

INTERVIEW IV

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INTERVIEWEE: STEPHEN POLLAK
INTERVIEWER: THOMAS H. BAKER
PLACE: The National Archives Building, Washington, D.C.

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- B: We're in time now to 1967 when you became the presidential advisor on National Capital Affairs. I think I should point out here for the record that since 1960 you had been with the Washington Planning and Housing Association, a private group, on the board and for a term the president of the group.
- P: That's correct.
- B: I assume that that is a private group involved in trying to better housing in the area?
- P: Better housing and planning in the metropolitan area, that's right.
- B: How did you get over to the White House? You mentioned last time that you assumed that it was because you had been brought to the White House staff's attention by your work on the task force.
- P: I did. I considered that the sequence was probably that Horsky proposed my name and Harry McPherson and Joe Califano knew me from the work I'd done on the civil rights task force. Nick Katzenbach advised me some months earlier that Joe Califano had approached him to have me assigned over to Califano's staff. Katzenbach had asked me what

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I wanted, and I said I wanted to continue working where I was. So we both stood where we were on that.

In any event, Harry McPherson invited me over to his office and Charlie Horsky was there. They broached the advisor for National Capital Affairs position to me. I said to them that while I was very much interested in the District, I was working on national problems in the department and did not want to take on the position. I said that if the President determined that that's what he wanted me to do, I served in his administration and I would take the assignment.

Stemming from that conversation were a number of others with McPherson and later with Califano where they sketched out really a half-and-half job--half advisor on National Capital Affairs and half the President's liaison with HUD. It was that job which I agreed to take on, but not without some concerns which I expressed frankly to Califano and McPherson that the job perhaps wasn't as it was being described to me, or at least wouldn't turn out to be, and that I would be occupied fully with the advisorship on the nation's capital.

B: Was that the way it turned out?

P: That was the way it turned out. That was a disappointment to me. I remember when I was called over to see the President and he asked me to take the job, there's a couple of anterooms outside the Oval Office. I was waiting in one of those rooms with Califano and McPherson. I put it to them very directly. I said to them, were they putting me on about this housing side of the job. They assured me they weren't. We went in and we talked to the President. He opened the conversation

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saying, "I hear you're going to be the mayor of the District." I said that I hadn't sought the position, and that I thought I was doing the most important work for him that I could at the department, but that of course if that's what he wanted, I was prepared to take it on. I also told him, as I had told Horsky and McPherson, that I had some serious questions in my mind that the government of the District was weakened by having a strong voice in the White House, or at least that this strong voice in the White House should be terminated if the District's government was reorganized. I discussed this with the President at the time I took on the advisorship.

In any event, he said he wanted me in the job, and Harry McPherson asked him if he wanted me in the housing position, and he said he did. So I went.

B: Did Mr. Johnson outline any further what he had in mind in plans for the District government?

P: My own notes at the time will show exactly when it was, it must have been early in 1967, that he mentioned the reorganization of the government. I have at my home notes of my meeting with him. I said to him that I thought as much of the running of the District as possible ought to be handled at the District Building, and that I would do everything to put the power down there. The President said, "You do that. I'm with you. You work yourself out of a job." So I proceeded to do just that.

B: By that time early in 1967, bills for home rule for the District had already been defeated. Was there any thought of trying again on

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home rule, or did you just assume that that was impossible to begin with and start in on what became the new form of government?

P: Yes. The home rule bill had been defeated in 1966. When I got to the White House, Horsky was at work on the President's message on the District which was ultimately delivered two weeks after I arrived--I think on February 15. My first order of business was both to get into the job and to learn it, in which Horsky was very helpful, and to head up, utilizing all of the input that was available, the development of the President's message on the District. The message was in three parts: first, a part on the government of the District that focused on the reorganization plan and on home rule and on a constitutional amendment to give the District a representative with a vote in Congress; second, a part on needed substantive programs, including improved law enforcement and implementation of the recommendations of the President's Commission on Crime in the District of Columbia, which was one of my major tasks while I was there; and third, a part on the District as the nation's capital. I dealt with the Bureau of the Budget and with the Department of Justice on the crime part and with the State Department and various planning commission people on the plans for an International Center, as I pulled together the message. While our approach was to recommend to the President, a recommendation which he took, that he support home rule and continue strongly to support it as a tactical and political matter, but that we put all our effort into the reorganization plan and into the constitutional amendment. The reorganization plan was the major first step. That

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approach was generally in being when I arrived. I believed it was the correct approach, and I adopted it and followed it.

B: Did you play a major part in preparing what became Reorganization Plan Number Three of 1967, the one that set up the commissioner-council system?

P: I did. Its major outlines were framed when I arrived. And it had been the subject of discussions in late 1966 with Horsky and Philip S. Hughes, deputy director of the Bureau of the Budget, Harold Seidman and Bob Prestoman (?) of the Bureau of the Budget, Califano, and [Walter] Tobriner and Schuyler Lowe of the District government.

One of the things that I took care to do as I moved to the White House was to try to have good working relationships with Walter Tobriner and the District government. Horsky and Tobriner were not getting along well when I arrived and I was determined that I would get along. I thought that it would not be difficult to maintain a good relationship and that I would be able to accomplish my tasks better were I to do that. One way or another, possibly through an invitation from Tobriner, I went to lunch with him at the Cosmos Club before I had taken on my position. We talked. I pledged to him that I had no desire to be a public figure in that job.

That incidentally was one of the things that I determined upon as I went into the position. I decided the best way that I could serve the President was to be as behind the scenes as I could be and to prop up and support and aggrandize, if you will, the District government people. That was the way I handled myself. My approach

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to the job then was endorsed in public statements by the President and by the White House. I brought that approach to the job, though; they didn't ask that of me, although they came to support it.

B: Did you establish liaison with those residents of the District not in government service, particularly the black community, at this planning stage?

P: Not really. And we were criticized for that. It wasn't that we did not establish liaison with the black community. Rather, it was that we did in the early stages prior to the President's message not establish liaison with anyone outside those who were working on the reorganization plan. This was due to the fact that we wanted to have as large an amount of freedom in developing a workable plan as we could, and we did not see how the intricacies of developing this plan could be worked through if it became a matter of public debate. There were those who criticized that, and I can understand the criticism. My judgment of the matter was that home rule had failed of passage; that 1967 was a year to achieve this reorganization plan; that the plan by establishing a mayor and city council and by separating the half a thousand or more different powers of the District government into legislative for the council and executive for the mayor would be a major step towards home rule. I believed that if we could achieve this by having the Congress endorse the reorganization plan, it would commence a momentum of success for District governmental reform; and that in the following years we could then build on the plan and achieve more home rule. I thought it was most important to achieve

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this success in the Congress. My first priority was on developing a sound proposal and passing it through the Congress. Salesmanship of the plan out in the community was for me a secondary priority, because I thought that if we could achieve it, the community would be pleased enough.

B: Was there some thought that perhaps a considerable amount of sometimes acrimonious public debate might have made it harder to get the reorganization plan endorsed by Congress?

P: Yes. Internecine disputes in the community which had developed over the prior year's home rule proposal and which broke into those favoring full home rule and those for a charter commission, did not leave me with a desire to have to fight the plan first through the community and then through the Congress.

In addition, one of the ways that in my experience one succeeded in presenting matters to the Congress was to give the congressmen the first look. If we ventilated the plan entirely in the community first, then the congressmen would get the idea that they were receiving something that was old hat and chewed over and that they were low on the totem pole. My approach was to get a package which could make it through the Congress. That was the first need. Before the President's message on the District, at his instruction I talked to a number of the key leaders in the Congress about the reorganization plan and its general outlines. Then after the message, at the President's specific direction, I saw every man on the Government Operations Committees in the House and in the Senate that would

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receive the plan, and I met with every man on the House and Senate District Committees. I explained it to friend and foe alike.

B: Did the President give you specific advice on how to handle individual congressmen? Watch out for the idiosyncracies of Congressman X, and so on?

P: No, he didn't. He just told me to go at it hammer and tongs. I would make reports to him on who I had seen and what their reactions were. That was a customary practice which the legislative aides of the President asked each of us to do in any event--to report daily on whom we'd seen on the Hill.

B: Incidentally, were you working within Mr. Califano's general operation, or did you have separate direct access to the President?

P: I had separate direct access to the President, and that was the understanding when I came on the staff. In point of fact, I felt that either at the President's request or in his own sense for power, Joe Califano kept the closest look on my area. I dealt in most things with him. I kept him advised of what I was doing. My communications were always direct with the President, but I made a judgment that oftentimes there were matters that I didn't care to bother the President with, as I was honing the reorganization plan into shape; and yet I wanted to confirm them with someone else besides myself. I would review them with Califano. This arrangement worked well, and frankly I think my recommendations were sound, and they were approved.

The development of my job and the disappointment on the housing side of it were matters which caused me some personal disappointment.

