Rev. Theodore M. Hesburgh Oral History Interview – JFK#1, 03/27/1966
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Biographical Note
Rev. Hesburgh was a member of the United States Commission on Civil Rights from 1957 through 1972 and the President of the University of Notre Dame from 1952 to 1987. In this interview Hesburgh discusses his contact with John F. Kennedy [JFK] before he was elected President; Harris Wofford on JFK's staff; different members of the Civil Rights Commission; meeting with President JFK about the Commission's reports and recommendations; JFK versus Dwight D. Eisenhower and Lyndon B. Johnson on civil rights, respectively; JFK's political priorities as President and what that meant for civil rights issues during his Administration; tension between the Commission and the Department of Justice; JFK's characterization of civil rights as a moral problem; and a shift in Commission reports towards the local level, among other issues.

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Rev. Theodore M. Hesburgh – JFK #1

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Oral History Interview

with

REV. THEODORE M. HESBURGH, C.S.C.

University of Notre Dame
South Bend, Indiana
March 27, 1966

By Joseph E. O'Connor

For the John F. Kennedy Library

O'CONNOR: Father Hesburgh, what contacts did you have with John Kennedy before he became President?

HESBURGH: A couple of them stand out. One was right in this office when he came here to receive a degree when he was a Congressman. We had a reception afterwards. He came and gave a speech. As I recall, Eunice [Mrs. R. Sargent Shriver] was with him, and we had a get-together here in Father [John] Cavanaugh's office. He was president at the time so it must have been somewhere between--I think it was the early 1950's, 1950 probably or'51. But it's easy to check. It probably was the first honorary degree he received, I would imagine, because he was pretty young. He gave a good speech, and then he came to Father Cavanaugh's office for a reception after that. We had no Morris Inn in those days so we had to have receptions right up here in the office. And I remember after that I drove. . . . They wanted to get on the road to Chicago because he was flying back to Washington, and I remember him making phone calls in the office here to get his reservations squared away. I remember he made it very clear on the phone he was Congressman Kennedy calling.

I was just interested in that little thing. And then we got in the car here in front. I remember he was in a beat up old Ford as I recall it, probably Eunice's car. I remember driving them out and getting them on the highway so they'd have a clear shot at Chicago and get out of South Bend easily. That was the first time I remember seeing him, and he gave an impression of a lot of vitality, and bright, eager, and active. I guess those would be the main adjectives I'd put on at that time. Then, let's see, I remember seeing him--another one that stands out--during the primary campaigns. He was to come here and give a talk in South Bend, and they were asked if they could have it on the campus. They wanted to have a Democratic dinner here, and we had the largest hall in the area so they asked if they could have it here, and I said fine. As I recall, they had this dinner and he was to speak at the dinner. And he had been in Indianapolis for a meeting that morning, as I recall. And then he had to go back to Washington because I believe they were voting on a civil rights bill at that time. He went back to Washington; then he had to fly back out here again for this dinner that evening, and he got here quite late. My former assistant who was then working for him--this was right after the Wisconsin primary, I believe . . .

O'CONNOR: This is Harris Wofford?

HESBURGH: Yes, Harris Wofford told me that the talk he gave that night--which I didn't hear because we were having something else going on here--was one of the best talks he had ever heard him give off the cuff despite the fact he had begun the day at a breakfast meeting, I believe, in Indianapolis, and then back in Washington, and then back out here. He had a press conference, as I recall, around 12:30 that night. I remember [Stewart] Stu Udall was with him and they had a breakfast meeting at Phoenix the next morning. And I recall going up to the room and spending a few minutes with him up in the corner room at the Morris Inn. And the only thing I remember him saying that day was that he was probably crazy to have taken on the primary in West Virginia, and he seemed to have some personal doubt as to whether he was going to get through it unscathed. And as I recall, I left around 12:30, and he had still to see the press and then get on a plane and fly

to a breakfast meeting in Phoenix. And I thought to myself, that's a pretty bad pace.

O'CONNOR: My gosh.

