

Interview with **Burke Marshall**

November 4, 1985

New York, New York

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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 148]

[sound roll 1124]

[slate]

CAMERA CREW MEMBER 1: SPEED. MARK IT.

CAMERA CREW MEMBER 2: SOUND NINE.

[sync tone]

CAMERA CREW MEMBER 1: THANK YOU.

INTERVIEWER: THE FIRST QUESTION IS A NICE, EASY, GENERAL ONE. WHAT WERE THE GOALS OF THE KENNEDY ADMINISTRATION WHEN HE CAME INTO OFFICE IN 1961?

Burke Marshall: The when, when the Kennedy Administration started the only statutory authority that it had in the Department of Justice, at least, was in voting rights. So that the first goal of the Department of Justice was to bring a whole lot of voting rights cases and we steared [sic] up to do that and we started to do that. The president was committed, in the campaign, to do whatever he could do by executive action. The term executive action was sort of a key word to the goals of the Kennedy Administration in 1961. And he had promised

other executive actions: a housing order. He, he executed in early 1961, a very broad employment order for Federal Government and, and for federal contractors. And they committed a sub-cabinet group on civil rights that met quite frequently and did various things to try to move ahead the civil rights movement.

INTERVIEWER: STOP FOR A MOMENT.

[cut]

00:01:33:00

[slate]

CAMERA CREW MEMBER: SOUND TEN.

[sync tone]

INTERVIEWER: I'M LOOKING FOR THE OPINION OF THE JUSTICE DEPARTMENT ABOUT THE SIT-INS AND THE DEMONSTRATIONS.

Marshall: Well, the, the sit-ins and demonstrations are sort of different. The, the sit-ins which started in 1960, basically, were sit-ins at lunch counters, typically, at department stores and so forth, that served black people everywhere except where they ate and that was a problem that couldn't be handled legally at all. There was a great deal of litigation over the legality of arrests of students that were sitting in. And the Supreme Court, I think, by 1965 had about 3,000 cases before it involving sit-ins. The Department of Justice participated in every case that came up to the Supreme Court involving a sit-in and we always participated on the side of the civil rights movement participants on different theories. I mean, one case we'd have one theory, another case we'd have another theory, but there was no sort of strong clear constitutional principle that could be relied on. And there was no statutory congressional framework could be—that could be relied on. That, that was the reason that was the whole reason for Title 2 of the Civil Rights Act of 1964. President Kennedy, when he sent that down to Congress, said and, and I said over and over again, at the time, to the civil rights workers, that, that the only way you can deal with this is by establishing a legal right to be there. You can't deal it by trying to restrain the police or, or talking the lunch counter owners into behaving differently. That, that, that just didn't work and so you had to have a rule of law that had to come from the legislature that would apply to everyone and put everyone in the same situation, so that nobody could get an advantage out of sort of breaking the pact to, to break up that pattern of behavior of refusing service to blacks. Now the demonstrations, if you want me to talk about the demonstrations, are, are a different problem. That, that is a, a, a right to speech problem and a lot of those arrests for demonstrating, for picketing, just walking quietly, peacefully up and down the street with a sign, saying "Don't, don't eat, don't eat where you, where—don't buy where you can't eat," something like that. And those were protected by the First Amendment. There was nothing the Department of Justice could do directly about them, but again we could participate in, in litigation once it started and we did do that.

00:04:47:00

[cut]

[wild audio]

INTERVIEWER: TERRIFIC. WASN'T WHAT I WAS—WASN'T WHAT I WAS
ORIGINALLY LOOKING FOR, BUT—

CAMERA CREW MEMBER: WE HAVE TO CHANGE ROLLS.

INTERVIEWER: STOP. STOP PLEASE.

00:04:58:00

[cut]

[slate]

[change to camera roll 149]

CAMERA CREW MEMBER: SOUND ELEVEN.

[sync tone]

INTERVIEWER: WHEN DID YOU AT JUSTICE FIRST REALIZE THE FREEDOM
RIDES WERE ON?

Marshall: After they started. In fact, as far as I am concerned—

INTERVIEWER: I NEED TO HAVE YOU—WE AT JUSTICE—I NEED TO HAVE YOU

Marshall: Oh, right, I'm sorry. The, the Justice Department, at least as far as I'm concerned, learned about the Freedom Rides after they'd gotten going. My own situation was that I had the mumps, and therefore, I was out of commission for about a week. I would get papers from the Department of Justice and sometime during the course of that week I got a clipping about what happened, I think, in Rock Hill, South Carolina, where there were—was arrest—John Lewis was arres—I think—arrested. I think he was also beaten. But the, the Freedom Rides didn't really come to our attention until Anniston and, then, of course, when the bus was burned in Anniston it came to our attention in a very, very dramatic fashion.

00:06:08:00

INTERVIEWER: THERE'S QUESTION ABOUT WHETHER ROBERT KENNEDY MET
WITH THE FREEDOM RIDERS OR WHETHER HE RECEIVED A TELEGRAM WITH
THEIR PROPOSED ROUTE. DO YOU KNOW ANYTHING ABOUT THAT?

Marshall: Well, I, I don't think, and I'm quite sure, he didn't meet with the Freedom Riders because I don't think he was aware of the Freedom Rides at all until I called him the day that the bus was burned at Anniston. Now, they might—they probably did send a copy of the press release to the Department of Justice. They might have sent a telegram. The way that would be handled in the Department of Justice would be in a bureaucratic way and it would all depend on, on the foresight of some clerk or possibly some young lawyer, but most likely just a clerk to, to read the press release or the telegram and say, this is important, somebody should look at it. Somebody should see it. And, as far as I know, that, that didn't happen, that whatever was sent by the CORE about the Freedom Rides, was treated routinely, so it didn't come to my attention, it didn't come to the attention of John Doar, my first assistant, and although I can't ever be sure of such things, I'm quite sure it didn't come to the attention of either the attorney general personally or anybody in his direct office. It got stuck somewhere in the Civil Rights Division, in short.

00:07:45:00

INTERVIEWER: NOW, WHEN ANNISTON HAPPENED COULD YOU DESCRIBE THE REACTION ON, ON—WHEN IT ACTUALLY CAME TO THE ATTORNEY GENERAL'S ATTENTION?

Marshall: Well, of course, we immediately realized the seriousness of that situation. The burning of the bus in, in, in Anniston was followed, I think, the same day by the burning—by the attack on the riders in another bus in Birmingham. So there were two events, they both happened on Sunday, and the Sunday was Mothers' Day. It was May 21, May 14th something around that, the middle of May, 1961. And as so—as soon as it happened, with the disruption of interstate movement in the United States, we realized that the matter had to be dealt with effectively and promptly. It was complicated to do that and we had to put a lot of things into motion to do it but the importance and urgency of the matter was, was recognized right, right off.

00:09:01:00

INTERVIEWER: REMEMBER ANY PERSONAL REACTIONS ABOUT THAT ON YOUR PART, ON ANYONE'S PART IN THE DEPARTMENT?

Marshall: Well, I guess we were outraged. I—let me say this about the, the Department at that time. You know, May of 1961, I had just been confirmed by the Senate in my job. Many of the lawyers in the civil rights division were young and had recently been recruited. They were recruited because they had a commitment to the cause of racial justice, but they didn't know anything, in a way, they had no experience with the, with the reaction that was going to take place to—against the movement for race—racial justice. The attorney general was new in his job. He hadn't had any experience in this. None of the other Assistant Attorneys Generals [sic] had. I was out of a big law firm in Washington with a corporate practice, so that in a way when, when the violence happened to the Freedom Rides we were outraged, but also sort of astounded that people would have this kind of reaction, you know, pre—prop—

presumably, otherwise sane, sensible, rational may, maybe even sensitive people, have this kind of reaction simply, simply to where people were sitting in a bus. So it was sort of incomprehensible to us, but it brought home a reality of a problem that, that we dealt with from that time as long as I was in the Department.

00:10:53:00

INTERVIEWER: SUBSEQUENT INFORMATION HAS REVEALED THAT THERE WAS FBI INFORMATION ABOUT KLAN ACTIVITY. THAT, THAT BOTH HAD INFORMATION ABOUT THE ITINERARY ABOUT THE RIDES. DID YOU HAVE ANY SUSPICION OF THIS AT THE TIME?

Marshall: *The FBI had information, it, it turns out, that was quite specific about what was going to happen in Birmingham. They might have had similar information about what was going to happen in Anniston, but I'm not sure of that. But they clearly had advance information from Klan sources that the Freedom Riders were going to be attacked in, in the bus station at Birmingham, and that the Birmingham police were going to absent themselves and not do anything to protect the riders. The Bureau knew that. The Bureau didn't pass that information along to anybody in any other part of the department.* They didn't inform the Civil Rights Division; they didn't inform the attorney general; they didn't inform anyone until after the event. Now the reason that they didn't do that, may be partly, sort of a historical stupidity. That they, they didn't understand what was going on in, in the country. It may have been in part, a bureaucratic FBI reaction to the protection of informants, because if, if they had done something it might have become—come, probably would have become, clear to the Klan that someone in the Klan was peaching [sic]. And the danger to that person, had he been identified by the Klan, would have been very great. So that, that might have been another reason. A third reason is that, I think, the Bureau, Mr. Hoover personally, was totally out of sympathy with the civil rights movement and, especially, the, the degree, degree to which it took focus in, in demonstrations and, and direct action.

00:13:23:00

INTERVIEWER: DO YOU REMEMBER THE ATTORNEY GENERAL'S REACTION WHEN HE LEARNS THAT THE STUDENTS ARE GOING TO PICK UP ON THE FREEDOM RIDES THAT THE FREEDOM RIDES ARE NOT GOING TO BE STOPPED BY THIS VIOLENCE?