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This was what I would call the realities of power of those around the President. My own personality is such that I saw the job that I had to do, and I did it. On occasion I saw others interposing themselves between me and the President. I could not tell whether the President thought that those others were doing the job I was doing. But I made the judgment, and it was sometimes a personally difficult one, that I would keep my eye on what I thought my job was and not worry about whether I was rubbing shoulders daily with the President.

B: Did the others include principally Mr. Califano?

P: Yes. And occasionally his aide Larry Levinson. Their access to the President in person was much better than mine. I had no difficulty communicating with the President by memoranda, and did it all the time, and got responses back the very next morning through his night reading. He seemed to me prodigious in his handling of any communications I had with him. My command of the job that I was given was such that whoever the people were who were occasionally called upon by the President in connection with District matters, they would always come back to me and I would make sure we were on the track. The President's method of doing business, as I saw it, was often to deal with his aides--Califano domestically--on a wide range of matters, and then Califano would take them up with others. Occasionally as he'd be dealing with a wide range of matters, there would be a District matter which would come up.

One example is illustrative. Actually this sort of thing happened rather seldom. About half-a-year after I had come to the White

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House, the President wanted to move on the use of federal land around the country, surplus land, to promote moderate and low-income housing. The Boys' Training School site in the District was one good piece of federal land. I think it's three hundred or five hundred acres. He raised it, or it somehow was placed in Califano's and Larry Levinson's hands. I was unavailable for twelve hours or so--they tried to reach me--and there was a crash effort to get the project going. Levinson got a number of people together. From my Planning and Housing days I had been informed about that area. When I got to the project, Levinson was presenting it as an area to be used entirely for low-income housing, which in my judgment would have been disastrous and contrary to the Planning Commission's plans. I took it over and impressed upon all who were working on the project the necessity for it to be a balanced community of low, moderate, and upper moderate income housing plus schools and industry. We moved the thing along. That was an example which proved to me the necessity of my being concerned with all District matters at the White House because others didn't have the same grasp of them that I did.

B: How did you find the President to work with? Were you ever subject to any of his moods and his famous temper, that sort of thing?

P: No. I found him satisfactory to work with, but I had very few personal relationships with him on the job and communicated with him almost entirely on paper. I considered it part of serving him to reduce to a minimum the times I had to call on him. I was generally able to work out my problems without going to him.

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There was much opposition to the reorganization plan from the District Committee members on the House side, the conservative members. It looked as if we were going to have very bad results. When the plan was reviewed with Chet Holifield, who was the senior man on the Government Operations Subcommittee which would have jurisdiction over the plan, he counseled the President not to send another loser up to the Hill. A continual effort had to be made to keep the President convinced that we could win it in the Congress. At one point he became discouraged that we could not and suggested that maybe he wouldn't send up the plan. That was around May 1967.

B: Did that mean just not send this plan, but not send any plan at all?

P: That's right, no plan at all. While we had a draft plan prepared, we did not make it public or show it to the Hill until a short time before it was sent up. There was this long period of time between its announcement in the message of February 15 and transmission of the plan to the Congress on June 1. All during that time, while I did many other things in my advisorship position, my major effort was the honing of the plan, the education or information effort with respect to senators and congressmen, and then bringing back their concerns and seeing whether we could meet them.

B: You were just telling them generally what you had in mind?

P: That's right. I prepared a five or six-page outline which I left with a few members. Initially I did not leave it with them, but I showed it to them and sat and talked to congressmen about it and answered their questions. We had a kind of a running battle with

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Ancher Nelsen, the ranking Republican member on the District Committee who was an opponent of the plan, and with Joel Broyhill, who was an opponent of the plan.

I can remember it was extremely difficult to obtain a meeting with Congressman [John L.] McMillan, the chairman of the House District Committee. My first effort when I was appointed was to schedule a courtesy call on Congressman McMillan and Senator [Alan] Bible; and I was just unable to get an appointment with Mr. McMillan although I called in person and talked several times to his aide about an appointment. Larry O'Brien and others interceded for me to try to get the appointment. I think in the end that was a source of embarrassment to the Congressman because I was in a position to say that I had sought to present him with the details of the plan in a personal meeting, but could never get in to see him.

At the President's urging and in response to his feel for the way to achieve this reorganization plan, I devoted these three-and-a-half months to this informing, educating, groundwork-laying function. While he never said this to me, I would express the President's posture this way: He was saying by what he did, "I'm not going to send a loser up there. I'm going to dig in my heels and unless you, Pollak, can show me that you can win that thing up there, I'm not going to send it up." Along the way it looked rather bleak. But Larry O'Brien and Califano and I convinced the President that he had made the undertaking to send it up, that we had laid all this effort down, that it was a sound proposal, and that he should send it up even if it might

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become a loss. Ultimately, he sent it up, and then of course the terms of the plan came to light and we then made the two-month effort to avoid a veto because that's the way the reorganization plan procedure works. It was easy in the Senate, and it was mighty hard in the House.

B: The difficulty in the House principally in the District Committee?

P: Yes, it was. It was the traditional issue whether southern opponents were going to be able to draw to their side the major part of the Republicans. And Ancher Nelsen was intent upon drawing the Republicans to opposition to the plan. I believe in his heart he wanted to "do good for the District," but he wanted to do it through his District Committee and on his terms. Of course, we were going through the Government Operations Committee. In the end, the key Republicans were John Erlenborn, who was on the Holifield subcommittee, and strangely enough, Jack Edwards of Mobile, Alabama.

It was an example of how a meritorious proposal, when ventilated in hearings where people have their say, can draw to its support people who for political reasons might take a different position. It was probably the case that I was the right man for that job, that my approach to the reorganization plan was a nonpartisan one aimed at convincing people that the then-current District government was a horse and buggy government with three heads, and was inadequate to the pressing urban problems of the District; that we had to do something, and that the reorganization plan would achieve these improvements. Erlenborn and Edwards in the hearings judged the plan on its merits

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and bought it. So when the subcommittee voted, there was Reuss, Holifield, Ben [Benjamin S.] Rosenthal, and John Blatnik--they were all just magnificent, really magnificent. Joining them were Erlenborn and Edwards to make a six-to-one vote with the Ohio Congressman, a Republican, being the sole nay sayer.

Then it went to the full Government Operations Committee, and it was still in doubt. Florence Dwyer, the leading Republican on the committee, went with us, and so the vote in the full committee was a very lopsided one, with maybe six Republicans or maybe just a total of six opposing it. That was enough to neutralize the Republican Policy Committee not to take a position; therefore, the Republicans were free to vote on the merits. With a tremendous effort ultimately for the floor vote, we were able to win it.

For the floor vote, the President had all of his aides working in behalf of the plan to present the matter to the congressmen and to gain the necessary support. We had several meetings with Larry O'Brien and Barefoot Sanders, and all of the legislative aides worked on it. We met with [John] McCormack and Hale Boggs and the other leaders of the House. It was a major priority item on the President's legislative list.

B: Was the President himself on the phone to congressmen?

P: I don't know whether he was or not. It may have been that we were able to handle it at our level. I know that the orders went out from him that all of his legislative aides would help, including those who aren't normally involved. Calls were made by Marvin Watson and

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Califano, and we divided up congressmen among us. It was not unique, but it was an unusually heavy effort in behalf of a matter for the District.

B: There seems to be an element in here of the President's pride being involved.

P: Possibly it was. That would only have come off of the loss of the home rule bill the previous year. I did feel that the President was genuinely dedicated and devoted to the District. He'd lived there thirty years, he knew the government organization was bad, and this was a constructive step. I never saw the pride side with respect to this matter, but it may well have been there.

B: Back when you were planning this, did you ever give any thought to other forms of municipal government? You ended up with what amounts to a mayor-council system. Did you ever consider a council-manager or any other variety of municipal government?

P: We did consider those things. And I talked with people from the National League of Cities and the Council of Mayors, and we scratched around looking at a number of different approaches. Ancher Nelsen opposed the plan by talking about a council-manager form of government. It was my judgment that the strong mayor form, which is a term used by people in city government, was the right formula for the District because the problem in the District was that there were so many points where power was lodged. You had a fragmentation of power and this rebounded to the detriment of the city government and left the Congress in a position to exercise much more power than it actually had. If

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the Congress, all 535 members, had been willing and able to devote enough time to the District, it could have run it well enough. But of course they weren't able and never did; and therefore, power was sort of left in a vacuum to be exercised by a few members and the staffs of the District Committees.

B: At the planning stage too, once you had decided on the mayor-council system--I know it's technically a commissioner-council system, but everybody calls it mayor-council--did you also begin then before approval of the plan to give some thought to the individuals who would be selected for these positions?

P: We never did. We left that entirely until the plan was achieved.

B: Did any congressman ever inquire about who might be these people?