HESBURGH: Now I had other contacts with him. He was Patriot of the Year here one year. He came out for an award. I think that was while he was a Senator, as I recall. But I believe those were the main contacts I had with him before he was elected. Father Cavanaugh, of course, had many more because he was with the family a great deal.

O'CONNOR: After he became President, or during the period when it was either likely that he might become President or just after he'd been elected, what was the feeling of the members of the Civil Rights Commission? Were they very hopeful that his election might begin a new era in civil rights?

HESBURGH: I think so . . .

O'CONNOR: Were they optimistic or pessimistic?

HESBURGH: I think so. I think we were more optimistic and I suspect my own personal optimism was pretty much predicated on the playback I was getting from Harris Wofford who had been my assistant on the Civil Rights Commission. And when they cut out legal assistants, I brought him out here to be professor of jurisprudence in the law school. It was during the Wisconsin primary that, I believe, [Joseph P., Sr.] Joe Kennedy called Father Cavanaugh and asked if they could have Harris, and Father Cavanaugh called me and I told him that was Harris' business, that if they wanted him, they ought to call him directly. They did, and he was interested in political things so he went with them for the Wisconsin primary and one thing led to another. Finally he was assigned, after some delay as I recall in Washington, as President Kennedy's assistant for civil rights and Peace Corps. Of course, I was seeing a good deal of Harris and we have been good friends over the years, and he was quite high on the fact that President Kennedy was extremely well-informed on civil rights and was

able to move quickly, and apparently was going to personally be a little more directly engaged say than President [Dwight D.] Eisenhower was. I remember Wofford telling me that in the Inauguration Parade, for example--this may have just been rumor around the White House, I don't know the fact of it; I'm merely saying that Harris told me the next day or so--that after the Inauguration, the next morning he called the man in charge, the Commandant of the Coast Guard Academy, and said, "Was that your lily white group that marched by here yesterday?" And the Commandant said, "Who is this?" And he said, "This is the President of the United States." And he said, "Well, my group marched by your reviewing stand yesterday." And he said, "There weren't any Negroes in it, were there?" And he said, "No." And he said, "Well, get some," and hung up. I assume that something like that happened, but it may not have happened with quite the words that were told to me. Then there were a lot of little things that happened in the early days of his presidency, or even during the preparation for the presidency after the election, that I think gave us hope. I think we had great optimism that he was really going to move and, of course, there was some delay in Harris' being appointed assistant for civil rights. He can probably tell you that story himself. And then finally--I think the delay was not so much on the President's part but on the staff's part--Harris went in to create a scene or some such thing and he was told, "Of course you're going to be my assistant," and he was put in the next day. But it was quite a lag there when no one knew quite what was going to happen. And I would say in general to answer your question directly, we were optimistic.

O'CONNOR: Alright. I noticed in going through some papers that Chairman [John A.] Hannah sent a letter of resignation to John Kennedy at the end of 1960, after the election was over in other words, and the letter said, in effect, that he was offering to resign because the experience he had had in the past several years had not been very pleasant, and he didn't care to elaborate on the reasons why it had not been very pleasant. And I wondered

if you could give a reason for that, if you knew anything about that. That sounds like the great pessimism on the part of Chairman Hannah, and I thought that surprising that he would resign when perhaps he might have reason to be optimistic.

HESBURGH: No, my impression of the reason John resigned really, if you look beyond the words or through the words, is that he was chairman of the commission since the day it began. There had been some talk that all Republican chairmen were going to be changed. That was true, of course, of some cases in the early days, and I think John felt that since he was a Republican and had always been a Republican and known as a Republican, it was probably appropriate that he should resign as chairman of the Civil Rights Commission and probably from the Commission as well. But the unpleasantness he was referring to, I just think it was simply the fact that the Civil Rights Commission has been a long unpleasant activity for all of us involved in it. John Hannah and I are the only two original members still on it because it isn't very much fun going around listening to all the deprivation of human rights around the country. To this extent we found it unpleasant, and, of course, in the early days we weren't getting a great deal of cooperation.

O'CONNOR: Well, I noticed that the Civil Rights Commission members met with John Kennedy November 22, 1961. . . . No, that's a year later, though really I was thinking perhaps. . . .

