President Kennedy, indicated that because the two men had a family relationship, that did not necessarily mean that each wholeheartedly stood behind the other in their official undertakings.

B: Was it just assumed by everyone at this stage that Sargent Shriver was going to be the head of the new office to be created by this bill?

P: Sargent Shriver was a special assistant to the President in undertaking the War on Poverty. He was also the director of the overseas Peace Corps. I operated under that assumption, and others did as well.

B: There was some opposition to his selection, however, wasn't there?

P: When it ultimately came, the main difficulty was not opposition to his running the War on Poverty, but concern--I recall Senator Javits expressed it strongly--that he should not run both the Poverty Program and Peace Corps. I worked on that problem, and we drafted the legislation in a way which would permit Mr. Shriver to hold both positions. On the other hand we did, and I did, law research to determine whether he could be paid in each capacity. We determined, it's my best recollection, that he could not. We had to have in the law authority for the director to waive his salary, because normally federal laws require a man to be paid for his work. You can't donate your work. And the poverty bill as originally drafted permitted satisfactory legal arrangements so that Shriver could hold both jobs.

Pollak -- II -- 5

B: Did you have any knowledge of the President's stand on this? Did he want Mr. Shriver to hold both jobs, or did he have any preference in the matter?

P: The President was very strong in his support of Mr. Shriver at that time. Shriver was close to the White House, and I would infer from that that the President supported his carrying on with both jobs. It may have at that time been the judgment that the President didn't want to take on searching out a new man for the Peace Corps. There was some talk that Shriver's ex-deputy, the present publisher of Newsday, Califano's predecessor--

B: Bill Moyers.

P: Bill Moyers was desirous of being the head of the Peace Corps, and if I were merely to speculate, and I must have speculated at the time, I must have had the idea that the President didn't want to move then on a new director of the Peace Corps. Possibly he would be willing after his administration was moving along to appoint Moyers to that job. He was satisfied not to fill the job and to keep Shriver in both positions. He very definitely wanted Shriver in the poverty job.

B: Did your work then in drafting what became the VISTA title of the bill bring you more directly into the general drafting of the. . . ?

P: I read the whole bill and made some comments to Schlei and his people. But it did not. I did not join any task force operations at that time. I continued in the Solicitor General's Office, did that drafting task, and continued to stay out of their affairs. Or, another way of putting it, I continued not to be invited in their affairs. I

Pollak -- II -- 6

was desirous of pursuing arguments in the Supreme Court and other things I was doing in the Solicitor General's Office.

I did provide an interim, part-time support for the Shriver task force in assembling facts and materials to back up the VISTA part of the legislation. Shriver asked a man named Dr. Glen Olds, who was then the president of Springfield University in Springfield, Massachusetts, to come down and take a position on the task force as the man for the VISTA Program. He had a man named Vernon Alden, the president of Ohio University, to do the same for the Job Corps; and he had other men, each with an area of responsibility. And I educated, to the extent that I was able to do so, Glen Olds in the history and meaning of the VISTA part.

B: By this time had the plans for VISTA made a kind of metamorphosis into more specifically an anti-poverty program?

P: They definitely had.

B: You said earlier that the original Kennedy VISTA program was more of a kind of youth employment thing.

P: That's right. I don't know that I would say that the original part of the Kennedy effort was youth employment because it may have covered all ages. I'd have to check. But I did speak about what the 1963 effort was. The VISTA portion of the anti-poverty bill had become an anti-poverty effort. It actually had within the draft bill opportunities to do everything that the National Service Program would have permitted. There were some variations in the way the funding would be. Some programs would be undertaken by VISTA with entire

Pollak -- II -- 7

federal payment of the volunteers; other programs would have required a greater contribution by the local community. The subsequent history has probably shown that VISTA was active only in the areas where its volunteers were paid entirely by the federal government.

So during March, April, and May of that year of 1964, I provided this back-up for Glen Olds and then another man named Glen Ferguson, who subsequently became the director of VISTA and then ambassador to Kenya. Glen Ferguson had been a director of training for Shriver at the Peace Corps, and Shriver put him into this part of the task force on the VISTA program. I worked with them to assemble materials and began spending a good bit of my time on that activity.

Shriver had a good number of people that were helping him present the legislation to the Congress, and it was an interesting arrangement with Shriver and Adam Yarmolinsky heading it up, and a loose number of other people assisting. My own judgment was that the real heavyweights in presenting the matter to the Congress, and by heavyweights I mean those who did most of the writing and assembling of the data and resolving of the problems, were Shriver and Yarmolinsky and a man named Christopher Weeks from the Budget Bureau who went into the Poverty Program and then went on up as budget director, I think, or some like office for Mayor Lindsay in New York; and a young woman who had been working at the Bureau of the Budget named Anne Oppenheimer. I did a major part of the development of the VISTA materials in cooperation and working with Weeks and Oppenheimer, whom I thought were very good.

Pollak -- II -- 8

B: Do you know if Michael Harrington and Daniel Moynihan had anything directly to do with the formation of the legislative proposals?

P: I never met either of them in connection with the poverty legislation. I never saw a piece of paper authored by either of them as I came to have a role in the undertaking. From my experience, I would say that the extent to which I didn't see them cannot be taken as being really determinative of their role. What you had, and I never participated in it, but what I would assume occurred is that with Yarmolinsky and then starting after February 2, Shriver, you must have had a group of men--I know [James] Sundquist of the Agriculture Department, he's now at Brookings, was one of them--a group of men who came together and had what I would call germinal ideas and fed them in. Out of those ideas came these various proposals. Schlei of the Department of Justice attended meetings of that nature. I would assume that Harrington and possibly Moynihan--I dealt a little with Moynihan when I was working on the National Service Program the past summer, he represented the Secretary of Labor on that task force. Such meetings may have preceded my involvement. But I would be of the view that after February 20 when I had something to do with the drafting of the VISTA part, those men probably had a little to do with the Task Force on Poverty.

B: There's another sort of related question--this may have been outside your direct knowledge really. Considering the amount of controversy that has been aroused by the phrase "maximum feasible participation of the poor," in the Community Action programs of the bill, do you



Pollak -- II -- 9

know if there was a great deal of thought to that--if anyone really had in mind what was intended by that idea?