P: Yes, I think early on there was some concern among a few southern congressmen that the mayor might be a black and there was concern at the makeup of the city council and what its racial makeup would be. Tactically I put the persons who would fill these positions totally aside. That was a subject which was not open for discussion or for agreement, and therefore it just never entered in. That was closed.

B: On the grounds that would give opponents just that much more to attack? They could attack the individuals?

P: Yes. That would have been the death of the plan to have it start to become a matter of dispute over the persons who would fill those positions. I never received any communications about it. Congressman Kenneth Gray of Illinois, who was thinking of retiring, I believe was

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the only one who expressed himself once I think in a letter as to his interest in the top job.

B: He was interested in the mayor's position?

P: Yes, he was. That was the only time anybody did that during the time the plan was pending. Now others may have said things like that to the President.

B: Were you then after passage of the plan involved in the selection of the people?

P: Yes. I was particularly involved in the selection of the council members. The President held the ultimate selection of the mayor and the council members very much to himself. With the passage of the plan--or for correctness, with the failure of the effort to veto the plan--I was asked to present suggestions for the mayor and the council members to the President. I did so in memoranda. I guess the initial request of me was to provide suggestions for the mayor and the deputy mayor, and I did that. I had nothing further to do with the selection of the mayor and deputy mayor.

B: Was your recommendation those who were eventually chosen?

P: No, I don't think so.

B: I was wondering where the recommendation for Walter Washington came from.

P: I don't know. There had been a rumor around that Walter Washington had wanted to be the chairman of the Board of Commissioners, and that he had had an interview with the President and had struck out, so to speak; and that the President just never wanted to hear his name

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again. I'd heard that--maybe from Califano. In any event, I don't know that I suggested Walter Washington; and if I didn't, it was probably because, one, I thought he was well-known to the President. You see, he sat on Mrs. Johnson's Beautification Committee on which I also served. Second, I had known of this supposed incident. Also I was sensitive to the question whether the President wanted to appoint a black to the top job. I thought he had to appoint and should appoint a black to one of the two top jobs; that is, mayor or deputy mayor. My feeling at the time was that the President received mostly advice that he should appoint a white man to the top job, and that it was he who made the judgment to appoint Walter Washington. That was a very sound decision. I gave him great credit for it.

B: Did the President and Mayor Washington work well together from then on? So far as you saw?

P: I think they did. Since I soon left the White House, the Mayor probably related to the President through Joe Califano. I dealt a good bit with the Mayor, and I helped him in every way I could. I think it worked pretty well.

I now recall. One of the reasons that I did not have a lot to do with the appointments to the two top jobs, at least this was my understanding of it, was that all along during the period when we were working and fighting for the reorganization plan, people in the White House used to, I think in a jocular fashion, suggest to me that I would be the man named the mayor. I did not seek that. Probably because that had occurred and perhaps because there was a certain

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facial logic about it, I did not seek to involve myself deeply with that decision. There was a major effort made to get me to accept the deputy mayor position, and I did not want to do that. I did not want to become another aide on the District, assisting somebody else who was going to run it, particularly having had the authority that I had at the White House.

B: Who made the effort--the President or Mr. Califano?

P: Califano told me the President wanted me to do it. He asked, would I do it. I said I did not think that was the right thing for me to do; that Walter needed a man who was experienced in city administration. I pressed hard in that direction. I obtained some aid in staving that off, and then in staving off an effort, again coming through Califano, to get me to accept the city council chairmanship, from Ramsey Clark. I counseled with him and with Barefoot Sanders and said, "Look, I've done my duty here. I'm a lawyer. I just don't think it's the right move." I particularly thought the city council chairmanship was the wrong move. After all, it's not a fulltime job; I'm a young man; I couldn't see it.

I never had to refuse the President.

B: Directly, you mean?

P: That's right. I was grateful for that.

B: You say you got with Ramsey Clark? Presumably asking him to tell the President that he'd like you back in Justice when all this was over?

P: It wasn't that. I didn't know what the future would hold for me. My closest association on a person-to-person basis, although we didn't

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work together very much at the White House, was Barefoot Sanders with whom I had worked at Justice. I just talked with Barefoot and with Ramsey Clark about what my responsibilities were to the President, what I should do as a loyal member of this team, and what it was right for the President to be asking me to do; if you will, the sacrifice I could rightfully be asked to make.

One evening--I think it must have been with respect to the deputy mayorship--I was at home--this rather amuses me--and I got a call from either Joe or Ramsey telling me to prepare to receive a call from the President. Maybe I got it from Joe. I called Ramsey and I said, "Ramsey, you've got to save me. I'm not right for this job. I think it's a mistake. I'm willing to serve in most any capacity, but I just think it's wrong." Ramsey said, "Those guys over there are just getting it all messed up. I wish you luck. I'll see what I can do." He called me back and said, well he'd tried, but he wasn't sure he'd had any success. I never did get the phone call, but I was waiting at the other end of the line, worrying about what I was going to say because I really didn't want to turn the President down.

B: It's pretty hard to turn down a direct request from the President of the United States.

P: Sure, it is. Then you'll recall that the President invited suggestions from the city public for persons to go on the council. That carried through for a period of time. Many came in and I worked sorting through all those, and I did a great deal in suggesting to the President people for the council. I think that by and large my

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efforts along with help from John Macy and Matt Coffey, John's aide, framed the slots to be filled in the council. We looked at sex, age, residence in the city, and experience of possible appointees. It was like fitting a jigsaw puzzle together.

B: And their race too I presume.

P: Yes, race. It was a question all along whether a majority of the council was going to be black. I thought that it had to be a majority black council. I didn't think that the chairman had to be a black; indeed, I thought that since the mayor was black it was probably well to have a white chairman. But I felt very strongly that there should be geographic dispersal of the numbers. I had hoped that there would not be more than four or five from the Northwest section of the city. It was difficult to find people outside of the Northwest. Also, we had to have some who were Republicans. In the end, we made a tremendous effort to search for a black Republican woman. That was difficult, very difficult. Margaret Haywood turned out to be the one who filled the bill.

B: You said difficult to find people out of the Northwest? You mean find people who were qualified, or find qualified people who were willing to serve?

P: Not who were willing to serve. We did well on that. But the problem was, and I want to be clear on this, that Washington had submerged its local population--people did not rise up over the years to be identified as leaders. In writing a memorandum to the President proposing someone for appointment, I found that I had to be able to say something

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other than "This person is a resident of umpty-ump street Southeast, and has lived here for forty years, and all the people who know him think he's a good guy." If he has lived here forty years and he has never done anything except to earn his daily bread, that doesn't really do it for the President of the United States. It wasn't that I personally had any question that there were many qualified people "out there," but rather that I had to be able to identify them and make them acceptable to a President of the United States as worthy of appointment.

During this period of time when the city council candidates were being called over, and during the same period when there was some continuing suggestion from Joe Califano that the President would want me as the city council chairman, John Doar just fortuitously was telling Ramsey Clark that he was going to be leaving. Ramsey said to me at that point that he was going to try to secure the President's agreement to my appointment, or nomination, as assistant attorney general in charge of the Civil Rights Division. Very luckily for me the two fell into place.

B: Did you have any trouble getting people to accept the council position? I've heard, for example, that Chairman [John W.] Hechinger was somewhat reluctant.

P: The first nominee for the chairmanship was Max Kampelman. I had had nothing to do with Max's nomination; he was not on the lists that I presented to the President, and it came as a surprise when he was named. I provided many lists to the President. The last one I

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provided was asked of me in the later stages. The request was to provide fifty new names. I searched all over the place, went to great efforts, talked with many people around the city. Someone ought to go look at the various names on my memoranda to the President because they're great lists, great people in the District, and many of them made my lists.

B: In case this changes by the time someone gets around to looking at this, this is for a nine-member council.

P: That's right. When I say he wanted fifty more names, I had provided many names already. I did it scientifically. Just imagine how difficult it was! There were nine positions. I slotted each position with certain characteristics, and then listed six or seven people for that position, for example, a white Northwest man, or a black Northwest man, a white Southeast woman, or a labor person. There were various characteristics which I considered in seeking a broad-based council. In listing them in order, if number one on my list for position one was not selected, that would affect number two on my list. It was all rather complicated. In the end I was quite pleased with the selection of the people for the council. One of the persons that I had, so to speak, found was Stanley Anderson, who had been active as a roving leader and a leader of the roving leaders in the D.C. Recreation Department. He was an unknown. I think it was excellent that the President appointed him.

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You asked about people being reluctant to take on the job. When Kampelman came under fire, and my observance at the time is that he was asked to withdraw.

B: Asked by the President you mean?

P: Or by the President's aides, yes. That was hard for him and his family. I think his wife had questions that he shouldn't withdraw and probably wanted him to make a fight of it.

B: You're speaking of the fight for the Senate confirmation?

