Interview with **Nicholas Katzenbach**
December 10, 1985
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Note: These transcripts contain material that did not appear in the final program. Only text appearing in ***bold italics*** was used in the final version of *Eyes on the Prize.*

00:00:02:00

[camera roll 582]

[sound roll 1536]

[slate]

CAMERA CREW MEMBER: DIRECT YOUR ANSWERS OVER TOWARDS JIM.

Katzenbach: Towards–

CAMERA CREW MEMBER 1: YEAH.

Katzenbach: –Jim?

CAMERA CREW MEMBER 1: YEAH. TOWARDS JIM. NOT INTO THE CAMERA.

Katzenbach: All right.

[sync tone]

INTERVIEWER: I'D LIKE TO BEGIN BY JUST SORT OF ASKING YOU IF GOING BACK TO THE MEREDITH CASE, JUST HOW CLOSELY YOU WERE FOLLOWING THE MEREDITH CASE AT THE JUSTICE DEPARTMENT.

Katzenbach: Well, I think at the Justice Department during Bobby Kennedy's administration all of the principle officials were involved with all of the principle civil rights cases. The head of the tax division, Lou Woberdorfer is now a federal judge was heavily involved. Burke Marshall, of course John Doar, myself, everybody was involved and followed things like the Meredith case very closely.

00:00:46:00

INTERVIEWER: WAS THERE SOMETHING ABOUT THE MEREDITH CASE THAT CAUGHT YOUR PARTICULAR ATTENTION?

Katzenbach: There was nothing about the Meredith case that was special other than the fact that he wanted to go to Old Miss [sic] and they didn't want to have him and they, Governor Barnett vacillated back and forth and back and forth and at that time the Kennedy's were very anxious if at all possible not to use troops. Eisenhower had used troops on the one occasion integrating the high school and they felt that that had had such political repercussions that if they could possibly accomplish their objectives in civil rights without using troops it would be more effective.

INTERVIEWER: LET'S DO A STOP NOW FOR A MOMENT, JOHN BECAUSE I HAVE ONE OF THOSE QUESTIONS.

[cut]

INTERVIEWER: ONCE–

CAMERA CREW MEMBER 1: AND FLAGS.

INTERVIEWER: –JOHN SETS UP THE CAMERA'S READY–

[sync tone]

INTERVIEWER: –WHY DON'T YOU JUST TAKE IT THEN.

CAMERA CREW MEMBER 1: OK CAMERA'S READY.

INTERVIEWER: OK.

00:01:42:00

Katzenbach: Well, Meredith, who wanted to go to Old Miss [sic] was a citizen of the state of Mississippi and felt that, as he should have, that he was entitled to go to the state University, which he qualified for, was a man of enormous courage and enormous determination that he was going to have that happen. It did happen. It happened as a result of bringing some 14 thousand troops down into the state of Mississippi and then of permanently stationing troops on the University of Mississippi to protect Meredith. This irritated him, greatly, in fact he

was not pleased with the justice department although it wasn't clear why he wasn't, he felt that a couple of times he said to me, take all these troops away, take the marshals away, I'm a citizen in Mississippi and I want to go to school here just like everybody else, and I think at that time Mr. Meredith would have lasted about 24 hours, if or less, if he hadn't had constant protection.

00:02:50:00

INTERVIEWER: WELL THINKING IN TERMS OF MID SEPTEMBER '62 AS THE PEOPLE FROM OUTSIDE THE AREA BEGAN TO GATHER, CAN YOU DES— DESCRIBE WHAT THE MOOD WAS LIKE?

Katzenbach: Well, the mood was really fairly ugly, but that was in my judgment because the, Governor Barnett vacillated all over the place and it was very difficult to get support against violence. The, if, if the Mississippi Highway Patrol had been willing to control violence it wouldn't have taken very many highway patrol officers to have prevented the riot which occurred when Meredith was admitted and to have maintained order, because they would have respected southern law enforcement. They didn't like the marshals, they didn't like the army troops coming in. But most of all they didn't like this being imposed upon them. And Barnett who was a very unpopular governor, became very popular as a result of resisting and the riot at, at Ole Miss.

00:04:01:00

INTERVIEWER: OK, LET'S STEP DOWN ONE MORE TIME.

[cut]

CAMERA CREW MEMBER 1: FLAGS

[sync tone]

INTERVIEWER: I DON'T REALLY HAVE TO ASK YOU THESE QUESTIONS, YOU KNOW WHAT WE WANT [laughing].

CAMERA CREW MEMBER 1: LET ME GET SETTLED HERE HANG ON JUST ONE SEC. OK WE'RE SET TO GO.

INTERVIEWER: OK.

Katzenbach: Well, the ***Sunday evening when I flew down in the government plane to the airstrip at the University of Mississippi and, was the evening that Meredith was going to come on the campus, did come on the campus to be admitted there, we had marshals already down there, we had about four or five hundred marshals sworn in as, from the prison guards, from the border patrol, from the U.S. marshal service, from any other place we could find reasonably trained law enforcement officers.*** And there were just a whole