Marshall: We were not surprised by that. The attorney general was not surprised by that, I was not surprised by that. We, we did—we, we weren't totally ignorant. I said we were somewhat ignorant, but we weren't totally ignorant. We, we were aware of the student movement based in Nashville. The Freedom Rides did not or—originate with that, but the student movement in Nashville, at that time, principally at Fisk University was the center of the sit-in movement. And it was inconceivable to me and I, and I remember, particularly, John Seigenthaler, who was from Nashville, newspaper man, who was then the Executive Assistant to the attorney general, saying that those students, Diane Nash, James Bevel, the stu—the students in, in Nashville would never let it drop, whatever CORE, itself as an

institution, decided to do. And, and that prediction was true and so we expected it. We, we didn't expect that the students would let violence per—per—prevent an action that was not only just and right, but was completely protected legally and constitutionally.

00:15:05:00

INTERVIEWER: I—IN FACT IT'S INTERESTING THAT, THAT YOU WERE SAYING THAT, SAYING THAT BECAUSE, APPARENTLY, SIEGENTHALER SAYS THAT—HAS SAID TO US, OFF CAMERA, THAT ROBERT KENNEDY WAS, WAS FRANTIC THAT THEY BE PROPERLY PROTECTED. THAT HE GOT CALLS IN THE MIDDLE OF THE NIGHT. DO YOU REMEMBER THIS KIND OF DETERMINATION?

Marshall: Well, Robert Kennedy—yeah, well, he was, he was always a, a—frantic, frantic is a word I wouldn't use about Robert Kennedy. Robert Kennedy would say, well, what are you going to do about it? What are we, what, what can we do to protect these people and to prevent them any more violence from action? What specifically can we do? Who's going to go where? Who's going to file what law suit? Who's going to make what speech? Who's going to go on what television program? Who's going to call the Mayor of Birmingham? Who's gonna call the governor? Who's gonna get the—

00:16:01:00

[cut]

[wild audio]

Marshall: —president's cabinet in motion? Who's gonna do what and when and why, why not five minutes ago? Is the kind of reaction that he would have that would be a very—oriented towards movement, towards movement, specific movement.

INTERVIEWER: STOP. CAMERA RAN OUT THERE. I THINK—

00:16:25:00

[cut]

[slate]

[change to camera roll 150]

[change to sound roll 1125]

CAMERA CREW MEMBER: SOUND TWELVE.

[sync tone]

INTERVIEWER: YOU JUST FINISHED THAT THOUGHT ABOUT THE ATTORNEY GENERAL.

Marshall: Well, in, in everything that Robert Kennedy did in the Department of Justice, civil rights or anything, he, he was always interested in getting something done and in order to get something done, he knew that somebody had to do something specific. And so he always wanted to have people work on a timetable on specific jobs on specific pieces of a, of a problem so that some action would be—not talk, but some action something would happen and something would happen that was effective and, and prompt.

00:17:07:00

INTERVIEWER: NOW, THE NEGOTIATIONS WITH GOVERNOR PATTERSON. YOU TELL US WHAT YOU FELT YOU HAD GOTTEN AS AN AGREEMENT AND, AND WHETHER HE STUCK TO THAT?

Marshall: What Governor Patterson committed to the president's representative, John Seigenthaler, was that he had the men and the force and the ability and the will to protect, I think, he said, everyone in Alabama. But in the context, he meant the Freedom Riders, that's exactly what he meant, that's what he was asked about that's what his statement was taken to mean. Now did he leave—live up to that? Well, it didn't happen. Whether it was his fault that it didn't happen, it was certainly his responsibility that it didn't happen. Whether he knew that the Montgomery police were going to pull out and let the Klan members beat up on the Freedom Riders in Montgomery is something that, that I just don't know. But he should have taken precautions. He should have protected against that. He'd given the commitment to the pre-, president of the United States not to let that happen and it happened. So it's plainly his responsibility and the commitment was, was clear as crystal.

00:18:38:00

INTERVIEWER: DID THE PRESIDENT FEEL—DID YOU EVER HEAR THE PRESIDENT EXPRESS ANY SENSE OF DISAPPOINTMENT? FEELING HE WAS DECEIVED IN ANY WAY?

Marshall: He was mad. The president was mad. Mad. Irritated. Mad.

INTERVIEWER: STAYING IN MONTGOMERY, JOHN SEIGENTHALER GETS VERY BADLY BEATEN UP IN MONTGOMERY. WAS THERE ANY PARTICULAR IMPACT THAT THIS HAD?

Marshall: Well, John Seigenthaler was hit over the head and had a serious concussion. He was unconscious for a good while. He was left lying in the streets because nobody would pick him up. The people in the Klan just didn't pay any attention to him. He was a personal friend of the attorney general, a very close friend for many—of—for many years, and so naturally it had an impact that was more direct, I suppose, than somebody being treated in the same way that, that wasn't a personal friend. But it didn't have any—make any difference to

what was done. I think, exactly what was done would have been done whether John Seigenthaler had been hurt as well as John Lewis or not. It, it didn't make any difference in, in that sense.

00:20:02:00

INTERVIEWER: IT WASN'T A CATALYST, THAT WASN'T THE CATALYST FOR BRINGING IN THE MARSHALS?

Marshall: No, no, the—at the time, that that happened, that John Seigenthaler was hit, we, we had already collected the marshals. I mean we didn't want to use marshals. We didn't want to use troops. We didn't want to use physical force. We wanted the governor of Alabama to behave like a governor and, and use the state police and the state forces to protect people from getting beaten up in the capitol of the state of Alabama. It was disgraceful. But by the time that that had happened in Montgomery, we had already started to put into place the physical force that was, was used, was used later.

00:20:54:00

INTERVIEWER: WAS IT THE FREEDOM RIDES THAT CATALOUGED—THAT CATALYZED THE CHANGE IN ICC REGULATIONS OR WAS THAT SOMETHING THAT WAS ALREADY IN THE WORKS? MAYBE YOU COULD DESCRIBE HOW THOSE REGULATIONS AFFECTED COMMERCE.

Marshall: Be, before the Freedom Rides, I, I was directing my attention to interstate travel facilities. My focus, then, was on airports. The reason my focus was on airports was because I had a call, a personal visit, from the President of Tuskegee, Tuskegee Institute which is near Montgomery. A very distinguished man, a distinguished educator. Tuskegee is a distinguished educational institution. It is primarily or almost all-black institution. He told me how he himself was insulted every time he went through the airport in Montgomery and not only that he brought visitors from other countries and from all over the United States down to speak at Tuskegee and they had to go through an airport where the drinking fountains were labeled colored and white or the bathrooms were labeled colored and white. Where the eating facilities were labeled col—colored and white. And he was outraged and he brought it to my attention, as I said, I was new, new at the job but I thought that was outrageous. So I'd started to work on that. We didn't have any direct statute that we could work from, but I started to work on the airports. When the Freedom Rides happened, in the bus stations, there was already in place a sort of general ruling of the Supreme Court that segregation, racial segregation in interstate bus stations, was illegal. The trouble is that that general rule of law wasn't implemented in any way. So that the Freedom Rides and the events of the Freedom Rides was a catalyst to spur the Department of Justice to go to the ICC and ask the ICC to implement, through new regulations, this rule that prohibited, this statutory rule, that prohibited racial segregation in, in, in interstate bus travel, including the, the stations.

INTERVIEWER: WONDERFUL. STOP FOR A MOMENT.

[cut]

00:23:35:00

[sync tone]

INTERVIEWER: YOU CAN EXPLAIN HOW THESE CHANGES CLARIFIED THE FEDERAL ROLE.

Marshall: Well, the, the difference that the ICC regulations made to the situation with respect to bus stations and railroad stations and bus, buses and railroads, was that instead of having a sort of a general rule that permitted somebody to bring a suit, every time there was discrimination there was, there was a specific regulation that directly applied. It's, it's as, it's as if we'd sued everybody at once, sued every bus station, every bus line, every railroad station, every railroad all in one massive lawsuit and had won the lawsuit. That's, that's what, what the regulation did. Prior to it you'd have to go station by station. Sue in Anniston, sue in Montgomery, sue in Birmingham, sue in Jackson, sue in New Orleans, sue in so forth. And this, as I say, dealt with all facilities in, in one stroke.

00:24:48:00

INTERVIEWER: GIVEN THAT HERE'S, HERE'S THE NEW REGULATION IN PLACE, RIGHT AFTER THAT, THE FREEDOM RIDERS ARE ARRESTED IN ALBANY, GEORGIA AND THE FEDERAL GOVERNMENT IS CRITICIZED FOR NOT ACTING AT THAT POINT. WHY DIDN'T—

Marshall: Well, my recollection with, with Albany, Georgia is that—the first place they claimed they weren't arresting them to enforce segregation. They were arresting then for some other purpose. So that was a dispute. I have no doubt about which side of the dispute was right, but there was a dispute and an argument. But we, we did do something. The city almost immediately agreed to desegregate those facilities in, in Albany. And the movement in Albany moved out of the bus station where it started from in to other areas of the cities and, and other problems where, where we didn't have the authority that we could wave at the city of Albany that we had in the, in the case of the bus stations.

INTERVIEWER: IN OTHER WORDS YOU—JUST TO MAKE SURE I UNDERSTAND THIS—YOU'RE SAYING THAT THE GOVERNMENT DIDN'T ACT BECAUSE IN FACT THE CITY TOOK CARE OF THAT PART OF THE PROBLEM IMMEDIATELY?

Marshall: Yes, right.

INTERVIEWER: MAKE SURE I WAS CLEAR ON THAT. STOP FOR A MOMENT.

[cut]

00:26:13:00

CAMERA CREW MEMBER: SOUND FIFTEEN.

[sync tone]

INTERVIEWER: COULD YOU?

Marshall: Well, the, the situation in Albany is confused in my mind and it was confused at the time and I don't recollect it very clearly. It is a fact that the federal judge in, in that district that was appointed by President Kennedy turned out to be a terrible judge. He was a terrible mistake. There was some reason why we made the mistake. I mean, we relied on, on statements with respect to how Judge Elliot could be expected to behave which didn't turn out to be right. They were wrong. They couldn't—they were wronger [sic] than you could possibly have expected. But that is true. That is not, I think, the only reason that Martin King withdrew from Albany. The fact is that the Albany movement was sort of splintered, it wasn't cohesive, its aims were a little unclear, and it, it—to some, to some degree petered out rather than had a specific event which stopped it.