P: There was a great deal of thought that had to do with that. I associate that language with Richard Boone of the Juvenile Delinquency Program and of the National Service Program. I know that if a legal historian considered it worth his while, he could go in and take the original draft of the Community Action Title, which was Title II, and trace it down from the beginning to the time of passage. He could find that Congress had focused very closely on that language which was a part of the purpose language, part of the overall directive language framed by the Congress for the Community Action Program.

As I came to be the counsel for the task force, as any lawyer should do, I tried to assemble full records of what happened to the legislation and why we drafted it the way we drafted it, and why it was changed and so forth. I had a whole drawer of those materials which I left at OEO and which I'm hopeful were photographed for the Lyndon Johnson Library. They were the best records that I knew of, of the development of the legislation, at least during the period that I was involved which was from about June 15 to the time of the passage of the bill, August 20, 1964.

The language which was aimed at bringing representatives of the impoverished groups, representatives of the persons who were going to be helped to help themselves, was questioned rather carefully by one of the committees. A good bit of it was struck out. We redrafted

Pollak -- II -- 10

the language of Title II's preamble portion with the particular intent of saving the requirement for maximum feasible participation of the poor. That that concept had been in two or three places in the initial draft, and what ultimately survived was a single allusion, but it was still there.

B: You mentioned Mr. Boone in connection with that. Do I infer that then the phrase or at least the idea dates as far back as the National Service Corps?

P: I think it did. The underpinning of the phrase, as I understood it at the time, was that the poverty program was not a program which was going to be beneficent for the poor; that is, we were going to bestow a lot of things, hand a lot of things to the poor, and assist in that way. That was the traditional dole if you will. The poverty program was seeking to develop new tools by which the poor could lift themselves out of their poverty. Maximum feasible participation of the poor was seen as a part of this whole concept; and therefore it had a certain centrality to the poverty legislation.

B: And was so seen from the beginning of the idea of the poverty legislation.

P: Yes, I would think so. My recollection is dim on when Jack Conway, who was the deputy director of OEO, became involved. I think he was probably involved relatively early. I would be clear in my mind from knowing Jack, that he understood the concept; whether he had anything to do with its presence in the statutory language I don't know.

Pollak -- II -- 11

B: On this understanding of concepts, was it really thought out at this stage--at the proposal stage--exactly what maximum feasible participation would mean? Again, as you know, there has been a good deal of criticism, particularly recently, from Mr. Moynihan himself that there was involved in this an over-abundance of theory. And if I understand Mr. Moynihan, a minimum of really practical understanding of the application of that idea.

P: I find it difficult to think of a way to deal adequately with your question. I feel limited some in that those who really resolved upon certain approaches did so before I became intimately involved. When I became involved as counsel for the task force, the legislation was already up before the Congress and we--"we" meaning the task force--were presenting the legislation. We were responding to concerns that the Congress had and having to redraft and deal as one does with problems in the legislative phase.

The period of my association with the task force was marked by a lack of controversy, an absence of great men continuing to argue over great approaches to a great problem.

B: You mean a lack of controversy within those involved in the--

P: That's right. It was not, as I recall it, because anybody differing with it had been excluded. It never came to my attention that there were people who had been involved and who got shoved aside when their points of view were rejected.

I was conscious of the fact, I should say, that the Labor Department and Secretary Wirtz differed as to the placement of the

Pollak -- II -- 12

Job Corps in OEO. You'll recall that the previous year there had been a Youth Conservation Corps bill that the Labor Department had presented, and that Senator Humphrey had been strong for, and the Job Corps was very similar to the Youth Conservation Corps. Secretary Wirtz continued to feel that all manpower programs should be in the Labor Department, and so there was that difference. The difference was not really a difference in what should be done, but rather bureaucratically where it should be placed.

I recall somebody saying at the time that Jim Sundquist had a larger role in the task force, but that he was no longer one of the dominant figures; and indeed, I had some, but very little to do with Sundquist.

So there were people who didn't stay on the number one team with Mr. Shriver. Insofar as Community Action was concerned, which has become the focus of criticism, I did not ever find that there was what I would call a bank of learned thinking or tried and true experience which was offered and rejected, and which, if accepted, would have redirected the effort.

I do not really consider myself in any sense an apologist for the Community Action Program. To the extent I had experience with one program, it was really the Service Program. But it is my view that there was a recognition at the time that Community Action was on the frontier of approaches to poverty, that nothing yet tried had offered success, and that new approaches needed to be taken. It should be clear that the poverty task force was adamant in its

Pollak -- II -- 13

commitment to local programs, locally conceived. That was not window-dressing. The idea in Community Action was that there would be Community Action organizations created locally--that they would assess the problems that there were in the community that led to poverty, the root causes, and that they would frame a program to meet them; and they would present that program to Washington for funding. So it was not to be Washington impressing its answers upon localities. Now that always proves to be difficult in practice. I can remember the first funding experience where the first efforts were made to obtain proposals, and where the local communities were asking what the national government wanted them to do.

I can also recall one other fact or truth recognized at that early time. It was seen that the Community Action Agency, which was to be representative of all parts of the community, was set up or recognized as an entity separate from, or that could be separate from, the city government or the county government. I recall discussing and hearing discussed the question, "Why should there be a community action agency when you have the city or county government as a representative body?" The answer recognized at that time was that city governments were not responsive to or capable of dealing with these problems as they had to be dealt with. Now that wasn't said as a universal, that city governments weren't able to be the community action agency or sponsor, but in so many places they were not up to the task. It was with recognition of that problem that the poverty

Pollak -- II -- 14

legislation looked toward creation of community action agencies that were distinct from the city governments.

B: Who was the task force's principal liaison on the White House staff? Was Mr. Moyers, for example, involved directly in these proposals?

P: I think he was. I don't know how much I know about that. It seemed to me that Mr. Shriver and Mr. Yarmolinsky had close and ready access to the White House, and that the White House was heavily relying on them. I never sorted out whether their access was directly to the President and he was relying on them.

B: Those are really unfair questions, I guess, because, again, you actually joined the task force after the proposals were already in Congress in June of 1964.

P: That's right. I succeeded Hal Horowitz who had been deputy general counsel of HEW and who went to teach law at UCLA. Hal would perhaps be a useful source of information about an earlier period, as would Norbert Schlei.