P: That's right. When it became pretty clear that he was going to withdraw--this all happened in a very short space of time, the questions as to Kampelman were brought up, discussions were being had, probably by Califano, with him about withdrawing, and there was a desire to have a replacement to be announced at the same time or within perhaps two days. Various names were proposed to the President. One of the names that we considered at the early stage to be the chairman was John Gunther, head of the U.S. Conference of Mayors. He was not selected by the President.

Califano asked me to go out and sound out Hechinger. I called him. He was at the theater. I left word that I wanted to hear from him when he got home. When he got home he called me, and I said, "I want to come out and talk to you." I went out and got out there about one o'clock in the morning to his house. I don't know whether I'd ever met the man. I sat down with John and his wife and presented this to him. He was concerned with the time it would take and what would be required of him in respect to his business. He runs a

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business with his brother-in-law, Mr. England. He was favorable to it. What remained was to work it out.

B: How did his wife feel about it?

P: She was concerned that it would eat into their family life. Both of them appeared to like the idea of a position of stature of that kind. They've taken to the public side of the question as I've observed them over the past year-plus time. That was an interesting assignment and had its humorous side because it was so late in the night.

B: Did you bring Mr. Hechinger back to the White House that night?

P: No. He didn't give us a final word until the next morning. Then it just all moved along bang, bang, and it was done. As matters stood, the President was wise to want to have Kampelman out and Hechinger in.

We took special care then in working with these new nominees to the council to give them a feeling for the plan--the reorganization plan--give them a feeling for the need for cooperation with the mayor, as the man responsible for running the city and having the executive authority. The President spoke with them and met with them.

One of the rewarding parts of the job at the White House was the President's attention to the District in ways that never became public or never redounded to his political benefit or anything other than just a dedication to good government of the nation's capital.

B: Can you give an example of that kind of thing that did not become public knowledge?

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P: When those council people came to the White House, we met in the Fish Room. The President talked with them for some period of time about what he hoped for the District and how he hoped they would conduct themselves. They were impressed to meet with the President on the subject--that undoubtedly must have been in September of 1967. The problems the President was confronting then were immense. I had some feeling that the District presented the President with a "possible" challenge; in other words, that he could succeed within its confines, whereas some of the problems that he was confronting were so immense that they didn't hold that opportunity for him.

Occasionally, I would go out with the police to ride with them on a weekend evening and see how law enforcement was going. I reported once to the President on a program of replacing the glass street lamps--the globes--in the alleys in deprived neighborhoods because the kids were throwing rocks at the glass and it was breaking and glass was coming down on the street. On the main arteries such lamps had been replaced with plastic. I reported to him that I was talking with the city about continuing the program into the alleys. When I had been over in Anacostia, I'd go through these housing projects, both public and private, and in the alleys you had all this glass on the street. It made live unpleasant, and it created another atmosphere of the ghetto. In the same report, I advised him that I was trying to do something to increase the District's capacity to tow away abandoned cars because they were ugly and, again, depressing to the residents.

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He wrote back a note on the paper encouraging me to go forward with this. I felt he was receptive to efforts of that kind. The President could well have said, "Well, Pollak, you go on and deal with the thing, but for God's sake don't bother me with it because I've got a lot of other important things to think about."

B: Did you find Mrs. Johnson helpful in District matters too?

P: I did. Helpful and supportive. I didn't call on her much. She was working with the Beautification Committee and with Udall and others, Nash Castro. I was aware of her interest and supporting position so that it was significant.

B: I saw you glancing at the clock a moment ago.

P: I think I've got to go. I've got to see somebody.

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B: Sir, now that you've been through it and out of it and have some perspective on it, can you evaluate the way the White House staff operates?

P: I can evaluate it from my own experience. I think it looks different from every vantage point. The White House staff, at least at the higher ranking levels, is very much the personal staff of the President. It doesn't matter what the job description of a man's position is, because the determining factor is what the President wants him to do. The President has limited time, and he must rely on his staff very heavily, and he has to have that strong measure of confidence in their judgment within the areas that he assigns to them.

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I came to feel that the responsibilities that had been charted out for me in the housing area, which I carried in only a very limited way, reflected this fact about presidential staff assistants. The agencies in the housing field want to get their matters through to the President and to obtain his approval. To do that, even officials as high as cabinet secretaries need to deal with somebody at the White House. They want to deal with the man who has the fullest measure of the President's confidence and delegation of authority. That was Califano and his staff aides. Unless Califano had pushed that responsibility to me, which he didn't do, and pushed those agencies off of him, they would continue to go to that staff aide to whom the President was accustomed to turn. In other words, agencies want to deal with the man with the most clout in the White House next to the President.

There are probably several ways men move upwards within the White House staff. All of them have to do with gaining broader access to the President and a broader measure of his confidence. It was probably unrealistic to think that I would come in, or for Califano and McPherson to think that I would come in and handle a major measure of the housing responsibility because I didn't know the President, he didn't know me, I didn't come from an association with the President upon the basis of which he could evaluate me. Therefore, in that area he continued to deal with known quantities in his immediate staff, and the agencies necessarily continued to deal with those persons as well.

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It was different with respect to the District of Columbia, because just my title said I was the man to deal with. Second, that is not the center of power within the White House, and therefore nobody was probably desirous of maintaining hegemony over that area.

Those are realities of staff relationships around the President.

B: Do those staff relationships ever get bitter or acrimonious among the staff members themselves?

P: They do on occasion. I think that the men involved must make an effort to get along. The President wants each of them there for the purpose he's serving. Therefore, whereas they may feel antagonisms one toward the other, those need to be and are generally submerged for the greater good. I think each man probably has to make his own peace with the personally fraying aspects of the job, where power and inter-communication and relationships are necessarily fluid. You cannot draw a chart of how people relate to one another around the President.

B: You've mentioned that you worked pretty closely with Mr. Califano, particularly on District matters. Did you ever work closely with Harry McPherson either while you were at the White House or in connection with civil rights activities from the Justice Department?

P: Yes, I worked with Harry on and off on civil rights matters. On any of the messages that go up from the President to the Congress, Harry's one of the final men involved. I've worked with him in drafting executive orders for the President's signature in the civil rights area. Harry had major direct responsibility for the civil rights task forces of 1966 and 1967, and I've dealt with him in all of those

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regards. He's a very easy man to get on with, and by and large holds himself aloof from the power struggles around the President, in the main because the President sought his advice and his counsel in the framing of presidential messages and speeches. Therefore he didn't need to join in edging anyone else out.

B: You've touched upon this several times, but roughly in 1968 you left the White House and went back to the Justice Department at Mr. Clark's request as John Doar's replacement as assistant attorney general in charge of the Civil Rights Division. When was that, and how did Mr. Clark present the job to you?

P: Mr. Clark must have first broached it to me in August soon after the reorganization plan became effective or at least passed the last congressional hurdle. There was a time delay for its effective date. Let me make the time sequence clear. Mr. Clark talked to me about the job and then the President had Mayor Washington and Tom Fletcher sworn in at a White House swearing-in before the council had even been finally nominated. I think it was at the Washington swearing-in as I was going through the receiving line to congratulate the President formally that he stopped and spoke to me at some length and said, "I'm going to nominate you to be assistant attorney general in charge of civil rights as John Doar's replacement." My wife was with me. The President's photographer always took pictures of those occasions, and I have a picture which shows the President talking to me and my wife with a surprised look on her face. It was the very moment when

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he was broaching this job to me. That's the first time he'd spoken to me of the job.

John Doar continued to be involved in the Neshoba murders trial, and neither he nor Attorney General Clark nor I thought it wise to make a public announcement of John's departure while he was representing the government as prosecutor. So the public announcement was that I was returning to the Department of Justice as special assistant to the Attorney General. None of us wanted to delay the announcement because we wanted to close out the advisor on National Capital Affairs once the Mayor had assumed office.

I went back to the department as a special assistant with the knowledge that I would become the assistant attorney general as soon as the trial was over. In fact, I continued through probably almost December 1 or maybe even later to spend virtually my full time on District matters, helping the new government launch itself.

I did carry out one major mission for the department and in the Civil Rights Division. That was heading up the Civil Rights Division's responsibilities in connection with the march on the Pentagon on October 21 and 22, 1967.

B: What did that involve?

P: That involved the handling and planning of handling all phases from the point of any arrests through identification, processing, incarceration, or detention and hearings before a United States commissioner. We developed a plan for the possibility of a major number of arrests, and the Civil Rights Division carried that plan out under my direction.

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B: There were a number of arrests. Were they about the number you had expected, or more, or less?

P: It was our purpose to hold down the number of arrests, that is, the department's purpose under the Attorney General. The thinking was that those who were marching on the Pentagon had as their purpose the creation of conditions which would lead to a large number of arrests. The number of arrests was approximately six hundred and seventy-six. That was a large number, but I think it was smaller than perhaps we had feared.