INTERVIEWER: STOP PLEASE.

[cut]

00:27:33:00

[slate]

[change to camera roll 151]

CAMERA CREW MEMBER 1: MARK IT PLEASE.

[sync tone]

CAMERA CREW MEMBER 1: THANK YOU.

CAMERA CREW MEMBER 2: THIRTEEN.

INTERVIEWER: IN, IN THE CONTEXT OF ALBANY WAS THERE A SOUTHERN MINDSET THAT WAS INFLUENCING THE FBI OR THE JUSTICE DEPARTMENT?

Marshall: The, the FBI had a mindset, I don't know whether I'd call it a southern mindset, I would call it a Hoover mindset. And the Hoover mindset was anti-civil rights movement for reasons that may have been pure racism, that may have had other motives in it, I don't know. Mr. Hoover, at that time, was, was not showing good judgment about anything in, in my opinion. That is not, however, the, the complete explanation for the reasons that the civil rights movement complained about the behavior of, of the Bureau. Wholly apart from Mr. Hoover's feelings about the civil rights movement, he had for a long time stuck to the notion

that the Bureau was purely an investigative agency. The way the—an investigation—investigative agency worked in his highly bureaucratic mind was that something happened, that there was reason to believe that what happened violated a federal law, wasn't just wrong or unjust or hurt somebody, but violated some federal law that you could name and that then somebody, some lawyer, in the Justice Department, Civil Rights Division in this case, would write him a memo, addressed to Mr. Hoover, saying, "Please make a preliminary investigation" or, another term, "please make a full investigation of the following matter." Then he would insist on knowing what federal law had been violated. So that just speaking very broadly, if somebody beat somebody up on the streets of Albany that violates justice. It violates a city ordinance in Albany. It may violate law of the state of Georgia, but it, it, it doesn't violate in, normally, any federal law and so that the FBI will say that it's none of their business. And it will say that it's none of their business, not only to in—investigate it afterwards, but that it's sort of doubly none of its business to interfere with what's going on at the time, since the Bureau, Bureau agents are not policemen. They're investigators and they're job is to produce evidence to go into court later and not to interfere. Now that's, that's the position. Of course, he didn't hold to that position with, say, bank robberies so it's not totally coherent or co—consistent position. But as I understood it, that was, that was his position throughout the period.

00:30:57:00

INTERVIEWER: THERE WASN'T—IT WASN'T A QUESTION OF THE AGENTS IN PLACE BEING THEMSELVES SOUTHERNERS AND THEREFORE MAKING PERSONAL DECISIONS?

Marshall: The fact that the agents themselves were southerners might have increased the problem, but it didn't create the problem. In, in, in my, in my judgment, even if you'd had, even if it had been a total transfer so that only agents from Minnesota were in Georgia and only agents from Georgia were in Minnesota, I think, the basic Bureau behavior would have been, would have been the, the same. Now when, when the Bureau finally took on as a matter of public commitment and public responsibility dealing with Klan violence in Mississippi and brought down a whole lot of new agents, some of them southern, but they knew what their job was and their job was to break the Klan and so they treat the Klan like they treated the Communist Party. They infiltrated it. They bribed Klan members. They eavesdropped. They poked around. They, they put out false rumors, they obfuscated things, and confused things and they got the Klan in, in such an uproar that it was able to—it, it just ceased to act effectively after, after 19—

[sound roll out]

[cut]

00:32:31:00

CAMERA CREW MEMBER: MARK IT.

[sync tone]

INTERVIEWER: HOW CLOSELY WAS THE ADMINISTRATION FOLLOWING JAMES MEREDITH'S ATTEMPT TO ENTER THE UNIVERSITY OF MISSISSIPPI AND HOW AND WHY AND WHEN DID THE GOVERNMENT DECIDE TO ENTER THE CASE?

Marshall: We, we followed the Meredith from the day it was filed almost. It was filed the Inauguration Day 1961 or, or maybe the day after, January 21, 1961. And when I got this job as head of the Civil Rights Division, as soon as I found out where my office was, just about, I tried to get, get a sort of checklist of trouble. And in the course of that I talked to Thurgood Marshall and he told me about the Meredith case. He would have to speak to himself [sic] about the case. He represented Meredith, of course, I, I don't think it was on the NACP [sic] list of priorities to integrate the University of Mississippi, but James Meredith was his own man and he had his own mind and he was determined to do it and so the Legal Defense Fund represented him right from the beginning of the case. Now the case, the outcome of the case was inevitable. The University of Mississippi was a segregated institution. It was a white institution. They made all sorts of defenses. They claimed that they weren't turning Meredith down because he was black, but because of some other reason. They'd make up a different reason almost daily. And the Bo—Board of the University really perjured themselves on the stand to try to create reasons for turning down Meredith on some ground that he wasn't black, but, but the—and the district judge, who, who was an old Mississippi appointment, who I think going way back, Eisenhower, maybe, maybe, maybe Truman, maybe even Roosevelt, I don't know. He'd been on the bench for a long time bought that because he was part of the Mississippi establishment. But as soon as it got to the Fifth Circuit and came before Judge Wisdom and the—and two—whoever the other two judges were, the panel, then the outcome of the case was foreordained. Now there was a lot of—sort of litigation problems that went, went on which involved one of the judges on the Fifth Circuit, Judge Cameron from Mississippi, he kept staying the order of his own court. But it became clear to me that Meredith would be—have an order entitling him to enter the University of, of Mississippi in, in October of 1962. And so, that—we followed it right up, we entered the case when it became clear that the order would be final and that that would be date and we entered it in order to make sure that the order of the court was complied with.

00:36:09:00

INTERVIEWER: WHY WOULDN'T YOU ENTER EARLIER IS THE QUESTION?

Marshall: Well, there was nothing to do earlier, really, from, from the point of view of Department of Justice. Meredith's rights were being protected by the Court and by the—his own representation, by the Legal Defense Fund. We couldn't contribute anything to that. What we could contribute something to was ensuring the Court that its orders would be complied with, ensuring the governor and the people of Mississippi that the order would be complied with, ensuring Meredith and the Legal Defense Fund that the order would be complied with. And when I say “complied with” in that context, that I meant by the use of whatever force would be necessary to make sure that it worked. There was a history, you

know, of, of orders not working in the University of Alabama, the University of Georgia on a previous occasion and we were determined that Meredith would enter the University of Mississippi in accordance with the order of the Court. At the time that the court ordered him to enter which was in the fall for the fall term of 1962.

INTERVIEWER: STOP FOR A MOMENT.

[cut]

00:37:37:00

[slate]

[change to camera roll 152]

[change to sound roll 1126]

CAMERA CREW MEMBER 1: MARK IT, PLEASE.

[sync tone]

CAMERA CREW MEMBER 2: SEVENTEEN.

INTERVIEWER: THIS QUESTION OF ENFORCING A, A COURT DECREE WHEN, WHEN THERE'S OPPOSITION TO IT, WHAT, WHAT DOES THIS MEAN IN TERMS OF OUR FEDERAL SYSTEM?

Marshall: Well, it, it, it, it doesn't happen often but it happens. If a governor is determined to do everything he can to th—thwart a compliance with a federal court order, he has enormous powers at his control. He has the power of the, of the—over the motions, the emotions of the people of the state. And that's an enormous power because if you have a crowd of two or three or four or five thousand people with guns there is an enormously dangerous situation. It isn't just a question of getting out marshals, you have to get out the United States Army to combat with that. He's got the, he's got the initial control of state national guard. Now the, the problem, the problem in our history, it isn't the only problem, but the basic problem in our history that is about that kind of defiance of federal authority by state authorities is the race issue. It, it is the determined adherence to a system of racial oppression. And the system of racial oppression was threatened just by the entry of one black student to the University of Mississippi. So that the state of Mississippi was just determined by the state, I mean, the governor, every state official, every state judge that I know of, almost all of the officials of the University, 90% of the students of the University, all the sheriffs in the counties of Mississippi, all of—a whole lot of deputy sheriffs, a whole lot of farmers and other people with guns were determined to re—resist that order. Now when you get to that situation, it is, it's not a question that can be handled by lawyers. It isn't a question of going to the Court and saying, this is what you should do, Court. Order this and all, all will be well. That won't solve

it. The only thing that solves that in the end is, is by the use of force and the only questions are, whom is gonna apply the—who is going to apply the force? At what time? On what occasion? By what means? In what magnitude? For what duration?

00:40:30:00

INTERVIEWER: WELL, WHAT WERE THE KENNEDYS—WHAT WAS THE KENNEDY ADMINISTRATION'S POSITION ON THAT? WHAT WAS THEIR PREFERENCE?

Marshall: Our preference in, in all occasions was to, to get the states to apply the force that is necessary to, to make the order work. The reason for that is, is plain to me. Well, there are two reasons. One is that I think that is what the constitutional system contemplates and so that there is a value in sticking to the constitutional system where you can. The other reason is, though, that the federal authorities are going to have to leave. And when they—it may be six months, it may be sixteen months, but their going to have to leave. And when they leave the same state is gonna be there, the same sheriffs are going to be there, the same school boards are gonna be there. So that if, if you can get them to accept their responsibility and get them to acc—to accept the inevitability of what's going to happen from the outset, everybody's better off, including the members of the civil rights movement. The use of federal force is a last resort, was our policy and I, and I still think that it was a, it was a proper policy.

00:41:54:00

INTERVIEWER: YOU THINK THAT, THAT WAS THE MOTIVATION FOR JOHN KENNEDY'S LONG NEGOTIATIONS WITH GOVERNOR BARNETT OR, WELL, HOW MUCH ALSO WAS, WAS THE QUESTION OF POLITICS PLAYING IN?