B: You did get involved though in just the hard work of getting it through Congress?

P: Very intimately involved in that. I accompanied Shriver up on the Hill when we dealt with difficult problems. I can recall meeting with him with Senator Javits and Yarmolinsky to thresh through a difficult matter. I can recall working over on the House side with Sam Gibbons, who was constructive and helpful. Sam Gibbons is a congressman from Florida. We had support from Frank Thompson. I

Pollak -- II -- 15

recall sessions with Congressman [Adam Clayton] Powell and his staff.

Of course, it was his committee.

B: Helpful sessions?

P: Yes. We weren't always sure quite where we stood, but the end result was constructive.

B: Is that congenial with Congressman Powell?

P: I don't really know. I'm not really experienced with Congressman Powell. There was a flamboyance in the leadership of that committee, and we who were presenting the legislation wanted to be careful that we kept going forward with our task of winning the bill, and that we didn't get caught in some side effort that often develops along the legislative route.

B: Did you form any clear picture of where the locus of opposition was?

P: I should say that one of the other men who was helpful was Congressman [Phil M.] Landrum of Georgia, and he was key because we had to succeed in winning some of the southern congressmen--southern Democrats. I know the President talked to him before the vote.

B: I was going to ask you how he was won over, because as I recall he was one of the major factors in getting it through.

P: We worked with him, and the legislation was explained to him. I don't recall any major casualties in the legislative provisions that occurred in order to win his support. I do recall that when we met with him in his office early on the morning of the vote--Mr. Shriver and I, I don't know whether there was anyone else there--but while we were there, I'm quite clear in my recollection that the President

Pollak -- II -- 16

called him up. I don't know but what that was the first time I'd been with anybody who was called up by the President.

B: What was Mr. Landrum's reaction when he got a call from the President?

P: I don't think that was an unusual experience for him. He didn't say anything to us about his conversation, but it was important to him.

B: Did you pin down any particular individuals who were the center of opposition to the bill? Individuals or groups?

P: There were opponents. I'm afraid my recollection is just dim in that regard. My focus was upon those who were supporting the legislation, those who were possible supporters of the legislation who had problems, and my work was devoted to presenting answers to the problems that these men had and winning their support for the legislation.

B: By problems, you mean the problem of reconciling a vote for the bill with their constituencies?

P: In my work, and I suppose it was because I was lawyering for the task force, it didn't present itself that way. Normally the men had concerns with a particular part of the bill, saying, "I think that part--" figuratively they would say, "I think that part will permit activities of which I don't approve or which may be unconstitutional or which may be against the public interest." My task then would be to determine answers to their questions, present the answers to them, and in some cases redraft the provision to meet the problem. Often the problems were real problems. Through my experience down to date--I came to have respect for the legislative process where these



Pollak -- II -- 17

many, many diverse interests on the Hill result in ultimately framing legislation which reflects some national consensus.

B: Somewhere in here within the process of getting the bill through Congress, at least according to the public print, personalities got involved. To put it as simply as possible, Adam Yarmolinsky appears to have been closed out of the thing.

P: I was somewhat knowledgeable about that. I do recall that. That was I think just a tragedy because he had a great deal to offer.

B: Can you describe what happened?

P: Adam Yarmolinsky was dogged during his government service by attacks in the right wing press upon him based upon whatever kind of scurrilous information they had. I've seen some of those attacks. They never prevented him from serving in very sensitive and demanding positions such as that with Mr. McNamara over in the Defense Department, and serving Lyndon Johnson in the White House. He never seemed to be able to shake those people who made it their delight to stir up animosity towards him. As a result, although he was the central part of the direction of the task force, he did not go to the Hill at all. He always kept out of the forefront of the presentation of the legislation.

B: This was deliberately thought out on the grounds that he might attract too much personal criticism?

P: Yes. It was perfectly clear that he was playing a major role. He was needed. He has an incisive mind, and Shriver has the capability of creating a thousand ideas in a thousand minutes, and that was

Pollak -- II -- 18

constructive, but Yarmolinsky kept the railroad train on the track. So Shriver and Yarmolinsky made a good team.

My understanding at the time--I had no direct knowledge--was that in the last stages of seeking the legislation, Shriver, with White House participation, made a deal with opponents of the bill. I can't remember who those opponents were, but I knew at the time. Mendel Rivers maybe. But it may have been others. I'm sure the record is clear who they were. The deal was that Yarmolinsky would not be given any position of direction of the poverty program.

I can recall that on the day we won the vote in the House Chamber--it was the House which voted second, it was the vote that meant that the bill was passed, there was this tremendous jubilation among all of us who had worked on the bill from the task force. That very day it was announced by Shriver and Yarmolinsky that Yarmolinsky would not hold any position of responsibility in the OEO. I suppose that was the most stunning disappointment of my government service. It was unwarranted; it was unfair; it did not serve the country. It was a great loss in the early stages of the poverty program. Yarmolinsky had a no-nonsense way of dealing with his responsibilities that would have been very valuable.

I can recall much concern on the part of Chris Weeks and myself and Anne Oppenheimer, the three of us had probably worked as closely [as anyone] with Yarmolinsky in presenting the bill to the Congress--concern as to whether we would disassociate ourselves from the baby that had just been born. Feelings that the White House and Shriver

Pollak -- II -- 19

had sold out where they shouldn't have, that it wasn't worth it, that that was giving in to an attitude of a single man or a few men on the Hill which was unconscionable. However, Yarmolinsky was magnificent about it and stood strong with Shriver as to the need for having done what they did, and expressed the desire that everybody who could contribute to the poverty program stay with it.

B: Did you talk to him directly? Did he discourage you from disassociating yourself?

P: Yes. He discouraged all of us from disassociating ourselves. We had very shortly thereafter a dinner for him, and I can remember him making moving remarks at the time. I thought he demonstrated what a big man he was.

B: He was not personally bitter about it?

P: He did not talk that way to any of us. He did not seek action by anyone to try publicly to oppose what had occurred. He felt very, very strongly the injustice of it. You'll recall that he had worked terribly hard on the anti-poverty program legislation. At an early stage he was working so hard that one night driving home he fell asleep at the wheel of his car and was in a very bad accident and was out for a period of time. I can remember having one or more meetings at his home while he was still recovering from his injuries.