bunch of them in helmets, so forth, and we had no place to put them, ***and they were at themselves an irritant to the students who were returning from a football weekend,*** and the Mississippi highway patrol was there and a state senator by the name of Yarbrough was there who was very, very tough and racist, more so than governor Barnett. ***And we had no place to sort of hide the marshals, we were around the Lyceum Building which was the center of the campus, and unbeknownst to us a sort of a tradition and a, a place of great honor.*** There the highway patrol was in front, marshals were lined up around the building, and the governor had said the highway patrol would stay and maintain order, the students were shouting a lot of taunts, throwing matches occasionally, that kind of thing and the highway patrol did not stay, the head of the highway patrol was there and he just suddenly ordered his people away and as soon as the highway patrol drove out, it was almost as though that was a signal to, to people for the riot to begin and there were, ***we had had reports throughout, not merely the students, but of all kinds of people pouring in in cars in order to prevent Meredith from being admitted to, to Old Miss [sic]. One has to remember also that that was the squirrel hunting season in Mississippi so there were literally hundreds, thousands of guns. Every pickup truck had a couple of guns in it and so that the situation was, was really very dangerous.*** And some people were in fact killed that evening, a reporter from a French newspaper I remember and I think somebody else may have been killed. I got, it was obvious to me very, I got on the phone very early to the white house and, and was talking throughout the evening from a public payphone on a collect call to the White House and talking with President Kennedy and with Bobby and with Burke Marshall, and we kept that line open throughout the whole riot. And it was really rather funny, I did say we needed the troops, the troops ought to come, and we kept waiting for the troops. We had a good communication system. We had set up the week before and in which the border patrol had set up so that we had people at the airport, we had people downtown and we could communicate with them. I was passing this information on to the President. Every now and then I would leave the payphone and go back to the radio which was in another room and get the latest information and go back to the phone. And I do remember on one occasion I handed the phone to the nearest person and said hold this, its, the White House is on the line and the person was a reporter and he picked it up and talked and there was President Kennedy on the other end of the line and so I had maintained that communication system and the troops finally came in and appeared. The first troops to arrive were the local, national guard, who had been federalized, there was a company there that was, was actually under the command of Captain Faulkner who was [William] Faulkner's nephew, I think and they had a rough time getting there. Some of them were hurt when the got there. And the riot went on until really thousands of troops poured in, as soon as the troops were coming I was telling the President stop them, we've got more than we need now. There were thousands of them that came in and occupied the campus that evening. And–

00:09:03:00

INTERVIEWER: AT ANY POINT DURING THE RIOTS DID YOU THINK MAYBE THE MARSHALLS WERE GOING TO BE ROUTED?

Katzenbach: No, I was concerned. The thing that concerned me the most was that the marshals were all armed. They all had guns, and they were under very strict orders that they

could not use those guns. And they didn't, even though they were being shot at. They used a lot of teargas, and they were very much concerned about Meredith, his physical safety. And what we did was John Doar, who is a man of great courage, he and two marshals–

INTERVIEWER: HOLD FOR JUST A SECOND [lawnmower in background].

CAMERA CREW MEMBER 1: WE'RE STILL ROLLING.

INTERVIEWER: BETTER START AGAIN WITH JOHN DOAR.

Katzenbach: All right. John Doar who's a man of great courage and a couple of marshals walked out through the back of the Lyceum building, the headquarters building there, and went to Meredith's dormitory, and they, three of them stayed with Meredith away from where the center of the riot was in the, in the dormitory. He would have been easy to have gotten there if anybody had known that he was there. And they were the only people that I gave authority to to use their weapons if they had to.

00:10:21:00

INTERVIEWER: WAS THERE ANY, WERE YOU GETTING ANY SPECIFIC ORDERS ON WHAT TO DO?

Katzenbach: President didn't give any specific orders. He was mad as hell at the army for not getting there. And I would say when are they going to arrive, and he would say well, they're landing at the airport now. And I'd go and call my fellow at the airport, and he'd say no planes were down here. And the army was operating totally on the notion of a fixed schedule, it would take them 47–

[wild audio]

Katzenbach: –minutes from the time they took off to the time they would be there and so forth, and it–

CAMERA CREW MEMBER: OK WE'RE JUST ABOUT TO RUN OUT.

Katzenbach: –and it–

CAMERA CREW MEMBER 1: IN FACT WE JUST RUN OUT.

INTERVIEWER: OK.

[cut]

[slate]

[change camera roll to 583]

INTERVIEWER: JIM YOU KNOW WHAT YOU'RE SAYING [laughing].

CAMERA CREW MEMBER 1: FLAGS AND–

CAMERA CREW MEMBER 2: AND MARK IT.

[sync tone]

CAMERA CREW MEMBER 1: OK ONE SECOND LET ME GET SETTLED.

CAMERA CREW MEMBER 2: ACTUALLY I WANT TO TRY THAT.

CAMERA CREW MEMBER 1: OK FOLKS WE'RE ALL SET.

INTERVIEWER: OK.

00:11:21:00

Katzenbach: The army was embarrassed that night at Old Miss [sic] because they had no decent communication system at all, we had a very good communication system. About two weeks later I was taking a plane from, up from Birmingham I guess, or Jackson and taking an air, an air force plane, and a signal core Major General got on the plane with me and I said, "What you doing down here General?" He said, "Well I've been trying to figure out why your communication system was so much better than mine." He said, "How did you do it?" And I says very simply, "You put a dime in a payphone and call the White House collect." When we got later to the integration of the University of Alabama, the Signal Core had set up a communication system there, if you picked up the phone you could get Germany directly. If the AT&T phone lines went out, it made no difference. They had a back up emergency system, which you could call anywheres [sic] in the world.

00:12:31:00

INTERVIEWER: I WANT TO GO TO BACK TO THAT NIGHT ABOUT WHEN YOU THOUGHT THE MARSHALS MIGHT BE ROUTED. APPARENTLY THERE WAS A POINT WHERE THEY WERE CONCERNED THAT THEY MIGHT RUN OUT OF TEAR GAS.

Katzenbach: I don't, I recall, that the marshals were concerned about running out of tear gas, and the reason was that they had not brought all of the tear gas in from the airport that they had. At that point we called the fellow who was out at the, at the airport, who was a, a border patrol officer, Don, I don't recall his last name at the moment, I should know it, and he said don't worry I'll bring it in, and he drove it, a truckload of or a vanload of teargas through that mob and got it to the marshals.

00:13:28:00

INTERVIEWER: JIM LET'S STEP DOWN FOR JUST A MOMENT, JOHN.

[cut]

CAMERA CREW MEMBER 1: AND MARK.

CAMERA CREW MEMBER 2: FLAGS.