Marshall: The, the, what I've been talking about, in terms of federalism, of course, is politics. It, it, it, it is the politics of consensus. The politics of, of trying to make a permanent change that is very, very unpleasant to a large number of people who are in power, and by that the, the large number of people that were in power, I mean, the white people of the South or at least the parts of the South represented by the state of Mississippi. So that's a political matter. It's a matter of political leadership to try to make that work. *Of course, the president's gonna win in the end. He's got the whole Armed Forces of the United States. He can call in the Air Force; he can bring Navy ships up the Mississippi River; he can call out the Army as he did; he can drop parachuters in. I suppose he could shoot missiles at Oxford, Mississippi, so he's gonna win at the end.* But the political matter is, is, is politics in, in a deep sense of political leadership so that the change that is gonna come about, is a change that is recognized and accepted and is not looked upon as having been imposed by force.

00:43:30:00

INTERVIEWER: OK. YOU'RE SAYING THAT, THAT IT WASN'T THE MATTER—THERE WERE CHARGES THAT THE KENNEDY ADMINISTRATION TRIED TO

DUCK THIS ONE AND YOU'RE SAYING THAT WASN'T WHAT WAS GOING ON?

Marshall: There was never one minute, never one minute when the possibility of ducking out of the Meredith situation was, was contemplated. Not one minute. *It was always clear as crystal, and I personally made a commitment knowing the president would back it up to the Fifth Circuit sitting en banc all, all nine of them. That whatever force was necessary to make their order affective would be applied.* I made that commitment in open court in, in, in New Orleans and, and I meant it.

INTERVIEWER: STOP PLEASE.

00:44:20:00

[cut]

[wild audio]

INTERVIEWER: —ABOUT THE NEGOTIATIONS BETWEEN THE ADMINISTRATION AND GOVERNOR BARNETT? THE TELEPHONE CONVERSATIONS IS THAT, YOU KNOW, ARE PUBLIC RECORD NOW.

CAMERA CREW MEMBER: SPEED.

INTERVIEWER: THEY'RE AT THE KENNEDY LIBRARY. EXCUSE ME.

CAMERA CREW MEMBER: YOU READY, CARL?

INTERVIEWER: COULD YOU TALK ABOUT WHAT YOU WERE TRYING TO ACCOMPLISH—

00:44:35:00

[cut]

INTERVIEWER: —AND WHAT BARNETT'S GOALS SEEM TO BE.

[sync tone]

INTERVIEWER: WHETHER HE UNDERSTOOD HOW INTRANSIGENT HE WAS GONNA BE.

Marshall: Governor Barnett was intransigent and he was al—also stupid. He, he had a narrow political vision. He, he wanted it to happen. He knew that Meredith was going to the University of Mississippi. He just didn't want it to be his fault. So that if you could give him a way of acting like a governor and, and performing a govern—governor's duty and at the same time say, I couldn't help it, then Governor Barnett's political, very narrow, short range,

stupid political values and political goals would have been achieved. What we were trying to do in those negotiations, which may read silly conversations because they were with a silly man, was to try to give him an out of that sort, give him an out of that sort. And, and it, it almost, it almost worked, almost worked and the trouble is that Governor Barnett didn't have the confidence of, of anybody. He didn't have the confidence of the students. He didn't have control of the police force or if he did have control of the police force he didn't exercise the control of the police force. He pulled the state police out at a critical moment and—during the riot. And so, in the end, we did what we were always determined to do when necessary which was to use federal, physical force.

00:46:27:00

INTERVIEWER: DID YOU EVER TALK ABOUT THE PRECEDENTS, IN THE JUSTICE DEPARTMENT IN WASHINGTON, LITTLE ROCK, GEORGIA, EVEN THE BROWN CASES? THE AUTHERINE LUCY CASE, DID YOU EVER TALKED ABOUT THEM?

Marshall: Yes, yes. We thought that the, I thought, I can speak for myself, that the Autherine Lucy case was a failure of federal responsibility because it didn't stick. She was in the end driven off the campus by violence and that's unacceptable when she has a constitutional right and a right based on a, on a specific court order to go to the, to the University. As far as Little Rock is concerned, we thought, I thought, I think the president thought, that, that President Eisenhower had been indecisive and ambiguous with Governor Faubus at first and then maybe had done too much secondly by sending in a larger force than in the context of Arkansas which was really prepared to accept integration in the Central High School. It wasn't the people of Arkansas or the people of Little Rock, it was the governor that was the problem there. And so that, that massive use of troops in, in Little Rock, I thought, in, in retrospect was unnecessary. That was why we, we tried marshals and used marshals successfully as, as, you know, during the Freedom Rides. Marshals weren't enough at, at Oxford as it, as it turned, as it turned out.

CAMERA CREW MEMBER: I HAVE TO CHANGE.

INTERVIEWER: STOP PLEASE. YOU DO TWO DON'T YOU?

[cut]

00:48:14:00

[slate]

[change to camera roll 153]

[change to sound roll 1127]

CAMERA CREW MEMBER 1: SPEED.

CAMERA CREW MEMBER 2: SOUND NINETEEN.

[sync tone]

INTERVIEWER: AND, IN TERMS OF PRECEDENT, WHAT ABOUT THE PRECEDENT OF THE UNPOPULARITY OF, OF PRESIDENT EISENHOWER'S ACTION?

Marshall: President Kennedy may, may not have been in, in the 1960 campaign, but at some point had criticized the way General Eisenhower had handled the situation at, at Little Rock both, both in terms of ambiguity at first, lack of decisiveness and, and overreaction by the, the use of the regular army at, at the end and those big soldiers, you know, and those little children, guns. So that he was conscious of his own criticism and didn't want to repeat what he thought had been the mis—the same mistakes. It, it, it should, it should be remembered also, I think, that, that, that President Kennedy was elected on a margin. Well, you know, very slight margin. And although he was a war hero, in, in a sense, he wasn't the general of the armies that defeated the Germans in Europe. And, so that he was in a different situation, I suppose, with respect to anything military then General Eisenhower was. General Eisenhower, in the end, did what he had to do at, at Little Rock. It, it was just so clear that he didn't like doing it and, and it had been preceded by his refusal to endorse the principal of the Brown Case which was a, a terrible damage, I think, in a way of getting acceptance in, in the South and, and especially in sort of border marginal areas like Arkansas to the inevitability of racial integration in, in state institutions.

00:50:19:00

INTERVIEWER: WHAT WAS IT THAT HA—THAT, THAT TOLD PRESIDENT KENNEDY THAT HE SIMPLY HAD TO GIVE UP ON NEGOTIATIONS, THERE WAS NO MORE FRUITFUL NEGOTIATIONS TO BE HELD, WITH GOVERNOR BARNETT?

Marshall: Well, the negotiations with Governor Barnett got Meredith on the campus without shooting and that was their purpose, in a way. There was a period in which I really thought we were gonna have to shoot our way into the campus. There, that there would be—you'd have to call out the Army and ring Meredith with squadrons of, of Army people and, and just shoot your way through a whole lot of armed people. There were many indications that several thousand of people would come, not just from Mississippi, but from surrounding states with guns to prevent the entrance of that young man on to, on to the campus. And so that the negotiations for, for—with Governor Barnett weren't, weren't designed to, to cure the situation. He was too weak and ineffective a man to be that kind of a governor, but there were at least, at least to get Meredith onto the campus, get him registered, get that part of it over with, and then deal with the reaction to it in, in whatever way was necessary to. With, with marshals, you know, we, we had a lot of marshals. We knew we had to have that much force and as things escalated during the night we had, we had other forces ready and, and moved them in.

00:52:03:00

INTERVIEWER: CAN YOU TELL US YOUR STORY ABOUT PRESIDENT KENNEDY GOING ON THE AIR THAT NIGHT AND MAKING HIS SPEECH ABOUT MEREDITH BEING ON CAMPUS.

Marshall: His, his, his speech was an appeal to the students, basically, to the students and an appeal to the pride of the Old South. And he hoped that that kind of conciliatory appeal to the white South would lead to, to at least a, a brooding acceptance of the fact that it was over with. That Meredith was enrolled in the—in Ole Miss and that he was gonna be there as a student. He was going to graduate with other students and that that was over with. That's, that's what he had hoped for. He gave the speech at, at a time when, when Meredith had gotten on the campus without opposition and, and had been put into his dormitory room and, and the place was secured in the sense that there were marshals there. He was appealing to the students, basically, and to the other people of Mississippi and Alabama and Louisiana, the neighboring states, southwestern Georgia, to accept it. And, of course, they didn't but—

INTERVIEWER: I HAD HEARD THAT, THAT YOU WERE NOTIFIED, WHILE HE WAS SPEAKING, THAT IN FACT THE RIOTING HAD BROKEN OUT. IS THAT, IS THAT TRUE?

Marshall: That's true, yes. I, I was right in the room where he was giving his speech.

INTERVIEWER: COULD YOU—I'M SORRY I'VE INTERRUPTED YOU. COULD YOU START, I WAS—JUST TALKING.

Marshall: Well, it, it, it is true that the rioting broke out while he was giving his speech. He was appealing to the students and while he was appealing to the students, the students weren't watching him they were throwing stones at the marshals. That's what was going on. So that the timing was unfortunate to say the least, but the effort was a proper effort to make it just didn't work.

00:54:19:00

INTERVIEWER: WERE YOU TRYING TO SIGNAL HIM NOT TO KEEP GOING?

Marshall: No, no. I didn't try to signal him, him not to keep going. He, he was—I mean, who knows, there were riot by—there may have been two hundred students there, at that time, that were rioting. Well, two hundred is different from two thousand. So if you could reach eighteen hundred even if you could reach a thousand out of two thousand, even if you can reach twenty-five hundred out of five thousand, even if you don't reach the students, if you can reach the citizens of Oxford, even if you don't reach the citizens of Oxford, if you can reach the citizens of Tuscaloosa, whom might have already come to, the, the effort to say that this is over and that the, that the history and dignity of the southern whites requires them to accept it in the spirit of Lucius Quintus Lamar whom he cited over and over again was worth making. And it may have had an effect. It didn't have an effect that night on those people on

the campus, but it might have had an effect in, in, say, Jackson or other, other places. So, so it was against a speech that said, I am your president and I'm gonna Court Martial everybody that doesn't comply with my orders, which is the other kind of a speech that he could've made. So I still think it was the proper speech to make.