B: Did those of you who were working on this ever get a clear idea of where the suggestion of a deal had originated?

P: No. I don't think so. Maybe I should amend that. At the time, it was my understanding that the North Carolina delegation and possibly

Pollak -- II -- 20

Rivers of South Carolina in addition to the North Carolina Democratic delegation had said that "the anti-poverty legislation will not receive our votes unless Yarmolinsky is kept from serving in its administration," and that the suggestion came from them. And that the arrangement was made to secure their votes.

B: Among those of you who were working on the bill, was there a good deal of bitterness and resentment against Mr. Johnson himself for accepting this kind of idea?

P: I think it was tempered somewhat by the position that Yarmolinsky took. He stood right up with Shriver and opposed any such view. I don't know how others felt. I had some feeling at the time that Shriver should have refused to do it. I think I must have had some feeling that as seen from the White House, the arrangement was at least within the purview of what the President might consider in securing nationally needed legislation. I felt that it must have been up to Mr. Shriver to whom the President looked for managing this legislation to put his foot down, if the foot was going to be put down.

B: I'm not sure I have the times right here, but was Larry O'Brien helping on the--?

P: I think Larry O'Brien was working on it, yes.

B: In his capacity as the President's congressional liaison man?

P: Right. And Mike Manatos too.

B: I'm really asking you for a very subjective judgment, but do you think there might have been a possibility of the bill passing without the deal on Mr. Yarmolinsky?

Pollak -- II -- 21

P: I would have to go back and look at the vote. At the time I was somewhat less experienced in the necessary arts of counting beforehand the votes that one can count on. I really did not participate in that phase of the work to pass the poverty legislation, and so I don't know how the lineup of votes looked. I'm sure those who were looking at it were well informed, particularly if Larry O'Brien was doing it.

I later learned in my service at the White House and on other legislation the work that goes into determining whether one has the votes to pass a bill. And I can only speculate. It may be that the votes were counted in the House of Representatives and they weren't there, and discussions were had with Shriver and Yarmolinsky and it was their decision that they should do this. I never had a discussion which really told me precisely how it occurred. It may be that those of us who saw it from the outside were very naive; that, after all, Yarmolinsky could do other worthwhile things in the government, and if some congressmen had a very wrong idea on which they were going to condition their vote--an idea which they believed in--it seemed not an unreasonable thing for the White House, Shriver, and Yarmolinsky to agree to.

B: Did the situation create any resentment that continued on into the early days of OEO itself?

P: I don't think so. I think it washed itself out pretty promptly. The only thing is that it left a gap. Yarmolinsky was the obvious deputy director of OEO. What happened, you see, was that Jack Conway, who

Pollak -- II -- 22

had been the Community Action man in the early stages, had to handle the Community Action responsibilities and the responsibilities for the deputy directorship which he came more and more to assume. And so we were short one top man. And Yarmolinsky and Shriver complemented one another, and I don't think that Conway ever had quite the same relationship with Shriver. So it was a real loss, it hurt the program.

B: You did go on then to serve as deputy general counsel of OEO on into 1965?

P: I did. When the law was passed, my recollection of it was August 20 of 1964, there was of course considerable staffing to do. But there was no money, and it's often a surprise to learn that nothing really happens when the legislation is passed--it only happens when the appropriation is passed--so we continued right on to work on the appropriation. And in that period of time I began staffing the General Counsel's Office for Mr. Shriver, and I made various efforts to do that. Eventually at some particular point, I'm not sure when, I learned that Mr. Shriver was selecting Donald M. Baker, who was the counsel to the Senate Labor Committee and had worked from the Senate side of the legislation, to be the general counsel. I kind of introduced him to the materials that the task force had had and worked with him, and as you've stated, was appointed the deputy general counsel.

I spent a great deal of time in that period--the late summer--working with a man named Murray Schwartz, who was at the time a faculty member of the UCLA Law School. Murray had been coming down at Shriver's request for one-half a week, virtually every week, commuting from Los

Pollak -- II -- 23

Angeles to work with the task force. And Murray's major effort, an effort in which I began to work very closely with him, was on an Executive Order from the President delegating responsibilities for certain of the poverty programs within the OEO bill to other agencies; in other words, the Neighborhood Youth Corps to the Labor Department, the Work Experience Program to the Health and Welfare Department, the Work Study Program--there were more than that, about six programs, to be delegated. They were passed in the OEO Act, but they were not to be administered by OEO. And we sought to draft a delegation order which would reserve to the director of OEO who was supposed to coordinate the anti-poverty programs of the federal government throughout the United States, would reserve to him sufficient levers of power so that he could in fact carry out this coordination with respect to the delegated programs. In other words, one could raise the question, could Shriver coordinate a lot of other programs bearing on poverty that are ongoing--that would be one question; another would be could he coordinate those that were actually in the poverty statute which he delegated. And the answer ought to be, yes, he could do that because he could frame the delegation. I think in fact we framed a very good delegation, but in fact, he was not able to maintain control over those programs.

B: That sounds like an inherently difficult thing that would involve you in all kinds of interdepartmental quarreling and so on.

P: That's true. The effort was made. OEO reviewed the budgets of those delegated programs and many things in the later months were done. But

Pollak -- II -- 24

my judgment would be that when you create a program and commit it to an independent bureaucracy, the delegator has a very difficult if not impossible task of setting the policy to be carried out by the delegatee.

B: Did you ever in that period think of proposing additional legislation that would give OEO and Shriver more direct control?

P: No, he had enough. He had it, but he gave it away. In other words, there was nothing in the law that required the delegation, you see, but the congressmen and senators understood that certain programs would be delegated. And they were delegated with enough power in Shriver really to deal with the policy questions, but OEO came to have its hands full with the Community Action Program and with other undertakings. And the human beings to populate the administrative posts in the Neighborhood Youth Corps or the Work Experience Programs were over working for Willard Wirtz or Secretary Gardner or Ribicoff, and they were the ones that called the tune.

B: Were there economic reasons behind that delegation, too? Was that one way of getting financing?

P: No, the financing all came in the poverty bill. Wirtz went up there and testified with respect to his part. I think it was part of the overall composition of interplay between cabinet officers, undoubtedly worked out at the White House. The whole need for an OEO I think represented a judgment by the White House that the old line departments were not doing their full job, and that you needed to put something else into the equation to make the federal government more responsive to



Pollak -- II -- 25

these problems. Subsequent history has indicated that slowly but surely OEO is being gobbled up by the other departments. And if it has served a function of making them more responsive to poverty, which it has, that was one of the major purposes.