There was no federal law enforcement apparatus in being to handle all these people and all the arrests, since they occurred in the northern district of Virginia--the northern judicial district--and normally the northern district probably has about twelve arrests a month. So we had to create an apparatus to handle them. It gave the federal government a chance to show the nation what orderly processing in a civil disturbance would be. It came not long after the very inadequate processing which was possible in Detroit, for example, where persons were held on buses for substantial periods of time following their arrest.

B: The disturbances there in the summer of 1967, you mean?

P: That's right. Try as they did out there, and I was not there, my judgment was that they were not prepared to meet the crisis they confronted. We had forewarning of a possible arrest population of large numbers at the Pentagon. We prepared for it, and we handled it in what I think was a humane and prompt manner. I testified on it

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before the Kerner Commission and recounted the lessons learned from our experience.

B: Were you involved in the intelligence gathering before and during that march?

P: Yes, I was. And I was part of the group that met with the Attorney General and city and military officials as we planned what posture we would take. We counseled with Harry Van Cleve of GSA who handled the negotiation with [David] Dellinger and the march leadership.

B: I understand there were a number of attorneys from the Justice Department generally with the march.

P: I don't think that's quite true. We had men on the street. The Civil Rights Division has always provided people in recent years who would be out in the area of a possible difficulty in order to pass back information usually through walkie-talkie radios to keep the Attorney General informed, since the Attorney General has always been the man given overall coordination responsibility by the President. But we in the Civil Rights Division had no one with the march group as they came from New York and other places to come in here. We had people out on the streets looking on to see what was developing with the march.

B: Did you also talk beforehand to the organizers of the march; so far as you could identify them?

P: Yes. They were reasonably well identified, and they were in negotiation with Harry Van Cleve of GSA. Those were protracted negotiations about a permit and what would be done, what would be permitted, where

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they would be allowed to go, at the Lincoln Memorial, and then over at the Pentagon. One of my assignments was to make backup arrangements for the necessities of life--portable toilets, water, and first aid--in the event march leaders failed to carry out their agreed responsibility to provide such facilities. In fact, they did fail to carry out their responsibilities in that regard, and we had to provide some backup help.

B: When did your appointment as assistant attorney general become effective?

P: I was sworn in on January 3, 1968, after confirmation by the Senate.

B: You mentioned earlier that somewhere around that time you and Mr. Clark had talked about the new emphasis of civil rights in the northern cities. Could you describe what he was talking about at the time?

P: When Mr. Clark talked to me about coming back to the department, he said first, that he had the greatest regard for John Doar, and I know that to be the fact; but he said that the days of walking the red clay roads of the southern rural areas in pursuit of civil rights law enforcement by the federal government were either closed or drawing to a close, and that while we, the federal government, had to maintain our law enforcement responsibilities in the South, we had to broaden them so as to pursue with more resources equal employment, law enforcement, school desegregation in the North and in the West. He said that the division had been in his judgment somewhat slow in responding to these new responsibilities and that he would look to

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me to achieve that. He said that in his view the assistant attorney general had to be the leader of the division in the sense that he had to inspire and encourage the attorneys in the division to increase their output and their accomplishments in law enforcement rather than to perform the tasks himself. He probably spoke explicitly to me saying that John Doar could personally accomplish great things by preparing and trying the Neshoba, Mississippi [United States v. Price] case and handling other matters directly himself. The Attorney General used a metaphor: He said that the assistant attorney general, even if he could work with the strength of ten to accomplish the purposes of the division, would still only be ten and there were ninety other men in the division, and therefore, the real payoff would come by organizing the division and inspiring its people to accomplish the purposes. He said that that was my task, and that he had confidence that I could do it. I took that to mean that I should devote myself heavily to organizing the division, delegating authority to its personnel, and encouraging them to increase their output; and that I should plan my time so as to be present in my Washington office as much as possible to direct the division from there.

B: When you take over a division like that, are there serious problems of personality and personnel? For example, although you had been associated with the division before, was there some element of continued loyalty to Mr. Doar?

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P: I was so loyal to Mr. Doar that it was not hard to deal with that. There was great loyalty to Mr. Doar. On the other hand, it was not hard for me to step in and lead the division.

John Doar had been the field leader of the Civil Rights Division from 1960 to the end of 1967. He had trained all the men that were the leaders in the division when I took over. He had their loyalty; he inspired them; they loved him. He was a peerless leader. As somebody said when I left the division within the last two weeks-- I believe the Attorney General said it at one of the going-away functions--he was a hard act to follow. When I took over, John and I spoke to the division people and advised that the Attorney General would be announcing that my nomination was going up to the Senate-- that must have been in December. I said to the division people, all of whom I knew, that John's shoes were very big and I would try to fill them as best I could.

I wanted to mention something further respecting the Detroit riots. John had gone with Cyrus Vance to be the department's representative there. I believe that experience left John in a depressed frame of mind. He felt that the urban problems were so serious, and the inequality so drastic and the inadequacies of public approaches to the problems so present, that from the Detroit riots of summer 1967 to the end of his tenure he primarily devoted himself to the Neshoba case and to relatively little else. He was down in spirit. I don't think there was any question but that the Attorney General

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was right that a new leader was required. That's all. There comes a time for each man, so to speak.

I viewed the challenge as extremely difficult.

B: I should imagine, because Detroit left that kind of impression almost universally of the magnitude of the problem involved. Did you begin any kind of reorganization or shifts in personnel or--?

P: John had completed a reorganization of the division in the fall of 1967 aimed at forcing the division to put more of its manpower outside the South, and therefore to do more of its work outside the South.

B: Did this involve shifting around within your regional suborganizations?

P: That's right. In terms of the development of law cases and law enforcement, the division was divided, once the reorganization took place, into five general litigation sections. I might mention the prereorganization's framework and the framework post-reorganization. Prereorganization, most of the men and most of the able men were assigned to what we called the Southeastern and Southwestern Sections. The Southeastern Section included Florida, Georgia, Alabama, and South Carolina; the Southwestern, Mississippi and Louisiana. So most of our personnel were in those two sections. Then the Eastern Section was the rest of the United States east of the Mississippi and north of the states I've mentioned; Western was the rest of the U.S. west of the Mississippi. We had much the fewest number of personnel in those two sections.

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After the reorganization, we left good people in the Southern Section which became Florida, Alabama, Georgia, Mississippi, and Louisiana. That was still our largest section, but it had only perhaps 25 percent of the division's personnel. Prior to the organization those states probably had the attention of 70 per cent of the personnel, or 60 per cent. Then we had the Eastern Section which included South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, and West Virginia; then the Northeastern Section which was New York, New Jersey, and the New England states, and which was still small and a very challenging section because civil rights discrimination is present there, but hard to identify. We had no litigation going in that area of the country at all when the reorganization started. Then the Central Section which was the heartland of the United States--Tennessee, Kentucky, Indiana, Ohio, Michigan, Illinois; and then the Western Section which was pretty much everything west of the Mississippi again. We had the majority of our people assigned outside of the old Southern Section.

B: Did you try to get additional people?

P: I did try to get additional people. The fiscal 1968 budget was already before the Congress, but we sent up a supplemental. Then in the fiscal 1969 budget, we sought additional people--I think twenty-five or thirty lawyers and clerical--that incidentally was not approved by the House; the Senate approved ten, but the conference struck it. Then in fiscal 1969, we tried for a supplemental as well, which was fifty-five attorneys to take our new responsibilities under

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the Fair Housing Act of 1968 and the new Criminal Interference Statute. But that too was not approved. I may be wrong about there being a supplemental in 1968--I can't remember whether we fought for that.

The fact was that when I took over the Civil Rights Division, it had authorization for 105 attorneys; and its personnel was down at something like 83 attorneys. I set it as a major responsibility of mine to get this division up to 105 and to keep it there day-in and day-out. And I got approval from the Attorney General to work against a figure of something like 125 attorneys, so I made offers-- I would get a daily report which would count the number of people on hand, the number who told me they were going to go, and the number to whom we'd made offers and who had accepted those offers. I worked against a composite figure of 125 or 115; and by doing that, in other words, being prepared to overshoot, I got the division rather rapidly up to 105.

B: Did you find recruiting difficult?

P: Not at all. Recruiting was always an encouraging aspect of the job.

B: Mostly among young men right out of law school?

P: The predominant hiring is done under the Attorney General's Honor Program, graduates right out of law school. We go through elaborate interviewing of persons who apply, unless their records look inadequate at the outset. We don't limit ourselves to the Honor Program.