[sync tone]

INTERVIEWER: OK JOHN SO TELL US ABOUT WHEN, YOU WERE SENT DOWN. ARE YOU ALL SET JOHN?

CAMERA CREW MEMBER 1: I AM ALL SET, YES.

Katzenbach: The Sunday of the riot at Old Miss [sic] and the day we're all in the Justice Department and it was at that point that Bobby Kennedy asked me if I would fly down and take charge of the federal forces, the marshals, down there, which I said I would do. My first assistant, a lawyer by the name of Harold Reese was in the department on other business and he poked his head about noon or one o'clock into the Attorney Generals office as he was going home and, and just to say goodbye, and Bobby took a look him and he said Harold have you got anything important on this afternoon? And Harold said I know I don't why? He said well, I think you ought to go down to Old Miss [sic]. So Harold Reese went down there without even a toothbrush and a few hours later was in the middle of a riot.

00:14:34:00

INTERVIEWER: YOU MENTIONED THE STORY ABOUT BOBBY KENNEDY

Katzenbach: Yeah, Yeah. As I was leaving, Bobby, who was really very concerned about physical safety of his people down there, because he thought that there might be violence which he wanted to avoid very much, said to me, he said now, he said Nick he said don't be worried about anything happening, the president needs a moral issue. Which was his way of saying be careful.

INTERVIEWER: WHEN JAMES MEREDITH WAS FINALLY REGISTERED, HOW DID YOU FEEL, WAS THERE ANY SENSE OF VICTORY IN THAT?

Katzenbach: I think I did not have a real sense of victory when Meredith was registered because we had not wanted to have a riot, we had not wanted to use troops, we had wanted to accomplish this in the way that it ought to be accomplished and it just wasn't. There is a world of difference between what happened at Old Miss [sic] and what happened at the University of Alabama, and the principle difference is that the administration at the University of Alabama, Frank Rose, was determined to make integration work. That was not true of the administration at, at Old Miss [sic], so when we integrated the University of

Alabama, before you knew it, that fall there were a hundred, a hundred and some, hundred and fifty black students there and there's great safety in numbers. You couldn't integrate Old Miss [sic] while, with only one black, he had to be protected. Although not, I don't it was true of the administration, it was not true of the law school. And I had been a professor of law and knew the dean of the law school, Bob Farley, very well and he said to me would you come over and talk to the law students? And I, I did. I went over and talked to the law students the day after the riot. And it was a reasonably hostile crowd, as one can imagine, but interestingly the faculty at the law school all agreed that with the constitutional principles that we were defending and with our, that we were right in what we did.

00:17:01:00

INTERVIEWER: OK, LET'S STEP DOWN FOR A MOMENT JOHN.

[cut]

CAMERA CREW MEMBER 1: MARK.

[sync tone]

INTERVIEWER: OK, PRESIDENT JOHNSON AND THE CIVIL RIGHTS, WHAT WAS HIS ATTITUDE?

Katzenbach: I think there were two things that President Johnson cared more about than anything else. One was civil rights and equality of race and the other was education. And those were the two things that in my years with him that I felt were the strongest convictions that he had. He, he was a man who loved politics and he loved playing at the game of politics and he loved winning things whether they were worth winning or not. But on race and on education, those were things that he carried deep within him and cared a great deal about.

00:17:52:00

INTERVIEWER: WHAT WAS HIS FEELING AFTER THE PASSAGE OF THE CIVIL RIGHTS ACT OF '64, DID HE THINK IT WAS ENOUGH, OR WAS HE LOOKING FOR MORE?

Katzenbach: No, he wanted, he wanted more than that–

INTERVIEWER: WOULD YOU START OVER AGAIN. AND GIVE ME A STATEMENT.

Katzenbach: When the '64 Civil Rights Act was passed and he was very instrumental in helping the senate with that President Johnson was. He then wanted more and I think most of us, I know it was true of me thought look, lets have breathing period, let's have a little bit of rest, to get this through the house or the senate was, was really an enormous legislative accomplishment, to get cloture on civil rights was the first time in history. We did it. We did

it with about 3 votes to spare and I felt let's, let's have a rest. Johnson said no, he wanted to go ahead, he wanted more and, and so we ended up with more. I must say that we got more, the Voting Rights Act came and that was enormously helped by the, the attitude of the political authorities in, in, in the South. I've often felt that the behavior of Sheriff Clark in Selma was the catalyst for getting the Voting Rights Act through the Congress.

00:19:22:00

INTERVIEWER: WELL, WE'RE GOING TO GET INTO MORE OF THAT, LET'S JUST STEP DOWN FOR A MOMENT 'CAUSE I WANT TO KIND OF–

[cut]

CAMERA CREW MEMBER 1: FLAGS.

CAMERA CREW MEMBER 2: AND MARK.

[sync tone]

CAMERA CREW MEMBER 1: LET ME GET SETTLED HERE FOR ONE SECOND. OK GO AHEAD.

INTERVIEWER: OK, REFUTE THE ARGUMENTS THAT HE WAS WAFFLING OR WASN'T THAT COMMITTED TO ADDITIONAL LEGISLATION.

Katzenbach: Lyndon Johnson was really determined to go down in history as the President who had made the greatest accomplishments in, in civil rights. And he was enabled to do that by the huge majority that he got in the '64 election where he buried Barry Goldwater. And so he had the opportunity to do it and he wanted to do it. ***I think those of us who had been involved, day in and day out, in civil rights litigation and getting the, the, the 1964 Civil Rights Act through Congress, were the people who were dragging our feet and wanted breathing room. The president didn't want that. He said get it and get it now because we'll never have a better opportunity to get legislation on any subject, including civil rights, that we have right now in 1965. We have the majority to do it and we can do it.*** And he did. And people who have any doubts about it, will remember he made abs-, in the campaign he made an absolutely great speech in New Orleans on the subject of civil rights. And I have heard him say to me, "I don't understand why people think they can discriminate in favor of whites." He said four-fifths of the world is white.