There were many provisions in the OEO legislation--I shouldn't say many, but some, to which I and Horowitz and Murray Schwartz and Yarmolinsky attached great importance. These provisions looked toward carrying out this coordination function but they never really worked. And the reason they didn't work was that Shriver, as he came ultimately in running the poverty program, did not hold a high enough position in the national government to be able to coordinate other cabinet officers. Secretary Wirtz would not be coordinated by Sargent Shriver, and the White House subsequently was not standing that securely behind Shriver. There is a provision in the poverty legislation, Section 611, which required all federal agencies operating programs which bear on poverty to seek appropriations and set policy so as to further the objectives of the anti-poverty legislation. And there was created a poverty council of cabinet officers. And it was thought when the legislation was drafted that these tools would enable Shriver as a special assistant to the President and as director of OEO to marshal the federal programs in a way to develop a coordinated attack on poverty. This is something which the Nixon Administration is talking of today, it is something we all seek, but as a bureaucratic matter, it defies solution. And those portions of the legislation and indeed, the Economic Opportunity Council, I think became total disappointments.

Pollak -- II -- 26

B: Might it have made a difference if Mr. Johnson had put more weight behind the actual operation of OEO, behind Shriver?

P: I think that it would have made a difference. I think that Shriver stood in 1964 preeminent with the President as the man who was able to gain passage of the poverty legislation. I felt at the time that the position of Secretary Wirtz was antagonistic to Mr. Shriver, particularly with respect to the Job Corps which Wirtz had wanted and which was run by OEO; that Wirtz was unprepared to accept that he had not been able to pass the Conservation Corps bill the year before, and that Shriver was the one who had made it, and that without Shriver these things could not have been achieved.

Now as Shriver came to have to operate the poverty program, and obviously had to deal with all of the problems of giving birth to a new agency, his attention was required there, he got tied into disputes there, he got tied into disputes with the other federal agencies which were just almost unavoidable, and he began to be eaten up. I think history records that the President pulled away, the President's confidence in him must have fallen some, and therefore at the very time of maximum need for presidential backing if he was to be solving some of these problems, the backing was reduced and Shriver, I think, did the best he could.

B: To those of you who were working in OEO, could you form an opinion as to whether the President's pulling away was a personal matter between him and Shriver or a matter of the Vietnamese war attracting more attention?

Pollak -- II -- 27

P: I didn't see the Vietnamese war as playing a part, but I wasn't in a position to see. Therefore, possibly I'm not a good witness on that.

I stayed on with Shriver from the passage of the bill in August on through the end of March the following year at which time the Attorney General approached me to ask if I would talk with John Doar about coming in as his first assistant in the Civil Rights Division. That presented me with a very large personal problem because I felt a heavy commitment to the poverty program.

I have a somewhat fuzzy recollection of whether Shriver's backing by the White House was declining in my view at the time I left the poverty program. The decline may have come after that. To the extent that I was informed about it at all, I had the feeling that the President had less confidence in Mr. Shriver, and that it wasn't only that his attention was elsewhere. He considered that Shriver was messing up here or there in handling some of the problems. The problems were so difficult to handle that it was predictable that he was going to mess up some. In any event, the support for him did decline. It's probably right to say that the existing bureaucracies in the federal departments were arrayed in opposition to OEO, and that what we've seen since 1964 is a lot of bureaucratic interplay, in some respects healthy, making the existing agencies more responsive to the problems caused by poverty. But this bureaucratic opposition was hard for Shriver to carry.

Pollak -- II -- 28

B: Didn't you also work while you were still with OEO on setting up the Legal Services Program?

P: Yes, I did. I ought to mention that one of the difficult early problems we confronted in OEO was the relationship between OEO and the funding of programs which were operated by religious institutions. Shriver wanted a legal opinion on whether he could fund a Community Action program or some undertaking which was sponsored by a church group. Don Baker, Anthony Partridge, who is now the deputy general counsel of OEO, Jim Siena, who I had gotten to come over to the poverty program on a six-months tour--he was in private practice in Washington--I made an arrangement with Shriver early on to try to get some attorneys in private practice to come to OEO almost on loan so the agency could get right underway. In any event, those three men and I worked until about 4:00 a.m. one morning, putting together a legal opinion to Mr. Shriver which concluded that he could undertake this funding. We read everything that had been written on the First Amendment and its limitations. I'm sure that opinion is in the records of OEO.

In the very early stages of OEO, Shriver, who was prolific in his ability to transfer ideas into action and to come forward with new ideas, developed the Legal Services Program. Also by sheer force of his own drive, he developed the Head Start idea. I can recall his interest in that idea from almost the first day of OEO, casting around, talking to people about a program to give opportunity to impoverished

Pollak -- II -- 29

preschoolers and medical care and dental care and better food, and looking around for somebody to come and help him launch it.

He had been aided in the Legal Services undertaking by a woman named Jean Camper Cahn. She is a woman of very definite ideas. She and Shriver had had a difference of view over the relationship between the Legal Services Program and the Community Action agency. She had been of the view that the Legal Services Program should have direct access to the director of OEO, even though it was part of and funded by Community Action. Shriver was of the view that it had to relate to the director of Community Action as part of the Community Action undertaking. So Jean ceased being the aide on this legal services effort. Shriver asked me to pick it up at a time when I was almost ready to go over to the Department of Justice. There were certain things ongoing with the President of the ABA, Lewis Powell, who was very helpful to us, and an upcoming conference of lawyers around the country. And I developed the materials and put together a staff under Bruce Terris, an attorney who came over to the poverty program and joined the General Counsel's Office, to go forward with this conference. I held the reins of that operation during its very early period.

One thing that history ought to record--and I'm glad for the opportunity to recount it--is that in the very beginning when we were starting to develop these ideas about the Legal Services Program, Shriver, who is an attorney himself, and I were walking down the hall to his office, and he said to me that he thought the launching of the

Pollak -- II -- 30

Legal Services Program would possibly be the single most important thing that he would do in the poverty program. He said he felt this way because making provision for attorneys to represent the poor and for the courts to recognize rights of the poor never before recognized would have such a far-reaching and continuing effect on the distribution of power in the society. I thought that was far-sighted of him, and I shared his view.