HESBURGH: It was a year later. It was the day that Konrad Adenauer was meeting with him, as I recall, because I know Adenauer came out and we went in. We were sandwiched between Adenauer and the new Ambassador of Portugal got in for a couple of minutes that day, and then we went in after him.

O'CONNOR: I see. When I saw the dates just like that-- I had them written down here--I thought apparently the dates November 17 and November 22--I thought

perhaps he had called the Commission in to talk to all of you about the possibilities of resigning. But I realize it was a year later, not. . . .

HESBURGH: I think there were two occasions, as I recall, when we saw him. On one occasion I remember it was the day we gave the Laetare Medal. I know we had a meeting and gave him the Laetare Medal immediately afterwards. So that may have been that same November meeting, I'm not sure. I remember very well the time we met him after writing our report when we had made up what we thought was a non-negotiable part of the recommendations that went to many pages in the report--we put them down on one single sheet of paper, those things we thought were non-negotiable--we had a very good conversation with him that day. The impression one got was again that he was very well informed. I know that Harris Wofford went down that morning early, sometime between 7:30 and 8:00, I believe, to brief him on our visit.

O'CONNOR: That was in 1961?

HESBURGH: I believe it was in 1961. I have a picture of the event in the back office. And I remember we were sitting around those two sofas and he in the rocking chair. And as I recall that day, it was a very busy day for him because I believe Adenauer was in that morning and had been in all the day before, but that was the final meeting. And I recall we were to get in around 12:30 or thereabouts. It might have been 12:00 noon. The Ambassador from Portugal just appointed was there waiting also, and when Adenauer came out, President Kennedy brought him into the room and we said hello to him briefly and then he passed on. The Ambassador for Portugal went in for two or three minutes only and then came out. Then we went in and stayed a better part of a half hour or forty-five minutes. And we went over our list of things that we thought were non-negotiable. Our general feeling was that not much had happened during the early days of the Kennedy regime as far as civil rights legislation went. There was some good

motions in executive action, but I think that earlier in the regime we began with optimism, but were then quite pessimistic. I read the [Theodore C.] Sorensen chapter on civil rights, and I thought it was a complete misrepresentation of what really happened, not as far as President Kennedy's instinct and general convictions went, but it was purely a question of political decision that he wanted to get that tariff bill through, and he had to do that first and couldn't do it if he was losing all the southern votes by pushing civil rights.

O'CONNOR: What was his reaction to your non-negotiable suggestions?

HESBURGH: Well, first of all I must say, just looking back at it, he was enormously informed, well-informed. Of course, Harris had only spent a half an hour with him that morning, I knew that, and I couldn't imagine how he could have picked up as much information in that short a time especially with Adenauer about to go in and spend a difficult morning with him. As you remember, he was terribly worried on the West Berlin business all during those days. He went down this list very quickly. On the housing order he said that he realized that it had been delayed, and that he would like to poke a little fun at himself. I think he remarked on the fact that he had made the stroke of the pen remark during the campaign, and that there were a number of reasons why he hadn't done it, and that he expected he would do it soon and possibly right after the next weekend. They were going to discuss it at Hyannis Port that weekend. As I recall, he didn't do it after that weekend.

O'CONNOR: Yes. He did not.

HESBURGH: Although I guess they probably talked him out of it. I always had a feeling that--and I had the same feeling with Eisenhower--the instinct of the President is much better than a lot of the advice he gets; and I suspect that if left to himself, he