00:21:07:00

INTERVIEWER: OK, STEP DOWN JOHN.

[cut]

INTERVIEWR: [laughing] I GUESS WE DO BEFORE WE–

CAMERA CREW MEMBER 1: FLAGS.

INTERVIEWER: CHANGE CAMERA ROLLS.

[sync tone]

INTERVIEWER: OK I GUESS WE'RE GOING TO TALK ABOUT THE, THE NEED FOR LEGISLATION. OK?

CAMERA CREW MEMBER 1: YEAH THAT LOOKS GREAT.

INTERVIEWER: OK GO AHAED.

CAMERA CREW MEMBER 1: OK.

INTERVIEWER: FINE, OK TALK TO US ABOUT THE NEED TO HAVE ADDITIONAL.

Katzenbach: The problem in the South of voting was primarily a problem literacy test and the way in which they were administered. You had black Ph.Ds who couldn't pass a literacy test and you had whites who could barely write their name, if they could write it who had no problem being registered to vote. The justice department was empowered by earlier legislation to sue, but it had to sue on behalf of individuals who were discriminated against when they attempt to register to vote. This meant that they would–

INTERVIEWER: I'M SORRY WE'VE JUST RUN OUT.

[cut]

[slate]

[change camera roll to 584]

CAMERA CREW MEMBER 2: MARK.

CAMERA CREW MEMBER 1: FLAGS.

[sync tone]

00:22:18:00

Katzenbach: This meant essentially that you had to bring separate law suit for each person who was discriminated against, and there were thousands. It would take years to accomplish that, to get, to win that case, and to get them registered to vote and it simply was not solution to the problem. Indeed it would take so long, as I remember it did at Selma, that when we

won a whole bunch of voting cases in Selma, we went back and the same court that had denied it initially said well it was six or seven years since the first cases had been brought, he thought the situation might have changed, so we'd have to reprove the whole pattern of discrimination in voting again. So we felt that there was nothing that could be done so long as there was a literacy test at all, and so long as that literacy test, or any test was going to be administered in a, in a blatantly discriminatory way, and that was why we needed to have legislation in those areas where, that discrimination had existed.

00:23:28:00

INTERVIEWER: NOW I HAVE TO ASK YOU KIND OF A BIG QUESTION WITH RESPONSE TO THIS, THERE'S THE QUESTION OF STATES RIGHTS VERSUS FEDERAL INTERVENTION ON THIS. HOW DID THAT FIT INTO THIS?

CAMERA CREW MEMBER 1: I WANT TO INTERUPT FOR JUST ONE SECOND. I HAVE TO REMIND YOU TO DIRECT YOUR ANSWER TO JIM AND TRY TO AVOID LOOKING–

Katzenbach: Yes.

INTERVIEWER: ARE YOU STILL ROLLING?

CAMERA CREW MEMBER 1: YEAH I'M STILL ROLLING.

Katzenbach: In securing voting rights legislation we did have potentially a constitutional problem on it, but we felt that under the fourteenth amendment, which guaranteed rights to blacks. In fact we thought under the 13th Amendment as well, the, that you could assert federal authority with respect to the voting process where it had been used for a constitutionally impermissible purpose of discriminating against blacks because of their color. And that was one that the Supreme Court vindicated us on, and a case that I had the pleasure of arguing for two hours.

INTERVIEWER: OK LET'S JUST STEP DOWN ONE MORE TIME.

[cut]

CAMERA CREW MEMBER 1: AND MARK.

[sync tone]

00:24:40:00

INTERVIEWER: OK, I GUESS, GENERALLY THE QUESTION IS, YOU KNOW, WHAT WAS PRESIDENT JOHNSON'S FEELINGS ABOUT MEETING WITH DR. KING ON ANY OCCASION?

Katzenbach: Well, the President, President Johnson, met often with civil rights leaders, but he was very reluctant to meet with one at a time. He did not wish, although Dr. King clearly was, I think by 1965 the, the principle leader in terms of the number of followers and so forth that he had the President had great respect for other leaders, for Jim Farmer, for Roy Wilkins, and others so he liked to meet with them all at once, and there was sometimes Dr. King wanted to meet with him alone, because Dr. King considered himself to be the real leader of the black movement with some reason to feel that way but the President didn't want to endorse that, to have a blessing upon that for fear of alienating other civil rights leaders for whom he had also the greatest respect, so he liked to meet with them all at once, and there was occasionally a little bit of disagreement about that between Dr. King and, and others.

00:26:07:00

INTERVIEWER: YOU'D HAD YOUR OWN RUN-INS OR ENCOUNTERS WITH GEORGE WALLACE, OF COURSE THE TUSCALOOSA INCIDENT SCHOOL HOUSE DOORS, BUT AS YOU CAME INTO 1965 WHAT WERE YOUR FEELINGS ABOUT WALLACE WHEN YOU REALIZED THE KIND OF RESISTANCE THAT WAS COMING OUT OF ALABAMA?

Katzenbach: Well, I've never been an admirer of George Wallace and I, I, I think for George Wallace it was a political thing more than it was a racist thing. He had, he had run earlier as a fairly liberal candidate and gotten beaten, so I think he just decided that the way to win was to, was to holler against blacks, and that was what he did. But I never liked him and I never admired him much I feel sorry that he was injured as he was injured, but I never had much respect for him.

INTERVIEWER: OK HOW DID YOU EXPECT HIM TO, TO REACT THROUGH THIS, THIS CAMPAIGN. DID YOU HAVE ANY KIND OF FEELINGS ABOUT WHAT HE MIGHT DO OR HOW FAR HE'D BE WILLING TO GO FOR THE CAMPAIGN, FOR VOTING.