00:55:53:00

INTERVIEWER: DID HE FEEL FOOLISH OR—IN ANY WAY THAT HE WAS—WITH THE SIMULTANEITY OF THESE TWO THINGS?

Marhsall: I, I don't think he, he felt foolish. I think he was disappointed that the white people of, of Mississippi or at least a lot of them and especially the students that he had appealed to didn't behave, in what he thought, was sort of a humane, civilized, and rational, you know, reasoned way, but behaved instead in an emotional outburst to something that was going to happen no matter what they did.

00:56:39:00

INTERVIEWER: DO YOU REMEMBER ANYTHING ABOUT THE COURSE OF THAT NIGHT? THE KIND OF REPORTS, STORIES PERHAPS, OF THE—ANYTHING STICK IN YOUR MIND OF WHAT—YOU'RE IN CONTACT WITH KATZENBACH WHO WAS ON CAMPUS AND OTHERS, JOHN DOAR? DO YOU REMEMBER ANYTHING ABOUT THAT?

Marshall: Well, yes, yes I remember a lot about it. We—well I was up, up, up all night in the White House and we got reports, there wasn't much you could do from the White House except sit there and think, well that's a good development or that's a terrible development. I mean, there wasn't much you could do, but we had an open line, public tele—telephone. Mr. Katzenbachs [sic] was asked, you know, after the fact by General Abrams, I think. Said, how, how is it that you got information to the president before the United States Army could? And he did by about two hours over and over again. Army would report something two hours after it happened and we would both get it right now. And, and Mr. Katzenbach said, you take one dime and you put it in a public telephone and then you get an open line to the White House collect.

00:57:53:00

INTERVIEWER: ANY PARTICULAR MOMENTS THAT, THAT YOU THOUGHT YOU WERE THAT YOU WERE GONNA LOSE THE BATTLE?

Marshall: No. That was not possible. What was possible is that there would have been more death, you know, more, more injury, more wounding than, than there was. It was not possible that that the outcome was going to be changed. There, there was a, a moment of, of deep distress when one of the marshals was wounded and there was an initial report that he had been killed which turned out to be untrue. There was a report of the death of a French newspaper man which turned out to be true. There was a moment of drama and anxiety

because of the conduct of General Walker, who came from Texas to the University and sort of used himself as kind of rallying point. He, he thought he was Robert E. Lee or somebody recreating the Civil War. And so, that there were, there were specific moments and there was—

00:59:10:00

[cut]

[wild audio]

Marshall: —there was difficulty in getting the Army there. The Army kept saying they were on their way when they weren't on their way. There was a lot of misinformation from the Army which, which was coming from Memphis.

INTERVIEWER: STOP PLEASE. JUST HAD A CAMERA CHANGE HERE.

00:59:26:00

[cut]

[slate]

[change to camera roll 154]

CAMERA CREW MEMBER: SOUND TWNETY-ONE.

[sync tone]

Marshall: The biggest concern the night of the Oxford riot was that the students or some people with guns would find out where Meredith was and go after him personally. And the instructions were to guard, protect Meredith. The marshals had been instructed not to fire back at the students or at anybody else even though people were firing at them except if somebody went after Meredith. So that as it happened, it was all so crazy that they forgot about Meredith. Their war was with the United States Marshals. They'd forgotten Meredith existed, I think. And so, that when he was registered, you know, it was a great relief, in a way, to have his person safe and the situation under such total control. We had sixteen thousand troops there by that time. Under such total control that he wasn't personally in, in any danger. Now when he was Meredith—when he was registered, you know, it wasn't a moment of triumph; en—enthusiastic rejoicing Because of the manner in which—he—it had to be that he, he got registered. And we knew that there was long pull. That, that had, that the events that took place would require a presence, a federal presence, on the campus personally protecting James Meredith for an indefinite period of time. And that, of course, that happened. And so, *it wasn't a cause for laughter and champagne, but it was a cause for, for some relief and it, it was the fact that that was over with. I mean, in a way, Oxford had become the symbol of massive resistance in the final gasp of the Civil War if you want to*

look at it that way and it was over. It had ended.

01:01:58:00

INTERVIEWER: DID YOU NOTICE THAT THE—THERE WAS, THERE WAS AN IRONIC MOMENT THAT I'VE NOTICED WHICH IS THAT THE MEREDITH CASE HAPPENS VIRTUALLY AT THE, THE CELE—CENTENNIAL OF THE EMANCIPATION PROCLAMATION. DID YOU NOTICE THAT AT THE TIME? DID YOU NOTICE THAT IRNONY?

Marshall: Yes. The, the Emancipation Proclamation, I think, was in the summer so it wasn't quite, it wasn't quite the hundredth anniversary, but it was the year of the hundredth anniversary of the Emancipation, you know. And that—and we noted the hist—the history of the Emancipation. The Emancipation is an interesting document, you know, it is a complicated document like the Oxford matter is a complicated thing for Kennedy, the Emancipation Proclamation complicated thing for President Lincoln because it did not free slaves except in the states in rebellion.

01:03:01:00

INTERVIEWER: AND THE CONNECTON TO KENNEDY?

Marshall: Well, in, in a way, you know, it was, it was a, it, it was a step. The implications and realization of which would not be fully accepted or, or seen for some time later. The, the effect of the Emancipation Proclamation, the practical effect of it, wasn't seen until the war ended. The effects of mo—Oxford and those moments of drama, the Freedom Rides, the, the drama with General—with Governor Wallace. The effects of those, you know, the effect of two people, three people, you know, just Meredith, just Vivian Malone. But the consequences of it, the consequences of the, of the visual resistance to those little bitty steps was the Civil Rights Act of 1964 and the Civil Rights Act of 1965, and the national—

[sound roll out]

[cut]

01:04:20:00

[change to sound roll 1128]

[sync tone]

CAMERA CREW MEMBER: TWENTY-TWO.

INTERVIEWER: IF YOU WOULDN'T MIND THE, THE—THIS COMPARISON OF SYMBOLISMS THAT YOU WERE MAKING. IF YOU COULD JUST FINISH THAT THOUGHT PROCESS.

Marshall: The—1962 was the hundredth anniversary of the Emancipation Proclamation and I see this parallel between that and Oxford, that, that—they, they were both symbolic acts by presidents that, that had turned out, put the nation into a commitment that was historic. Different. In the case of Lincoln, the end of slavery. In, in the case of Kennedy, the, the end of Jim Crow. But, as acts, they were both symbols rather than accomplishments. The Emancipation Proclamation didn't emancipate anybody. The—cause it only reached those slaves in the states in rebellion. And the, the events at Oxford only accomplished that Meredith under the most stringent and strange of circumstances was able to complete with the University of Oxford [sic]. One person. Didn't, didn't integrate the University of Mississippi at Oxford. It didn't integrate anything. It just dealt with that one person. So both things both, both of these historic events were symbols of, of the future and the future in the case of, of, of the Emancipation Proclamation was the Fifteenth Amendment—Thirteenth Ammen—Thirteenth, Fourteenth, and Fifteenth Amendments. Case of Oxford, I think, the—it was the 1964 Civil Rights Act for sure and, you might say, 1965 and 1968 Civil Rights Acts even though those were after Presidents [sic] Kennedy's death.

01:06:22:00

INTERVIEWER: LET ME ASK YOU ABOUT VOTING RIGHTS. LET ME JUMP AHEAD AT THAT. LEAV—LEAVING MEREDITH BEHIND. DO YOU REMEMBER WERE THE IDEA OF THE VOTER REGISTRATION PROJECT ORIGINATED AND WHY THE KENNEDYS WERE SO ENTHUSIASTIC ABOUT IT?

Marshall: The voter registration—oh, the, the voter registration drive originated—it, it originated in several places it doesn't have a single source like many ideas. It originated with elements of the civil rights movement especially the, the Urban League. The NACP [sic], Roy Wilkins. Not the students so much, but, but, but with other elements of the civil rights movement. It, it originated with the, the Foundation World especially in, in the person of Stephen Currier who was head of the Taconic Foundation, was the leader of philanthropic contributions of the civil rights movement. And it was certainly em—embraced, but I don't think originated, in the Department of Justice because that was the clear source of authority that we had in, in 1961, 1962, 1963 was to, was to move ahead on, on civil rights cases. To, to enable people to register and to vote and to move ahead in Court on intimidation against the voter registration so that our legal authority was, was much clearer, much clearer then, in the case, of demonstrations about lunch counters or, or sit-ins or, or other protests against racial discrimination.

01:08:20:00

INTERVIEWER: I THINK IN FACT SOME OF THE, THE MOST, PARTICULARLY THE YOUNGER PEOPLE WHO WERE INVOLVED IN THESE DIRECT ACTION PROJECTS, FELT THAT THE VOTER REGISTRATION PROJECT WAS A DEFINITE ATTEMPT TO PULL THE ATTENTION AWAY FROM THEM TO GO ONTO SOMETHING THAT WAS QUIETER. WAS THERE ANY SENSE OF, OF, OF THAT?

Marshall: The, the voter registration drive wasn't, wasn't an attempt to divert the energies of the students. Not divert them. It, it, it, it was never expected, certainly, by the attorney general or by me that the students would act in a different way than they had been acting, that is, by direct action techniques. The question would be what would the direct action techniques focused at? What, what were they aimed at? Were they aimed at, at lunch counters? Were they aimed at the schools? Were they aimed at voting? There were many possible targets for the direct action technique and the one that was easiest for, for us to deal with in the Federal Government was direct action techniques that was—were aimed at the voting. [pause] I mean it, it would have been preposterous to think that that SNCC was going to depart from, from direct action techniques or, in any way, do what the Department of Justice thought it was the best thing for it to do.