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- B: Do you pay any attention in recruiting to the race of the prospective employee? I'm not trying to imply a quota system, but do you deliberately try to get young black attorneys?
- P: We had always felt that we had fewer black attorneys than we would want to have. There are so few going to law school that they are very much in demand. So we sought black attorneys where we had an opportunity to get them, and the opportunities were few but we did seek them. And we were interested in hiring Mexican-American attorneys.
- B: This may not be a fair question, but did you ever accept, say, slightly lower qualifications because a man was a black or a Mexican-American?
- P: The answer is yes. I believed that the inequalities of education afforded to the blacks made them start off with a handicap, and that was what our litigation had shown us. I also felt that there was a desperate need in the nation for trained experienced black attorneys; and therefore we not only needed some black attorneys on our staff in order to gain approaches in certain communities where otherwise we might not have any, but also if we brought them in, impressed upon them our high standards of fact gathering and legal presentation, then, as indeed did occur, when they moved on out into other pursuits, they would have the benefit of the training they had gotten with us. For example, Frank White, who is with the so-called Inc fund, NAAC Legal and Educational Defense Fund, Incorporated, had been through our Appellate Section and is one of their lead attorneys now.

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B: In the midst of all of this activity, did you also ever have a chance to sit down and think on plans for new techniques and approaches?

P: One of the things that we created in the Civil Rights Division in the reorganization was a Planning and Coordination Office which was supposed to look into the future to develop new approaches, both legislative and administrative or executive. We had also adapted some of the paraphernalia of the so-called PPBS planning system. As part of that, there was written before I got back to the division a program memorandum that outlined where we were going and how we wanted to utilize our staff. I used that some in programming what we would do for fiscal 1969. In the development of the program memo for fiscal 1970, I utilized that as a kind of a laboratory for honing my approaches. That's a helpful instrument, a rather blunt instrument in the sense that one can't be confident of doing precisely what the program memo says, but it is a directive tool.

I never really had in the thirteen months time to put my feet on the desk and peer off into space. Rather, the plans that I made were made in the context of problems that arose and alternatives that were presented. But so many problems are presented and of such difficulty that I always was in the position of pressing on my associates for options and alternatives to be fully explored.

B: Is it correct to say that that kind of thing is just sort of still up in the air, that nobody can really figure out what's going to happen and what to do about it?

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P: I don't really think that's true. In saying that, I have to reflect the fact that I did not conceive of myself as assistant attorney general in charge of urban affairs or cities, where problems are awfully difficult and almost defy solution. I was the assistant attorney general in charge of the Civil Rights Division. We had a battery of laws passed in the Reconstruction Era in 1860 and 1870, and then passed between 1957 and 1968; and our responsibility was to enforce those laws. When I got to the department as assistant A.G., having the background of being first assistant, I conceived that the time that I was going to be there, either a year or if a Democratic president were elected longer than a year probably, would be one where enforcement of the laws that we had already achieved was going to be the major need and the major contribution I could make. I set about doing that in the fullest way that I could.

Now as history records, we passed some very significant legislation through the Congress in 1968, and that was of immense importance, but it took a relatively small amount of our time and did not take us--"us" meaning the major part of the division's manpower--away from the finding, making, bringing and winning of lawsuits.

B: Did the President's withdrawal from the political race on March 31 create any new sense of urgency that certain things ought to be done while Lyndon Johnson was still president?

P: No, I don't think it did. We did not change our approach after March 31. The answer probably is that the Civil Rights Division is underbudgeted and undermanned, and most of us work a six-and-a-half

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day week, nine in the morning to nine at night or thereabouts. We were by and large doing everything we could physically do, and felt an urgency about what we were doing anyway. The challenge was the same before and after.

There are two clean-up times in the Civil Rights Division. One, the month of June when the fiscal year is ending; and one, the month of December when the calendar year is ending. By clean up, I mean making an effort to get the mail answered, to get matters closed, cases brought, cases closed, so your statistics are as good as they can be. After all, the Appropriations Committees, for good or ill, always rely on your statistics which is often a problem.

In late November I got my staff together--I have regular staff meetings--and I said to them, "I want to close out as much of our pending matters as we can by the end of the year. I'd like to make the year-end statistics look as good as they can look. I want to have as few matters hanging over to burden my successor with as possible. We just ought to close the cases that are no good, we ought to bring those that are good, and we ought to end up in shipshape fashion."

And so through December and early January, we engaged in that undertaking. I think of that as only the tidy way for somebody to bring his tutelage or tenure to a conclusion.

B: Did you file any new cases in that period?

P: We filed a large number of new cases during that period. The fact is, probably as a result of a number of factors, our attorneys were

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heavily involved preparing for carrying out Voting Rights Act responsibilities in connection with the general election in November 1968. We had observers to assign and this took our attorneys out of town. Bob Owen, my first assistant, was heavily in Chicago, and a number of other men were there in connection with the grand jury investigation of the Democratic National Convention disturbances. Nat Lewin, the second assistant, was for a good period of time in November and up to the middle of December in Paterson, New Jersey, in connection with the grand jury investigation of police misconduct in Paterson.

A number of those things ended so that leadership personnel and other personnel were back in Washington starting about December 15. My cleanup effort and their efforts combined to permit us to have a very productive December and January. I know we brought more lawsuits and more significant lawsuits in that period of time than any comparable time while I was assistant A.G., and perhaps while anybody else was assistant A.G.

B: Is there any hint in this of initiating new prosecutions for fear that the incoming administration might not initiate them?

P: The thought and concern, particularly in the area of schools, was known to me. I was concerned then by comments during the campaign that candidate Nixon made about freedom of choice in school desegregation. I don't think we yet know quite how that's going to come out. But we did not change our standards as to the facts required and the work required for a lawsuit during this latter period. Every

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lawsuit that we brought was grounded as firmly in the law and facts as every other one that we'd ever brought. I made an effort to be scrupulous in reviewing the justification memos all during my tenure to be sure that these were cases that I was warranted in recommending to the Attorney General, because he has to sign them under the civil rights law.

We brought twenty-five new cases in the first twenty days of January. There were three school districts in Louisiana that had never begun desegregation which we could have sued in those twenty days--the papers came along late in the period and I determined that they were too late; I wasn't going to send them up. There was an intervention in a school matter in Florida that was too late that we didn't bring. We had worked a long time on five construction unions in East St. Louis that we believed had engaged in employment discrimination; our investigation was conducted jointly with the Transportation Department in late summer. My people had recommended suit against all five, and it took me a long time to study the rather voluminous files. With respect to two of the unions, the Ironworkers and the Laborers, both of which were large unions and were all white even though the city is 60 per cent black, I determined that under the standards I had applied during the year that we did not have enough facts. A new theory was presented to me suggesting that we could sue on a res ipsa loquitur--the facts speak for themselves--theory. I determined I did not want to do that at the tail end of my tenure, that I would not present them to the Attorney General, and that my successor could deal

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with them. By deal with them, I meant only that they would be like other pending matters. So our effort was aggressively to enforce these laws during the year and not dump a bunch of things on the successors.

In one area we moved actively after January 1. The new Fair Housing law had come into effect in its first stage on April 11, 1968, and that was proscription of discrimination with respect to federally aided housing--multiple unit housing. On January 1, 1969, the coverage extended to all multiple unit housing, with some limited exceptions. I considered it my responsibility to make full preparations for enforcement of the added coverage. I wrote letters to all the United States Attorneys, to real estate groups, and to civil rights fair housing groups, informing them of the new coverage. We set about to have field surveys made in twelve metropolitan areas after January 1. We'd have field surveys made of the more limited coverage back in June and July. It was my desire and the Attorney General's desire, which he expressed to me any number of times, that if we found violations to bring one or more lawsuits before the administration went out. In my mind the reason for that was three-fold: one, the experience we'd had with the Fair Employment Statute which became effective in 1965. The Civil Rights Division's major effort at that time was schools, and it took us eight months to bring the first lawsuit--that was February of 1966, the St. Louis Arch Pipefitters case; and then after that, it took ten more months to

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bring the second lawsuit against the asbestos workers union in New Orleans. The experience had taught me that when a new statute comes into effect there should be an effort to step right out to enforce it, as we had done with the first phase of the Housing Act. We found a violation in Baton Rouge and we brought the Knippers and Day suit in Baton Rouge in July, I think. That afforded us an opportunity to learn in litigation the intricacies of the new law. Then when the broader coverage came into effect in January, I thought it was important if we had a violation to go into litigation so as not again to drift into that long delay.

Secondly, the new statute required the Attorney General's signature of the complaints. I was concerned that if we had a violation we should bring the suit while we were still in office because it could well be that with all of his many responsibilities, the new attorney general would take a considerable time before he could get himself informed up to a point where he could sign a housing suit. Again, if we didn't bring one, there could be this period of delay. So in bringing that suit, we were aware of and to some extent reacting to the change in administration, but not because we thought that the new people

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would not enforce the statute, but because there would be a necessary delay.

B: I suppose bringing suits under new statutes quickly also has a certain educational benefit to potential--

P: I referred to three reasons, and that was the other reason. Prompt enforcement is a great aid to voluntary compliance. I referred a good bit ago to the Voting Rights Act. Our prompt enforcement of that statute encouraged compliance around the South by local registrars. Our inability to move more promptly on equal employment, I think, impeded that program. During my tenure as assistant A.G., our number one priority was equal employment, and we stepped up by a considerable amount the number of lawsuits and the number of settled matters that we were able to pursue, probably more than three times what we had done during all of the other remaining period of the law's effectiveness.