Katzenbach: Well, he kept saying that he was not going to permit violence, and I believe that and Bobby believed that. But we weren't sure whether he could really deliver on that promise and that was a concern to us. We had a concern that the time of Tuscaloosa with the integration of the University of Alabama that we only had five hundred national guard troops there that could be federalized, and he had about that many in the Alabama state troopers and the forestry people and we were just concerned that there could be a tension, they might be an insufficient number to control violence if violence were to break out, and we were concerned that the rhetoric which he used would lead the violence despite the fact that we were convinced he didn't want it.

00:28:15:00

INTERVIEWER: WHAT LED TO THE MEETING BETWEEN WALLACE AND, AND PRESIDENT JOHNSON?

Katzenbach: The governor asked to come up, there was a great deal in the way of demonstrations, he said he wanted to meet the president on this on the problems he was having with demonstrations and so forth, and so the President said he'd be happy to meet with him and he and he did. I think, I think Governor Wallace thought for reasons that I can't understand that somehow or other Lyndon Johnson was really at heart a southerner who didn't believe in racial equality, and that somehow or other that would come out in the meeting. And I'll tell you it did not come out in that meeting. I, I remember one point there, there were demonstrations going on on Pennsylvania Avenue and President Johnson said, George, he said, "You know you and I can put an end to these demonstrations right in a minute, we just go out there before the television cameras and you tell them that you have decided to desegregate every school in the state of Alabama, why that'll put an end to these demonstrations." And Wallace turned pa-he said, "I can't do that, I don't run the schools." And Johnson said, "Don't you kid me about what you run in Alabama, George." And then the next question was how do you think we're doing in Vietnam, which was one that Wallace would support him on and he played that back and forth and I think asking for that meeting was-Wallace would have felt at the end of that meeting was a bad mistake. And he left by the back door and did not go out, did not meet with the press, did not meet with the cameras, and just kind of slunk home.

INTERVIEWER: OK, LET'S STEP DOWN FOR JUST A MOMENT.

[cut]

[sync tone]

CAMERA CREW MEMBER 1: YOU DO WANT COUNT THAT IN TERMS OF–

INTERVIEWER: YEAH I THINK I'M TRYING TO DO THAT, SURE.

CAMERA CREW MEMBER 1: HOLD ON ONE SECOND. LET ME GET THIS–

00:30:28:00

INTERVIEWER: OK, IN TERMS OF THE, THE MEETING THAT KING WOULD HAVE HAD, THIS WAS RIGHT, BY THE WAY, AFTER KING HAD JUST GOTTEN OUT OF JAIL IN SELMA, AND–

Katzenbach: This was in 19-, when?

INTERVIEWER: FEBRUARY '65

Katzenbach: Yeah, February '65.

INTERVIEWER: SO IF YOU CAN KIND OF TALK TO HUMPHREY'S–

Katzenbach: Yeah, after the election in '64, when Hubert Humphrey became vice-president,

one of the things that I wanted to urge upon President Johnson was that civil rights not continue to be simply a responsibility of the Department of Justice bringing lawsuits and things of that kind, when there were lots of things that the Department of Justice bringing lawsuits and things of that kind, when there were lots of things that the Department of HEW as it was then, Health, Education and Welfare, agriculture and other areas of the government could do things to help civil rights, so I had suggested that the President make Vice-president Humphrey a coordinator of all of these programs and he did that. He did that with some reluctance. I don't know the reason for the reluctance whether it was that he felt that the Vice President would run away with it in some way and, or that it was being done because people didn't have confidence in him with respect to civil rights, but he did it, and as a result of that, Humphrey would meet with the black leaders from time to time and met with Dr. King and he would listen to them very sympathetically, he'd had a long history of sympathy with civil rights causes, more than that, actively supporting them.

00:32:17:00

INTERVIEWER: OK, WHEN WE TALKED A LITTLE BIT ABOUT THE DIFFICULTY TO TRYING TO GET BLACKS REGISTERED, WHY DO YOU SUPPOSE THE WHITES IN THE SOUTH AND DALLAS COUNTY WERE SO RELUCTANT TO REGISTER BLACK PEOPLE?

Katzenbach: I think the reluctance to, to register blacks in, in the, in the deep South occurred primarily because there were certain communities in the South which the blacks were dominant and where if you freely registered the blacks you were going to have black officials, black sheriffs, black mayors and I think that, that just simply wasn't consistent with the kind of caste society that had existed. It wasn't, it didn't really affect–

[wild audio]

Katzenbach: –politics in that way, at a state level, because I don't believe in any state in the South there's more than 25%–

INTERVIEWER: JUST RUN OUT, SORRY.

[cut]

[slate]

[change camera roll to 585]

CAMERA CREW MEMBER 1: I HAVE FLAGS AND YOU CAN MARK IT.

[sync tone]

CAMERA CREW MEMBER 1: LET ME GET SQUARED AWAY, OK.

INTERVIEWER: OK.

CAMERA CREW MEMBER 1: IT'S ALL YOURS.

Katzenbach: The black population on a state wide level in the South varied from about 18% in Alabama to maybe as much as as, 30% in Mississippi, maybe less. It wasn't really that blacks were going to take control as blacks of state legislatures and, and, and state governorships, but there were a lot of rural communities in which blacks were predominant where they could take control and indeed after the passage of the Voting Rights Act, they did, with no disastrous results.

00:34:06:00

INTERVIEWER: OK, LET'S, LET'S COME DOWN TO A VERY SPECIFIC EVENT. BLOODY SUNDAY, THE, THE DAY THAT ALL THE MARCHERS CROSSED THE PETTUS BRIDGE AND WERE ATTACKED. WHAT, WHAT WAS THE REACTION IN WASHINGTON WHEN IT WAS HEARD WHAT HAPPENED?

CAMERA CREW MEMBER 1: I'M, I'M SORRY I'M GOING TO INTERUPT FOR ONE SECOND.

[cut]

CAMERA CREW MEMBER 1: ALL RIGHT. FLAGS.