would have gotten it out. At least that was the impression we got, that he was going to do it, and I'm quite sure he was not trying to kid us; he wasn't that type of a person; he just said, "I think that we'll have a discussion this week-end at Hyannis Port, and I think we'll probably be getting it out after the weekend." We had a thing in there about complete integration of the National Guard and the Reserves, and he said, "Look, I have serious problems in West Berlin, and I do not think this is the proper time to start monkeying around with the Army. I don't think we'll have to call these southern Reserve units or National Guard units, but if we did, I'd like to make sure that everything was in order and they could move immediately and that we weren't in the middle of a real problem there. But" he said, "I have no problem with the principle of this, and we'll certainly be doing it, but at this precise moment," he said, "I have to keep uppermost in mind that I may need these units. And if I do, I've got to use them quickly, and I can't have them in the midst of a social revolution while I'm trying to do this." He didn't use the word social revolution, I don't recall; but that's about what he was saying. Regarding the other matters we had in there, I remember he got in an argument with one of our staff people about how many southern state universities were completely integrated. In other words, in which there was at least one Negro student. He differed in the number with one of our staff people, and it rather surprised me: he was right and our staff fellow was wrong. Our staff fellow, all he had to do was keep track of the number of state universities; that's one of the figures he should have known for sure, the state universities. It was a matter of two or three at the time. Mississippi, I think, had none. But the curious thing was the President had the right figure, and our staff fellow who was spending most of his time on this had the wrong figure. And that impressed our office quite a bit. My general impression was that he went down the list, that his instincts were completely right. He was completely frank with saying that "I think this should be done. And this we will do. And this we will do when we get to it, but we can't do it right now."

I was amazed at how completely frank he was and how completely well informed, and how completely incisive on what he was going to do and what he wasn't going to do. And the only one he really left up in the air was the housing thing, and he thought he would do it after the weekend, but he wouldn't know till Monday.

O'CONNOR: That housing thing is particularly interesting. You don't know the origin of his statement during the campaign that it could be . . .

HESBURGH: I suspect it came out of Wofford, or possibly Shriver.

O'CONNOR: Well, this was also a statement that you yourself made in 1960, December 1960, specifically asking that something to the effect . . .

HESBURGH: Yes. I must admit I started with great optimism, and after that first year of the presidency, I felt rather pessimistic because it was just a question of instinct, and I have no illusions about the fact that the President has to make up his own mind on the order of priorities and that this was simply the order of priorities he put up was to get this tariff bill through. And it was a quirk of bad history that France kept England out of the Common Market and the whole year's effort was practically in vain. The Kennedy Round has not amounted to very much. And I had a feeling that if he had pushed a little harder, something might have happened. I had the impression that during the Kennedy Administration the civil rights issue really imposed itself upon them, rather than they imposing themselves on civil rights. I say this to the extent that the University of Mississippi thing really got away from everybody. The great move of sit-in, wait-in, walk-in, stand-in and all this sort of thing: this was simply something that no one could foresee and it was suddenly upon them and they had to do something. My impression was that the time schedule was not guided from the White House, but it was guided by the march of events, and the White House had to

react to it. One thing I always felt about Jack Kennedy, and to some extent I must say the same about President Eisenhower, that they were both men with very good basic instincts. Maybe you get this with the job, but very good basic instincts. When we would talk to President Eisenhower on a matter of civil rights in his office, he always had the right answers. He wasn't always ready to do this or that, but his instincts I felt were almost always right. He had an instinct for human dignity, and it really meant something. Given the whole weight of his Administration, I have a feeling there wasn't great enthusiasm about marching quickly and valiantly and manning the barricades for this, but there was never much doubt about the way he felt sincerely about the dignity of man and the fact that we ought to do something about it. But it wasn't a great crusade with him. But it still was something he honestly believed in, and when he addressed himself on his sheer personal instinct to the problem, he always came out loud and clear and right. The same was true with Jack except the difference was, I think, Jack had perhaps studied this a little more, and he was a little more personally interested in the intellectual side of the issue. I think--the impression I got from Harris Wofford was--that he was a man who got briefed very quickly and who snapped up the points very quickly. I remember once Harris mentioned that he, the President--I think it was during the campaign--once hopped in the car with Harris when he had to give a talk somewhere, I believe in Washington. And as they were riding across town, he told Harris, "What would you say if you had to give this talk?" And Harris said for maybe fifteen or twenty minutes he pulled out some key ideas on this. He said the President got up and not only used all his ideas but added a lot of his own and came up with a much better final product on the basis of that fifteen minute conversation than anyone could have hoped for; that anything good Harris told him got used; and he also gave it great new force and strength by ideas of his own; that it was kind of a <u>tour de force</u> performance. Even Harris who is a pretty good man with a speech was surprised about it. Then in general, we came out of that meeting, the day of

the November session, and as I recall, it was either at that meeting or one immediately afterwards we gave him the Laetare Medal at the end of that meeting. The meeting broke off, and then we did this.