B: Did you have any difficulty getting the American Bar Association to endorse the idea?

P: We were fortunate in Lewis Powell. He's an attorney in Richmond, Virginia, and is a broad-gauged man. He led the ABA to support this, and I think the country will owe him a debt. The natural thing was for the ABA to view the Legal Services Program just as the AMA viewed Medicare. Powell didn't let that happen. I had some role in my relationship with Powell and the ABA in working it around so it didn't happen.

B: Had you known Mr. Powell before?

P: Never. I had never a thing to do with him. I dealt with him several times on the phone before I ever met him. It was Jean Camper Cahn who dealt with him first. I think the American Bar people, some of their staff people, were very good. I think they had confidence that the nation needed this and that we were intent upon creating something that would serve the country and serve the poor.

B: Who actually drew up the proposal? Did you, or the Bar Association, or some combination thereof, work out the idea?

Pollak -- II -- 31

P: I brought in Bruce Terris and Bruce and I worked up materials, and Jean Cahn had worked up some materials. Then there was this conference which reviewed and approved the requirements which local programs would have to meet in order to be funded. Don Baker, the general counsel, worked on it. Once I got into it, the General Counsel's Office at OEO played a major role in the development of the Legal Services Program.

We were fortunate at OEO in drawing capable attorneys into the General Counsel's Office. That was a strength which has really carried forward all the way to today.

B: Has there been enough time to tell how it has worked out in practice? Have practicing lawyers supported it as much as anticipated?

P: Yes, I think it has worked out quite well. There are many Legal Services programs around the country. They have gotten into so many different areas where the poor never had lawyers. Throughout so much of the legal system, particularly on the civil side, and Legal Services is primarily on the civil side, persons of property and wealth had lawyers and used the legal system to preserve, protect, and improve their interests. The poor by and large did not have access to lawyers. Where they had good arguments, they weren't able to present them; where they needed laws to protect them, our system requires lawyers to move the legislation along, and the poor didn't have lawyers. So this Legal Services Program changed the equation very greatly, and it still is. I'm familiar with the California Rural Legal Assistance Program, which I think has had a major effect out there--it has incurred the

Pollak -- II -- 32

opposition of Governor Reagan and that probably is because it is effective. But I know that the Legal Services Program has been useful here in Washington. I have not had time to read the yearly reports that have come forward from OEO, but they have a weekly newsletter, or monthly, and I've looked at that, and it shows that what they're doing is worthwhile.

It is important in evaluating the OEO undertaking to look at each of these items and not to react only to the disputes over maximum feasible participation of the poor or various problems that have been confronted in the Community Action agencies.

B: Then in the spring of 1965, March you said, you went back to Justice and to the Civil Rights Division.

P: That's right. The Attorney General called me--

B: That would have been Mr. Katzenbach?

P: That's right. And asked if I would be interested in coming over to talk to John Doar, that he had been named to succeed Burke Marshall, and that he would like to consider me for the first assistant position. As I indicated at the outset of my talk with you, I had wanted originally to go to the department in the Civil Rights Division with Burke Marshall, and therefore I found this possibility an opportunity.

B: Were you well acquainted with Mr. Doar prior to this?

P: I had never met him. So I went over and met with him, and we talked some in his office, and he said he'd consider it. After a bit of time, he called and said he would like me to join him. After that, I went through about two weeks of a very difficult time making a



Pollak -- II -- 33

decision whether to leave the poverty program. By then I was devoted to my associates in the General Counsel's Office, to the General Counsel, Don Baker. I had many things under way, so it was a hard decision. But I decided that I would go. I was interested in returning more to the courtroom practice of law and interested in working directly in the field of civil rights.

One interesting thing--I went to see Mr. Shriver to tell him of my decision, which he knew I was considering. He expressed great disappointment, and I knew that was the way he felt. He said to me that he wondered if I wasn't making the wrong decision because the problems which I was intent upon confronting in the Civil Rights Division, in fact the poverty program in his view would do much more to resolve than would the programs being enforced or administered by the Civil Rights Division. I said that I didn't take issue with him necessarily, but I thought my place would better be in the law enforcement side. We parted on very good terms.

There's one other personal element involved here. It had been a disappointment to me that Shriver had not made me the general counsel of his operation. It was my feeling that when he did not do so, which I could understand for various reasons, I had to make my own judgments as to whether I would stay there or seek other opportunities--not seek other opportunities because I didn't go out and seek them, but I was not tied to OEO in the way I would have been had I been the general counsel. I consider it fortunate for me that I was not made the general counsel because, as a personal matter, I found

Pollak -- II -- 34

my later experiences in Justice the most rewarding undertaking yet of my life.

B: When you reentered the Justice Department in the spring of 1965, you entered at a busy time. Selma, Montgomery march, Wallace and the University of Alabama, voting rights. . . .

P: It was a wild time. It has been that almost ever since. But there's an amusing story that I can tell. Generally when I've moved from jobs, I've moved very reluctantly but swiftly; in other words, I've been tied deeply in what I'm doing at one place, then somehow the umbilical cord is cut and I'm over working in another job with the flick of a hand. It was difficult for me to get out of OEO. I was deeply involved in all of the rushing, bubbling questions there. Pretty soon the Attorney General called and said, "Look, we've just got to have you over here. John Doar's down in Alabama, and you've just got to start coming over half a day." So I think I went over one day and Burke Marshall was still around, he introduced me to a few people. That was late in the day of that day. I told the people in the Civil Rights Division that I met that I would be back the next day; would plan to come at noon; would spend a few days half-day at OEO in the morning, and then over to the department; and thereafter would be on at Justice full-time.

The following day I didn't really make it at noon, but I got to the Civil Rights Division around three-thirty. I remember I was sitting in what became my office, and I had a call from Ramsey Clark, who was the deputy attorney general. He said, "Steve, you'd better

Pollak -- II -- 35

call your wife and get a bag, because we're going to go on a Jetstar down to Maxwell Air Force Base in Montgomery at six o'clock."

(Interruption)

Do you want to cover as much as I'm covering.

B: Yes, sir. Blow-by-blow on this kind of thing.