[sync tone]
CAMERA CREW MEMBER 1: ACTION.

INTERVIEWER: OK, WE'RE SET, OK, REACTION TO PETTUS BRIDGE.

Katzenbach: The events on, Bloody Sunday at the bridge in Selma, were politically very interesting because all of this was recorded on television and had an enormous impact. When people saw cattle prods, saw brutality being used and it just had an enormous impact in Washington and I think elsewhere around the country and it reminds one today of the South Africans trying to keep the press out.

00:35:11:00

INTERVIEWER: I'M GOING TO STOP YOU ON THAT ONE, BECAUSE THAT'S, THAT'S THE KIND OF REVERENCE WE JUST CAN'T QUITE WORK WITH, BUT, OK NOW OF COURSE AFTER THAT, THEN THERE WAS A GREAT DEAL OF CONCERN ABOUT CONTINUING THIS, THIS MARCH, AND WHAT, WHAT WERE THE BASIC CONFLICTS ABOUT WHETHER OR NOT THESE MARCHERS SHOULD BE ALLOWED TO WALK TO MONTGOMERY?

Katzenbach: Well, the, the blacks wanted to continue their Selma-to-Montgomery march and

so they brought a lawsuit, it was decided by Judge Frank Johnson, U.S. District Court, a man of great courage, who decided that they did have the right to do so and, and should be protected throughout the march. Our problem with the, always, in the Department of Justice's point of view was please, to Dr. King, please don't violate any law or court injunction. You'll get it overturned, but comply with the law. That was vindicated I think when Judge Johnson did order that the march continue. The Governor Wallace didn't want to pay that much money to protect them so he ended up telling President Johnson he was unable to guarantee their safety so it ended up with federalizing the national guard, Alabama Guard and, and the U.S. Government paying for that.

00:36:49:00

INTERVIEWER: WHAT ABOUT THE EVENTS THAT SOMETIMES REFERRED TO AS TURNAROUND TUESDAY. GOVERNOR LEROY COLLINS WAS SENT IN TO KIND OF NEGOTIATE THAT, CAN YOU TELL US A LITTLE BIT ABOUT THAT?

Katzenbach: Well, we were never sure, when King led his second march on the bridge a couple of days later, whether he was going to turn around or not. We had people working in the conciliation service under Governor LeRoy Collins were down there trying to persuade Dr. King to that result. John Doar was down there, Ramsey Clark was down there I believe, and I was listening to a report from John Doar in my office and really didn't know whether Dr. King would turn around and go back or whether there would be another outbreak of violence, but he did and he did comply with the law, and of course that made it much easier for us, he was under an injunction not to march at that time.

INTERVIEWER: SO BASICALLY THE CONCERN WAS THAT IF HE DID DECIDE TO MARCH, HE WOULD BE VIOLATING THE LAW THAT YOU WERE REFERRING TO.

Katzenbach: Yes, we, we could not, the, the Department of Justice, in order to be on the side of blacks and on the side of civil rights had to be enforcing the law and if Dr. King or others violated the law then we would be in the unpleasant position of having to prosecute them and that was what we were trying to avoid.
00:38:29:00

INTERVIEWER: OK HOW DID GOVERNER COLLINS BE SELECTED TO, TO BE SENT IN? I MEAN, DID YOU HAVE PEOPLE FROM THE JUSTICE DEPARTMENT AS WELL? OR HOW DID COLLINS GET–

Katzenbach: We had people in Selma from the Justice Department. John Doar was there and Governor Collins was there with the conciliation service, he was a fine man, had some very good people working for him but… there was a certain amount of tension between people from the conciliation service and people from the Department of Justice, I think probably jealousy or bureaucratic infighting or somewhat, something of that kind.

INTERVIEWER: WELL, WHY DID JOHNSON SEND COLLINS?

Katzenbach: Well, he liked Collins and he wanted a Southerner. Johnson was a great believer that what you had to do was have Southerners lead Southerners and Collins fitted that and there was a, there was a fair amount to be said for that proposition. But that you know if you're gonna break the back of that caste society in the South it was gonna be done by Southerners, it wasn't going to be done by Northerners, you didn't want another Civil War, another reconstruction period, army of occupation and all of that, you wanted Southerners to abide by the Constitution of the United States.

00:39:47:00

INTERVIEWER: OK, LET'S STOP DOWN FOR JUST-

[cut]

CAMERA CREW MEMBER 1: I HAVE FLAGS.

CAMERA CREW MEMBER 2: MARK IT.

[sync tone]

CAMERA CREW MEMBER 1: LET ME GET SETTLED HERE. OK I'M SET.

INTERVIEWER: OK LET'S JUST SORT OF GET AT, YOU KNOW, WHERE, WHERE, WHERE DID WASHINGTON'S INVOLVEMENT REALLY BEGIN THROUGH CONGRESS–

Katzenbach: Well, I think Bloody Sunday had a tremendous impact in Washington. The impact was because the Congress having spent days and days the Senate in, in filibustering to get the '64 Civil Rights Act through it had been a long struggle and taken the place of other legislation. I think they were tired of legislation, even if Lyndon Johnson wanted more. When you had Bloody Sunday spread on all of the television cameras around the country and saw what had happened, I think their attitude was, "Oh, my God, we've just got to, got to get on top of this problem, we can't continue to have, be distracted by, by race, we've got to solve the, solve the problem." There wasn't anybody, Dick Russell, Senator Russell, of Georgia who led the Southerners in their filibuster, people like that weren't about to defend the activities that were going on in Selma. They were just as, they were just as horrified by this as, as the most liberal of the civil rights people were. And so the, I think it was the catalyst in getting Congress to act because they were just tired of civil rights. And, and it was interesting on voting because there wasn't a Southerner who was prepared to defend the proposition that there should be discrimination in voting. They may have denied that discrimination went on, but they were not prepared to, to defend it. They had defended discrimination in public accommodations and that sort of thing.