O'CONNOR: I have the date of that Laetare Medal. I can check it out. I wondered while you were talking, while you were comparing President Eisenhower and President Kennedy, I wondered if you would briefly compare, if you would, President Kennedy and President [Lyndon B.] Johnson and the changes that have taken place there, the difference in attitude toward civil rights.

HESBURGH: I get the impression that President Johnson put immediate action on civil rights much higher on the agenda than I had the impression of it being done during the Kennedy regime. I suppose also one must read into this the march of events which exerts certain pressures on the White House willy-nilly. But the fact is if you just look at the sheer weight of legislation proposed and passed and guided through--and there has to be some pressure here from the White House to have all this happen--I had the impression that President Johnson has done more in the years he's been in for civil rights legislation, getting it through, actually, and the sweep of what was gotten through, than one could have hoped for under what I saw of the few short years of the Kennedy Administration. For example, the classic evidence I put in favor of what I've just said is that we were very much exercized about Mississippi during our years. Two or three times we decided to hold a Mississippi hearing and were called off because of political considerations because a good man was running for governor and if we'd had a hearing, we'd throw the election the other way. Well, it went the other way anyway. Or there was a case being tried and if we had a hearing, it might prejudice this case, or it might complicate some other federal program, and therefore, it was called off. And this would generally come from the Attorney General or from, in one case I think, the President felt that it probably would be bad for us to have a hearing

at this precise time. Although he was always perfectly clear on saying that if we wanted to go ahead and have one, that was our business. He recognized that we were fairly free in that regard, making our own decisions. But again one hates to go directly against something that a President thinks you shouldn't do, and I don't think a commission should unless it's a matter of life and death or something of this sort. So I remember we had a hearing in Indianapolis, and we were terribly upset about the news coming out of Mississippi, and we had had to call off several of these, one or two or three of these Mississippi hearings. I forget the exact number. So we got out a statement--which probably is the reason why Ted Sorensen calls us the "Free-Wheeling Commission"--in which we said that Mississippi as a state gives about a quarter of a billion dollars ($250,000,000) to the federal government in taxes and takes out six hundred and fifty million ($650,000,000) in appropriations for the state of Mississippi from federal money, and yet is constantly insisting on states rights and abusing the Constitution in its treatment of its Negro citizens; and therefore, we thought the President ought to look at the possibility of withholding some of these funds if they're being used in a discriminatory fashion against the Constitution. Well, again, I'm sure on the advice of people around him, President Kennedy--he had a press conference following this--spoke very harshly about the Commission and said this was a ridiculous statement or suggestion, that the President shouldn't have this kind of power, and that as far as advice goes, it was very bad advice and he didn't either want it nor was going to follow it, or something to that extent. Now that's one reaction. President Johnson, in practically the first year in office, got through "Title VI" which is exactly this, and has not only gotten it through but is starting to police it. It's been the difference between getting things done that were never done before. I agree that you can't use a sliding rule for history, that the history of what happens in one year, especially if you're in the middle of a fast moving social revolution, can't be read into what happens one or two years later. And I suppose one might make the supposition that had President Kennedy lived and faced the situation of those years, he might have completely changed his attitude of the earlier years which was expressed in that press conference against our suggestion.

O'CONNOR: Well, you really feel that was his attitude, or do you feel that was essentially the attitude of his advisors?

HESBURGH: I think that he accepted the attitude of his advisors on his reaction to this withholding of funds. My guess is you get a lot of advice on these jobs, and this has a lot of effect on what gets done, but when you stand up at a press conference and speak as clearly and bluntly as he does, my impression is that he at least had bought his advisors' advice in this particular matter. It was not a good thing to do at that time.

O'CONNOR: But you still think he had good instincts with regard to the question of civil rights?