B: In the spring of 1968, did you participate in the drafting and passage of the Fair Housing Bill?

P: Yes. The department and the President had sent up in separate packages all of the components of the prior year's bill, or at least we continued to support them as separate entities--the

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Housing Bill, the Interference with Rights Bill, the Federal Jury Bill, the State Juries Bill, and the Equal Employment Opportunity Commission Bill to strengthen the EEOC. So the legislation was there. Our tactical position was to seek enactment of the Interference with Rights Bill, the so-called old Title V, and the Federal Jury Bill and the Equal Employment Bill. We were discouraged about the chances of the Fair Housing Bill. While we supported it, it was not going to be tied to any of the other pieces of legislation. We were afraid if it was, it would pull them down and we'd get neither. It was the constructive pressure of the Leadership Conference on Civil Rights and Clarence Mitchell that really moved that Fair Housing Bill along.

B: Constructive pressure on congressmen?

P: On congressmen and on the department, yes. The pressure on senators--and Clarence Mitchell worked with Senator Mondale and Senator Hart and Senator Javits and Senator Percy. We were doubters for a long time. Attorney General Clark held several meetings with the Leadership Conference group, and he was always open to the possibility that it would become possible to pass the Fair Housing statute. His open posture there was important. We were never at odds with Clarence Mitchell and his people; we were really saying to them, "Clarence, you've got to continue to be a skeptic because we don't

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want to lose Title V by tying it to Fair Housing and then get neither." Ultimately the two were tied together, and we got both.

B: Did that mean many more long days on the Hill for you?

P: Yes, it did. But as assistant attorney general, I tried to form up a team of younger men who would carry out duties which I had done in earlier years.

Dirksen played a lesser role in the achievement of the legislation. The Mondale-Javits-Percy-Brooke effort in the end forced Dirksen's hand. While it may have seemed that Senator Dirksen rewrote the Fair Housing statute, it was much less than in 1965 with respect to the Voting Rights Act. We did in the last day have a meeting in Senator Dirksen's office, and there was a crash redrafting of portions of the bill, which was almost a mirror of the 1965 effort. I again put myself in the position of being the scribe and was able to maintain some coherency to the legislation in the midst of great confusion. They called for the Attorney General and me to come up to Dirksen's office literally two or three hours before the bill was due on the floor. There had been a lot of prior discussions. In those two or three hours, there was really a wild concatenation of discussions about changes in the Fair Housing Bill. I kept the existing draft in front of me and methodically and ploddingly kept moving through it, sort of being unwilling to hear the conflicting suggestions so that the bill wouldn't just entirely blow into smithereens. In the end I shoved the draft into Senator Dirksen's hand

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as he went running out on the floor, and that was the bill that was then introduced by him, and on which cloture was ultimately voted.

B: But that last minute process did not involve really any significant changes in the bill?

P: No, I don't think we lost much in the purposes of the bill. I would count the passage of the Fair Housing Act the biggest surprise of my federal career. I never thought that the Senate would end by achieving cloture on the bill.

B: Is there any reason why Dirksen's influence seemed lessened on this occasion as compared to the previous one?

P: He underestimated the commitment of people to this Fair Housing Bill. The Department of Justice had underestimated it. No one thought it was really possible. And so Dirksen was caught over on the opposition side, and he had to move around to get in front of his troops, or they would have left him. It was awfully close--awfully close. We had drawn out negotiations with Senator Jack Miller of Iowa, in which I dealt with him on some amendments that he wanted which in my judgment were largely meaningless--meaningless or gutting--and it was difficult to make clear to him that they were not constructive. In the end a couple of points had to be given to him, but they were not major matters.

B: That same spring, there was a series of crises--the assassination of Dr. Martin Luther King, the several urban disruptions including in Washington after that. Did you get involved in those?

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P: Yes, I was involved in those. They provide a good backdrop to why in December and January the division was able to come forward with a significant number of new lawsuits. At the time of the King death, personnel of the division were just pulled off in wholesale fashion to provide on-the-street observation for the Attorney General in Detroit, Chicago, Memphis, Washington. Through the attorney generalships of Robert Kennedy, Nick Katzenbach, and Ramsey Clark, the Civil Rights Division provided, in their judgment, I believe, the soundest field observation team; and they called upon Civil Rights Division people to go to the field and report back. So we've been involved in all of these crises.

When Dr. King was assassinated, I spent the next four or five days virtually around the clock in the Attorney General's office. There was the necessity in some places of assigning federal troops, and the Attorney General was the official to make recommendations to the President whether he should do that. Therefore the Attorney General had to have the facts, and we sent teams out to get them. Facts are terribly difficult to come by in that kind of situation. There's hysteria, rumors and so forth.

I was also called on to play some role in the District due to my familiarity from the White House stint, and I provided liaison and stationed myself for some period of time over at the Mayor's Command Center.

Then the day before Dr. King's funeral in Atlanta, I went at the Attorney General's request to Memphis and was his representative

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there in dealing with a major general who came down from the 6th Army as the designee should there be a need for assignment of federal troops. There was going to be that large a march in Memphis. We had a substantial number of federal marshals there and the Tennessee Guard was on the street under Tennessee command. In consultation with that general, I had to make the decision whether to recommend federalization of the Tennessee Guard.

B: Did you anticipate any special kind of difficulty?

P: No, but it was very tense. They had had rioting in Memphis after King's death and we were very concerned on the day of the march. Bayard Rustin of the A. Philip Randolph Institute came down and organized that march, and had help from Walter Reuther and the AFL-CIO, and the organization was good. For that reason as much as any, or more than any, there were no difficulties.

B: How did you find local cooperation in Memphis?

P: It was all right. We got along well with Claude Armour, who was Governor Buford Ellington's representative there, and was I think running the show for the state. The general and I went out to the National Guard Headquarters from about one-thirty to four in the morning and were briefed on what they were planning.

There was one not so amusing event. One of the lessons that Attorney General Clark taught, and indeed it has been always an approach of the Civil Rights Division, was that the United States is a civil government, and when you have to have masses of troops or masses of police on hand to secure public order, you lose something

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as a civil government; and therefore, when you have to do it, you want to have them as out of sight as possible so that traditions of civil authority are maintained. That lesson is lost on many people. I happen to believe in it strongly. When there's a potential of disturbance in a city, many local authorities have just the opposite attitude; that is, to pour uniformed personnel of the Guard and of the police on the streets.

One of the factors which we considered in determining whether to federalize the Tennessee Guard was whether they were going to handle this march in a humane way, or whether they were going to have all of their troops along the streets with loaded guns and tanks, and make a terrible looking picture.

B: By "they" in that case, you mean the city and state--?

P: Authorities, yes. We worked it out and learned that they had a civilized attitude on how to carry out their responsibility. And lo and behold the next morning when I got up--the service for Dr. King was to be in front of the Municipal Building which is a beautiful, brand new building and there's a lovely square there. It's right across from the jail in which James Earl Ray is now being held. The Federal Building is right next door, and just about the time the march was ready to lead off, I looked down below and saw a great big tank about a hundred yards down the side street from the square with this tremendous gun pointing toward the square. What that gun could have done or that tank could have done had there been trouble is inconceivable! I called the general in charge of the Guard and

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said, "Do you know you've got this great big tank here?" He said, "No, I didn't." He and I had agreed beforehand they would be stationed at a point off a ways. Shortly thereafter this tremendous thing rumbled away out of the area.

The day went off without incident. In my judgment that was important to the restoration of confidence among the citizens of the United States that after these days of disturbance all around the United States civil calm could return.

B: There in Memphis, did you find yourself giving advice on organizational matters to the leaders of the march too? Similar to what you described earlier in Montgomery?

P: No. We didn't quite play the same role. I don't know that there was much advice even in Montgomery. You see, in Montgomery there was a federal court order setting guidelines for the march and the federal government had particular responsibilities respecting enforcement of that order. In Memphis, one of the difficult things as a legal matter was that the city had gone in before the federal judge and had told the judge what it was going to do and asked the judge to issue an order saying they should do what they were going to do. There was this kind of a rump order outstanding. The question I was facing there was, was this order such that we had a responsibility to federalize guard to make sure there were sufficient personnel to ensure that the order was not disobeyed. The judgment that I made was that the Tennessee officials, the Guard, and the state people, and the city people, were sufficiently squared away to

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carry their responsibilities. We really didn't want to make it a federal operation if we didn't have to.

B: Did you get involved later here in Washington with the Resurrection City episode?

P: Yes, heavily.

B: You sound like it still weighs on you.

P: It was a terribly demanding event which had very worthy purposes, but which took ten or fifteen of our top people in the Civil Rights Division and occupied them for two or two and a half months almost.

B: I've heard it said that the leaders of Resurrection City were really secretly delighted to have the federal government finally close them out. Is that correct?