01:09:59:00

INTERVIEWER: JUST ONE QUESTION ABOUT AN INDIVIDUAL, MEDGAR EVERS. DO YOU REMEMBER THE EFFECT OF THE NEWS OF HIS DEATH IN THE DEPARTMENT? ON, ON THE PRESIDENT? ON THE ATTORNEY GENERAL?

Marshall: Yes. His, his death occurred at, at a time when the civil rights crisis, you might say, was—

01:10:24:00

[cut]

[wild audio]

Marshall: —at its peak. And it, it was an event, along with other events, that was enormously tragic, moving. He'd been at—

INTERVIEWER: SORRY. I'M SORRY. CAMERA ROLLED THE FAN OUT.

01:10:37:00

[cut]

[slate]

[change to camera roll 155]

CAMERA CREW MEMBER 1: OK.

[sync tone]

CAMERA CREW MEMBER 1: CAMERA ONE.

CAMERA CREW MEMBER 2: TWENTY-FIVE.

INTERVIEWER: THE EFFECT OF MEDGAR EVERS DEATH?

Marshall: Med—Medgar Evers death occurred at a time when the Federal Government, the president's attention, was focused in the United States on the civil rights movement and the civil rights problem. It occurred right after the Birmingham events. It occurred almost the same day as the entrance of Vivian Malone into the University of Alabama at Tuscaloosa. It occurred almost the same week, I think, as the introduction of the Civil Rights Act of 1964 by the president. It occurred at the time when he was meeting with many, many groups of people and devoting all of his energies and, of course, the energies of the attorney general to civil rights causes. It was a terrible tragedy, in a way, for it to happen ever, of course, but particularly at that time because it seems such a loss. Med—Medgar Evers for, for, for the southern NACP [sic] organization was far and away, I think, its outstanding leader and his assassination out of the night in, in that way was, was considered a terrible, personal tragedy, in a way, by the president and, and by the attorney general. Now, now the specific reaction, of course, was to instruct the Bureau, somewhat over its objections, to discover who killed him. And they were able to do that because they had a gun and they had a finger print.

01:12:38:00

INTERVIEWER: LET'S STAY WITH THE FBI. BACK UP A LITTLE BIT THOUGH. THE FBI'S DECISION TO TAP MARTIN KING'S TELEPHONE, DID IT COME OUT OF HOOVER'S PERSONAL FEELINGS ABOUT KING? DID IT COME OUT OF KING'S REMARKS ABOUT THE FBI AND ALL THE MEDIA? DO YOU KNOW WHERE THAT CAME FROM?

Marshall: Well, I, I think that Mr. Hoover hated, is not too strong a word, Martin Luther King. For reasons that only some doctor, maybe, could, could, could explain. And so, that was part of it. The power that the—lay behind the depar—FBI's request to put that tap on Dr. King's telephone was, was, was a kind of political power and, and that was this that at the time the civil rights bill was pending in Congress the question of its passage was, was very, very close question, at the time. I always thought it was passed because I was sort of convinced of the good of the American people. But, when you counted votes, in, in the Senate and in the Congress it looked, especially in the Senate, it looked very, very close. Now the problem that that created was the problem of diversion. Of having the Communist question thrown into what was, essentially, a matter of racial justice and have, have a, a crucial number of senators given the excuse to vote against a bill aimed at racial justice on the grounds that there was a Communist infiltration. So to refuse to let the, the FBI to investigate that connection between Martin King and a person, that they claimed, was a direct agent of the Soviet government would have put—been almost impossible for the, for the attorney general because it would have been the known. The Bureau would have, and I'm sure did, inform critical senators of what they suspected of tho—this link between those two men.

01:15:17:00

INTERVIEWER: YOU, YOU OK? DO YOU REMEMBER—THE, THE TAP, IN FACT, AT THE TIME OF THE MARCH ON WASHINGTON, SUGGESTED KING'S INVOLVEMENT WITH A WOMAN OTHER THAN HIS WIFE. DO YOU REMEMBER—

Marshall: There, there was no tap at the time of the March on Washington.

INTERVIEWER: THEN I—I'M GET—CONFUSING MY, MY—

Marshall: And not on, on Dr. King.

INTERVIEWER: STOP FOR A MOMENT.

[cut]

01:15:43:00

CAMERA CREW MEMBER: OK.

[sync tone]

CAMERA CREW MEMBER: TWENTY-THREE.

INTERVIEWER: AT THE TIME. THIS TIME.

Marshall: The, the timing of the, of the investigation of, of Martin King's connection with the man that the Bureau claimed to be a Russian agent was this. That starting, I think, in 1961 we, we, I mean, the administration, through various sources warned Martin King of the Bureau's allegations against this man. Not in detail, but in, in general. We couldn't do it in detail because the Bureau claimed that to do it in detail would expose Russian agents. Now in, in the summer of 1963, after the civil rights le—legislation had been introduced in Congress, Martin King had been warned again about this by the president personally, by the attorney general personally, as well as by me. And he, he determined that he would break off connections with this man. Then, sometime later, it turned out that he hadn't and it was at that point which, I think, was in the fall after the March on Washington that the Bureau renewed, repeatedly, its request for permission to put a tap on Martin King's phone to determine the extent and substance of this man's influence over, over doctor, over Dr. King. And it was approved at that time. I'd say, in late October or November. And it, it was because of, of the renewed context between Dr. King and this man after the president and other people had asked him not to have that, that connection.

01:18:03:00

INTERVIEWER: AND THE FINAL CONNECTION—THE FINAL DECISION ON WHAT THE INFORMATION SHOWED AFTER THIS, THIS SET OF TAPS?

Marshall: Well, then the president was, was killed. And the taps, as far as I know, never showed anything. I mean they showed that Dr. King talked to this man and sought advice about this man—from this man about things that were perfectly proper concern to Dr. King. About money raising events, about possessions on, on various matters. Just perfectly appropriate things. As far as I know, the tap didn't show anything. Now, without permission of anybody, it turns out later, I didn't know this till much later, the Bureau also had, in various places bugs, that is, eavesdropping devices that were not connected with the telephone, but just caught up everything that went on in, in a room for reasons that are, that are totally inexplicable. But, but nevertheless the facts show the, the Bureau was operating on, on a distinction that, that enabled it to place bugs on people, that is, eavesdropping devices without permission of the attorney general, but not to place wire taps on the same person without permission of the attorney general. Hence they had asked the attorney general for permission for the wiretap, but not for per—permission for the eavesdropping devices.

INTERVIEWER: IT'S THE EAVESDROPPING DEVICES THAT REVEALED THIS CONNECTION WITH—

CAMERA CREW MEMBER: I HAVE TO CHANGE.

INTERVIEWER: I'M SORRY. GO AHEAD.

01:19:59:00

[cut]

[wild audio]

INTERVIEWER: I'LL FINISH MY QUESTION WHILE WE'RE CHANGING THEN. WITH A, WITH A WOMAN AND, IN FACT, THAT, THAT ENABLED THEM TO MAKE UP A TAPE WHICH WAS SENT TO MRS. KING THAT—

Marshall: Well, Judith, you know, you can ask me about that, but, you know, I, I read that in books and everything and I have no personal knowledge of it. So—

INTERVIEWER: YOU DON'T HAVE ANY KNOWLEDGE OF, OF ANYBODY'S REACTION TO THAT INFORMATION? YOUR REACTION?

01:20:26:00

[cut]

[slate]

[change to camera roll 156]

[change to sound roll 1129]

[sync tone]

INTERVIEWER: —THE BIRMINGHAM CAMPAIGN. WHY WERE YOU SENT IN TO NEGOTIATE IT?

Marshall: You, you must remember that from the beginning of the administration we had tried to spot places that were trouble. That was on the basis that, that experience of the past since the Brown Case showed that it was wise to try and be ahead of trouble spots. And I mentioned the University of Mississippi as one. Birmingham, Alabama was on a list that I had in my mind as trouble. Not for any specific reason, but from what I gathered from talking to a lot of people. So I had been to Birmingham three or four times prior to the demonstrations in May of 1963 and I had established the kind of context there that I was able to establish with, with newspaper people, with some business people, with other people that would talk with me and with, with, with some of the black leaders. And so, that when the demonstrations started in, in May of 1963 or late April '63, it was natural that I would immediately be involved in some way in, in dealing with that situation. Now there was a local political by-election going on and Martin King had delayed the demonstrations because of that, once. And then there was a run-off or a second election that involved Bull Connor and so the question was, should he delay it again? And he didn't want to, and I don't blame him for not wanting to, but he, he didn't. So that he, he—so that he, he—that was an occasion where, where, where we—the administration might have said, why don't you hold off Dr. King for a couple of weeks, and he said, no. So he, he started the demonstrations. Once the demonstrations had started there was an emer—enormous turmoil in, in Birmingham and there was enormous national television and press attention to it. And so, that it seemed that we should do whatever we could do. There wasn't any magic lawsuit. The demonstrations were over jobs, jobs and lunch counters. So that they were over private establishments. They weren't over voting rights. They weren't over school desegregation. They were over private business behavior and, so, that we couldn't bring a magic law suit. So what, what was decided was—that I had a discussion with the attorney general. He said, do you think you should go down there? I think—I said, I think I should. So I went down there not knowing quite what I was gonna do, but that I was gonna try to get into the middle of it and, and see if it couldn't be resolved.

01:24:01:00

INTERVIEWER: DO YOU REMEMBER THE NEGOTIATIONS? COULD YOU TELL US ABOUT, ABOUT THEM? WE HAVE A DESCRIPTION FROM ANDY YOUNG OF ONE ALL NIGHT SESSION, REVEREND SHUTTLESWORTH IS CURSING AND DAVID VANN IS CRYING AND INCREDIBLE HIGH TENSION.