INTERVIEWER: LITTLE HARD TO HAVE SEPARATE BUT EQUAL IN VOTING. ISN'T IT?

Katzenbach: Yeah.

00:41:59:00

INTERVIEWER: OK, WHAT, WHAT, WHAT POINT DO YOU THINK THAT THE VOTING RIGHTS ACT WAS REALLY ASSURED OF PASSAGE, WAS IT BLOODY SUNDAY, WAS IT REVEREND REEB'S DEATH, WAS IT WHAT, WHAT, WAS IT THE MARCH? WHAT, WHAT WAS THE FINAL PUSH?

Katzenbach: I think the Voting Rights Act was assured of passage after the, the incidents in Selma. I don't think the march necessarily helped very much. But the, I think the Congress felt that they had to do something to cool this situation. You couldn't live with people being beat up and they couldn't live with people demonstrating all the time. They wanted to, to satisfy enough of those desires so that they get on with other things and so they were, they were prepared to enact a very tough Voting Rights Act and indeed it was even including the use of the federal registrars to register people. I remember after that act was enacted that Senator Eastland who was chairman of the Judiciary Committee called me up on the phone and he said, "I don't want anybody on my plantation coming on my plantation to register people." And I said well, "I can't control that." He says, "You tell those civil rights groups not to come on my plantation." And I said "Well, I can tell them but that won't do any good." I said, "Haven't you, now wouldn't all those people vote for you Senator?" He said yes. He said, "Why don't you take them all down and get them registered," he said, "and I'll tell the civil rights groups that everybody on that plantation's registered." So he said, "That's a good idea." And he did it.

00:43:49:00

INTERVIEWER: WHEN, WHEN, WHEN THE MARCH FINALLY HAPPENED, AND FIVE DAYS ON THE ROAD THEY WENT FROM SELMA TO MONTGOMERY, WHAT WAS PRESIDENT JOHNSON'S REACTION TO ALL THIS?

Katzenbach: Well, I think President Johnson was delighted that Judge Johnson had permitted the march and that that this was happening, the march but I think he was instinctively much more interested in getting the legislation through and–

[wild audio]

Katzenbach: –and, and solving the problems than he was in the demonstrations. After all the demonstrations–

CAMERA CREW MEMBER WE'VE JUST RUN OUT.

INTERVIEWER: OK.

[cut]

[slate]

[change to camera roll 586]

CAMERA CREW MEMBER 1: FLAGS.

CAMERA CREW MEMBER 2: AND MARK.

CAMERA CREW MEMBER 1: HANG ON MR. KATZENBACH LET ME GET SETTLED HERE. OK NOW I'LL REMIND YOU ONCE AGAIN TO DIRECT YOUR ANSWERS TO JIM. OK.

INTERVIEWER: OK.

00:44:43:00

Katzenbach: I think that marches, the demonstrations and things of that sort were not really things that President Johnson en—enjoyed either, I think he wanted accomplish enough so that he wouldn't have to deal with, with demonstrations and protests and signs and pickets at the White House and so forth, and he felt that he was trying to do it. So I don't think he liked them but he certainly was willing to respond by getting as tough legislation as he could.

INTERVIEWER: BUT HE DID USE THOSE KINDS OF EVENTS PRETTY MUCH TO HIS, HIS OPPORTUNITY, DIDN'T HE?

Katzenbach: He may have used the fact that I guess we all used the fact that there was a great dissatisfaction and a great turmoil as a method of trying to persuade Congress to enact things that would be constructive and tend to avoid that turmoil. On the other hand you have to be terribly careful because the Congress of the United States, believe it or not, doesn't like to be pressured by groups demonstrating and groups, they like to think of themselves as deliberative process on the merits and while they'll meet the lobbyist in, in their chambers, they don't like the idea of people demonstrating in the Capitol.

00:46:06:00

INTERVIEWER: HOW DOES AN ATTORNEY GENERAL FEEL ABOUT IT? BECAUSE YOU CERTAINLY HAD DEMONSTRATORS AND PROTESTORS OUTSIDE YOUR OFFICE, HOW DID YOU FEEL ABOUT IT?

Katzenbach: Well, if you're going to be in politics I think you, you have to, take the demonstrations, you have to take the way people feel, the civil rights, you never could in the Department of Justice or elsewhere in the Government give civil rights groups everything they asked for and they understood that perfectly well. If you were going to be successful you had to have them asking for more than you gave them so that you appeared to be in a objective and fair and neutral position. So they would demonstrate against the Department of

Justice. I had a sit-in in the department at one time and I, I guess I treated it just the way a Southerner would have treated it I had people carried out.

00:47:10:00

INTERVIEWER: OK, ALL RIGHT LET'S STEP DOWN FOR A MOMENT NOW JUST KIND–

[cut]

CAMERA CREW MEMBER 1: FLAGS.

[sync tone]

CAMERA CREW MEMBER 1: OK.

INTERVIEWER: OK, IF YOU COULD JUST KIND OF TALK TO US ABOUT THE, MOTIVATING GEORGE WALLACE THERE–

Katzenbach: One of the, one of the problems that constantly had in the South with, with demonstrations was that Southern law enforcement officials were perfectly willing to allow parades and demonstrations by whites and they didn't allow them by blacks. And the reason for this was that it less discrimination perhaps than the fact that it was a much more difficult job to protect a black demonstration than it was to protect a white demonstration. And they didn't, they didn't enjoy doing that, so they would deny the parade license and so forth, and we would always insist that blacks have an equal right to march and parade to what the whites have, and you've got to enforce the law even handedly. But this did become expensive. So when you had something like that long march for I don't remember now how many days from Selma to Montgomery, the only way that you really could effectively enforce it was with troops to protect the blacks who were marching was, was with troops. Governor Wallace simply wasn't willing to pay the money to pay all those troops to protect the blacks who were marching from Selma to Montgomery. And so he told the president that he was unable to enforce the law and so the same people, the Alabama National Guard, was put in federal service and the federal government footed the bill for protecting the blacks on the march.