P: That may have been the case. Maybe they made a miscalculation in ever thinking that they would be granted the permit; maybe they never wanted the permit. I thought that the decision of Dr. [Ralph] Abernathy to go through with the march initially was open to question. He may have felt that it having been planned by Dr. King, he really had no choice. That would be an understandable position.

The Attorney General was really the top fashioner of the federal response to the Poor People's March. He coordinated the efforts of the city, the Park Police people, and the Department of Justice people. He utilized Roger Wilkins and the Community Relations Service to a good extent. He utilized the Civil Rights Division people. We maintained an around-the-clock observation post at a kiosk at the

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west end of the area where Resurrection City was located. I had one of my best men who was occupied there about half the day. We utilized top men from some of the other divisions of the Department of Justice, but several of my best people were always tied up for at least four or eight hours a day.

B: In this just general observation and information-gathering function?

P: That's right. We had radios. And then when the people finally got to Washington and they started marching around and occasionally sitting in, we had to be totally involved in that. I was often on the street myself. It was an informing function as well. Sometimes our channels of information were even better than the local police, and we sought always to make sure that Deputy Chief Jerry Wilson or Inspector Pyles was on hand at the scene of maximum difficulty because they were the best street leaders.

We never sought as officials of the Department of Justice to run or organize or order the police activity. That was always in the hands of the Metropolitan Police. It was a concern of mine that the best police leaders be alerted if there was going to be trouble. We had some trouble at the Department of Agriculture. Then, very careful plans were laid for closing down Resurrection City.

B: Careful plans laid in conjunction with the leaders of Resurrection City itself?

P: There was perhaps a symbiotic relationship, if that's the right word. The leaders were making their own judgments and what transpired was really a decision of the Attorney General that the permit would

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conclude as of a particular time. He did not deviate from that judgment. Once that became a given fact, I think he and Roger Wilkins had discussions which allowed the Reverend Abernathy and others to plan how they were going to handle themselves, including where they would be arrested and so forth. We were never certain exactly how the events were going to occur. We had information as to how Reverend Abernathy wanted them to occur, but whether that would transpire was unknown until it ultimately played itself out.

B: But is there involved there something of almost a kind of put-up deal, I guess. I was trying to avoid the word collusion, because of its legal implications, but--

P: I don't know quite how I would frame it other than to say again what I said. The Attorney General made certain judgments that the place was going to be closed out. Abernathy then made his judgments that a group--and I think the Attorney General encouraged Abernathy to march toward the Capitol with as many people as he could out of Resurrection City so the closing of it would involve only this small number there. Abernathy, I don't think, wanted violence, and that was sound judgment on his part. To that extent there was cooperation. But Abernathy was taking the position that he was going to march on toward the Capitol, and they were going to cross police lines and be arrested up there. He announced that that was what he was going to do. The fact that he did it and he was then arrested was not a put-up job--that's what he intended to do, and he did it. I thought that it was a masterful handling of a difficult situation. There could

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have been trouble, and the Attorney General's careful hand, his grasp of the situation, the capable performance of the D.C. police were vital.

B: Did you get involved later on that summer in the disorders in Chicago at the time of the Democratic convention?

P: Warren Christopher was the department's man out there, and Warren didn't call on the Civil Rights Division until the disorder occurred. Then I sent a couple of people out there, and they observed, but we really didn't get into it until after the events when we then undertook an investigation under the criminal statutes that we enforce. The long and short of the matter is that while Mr. Clark and Warren had offered to be helpful, the Mayor didn't take them up on it, and therefore there wasn't much for us to do.

B: This is a more general question. One gets the impression now here in 1968 and early 1969 that the leadership of the civil rights movement is terribly fragmented as compared to what it was, say, five years ago, and that it must be very difficult for a man in your position to know whom to talk to to contact the black communities. Is that true?

P: I think that's true. In the time I was assistant attorney general, I never felt that that kind of communication was possible. I did not observe John Doar having that kind of communication. I never thought of the Civil Rights Division as being part of the civil rights movement. If people wanted to communicate with us, be they white or Negro, be they leader or non-leader, we were there. We

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would take what they told us and look at it and see whether we had a responsibility to act upon what we were told. If we did, we would go ahead and act. I felt capable of going forward with my law enforcement responsibilities whether we could be in communication with leaders or not. I had some feeling while I was in the position that the militant black leadership probably had either of two thoughts, maybe they had others, but I thought of at least two--one, they may have felt we were irrelevant to what their concerns were; two, they may have concluded that it was fine that we were going ahead carrying out our law enforcement responsibilities, and they weren't going to worry about that or communicate with us about it because they could see we were doing it, and they were doing something else. Either way, communication was not occurring, but I did not think it was a necessity to my performance of the job.

B: I suppose the broader field of race relations is more properly the Community Relations Service's.

P: I think it is. When civil rights were being fought out in the South the Civil Rights Division had communication with black leaders throughout the South. I acceded to that panoply of relationships and had communication with Charles Evers and Aaron Henry in Mississippi; with Albert Turner in Alabama; with some other black leaders. Those relationships were quite important to us in handling the Voting Rights Act and our litigation responsibilities in the South. It never seemed to be realistic to think we would achieve similar communications in the North.

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One of the things that was also lacking was investigative techniques by the FBI to pierce black leadership or black militant leadership in the ghetto. That was at a low level of capability.

B: Was there any effort made to encourage the FBI to develop itself in that direction?

P: The FBI saw its lack as clearly as we did and was working on it, but you needed to have blacks in the FBI to do that, and there had been few of those.

B: I have just about run out of specific questions. Have you anything else you think should be in this kind of record?

P: I'm sure there are many other significant things that occurred. We really talked very little about the real stuff of Civil Rights Division law enforcement activities which is spread on the record of the suits we've brought.

B: That's why I haven't gone into it, the legal records are usually quite complete.

P: Absolutely.

B: But we don't feel that this should duplicate the legal records.

P: The only thing I might say is that these events, many of which we've touched on with respect to the Civil Rights Division--Resurrection City, the post-King assassination disturbances, the Detroit riot, in an earlier era, the Selma-Montgomery march, the Meredith march--all played a dominant role in the headlines of their day. Each of them often affected the course of civil rights legislation. Many Civil Rights Division personnel often had to be present at the scene of

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one of those events. My own view is, however, that the division's role in connection with such events is secondary in terms of the accomplishment of the Civil Rights Division mission. That mission, which should be of first priority, includes the finding of violations, the collection of the facts, making of the cases, and winning of the lawsuits by negotiations or before the courts. That's what we can do, that's what Congress has assigned to the division. I recognize the very important contributions of private organizations over the years. However, no one other than the division can perform this mission, no one else can go into court and enforce those laws in the same way. During my tenure I sought to maximize the attention we could pay to that aspect of our duties. I would include within this priority the coordination of Title VI enforcement which is dealing on the administrative side with the federal agencies. Those are the less dramatic aspects, although bringing and fighting a lawsuit have their dramatic side. If one believes in the rule of law and the efficacy of legislation, those are the areas where advances occur.

B: I think that's probably very true. Of course for the purpose of what we're doing here, your annual reports, your statistics, the future historian will have that.

P: I only mention it as perhaps an indication of my own personal view.

B: I think it's probably wise to guide anyone in the future using this that that is where the story probably really is.

P: I suppose that I could mention just two other points briefly. One, my tenure, and John Doar's too, was marked by some difficulty getting

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along with the EEOC [Equal Employment Opportunity Commission]. They had equal employment responsibility, and they were originally put off at the department when we didn't put enough of our resources into equal employment law enforcement. Somehow that antagonism was never really eliminated, perhaps in part because it was Mr. Doar's view and it became mine that the commission was falling short of accomplishing what it should be accomplishing. Maybe there's some natural jealousy between two agencies, both of which are operating within the same area.

Second, I was never able to convince the leaders of the labor unions of the rightness of our bringing suit against unions for race discrimination. Their natural leadership expressed itself as believing that they could do the job without being sued. I tried to convince them that their membership would never stand for pressure from the top of the unions to cease discrimination unless the federal government were bringing a reasonable number of suits so that the leadership could say, "The sons-of-guns federal fellows are suing us. We've got to do it." At least, they never told me they accepted that view, and I thought that the labor leaders probably had me marked down in their book as the bad guy, for which I was perfectly willing to take my share of the judgment of history.

B: But you did go ahead and file?

P: Sure. The record of the construction unions is one of the deplorable aspects of race discrimination, amid many. Now they're not the only ones to be faulted. We brought more suits against companies than we

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did against unions, but I once figured it out and gave a speech to the Bar Association in the summer of 1968 showing the statistics of the unions and companies at the time we sued them; they were deplorable. There were thousands of members of the unions and numbers of black members you could count on one hand.

B: Thank you very much, Mr. Pollak.

P: Thank you.

[End of Tape 2 of 2 and Interview IV]

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