Marshall: There—the negotiations were prolonged and, like labor negotiations, a lot depended on just stamina. I, I remember well a, a night that was an all-night session, in which there was a disagreement, a very deep dis—division of opinion between Martin King and Fred Shuttlesworth about whether or not accept the propositions that were then on the

table from the white businessmen. David Vann represented some of the white businessmen. He was the local white that was permitted in the, in, in those discussions. And so, it was a moment of, of difficulty and drama. But, in the end, Dr. King exhibited enormous patience, I think, enormous prudence and he concluded that, that, that the movement should, should accept the agreement which involved some lunch counters and some jobs by the white business establishment and suspend, suspend the demonstrations to see if that worked. And that's what he did, I think, the next day. Andy Young was, was Martin King's sort of closest aide, in a way, during that period and then he was there at all, at all of those, those meetings. The way the negotiations worked, was that the, that the white businessmen wouldn't meet with Martin King because they called him an outsider. So there would have to be—and some of them wouldn't meet with any blacks at all. So that there had to be a, a sort of a structure, seriatim sequence—sequencing of, of meetings which *I participated in, in all of it in order to try to get some kind of agreement between people that often wouldn't talk to each other at all. I don't mean that the blacks wouldn't talk to anybody, but I mean there were many whites that wouldn't talk to any blacks and there were, there were some, many more whites that wouldn't talk to certain blacks. And there were no whites, I think, except for David Vann, who would talk to Martin King.*

01:27:01:00

INTERVIEWER: WE HEARD AN AUDIO RECORDING OF A CONVERSATION HELD THE NIGHT THAT THE BOMBS GO OFF IN, IN THE GASTON MOTEL—THE HOME, THE HOME OF A.D. KING AND IT'S A, IT'S A CONVERSATION. ROBERT KENNEDY IS TELLING HIS BROTHER THAT HE HAS TO DO SOMETHING. COULD YOU TALK ABOUT THIS RELATIONSHIP BETWEEN THE BROTHERS AND WHO PUSHED WHO ON CIVIL RIGHTS?

Marshall: I think, I think that the relationship between the president and the attorney general on civil rights evolved in this fashion. That at the beginning of, of his first term, at least, *the president had, had decided that he was going to delegate the civil rights matter to the attorney general, and that that was going to be a primary area of responsibility for the attorney general.* The Department of Justice became, because of that, the center of activity on civil rights matters even if, even if the particular problem didn't involve the Department of Justice. It might involve the Department of Agriculture, the Department of Labor, the Army, or something else, but the center of attention became the Department of Justice because of this, maybe unspoken, but, I think, certainly firm agreement between the president and the attorney general. The attorney general was gonna deal with that *and the president was gonna spend his time dealing with, with other parts of his administration policy and especially, of course, foreign affairs.* Now that that was not a lasting delegation. It, it—the Freedom Rides were basically the attorney general's business. When it came to Oxford the president got much more deeply involved. When it came to—sequentially to the University of Alabama he was even more involved and, at that time, if he committed, I think, the political future of his administration and his second term to success in dealing with the civil rights movement it was that when he made his moral crisis speech. When he called on the coun—country to make a national commitment. When he sent down the civil rights bill that became the Civil Rights Act of 1964 and when he, he called—he, he put his personal

prestige, his personal and political prestige on the line over and over again in the series of meetings that were called in, in, in, in the White House. So by June 1963 it was a shared responsibility. The president no longer, in his own mind, or, or in political fact could say, well deal with Bobby on that. It was, it was his, it was his thing as much as the attorney general's thing. That was true, of course, at the time of the March on Washington and it was true right up to the time of the president's death.

INTERVIEWER: WONDERFUL.

CAMERA CREW MEMBER: CUT. I'M SAYING CUT—

01:30:33:00

[cut]

[wild audio]

CAMERA CREW MEMBER: —IT'S A CHANGE.

01:30:35:00

[cut]

[slate]

[change to camera roll 157]

[sync tone]

CAMERA CREW MEMBER: WE'RE READY.

INTERVIEWER: THE, THE MARCH ON WASHINGTON.

Marshall: The, the March on Washington was a, was a decision was made by the civil rights movement. It was made, particularly, it was pushed by Mr. Randolph and it was organized by Bayard Rustin, but it was very ecumenical from the point of view of civil rights movements. Every organization joined in. I think the students debated about whether they were going to or not for a while, but they did. Labor did. Church movements did. So it was a very ecumenical thing. The people in Washington the politicians in Washington, I'm not speaking of the president or the attorney general at the moment I'm speaking of Congress, were scared to death of it. Just totally irrationally. They thought that their—I don't know what they thought the March on Washington was gonna be. I guess they thought people were gonna go, go—march down Constitution Avenue throwing stones at them or something like that. I, I, I remember that Dick Gregory came into my office and he, he said to me, he said, I know these senators and congressmen are scared what's gonna happen. I'll tell you what's gonna happen. It's going to be a great big Sunday school picnic and he, he was absolutely right. The

administration never, never fought the March on Washington. In fact, as soon as it became clear that it was going to take place that the, that the movement was united with Mr. Randolph in, in bringing this off in August we had—in the Department of Justice did a lot of organizational work to try and help, logistically, to make it successful. Were all sorts of things like mobile toilets, I mean, there was just a lot of litter. Where were you gonna—what—how were the police gonna behave? There were, there were, there were congressmen who would call up the White House and say, you better have troops all over the place. So, no troops, we, we said. And we were in constant touch with the organizers of the, of the march and, and especially Mr. Rustin over that. We wanted it to be a success. The president was as interested in having it a success as the organizers of the march were. Because of the effect it would have politically on the movement, the momentum and the House of Representatives, particularly, on the civil rights bill. And when he talked with the leaders of the march that's what he talked about. Said, remember this legislation. That's, that's what you've got to concentrate on, and, and they did. Now, now, there was, there was a dispute over John Lewis' proposed speech. It wasn't the dispute that the administration had with, with—John. It was a dispute, basically, that the Catholic Church had with him. The Archbishop saw a copy of this speech and he didn't like it at all. Maybe because it was quite critical of President Kennedy. Maybe because of language of revolution in it in the Archbishop's viewpoint or maybe for other reason [sic]. But the struggle there was to keep the, that I got involved in, was to keep the Catholic Church from pulling out of the march in the last minute. And so, I had long—lengthy conversations, not so much with John, who, who was persuaded to, to change his speech, at least in part, you know, not, not tempered too much, but tempered a little bit by his colleagues not by the administration. By his colleagues, I mean, by people interested—important in the movement including, especially, Walter Reuther. And Walter Reuther did a, a job of—that was in keeping with his enormous success as a Labor leader and a Labor negotiator in, in persuading the Archbishop not to pull out and to persuading John to cooperate a little with the Archbishop so the Archbishop wouldn't be so mad. That's, that's what that tempest, tempest was, was about. John Lewis' speech was, was still pretty, pretty tough speech on the, on the administration. I think he still said, I want to know which side President Kennedy is on and, and so it was still a pretty tough, tough speech. But, but the, but the, the dispute over it wasn't between President Kennedy and John Lewis or the attorney general and the students it was between the participants in the march and, and the, sort of what you might call the older con—more conservative groups as against the students [sic].

INTERVIEWER: STOP FOR A MOMENT.

[cut]

01:36:06:00

INTERVIEWER: THE QUESTION WAS HOW THE MARCH—

CAMERA CREW MEMBER: MARK.

[sync tone]

INTERVIEWER: —AFFECTED KENNEDY IN A CIVIL RIGHTS WAY?

Marshall: The, the Pre—President was exhilarated by the March on Washington. He watched it on television. He met with the leaders after it was over. He thought the—Martin King's speech was magnificent. I heard him say he thought it was one of the best speeches he ever heard. So it was, it was a great, great moment for him and, and he thought very, very helpful politically because the country saw blacks and whites acting together in a political movement that everybody would respect and like.

INTERVIEWER: STOP PLEASE.

[cut]

01:36:49:00

[slate]

[change to camera roll 158]

CAMERA CREW MEMBER: TAKE TWENTY-SEVEN

[sync tone]

INTERVIEWER: THE REACTION AT JUSTICE AND THE WHITE HOUSE TO THE TRAGEDY IN BIRMINGHAM—

Marshall: The—there was a feeling of real bitter outrage at the killing of those four little girls, church bombing. And, of course, there was an enormous reaction in Birmingham. The, the President asked me to go down there and I went down there immediately. When I got to Birmingham I found—I thought I was in a, in a city under siege. There—the black community had set up guards to prevent people from coming into it. They were afraid. They didn't know what would happen. They were afraid the Klan had gone wild. And that they would come in with other violence. So that you had to go through a cordon in order to get into the black community. When I got there, I called Martin King immediately, who was there, and a—a—arranged to meet him. He, he was in a house in, in the black community. The Bureau didn't want to take me there, because there were no black Bureau agents and driving—white, cop-looking people driving into the black neighborhood, at that time, were sort of like an act of war. So that Martin King or, or somebody, Arthur Shores, somebody there, arranged for some black civil defense workers, who were acting as a sort of guards to come get me at my hotel, and I—they gave me a white helmet, and sort of shoved me down in the back seat, so that my face couldn't be seen, and drove me into the neighborhood into the house where, I think it was John Drew's house, where Martin was staying and then we had a long meeting about what to do. The President's—had choices to make, that were important choices, should he do something militarily? The city might explode and it would be possible to do something militarily. Martin King, I think, favored that notion at first. I was

against it, because I knew that if the military came in, they would, they would declare martial law. And blacks, as well as whites, would be confined to their houses. Nobody would be able to protest anything. And having the, the, the military run a civil rights movement is a terrible step to take if it can, it can be avoided. The President did move some troops down near Birmingham as a sort of a symbolic gesture of federal force if the state authorities didn't behave themselves. And then, of course, the other thing that we could do was get the Bureau out in, in full force. Now the Bureau, I think, knew who did that bombing. It certainly turned out in the end that they knew who did that bombing. They, they never gave us, the Civil Rights Division, they never gave the Department of Justice a case to prosecute or identified to the Civil Rights Division the person that, that did the bombing. He was eventually prosecuted by state authorities. But that was a, a terrible event, a terrible event, because of its cruelty, its futility, its senselessness and everybody in the administration felt that just the same way that everybody, at least, every sensitive person, civilized person in Birmingham, white as well as black, thought, thought of it. It was horrifying event.