P: So I called my wife and got a bag, and Ramsey called me and said we wouldn't go at six, the time of departure had been put off a little bit. But at seven-thirty we got out to Andrews, and Ramsey and Jack Rosenthal, who was the public information officer for Attorney General Katzenbach, and I boarded this Jetstar and off we went for Montgomery where the Selma-Montgomery march was being born. Just previously there had been the Edmund Pettis bridge incident with the police violence against the marchers. To say the least, I was uninformed about what had been going on, and also about the human beings who were involved for the Department of Justice. I had met John Doar once. I knew almost nobody in the Civil Rights Division.

So we got down to Maxwell--I forget what day of the week it was, maybe it was Friday. We met down there initially upon arriving with LeRoy Collins, who was the head of the Community Relations Service of the Commerce Department. He was down there with a good man named Jim Lawe. They had been meeting with Dr. King's assistants. The Community Relations people conceived of themselves as providing a bridge between blacks and whites, but in Alabama they were much more closely tied in to their relationships to the blacks, and considered themselves I think very supportive of what the blacks were trying to do.

Pollak -- II -- 36

The Justice Department attitude--personally, each of us recoiled at what had occurred at the Edmund Pettis bridge and at the policies of George Wallace, but being a law enforcement agency, we guided ourselves by what the law said. We had to look at what the rights of the marchers were under the law. The Department of Justice was litigating in the federal court and secured the Williams v. Wallace decision from Judge Frank M. Johnson, Jr., which Mr. Doar had presented and which was then going on an immediate appeal down to the Fifth Circuit. Mr. Doar was shortly to be flying off to New Orleans to represent the United States on the appeal.

In any event, we met with Collins for a time. And then arrangements were made to meet that same night with leaders of the march at the U.S. Attorney's office in Montgomery. So about 1:00 a.m. Montgomery time--which was 2:00 a.m. Washington time--Ramsey Clark, John Doar, and I sat in the U.S. Attorney's office, Ben Hardeman's office--he wasn't there--with four SCLC [Southern Christian Leadership Conference] people. I recall Walter Fauntroy was there, and he was primarily responsible for logistical planning. Hosea Williams was there; I think Andy Young was there, and possibly James Bevell--I'm not certain about the latter.

Tape 2 of 2

P: Discussions were devoted to our trying to learn what the plans of the march leaders were, because a court order had been issued reorganizing the rights of these people to march under certain limitations.

Pollak -- II -- 37

Therefore, it became the responsibility of the United States, that being a federal court order, to see to it that the court's order was obeyed. It was clear that the United States was going to have to have federal marshals as well as the federalized Alabama Guard and possibly federal troops to see that the order was obeyed, because Governor Wallace had stated that he did not have the funds to provide any protection for the marchers. We had to know what the march leaders were planning.

There was a sort of mutual feeling out by each side in this meeting of what could be learned and what the relationships would be. John Doar and Ramsey Clark had certain policy purposes that they were seeking. From the beginning there appeared to be a desire for the federal government to maintain its independence from the march leaders. It was not our march. It was their march. They would have to handle it as fully as they could. And yet we wanted to be certain that it could be carried off safely. That was part of the federal government's responsibility under the court order. He wanted to impress upon them all of the problems that we could see coming up, so that they would be foresighted and ready to meet them.

B: Did you find them knowledgeable and practical in this kind of thing?

P: We found them pretty ill-prepared at that time. There were a hundred questions which as yet didn't have answers, but that was probably not unusual. That's built into the SCLC effort. In other words if you're in an organization which seeks to achieve change in the nation and which has limited finances, events provide a forum for movement and

Pollak -- II -- 38

those moments must be grasped even though the grasping of them means that people have to spend days and days without any sleep and solve problems with minimal resources, minimal time, and minimal manpower. And these four men were in that process. Our effort, I think, was just to try to be sure they knew what problems were going to be faced.

In other words, just to give an example, the court had limited the number of people that could march from a point five miles or so outside of Selma to a point three or four miles or so outside of Montgomery, the reason being that the road became two-lane for the rest of the distance between the two cities. I guess it wasn't five miles outside of Selma, it was more like eighteen. In any event we pressed upon them that night, I recall, the question, "How many people are you going to have march from Selma to your first night's stopping point?" And the answer was, "A large number, as large as will come." And we said, "But Judge Johnson's order limits you to 300 people from that point through the next three days until you get to the four-lane highway in front of Montgomery. What are you going to do to get those thousands of people, if you have thousands of people, back from a point twelve or eighteen or whatever miles outside of Selma back to Selma when they only get there at the end of the day, when they're all tired out and so forth?" And eventually arrangements were made that a train would come on an old track and stop and take all but 300 of them back into Selma. But there was great concern for safety and much concern on our part about that area.

Pollak -- II -- 39

B: Did you people from the Justice Department do more than just point out problems? Did you assist them in solutions to that kind of problem?

P: The Justice Department did on some occasions make suggestions to the march leaders of people that they might be in touch with who might be able to assist them. I'm sure there was some of that at this stage of the march. By and large the government did not assist them, and we drew pretty careful lines. My best recollection is that the night before they moved into Montgomery they were going to have a show with nationally-known entertainers on the grounds of the St. Jude Catholic School. It was terribly muddy there that night, it was muddy the whole trip across. And they needed some lights for their show. That was just a detail which hadn't been foreseen. We were helpful in getting some lights. But by and large they did it all themselves.

This meeting at the U.S. Attorney's office went on until about 4:00 a.m.--it was 5:00 a.m. Washington time. A lot of the things that were being discussed were things in which I had not been involved. I can remember on occasion being so sleepy that I almost fell off my chair. But that was probably one of the few meetings of that kind that I experienced.

There were innumerable things to pin down with respect to the march. Ramsey Clark and Joan Doar, and from Washington, Nick Katzenbach, had the Civil Rights Division staff and federal marshals and Border Patrolmen--that was really the federal directive forces--assigned various phases of responsibility. For example, I handled

Pollak -- II -- 40

relationships with the City of Montgomery Police--what responsibilities they were willing to undertake when the march came into Montgomery. They were quite cooperative, which was good. In that era they were generally less cooperative, or had been, than they are more recently.