HESBURGH: No question about his instincts, no question about his feel for the dignity of human beings and for every man having an opportunity. I think he felt strongly about these things. I had the impression all along that the political expediency was a very strong force in his whole Administration. He did what was the politically expedient thing to do. I don't say this as a denial of principle, it merely means that we all have principles and we apply them when we think we can apply them and get them done. No president wants to promote a dead program, or have a program dead before it starts. I'm sure that during the Administration of President Kennedy he was getting done what he could get done. Things he could do personally he did quite bluntly and frankly and even things I'm sure he would probably instinctively have had a quite negative attitude about, such as sending the troops to Arkansas, he turned around and did himself, such as sending them to Mississippi when that thing got out of hand.

O'CONNOR: Well then, you think it's political expediency, this accounts for the fact that there was surprisingly little done by way of legislation in Kennedy's Administration?

HESBURGH: Well, I would say expediency's probably too hard a word. I think it was a political priority. His political priority was to get that tariff business through, and to get it through he needed southern votes, and he knew he wouldn't get the southern votes if he got them angry about civil rights legislation initially. I think he, in his own mind, said, "I'm going to get this thing done, but first I've got to get this other thing done, and this looks more important at the moment." And of course, he was under the shadow of the West Berlin crisis and many other crises at that time. And that's why I say you can't read the act except in total surrounding, everything else that was happening and the things that were bearing upon him at that time. But I don't have the slightest doubt about his instincts. My only doubt about it was really the political judgment of what you do first. And again I think there's a comparison you can't overlook: it would be one thing for President Kennedy, who was generally unpopular in the South as the first Catholic President, moving against the South very strongly in the initial instance of civil rights, and a President [Johnson] who is in fact a Southerner, whether the Southerners want to claim him a Southerner or not, can do something which maybe President Kennedy couldn't do. I think it's a fair statement that it would have been extremely difficult for President Kennedy to have passed the kind of legislation that President Johnson got through. And again you have to read it against the tragedy of President Kennedy's death that the nation moved a little more quickly on some of these things. That may have been a real part of it. I mean martyrdom has a strong force on anybody's mentality and attitudes. I think the fact that [Robert F.] Bob Kennedy was down in Mississippi recently and got fairly well received at the University--someone said, "Well, this is incredible because he was like Beelzebub a couple of years ago."

O'CONNOR: I said that.

HESBURGH: Did you say that?

O'CONNOR: Somebody else may have but . . .

HESBURGH: That's right, and how did this happen? And someone said, "Well, after President Kennedy got shot, people thought a little bit harder about what the stakes were in America and what this kind of hatred led to, and it changed a lot of people's minds."

O'CONNOR: Alright, let's get back to this question of President Kennedy's advisors. I wonder if you can be a little bit more specific about that. I'm thinking, for example, of Lee White. Was the Commission . . . . Did they look favorably upon Lee White as an advisor in civil rights, or look unfavorably upon it? Harris Wofford was another advisor. I presume you looked favorably upon the fact that he was an advisor.

HESBURGH: I never had the slightest doubt about Harris Wofford. But the fact is that after a year or or so in that job, I had the impression that Harris was just engaged in a holding action. He was holding off all the civil rights people, whereas now you see, for example, President Johnson has them in for breakfast and he meets with them very frequently; he met with them just last week again. Harris was holding them off because the fact was that nothing was going on. The housing order wasn't being signed, the bill wasn't being pushed; and what was being sent up was not any great move forward. There was a lot of administrative action going on. Certainly the Attorney General was moving very strongly, doing whatever he could do in the civil rights area. So that my guess was, and again you can get this out of Harris Wofford himself, but my guess was there was an impression of a holding action and he felt he had to get his own frontier, and that's why he went to the President and asked for a change: to direct the Peace Corps project in Ethiopia. [Tape off for a moment]

O'CONNOR: Well, we were talking about advisors a second ago, and I just mentioned the name Lee White also. I wondered . . .