INTERVIEWER: STOP FOR A MOMENT.

[cut]

01:41:26:00

[sync tone]

CAMERA CREW MEMBER 1: TWENTY-EIGHT.

CAMERA CREW MEMBER 2: JUST A SECOND.

INTERVIEWER: COULD YOU TALK ABOUT THE ADMINISTRATION'S REACTION TO GOVERNOR WALLACE? WOULD THEY HAVE USED FORCE ON HIM—AGAINST HIM?

Marshall: We, we would have used force. We, we would have removed the governor physically, although that would have been very unpleasant, in consequences, I think, we would have had a lot of violent protest against federal officials and even, even federal military, as a result. But I never thought that it, that it would come to that. I—we, we had no communication with the governor. We tried to have communication with the governor and that didn't work. He just sat in open meeting with a tape recorder going. But we did, by we, I mean, the

Administration, put enormous pressure on Alabama businessmen and Alabama politicians, and Alabama newspaper men that could be reached which was a lot of them as well as of course on the University officials. And I was quite confident that Governor Wallace was going through a show. And at the end of the show, he'd do what he did. Which was say, I give in to federal force. I can't do anything more. I've stood in the schoolhouse door and I've been forced out of it by federal troops. And that's in fact what he did and there was no violence in—in Alabama. He learned from Oxford, Governor Wallace. He didn't want, at least, his friends, his political friends, and his business friends didn't want to have happen in

Alabama what had happened a year earlier—

01:43:21:00

[cut]

[wild audio]

Marshall: —in Mississippi. They didn't want that reputation that stain on their state. So they wanted it over with, and they wanted it over with peacefully. And whatever Governor Wallace's personal inclinations were, he gave in to that.

INTERVIEWER: OK. THANK YOU. WE LOST THE VERY TALE OF THAT PICTURE, BUT WE HAVE IT ON SOUND AND I—

CAMERA CREW MEMBER: PERFECT.

01:43:42:00

[cut]

[slate]

[change to camera roll 159]

[change to sound roll 1130]

CAMERA CREW MEMBER: SOUND TWENTY-NINE.

[sync tone]

INTERVIEWER: —TALK WITH US A LITTLE BIT ABOUT THE JUSTICE DEPARTMENT'S ACTIVITIES IN 1961 IN DALLAS COUNTY.

Marshall: Well, I, I don't remember quite when the first suit was filed in Dallas County, but Dallas County was marked as a place for voting rights suit, early in 1961. We prepared the case. We prepared it thoroughly. We had a bad judge. That is, the federal judge, who had, who had, who had been a judge for several years was not so much racially prejudiced, perhaps, as totally indecisive. So he wouldn't do anything. He, he would just sit on the case and wouldn't issue, issue an order. The—once an order was issued the Dallas County authorities did all sorts of things to a—avoid, avoid it. Avoid complying with it. So that it was—just took enormous amount of man-hours, of lawyers' work, to get a little accomplished in Dallas County to get a few people registered to vote. They would change the rules. They would cheat. They would do anything to avoid letting black citizens freely register to vote in, in that part of Alabama. It wasn't just Dallas County, but the neighborhood

counties. There was a, a large black population in, in those counties and, and the whites were just afraid of losing their political power and they were determined to fight it.

INTERVIEWER: STOP FOR A MOMENT

[cut]

01:45:28:00

CAMERA CREW MEMBER: SOUND THIRTY.

[sync tone]

INTERVIEWER: JOHN DOAR IS IN ALABAMA DOING THIS FAVOR, PERSONAL WORK FOR THE PRESIDENT. COULD YOU TALK ABOUT THAT MEETING WITH GOVERNOR WALLACE AND PRESIDENT JOHNSON?

Marshall: The, the President asked Governor Wallace to come up, because the President wanted Governor Wallace to enforce law and order in the state of Alabama which governors are supposed to do. And the meeting, which was in the, the President's office, was intended to do that. Governor Wallace brought one person with him. I guess there were two people there besides the President sort of on the federal side. *What happened in the meeting was that the, the president totally snowed him. Gov-, Governor Wallace didn't quite grovel, but he, he, he, he was so pliant by the end of the two hours, with President Johnson putting his arm around him, and squeezing him, and telling him it's a moment of history, and how do we want to be remembered, in history? Do you want to be remembered as petty little, little men or do we want to be men as remembered as great figures that faced up to our moments of crisis, and that kind of thing. And then he led president, Governor Wallace out, in the hopes that Governor Wallace, who was, by that time, like a rubber band, would, would give a press statement that confirmed his determination to protect the marchers at Selma, comply with the court order from Judge Johnson, and act like a responsible governor.* Well, sometime between the time that the President stopped squeezing him in the open—orfal [sic] office—Oval Office, and the time that the governor got right before the television cameras with the reporters there. He, he took a small, mental cold shower and so that when his statement, that actually came out, was very ambiguous and by the time he got back to Alabama he'd recovered from the presidential treatment and was back to, to being George Wallace again. And he said he didn't have any money and he couldn't preserve it and this was all a federal plot, and he wasn't going to have anything to do with it.

INTERVIEWER: STOP PLEASE.

[cut]

01:48:16:00

CAMERA CREW MEMBER: SOUND THIRTY-ONE.

[sync tone]

Marshall: Well, here, here's what I think the civil rights movement accomplished. Of course, it accomplished it with the Federal Government or through the Federal Government, through federal action, but what it accomplished was the destruction of, of Jim Crow. It, it, it accomplished the destruction of racial segregation by law. The Voting Rights Act of, of 1965, because it operated directly on state officials not just through the courts, but directly on state officials replaced them, made, made massive registration by black people possible overnight—speaking historically, since they hadn't been able to be registered since 1880. And so that was done. The whole framework of southern law that segregated blacks from whites and oppressed blacks was destroyed. It was destroyed by the 1964 Civil Rights Act, mainly, and what was left of it was destroyed by the 1965 Ci—Civil Rights Act, plus the court decisions that accompanied that. The national commitment was clear as crystal with respect to that problem. Ra—racial segregation by law was dead. It did—it didn't, it didn't have a supporter left, hardly, by the end of 1965 after the overwhelming passage of the 1965 Voting Rights Act. So that's an enormous accomplishment. It, it is a, it is a return, in a way, to, to, to Reconstruction. It is a, it is a wipe, an erasure of the legal treatment of, of race during the inter—intervening eighty, ninety years. So that, and that, and that was done basically between 1954 and 1965 and it was done even more basically, I'd say, between 1960 and 1965 with the start of the student participation and sort of the grass-roots, direct action, civil rights movement. Now what did that leave unaccomplished? It left an awful lot unaccomplished. It, it hasn't done anything with respect to disparities in income, education, health, social living, housing, I mean, all, all of the sort of, sort of daily necessities of life are untouched by this destruction of the, of the legal situa—legal, legal racial oppression. And I, I think that there is [sic] a, a, a lot of black leaders, that, that wouldn't have existed but for that. And there is a larger black middle class, certainly, then there would have been but for that. But if you think of the masses of the city—

[sound roll out]

[cut]

01:51:53:00

[slate]

[change to sound roll 1131]

CAMERA CREW MEMBER 1: ELEVEN THIRTY-ONE.

CAMERA CREW MEMBER 2: SOUND THIRTY-TWO.

[sync tone]

INTERVIEWER: YOU WERE, YOU WERE SAYING WHAT WAS LEFT

UNACCOMPLISHED IN TERMS OF, OF THE MASSES OF THE PEOPLE.

Marshall: What's, what's, what's left—what's left unaccomplished is, is the achievement of equality as Lyndon Johnson said over and over again. We have the ideal of equality, but we don't have the achievement of equality. So that the disparities in, in any measurement of human comfort and human well-being in a, in a materialistic society like, like ours are left, are left untouched by the accomplishments of the civil rights movement. That doesn't mean I think they're not great accomplishments, but I think that they're, they're only part of the picture and that there are—there is an enormous mass of blacks and underclass, really, who are, are untouched, totally untouched by the civil rights legislation of the, of the '60s and are, are in a cycle that can't possibly be said to be getting better. I, I would say that it was probably getting worse and the country's attention is turned from that. It has been turned from that since, since the War on Poverty that President Johnson had which was sort of interrupted and deluded by the Vietnam War and it's still untouched and it's not only that there's no political will to deal with that or no attention given to it now by the, the Federal, the Federal Government, but there isn't even any idea about how to, to deal with those problems of, of economic and, and health, and educational disparities that, that are, that are so apparent.

INTERVIEWER: ANYTHING ELSE THAT YOU THINK WE SHOULD ADD HERE?
[pause] THEN WE'RE DONE.

01:54:09:00

[cut]

[wild audio]

Marshall: I do have one thing I could add if you want.

CAMERA CREW MEMBER: AND YOUR ROOM TONE.

Marshall: Oh sorry.

INTERVIEWER: JUST ROLL, PLEASE. IT'S FINE. WE'RE NOT IN A HURRY.

01:54:19:00

[cut]

[sync tone]

Marshall: Well, if you take the—as, as an example of what has undone the school situation, a, a school desegregation, by most measurements, increased a lot between 1965 and 1970 in the South. Because a lot of school systems were desegregated. Since then the pace of, of racial integration in the school has sto—has stopped. And, in fact, in, in the—

01:54:53:00

[cut]

[wild audio]

Marshall: —Northeast and in many parts of the country it's regressed and the schools to which black children are going, I think, are, are worse. Maybe than they had been, but at least they are not better for, for most part and that, that's gonna have consequences for, for the future that are, that are sort of totally awful to con—contemplate and, and, and that there's no knowledge is [sic] to how to deal with 'em.

INTERVIEWER: THANK YOU. GOT THAT.

[cut]

[end of interview]

01:55:30:00

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