For instance, there were planning concerns about whether the store owners in Montgomery would keep their stores open on the day the march came in. I think the federal desire was that life in the city go on pretty much as usual in an effort to tamp down the fires of fear, because there was concern. I think we were successful in that. But in doing that, I think through Governor Collins or John Doar, Winton Blount, now the postmaster general, had a meeting at his house of business people and police people and federal people, and we all went out there and talked over some of the problems. There may have even been some State Police there. In a major respect that was sort of a meeting of adversaries, though Blount was not an adversary. He provided the physical facilities in his home for us to have that meeting, and I've always thought well of him for having done that.

In any event that was my introduction to the Civil Rights Division. We worked day and night for a week or so, through the march.

B: You stayed in Montgomery through the march?

P: I stayed in Montgomery and out on the road some. We had a rather carefully-worked out radio communication arrangement; we used Border Patrol cars and walkie-talkie radios. My responsibility really was in the city of Montgomery, and my base was up at radio communications at the base end there at Montgomery.



Pollak -- II -- 41

B: Did you have any difficulties in your liaison with the police at the end of the march when the assembly in Montgomery appeared?

P: No, it worked out satisfactorily. I dealt with the police chief and the police commissioner. Of course, we had substantial federal troops and nationalized guard present, and Major General Turner, who was head of the Military Police--provost marshal of the United States Army--he was there. We on the federal side made very careful plans for how everything would go each day on our side.

The final day when 25,000 people came to Montgomery was one of the most memorable days of my federal service. I spent a lot of the day down in the crowd connected by walkie-talkie radio to our communications center; I spent a good bit of it with Major General Turner who had responsibilities for the federal forces that were there.

B: Were you primarily looking for the possible beginning of trouble?

P: Yes, well, one has many purposes in such an undertaking. But again, the view of it that I saw the Deputy Attorney General and Mr. Doar and others were taking, was that it was not our march, the people had a right to assemble, their right had been recognized by the court. Since the Governor [Wallace] had abdicated the law enforcement responsibility insofar as the state had it, our purpose was to not be in evidence except as necessary to insure that there was no interference with the rights of these persons. The military always wants to have as much and more force as is necessary so as to assure that it can carry out its duty. And our purpose was to make the picture that those there would get and that would come across the television screens

Pollak -- II -- 42

as unmilitary as possible so that people around the nation wouldn't conclude that the only way people could carry out their rights in Alabama was to have a mass of military forces. By and large we were able to space the military people in a way that did not give that impression.

The march leaders, I thought, handled themselves with great dignity on the day of that march--in their last day. They handled their people well. There was concern at the time that maybe after the gathering--all the formal proceedings were over--that there might be some trouble break out, maybe local people would cause it. In any event the march leaders, in particular Hosea Williams, took care at the end of their program to inform all the people how they could leave and to recommend that they clear the area and move to their buses and trains, and they did do that. And the area cleared very rapidly.

There was major disappointment in that the march people picked a group to deliver a petition to the Governor and the group was kept waiting a long period, and then ultimately permitted to go into the capital, but the Governor would not see them. So they had to come out, so to speak, empty-handed. On the other hand, I think the nation probably saw his action more as evidence of the smallness of the Governor in the face of this great convocation of people seeking to petition him to vote.

B: Were you still in Alabama when Mrs. [Viola] Liuzzo was killed?

Pollak -- II -- 43

P: I was enroute in the airplane with the Deputy Attorney General and some Civil Rights Division people back to Washington. And when we got off the plane at the military terminal over at National Airport, we were advised that Mrs. Liuzzo had been shot.

B: Do you recall your reaction and Mr. Clark's reaction on the news?

P: It was a stunning and heartbreaking thing because everything had been done to secure and to protect the march, as was the federal responsibility. Then when it seemed that Alabama citizens and the marchers had carried out their responsibilities without incident, this occurred.

I think that the Selma-Montgomery march experience was one of the determining experiences of Attorney General Clark's life. I've heard him mention it any number of times. I think that his feelings for those of us who were with him on that march is very deep. I know he feels most strongly for the rights which were sought by those making the march.

B: Was he in effect the on-the-scene commander?

P: He was. He was the President's civilian representative in the area, and he had responsibility for liaison and through the President command of the military forces that were there.

B: Through the President, not through Mr. Katzenbach?

P: Yes, through Katzenbach and to the President. Mr. Clark, to my knowledge was not dealing with the President. He was dealing with Mr. Katzenbach.

B: But he represented the power.

Pollak -- II -- 44

P: He represented the civilian power on the scene. There has always been to my knowledge great care on the part of the Department of Justice and the President--both Presidents I have worked under--that where National Guard forces are federalized and where federal troops are called upon in connection with civilian disturbances or problems, the federal forces remain under civilian command, under the President's command. In that kind of instance where the forces are there to enforce a court order, any decision is first a civilian decision even though the tactical arrangements are ultimately in the hands of the military people.

[End of Tape 2 of 2 and Interview II]

GENERAL SERVICES ADMINISTRATION  
NATIONAL ARCHIVES AND RECORDS SERVICE  
LYNDON BAINES JOHNSON LIBRARY

Legal Agreement pertaining to the Oral History Interviews of Stephen J. Pollak

In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms and conditions hereinafter set forth, I, Stephen J. Pollak of Washington, D.C., do hereby give, donate and convey to the United States of America all my rights, title and interest in the tape recordings and transcripts of personal interviews conducted on January 27, January 29, January 30, and January 31, 1969, in Washington, D.C., and prepared for deposit in the Lyndon Baines Johnson Library.

This assignment is subject to the following terms and conditions:

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

(2) During my lifetime the tape recordings shall be available only to those researchers who have secured my written authorization. Thereafter, the tape recordings shall be available to all researchers.

(3) Subject to the restriction set forth in paragraph (2) above, I hereby assign to the United States Government all copyright I may have in the interview transcripts and tapes.

(4) Subject to the restriction set forth in paragraph (2) above, copies of the transcripts and tape recordings may be provided by the Library to researchers upon request.

(5) Subject to the restriction set forth in paragraph (2) above, copies of the transcripts and tape recordings may be deposited in or loaned to institutions other than the Lyndon Baines Johnson Library.

Stephen J. Pollak  
Donor

October 4, 1983  
Date

Robert M. Vance  
Archivist of the United States

October 31, 1983  
Date