HESBURGH: Lee White I never had too much contact with. We had, of course, the Commission had official contact with him; but I didn't personally have engouh contact with him to come up with any kind of strong impression. My impression was that when Harris went out, he pretty much moved into that position, and that. . . . Our general attitude, I think, was, after the first year or so, that we weren't really moving very fast. At least we were not moving to the extent that our hopes had wished for.

O'CONNOR: Do you think President Kennedy did a very good job or a very poor job in trying to gather public support?

HESBURGH: I think he was probably the first one to put all this on a moral basis which President Johnson has done a great deal of; I think he was the first one that really said, as Bob did last week in Mississippi, that you do this not because it's expedient but because it's right. As I say, the words were always perfectly good and sincere and honest out of Jack Kennedy. I had the impression that again you look at a job as a four year span, possibly an eight year span, you don't have to do everything tomorrow morning and you have to establish some priorities. In the political arena if you decide A cannot be done if you try to do B simultaneously, maybe you try to do A first. I think that's as simple as that, as I read it. I may be reading it wrong because I'm no political scientist. But my thought was, at least, that whenever Jack had something to say, as he did during the Mississippi crisis and as civil rights began to impose itself on him more perhaps than he wanted to get involved in at the moment because it was probably the least popular thing he could get involved in, my impression was when the issue was squarely before him, he never ducked it. He always spoke out loud and clear on how he felt about it. How he felt about it and what he thought he could accomplish politically about it were two different things. And again this is all one man's judgment.

O'CONNOR: Sure.

HESBURGH: If you've got the job, you've got to make the judgment, and I'm not trying to second guess him against the background of different historical developments since that day.

O'CONNOR: Yes, what I came here for was your judgment, and that's exactly what I wanted to hear. I have another little question. President Kennedy appointed Dean [Erwin N.] Griswold and Dean [Spottswood W. III] Robinson to the Civil Rights Commission when he came in. This may be a funny way to say it, but did you feel these were good appointments? In other words were these . . .

HESBURGH: Oh yes. Dean Griswold was a fine appointment. He has been a very very strong member of the Commission. He's outspoken, he's courageous, he's bright, and of course he's a dean of the best law school in the country probably, and he has enormous resources of law behind him and law scholarship. He took a personal interest in this, kind of a Quaker concern, if you will. And he's been by all odds one of the strongest members we've had in the Commission. Spottswood Robinson was good on the Commission. He was certainly concerned. He's a lawyer; he was a very pleasant fellow to work with. I thought, on balance, these were two fine appointments.

O'Connor: Well, these two appointments contrast very greatly with the appointments that President Eisenhower made when he set the Commission up. He divided the Commission, or he attempted to divide the Commission, and in fact he may have weighted--it almost looked, when he first appointed the Commission, that he weighed it heavily on the conservative side.

HESBURGH: It could have been. There's a . . .

O'CONNOR: There were three Southerners on the Commission.

HESBURGH: Yes. You see the way the thing was set up, in the law there had to be three Democrats and three Republicans. Actually there never were because . . .

O'CONNOR: You were independent.

HESBURGH: I was independent. But it was Eisenhower's own personal opinion, or his staff's opinion--you never know, you can't decide these things from where I sit--but in any event, it was his appointment that added another dichotomy, if you will, the three Southerners and the three Northerners. Actually, I think this was a touch of genius in a way because it gave a strong Southern representation on a commission that could have gone in a facile Northern judgment type of thing that would never have washed with the whole country. When our first report came out, which I don't think anybody ever expected to amount to anything, and when it came out unanimous on twelve out of thirteen points, and five to one on the thirteenth, for some fairly stiff recommendations, it had enormously more strength than it ever would have had if it had come out in a different context with all Northerners and no Southerners. Even the fact that there was this one mild dissent from Governor [John S.] Battle because of the sociological, as he called it, content of the Commission's report, even this gave special flavor, I think, and value because he did not repudiate all the conclusions, he repudiated some of the rhetoric. Looking back on it at least, I thought this was a happy choice of the three Northerners and three Southerners. I think one thing you will find that, as I recall the appointments of the Kennedy era, he wanted to make darn sure that the Negro member of the Commission was a Democrat rather than a Republican. But of course, I think Spottswood Robinson was actually from Virginia so he was Southern in one way, but I never really thought of Spottswood Robinson as a Southerner. But he then became, he represented in that balance, if you will, one of the Southern members because he was from Virginia as Governor Battle was.