00:49:02:00

INTERVIEWER: IT SEEMS STRANGE THAT WALLACE WOULD HAVE WANTED FEDERAL TROOPS TO COME IN BECAUSE IT SEEMS LIKE THAT ALWAYS PLACES HIM UNDER GREATER PRESSURE.

Katzenbach: Well, he was a, the, this is not, in a way, the troops that one uses here were Alabama citizens, they were Alabama whites, because the Alabama Guard was segregated as it could be at that time. And what you do when you federalize them is you simply take the national guard and you put it in the federal service and when it's in the federal service they

are not longer working for the state, they are working for the federal government and the federal government's picking up the bills. If you were to look for example, at later when you had the riots in Watts, those were state, federal, state national guard troops but there was no reason to put them in the federal service because Governor Brown was prepared to enforce the law himself.

INTERVIEWR: OK.

CAMERA CREW MEMBER 1: I'M SORRY. I'M SORRY TO BUTT IN HERE BUT I THINK WHAT HE REALLY

CAMERA CREW MEMBER 2: EXCUSE ME. CUT?
CAMERA CREW MEMBER 1: YEAH, CUT.

[cut]

INTERVIEWER: TRYING TO GET TOO SERIOUS [laughing].

CAMERA CREW MEMBER 1: FLAGS

[sync tone]

CAMERA CREW MEMBER 1: HANG ON ONE SECOND. OK, WE'RE ALL SET.

00:50:13:00

Katzenbach: Just before the, the Montgomery, the Selma to Montgomery march, George Wallace sent a telegram to the President asking for the troops to be federalized so the federal government would pay the bill. At that time, I was testifying with respect to the Voting Rights Act at night, before the House Judiciary Committee. And in the middle of my testimony, as I was talking there, the, the clerk said, you know, with the microphone on, which I don't think she realized, "President Johnson wants to talk to you on the phone." So I asked the chairman if I could be excused a minute, and everybody was laughing and I went and talked to him. And, and he asked me what to do, he said read it on the ticker, and I said wait until you get the telegram. Went back, continued my testimony, she comes around again, President wants you on the phone. So I went, and he says, "I have the telegram now." And he read it to me and, and I said, "Well, I think you should answer it and say you're gonna federalize the troops." And he said, "Will you dictate an answer for me?" So he put a young lady on there and I dictated an answer for him, went back, continued to testify. Clerk came around again and said the President wants you on the phone, so back I went to the phone, President Johnson said, "That girl didn't take dictation, [laughs] can you do it again?" So I dictated another telegram. That was how the troops came to be federalized in the federal service because the Governor had requested it saying he was unable to, to, to protect the marchers. In point of fact he was just unwilling to pay the money.

00:52:04:00

INTERVIEWER: OK, I'M SORRY.

CAMERA CREW MEMBER 1: CUT?

INTERVIEWER: NO, KEEP GOING.

CAMERA CREW MEMBER 1: KEEP ROLLING?

INTERVIEWER: YEAH, GOING BACK TO THAT MEETING THAT WHEN DR. KING CAME AND TALKED TO YOU AND HUMPHREY, WHAT REALLY WERE, WERE THEY LOOKING FOR AT THAT POINT, WHAT WAS THE REQUEST?

Katzenbach: I don't remember.

INTERVIEWER: YOU DON'T REMEMBER. ALL RIGHT, WHAT ABOUT WHEN THE DEMONSTRATORS WERE OUTSIDE YOUR OFFICE, I BELIEVE YOU WERE VISITED AT THAT TIME, WHAT-WERE THERE REQUESTS, AT THAT TIME MADE, AND YOU MENTIONED SOMETIMES YOU, IT HAS SO MANY DEMANDS THAT YOU GET FROM SOME OF THEM WHAT, WHAT WERE THEY LOOKING FOR AT THAT TIME? DID YOU HAVE MEETINGS AT THAT TIME TO DISCUSS…

Katzenbach: Well, I think they were… I don't know what they were looking for was an occupation of the South by federal troops, I think. A lot of the young people were doing that, they were somewhat radicalized, some of them, which was a problem with the Congress, but it's a

INTERVIEWER: WHAT–

Katzenbach: I don't think they had any, I mean the sort of specifics they had were kind of layout specifics. And that was not true of what Dr. King was asking for.

00:53:16:00

INTERVIEWER: YOU WERE INVOLVED IN MANY THINGS HERE I MEAN YOU'VE TALKED ABOUT SOME OF THE SELMA EVENTS, YOU'VE TALKED ABOUT TUSCALOOSA, YOU'VE TALKED ABOUT JAMES MEREDITH, WHAT, WHAT DO YOU THINK THE, THE GAINS WERE, ALL THE YEARS THAT YOU WERE IN SERVICE AT THAT TIME, WHAT DO YOU THINK THE GAINS WERE. TO '65, WHAT HAD BEEN ACCOMPLISHED?

Katzenbach: I think what existed and had existed in the South really as a result of slavery was a caste system that was effectively enforced by state law and by state officials. I think that system was broken by the 1964 and 1965 Civil Rights Acts. So that I think that was broken and broken forever. So you didn't have any more state enforced segregation. Now the fact that you don't have state enforced segregation doesn't solve the problems of

discrimination, it doesn't solve the problems of people's feelings, it doesn't solve the problems of education, it doesn't give blacks who have been denied an education don't automatically become well educated and well qualified to do things. And those problems have remained. And while I think a good deal of progress has been made with respect to those problems, in my judgment, they aren't solved yet today, but I do think the problem of state enforced segregation has effectively been resolved and that you can't turn the clock back on that.

INTERVIEWER: STEP DOWN THERE.

[cut]

[end interview]

00:55:01:00