O'CONNOR: Surely that's a strange way to balance the Commission to appoint a Negro as a Southern representative. Do you feel there are any particular areas where the Kennedy Administration was especially strong in its activity in civil rights?

HESBURGH: Well, I think in a way if you talk enough about the Commission in the Kennedy Administration, you begin to turn up some tension, and the tension, I believe, will probably sift out when you get everything out of the way between the Department of Justice and the Commission. This tension existed mainly I think because the Department of Justice became a lot more active in this area during the Kennedy Administration and because in a way the Commission might have seemed to be an obstacle in the course of a fast moving administrative program of the Kennedy Administration under the aegis of the Department of Justice, not being complicated or colored by the involvement of someone else like this little commission, you know, sitting over on the side. That may be an obscure way to place the problem, but I think there's some truth in it. So what I'm saying is really I'm complimenting--I'm not criticizing, I'm complimenting--the Department of Justice for giving a new lease on life in this matter. You see with the appointment of an Attorney General of great competence for civil rights from the law firm of Covington and Burling, Dean Acheson's firm, and a man of great integrity coming into that job certainly meant there was going to be some action. I remember having a telephone conversation with Bob Kennedy shortly after he went into office in which we were discussing the appointment of a staff director of the Civil Rights Commission, Berle Bernhard. And this discussion didn't take very long; it was not too complicated. It was just a question of a recommendation I had made. And after it was over, I told him that I thought the greatest moral problem facing our country, and where he could really make the greatest contribution if he wanted some free advice was in the area of civil rights, and that this needed great leadership

out of the Department of Justice and it hadn't been getting that great leadership to the extent it should. And that I was trying not to give free advice, but I felt that since I was involved in this in a quasi-governmental fashion, I was at least qualified to tell him that I thought this was terribly important and that he should get very much involved in it. And I must say he did get very much involved in it. And I think this overshadowed his former interest in gangbusting and that sort of thing. This became much more important. And I think the presence of a new Assistant Attorney General for Civil Rights, Burke Marshall, made a great impact on both the Attorney General and the office. But I'm sure that there were many times when they thought we were complicating their business because it's always easier if you have one organization attending to business rather than two. And I'm sure they felt they were much better qualified than we were. They were full-time people on this and we were a kind of a part-time group. On the other hand--this is an aside; it has nothing to do with the answer,--I felt that the value of the Commission all along in the three Administrations under which I've been on it--under President Eisenhower, President Kennedy, and President Johnson--the value of the Commission is precisely in being a kind of national conscience, a kind of burr under the saddle of the Administration. And, if you look over the long sweep of the reports, there's no question that we made the Agriculture Department look pretty badly in our last report, made the HEW [Health, Education, Welfare] look rather badly, but both of those departments said, "That's true. We've earned the right to look badly because we do look badly, and we're going to do something about it." And they are doing something about it which they might not be doing if we hadn't turned out those reports.

O'CONNOR: The same thing could be said of earlier reports as well.

HESBURGH: Yes, that's right.

O'CONNOR: You commented on Bobby Kennedy. Do you think there's any major difference--well, not major difference--but do you think there's any difference that you'd care to comment on between his instincts toward civil rights and John Kennedy's instincts towards civil rights?

HESBURGH: I think John's were more cerebral, let's say, than Bob Kennedy's. I think, I have the impression--again, you shouldn't pass judgment on people, I'm not trying to here--but I had the impression that Bob is more black and white than Jack. Bob is for something, or he's against it. And normally I think he's on the side of the angels, and this is good. When he's for something, he's really for it. If he's against it, he's really against it. Jack, I think, was a little more sophisticated in his judgments in the sense that he was for things with some qualifications and against things with some qualifications. I don't think he was quite so black and white about it. That's where I put the distinction anyway.

O'CONNOR: Okay, I had asked you if you thought there were any areas where the Kennedy Administration was particularly strong. I'd like to ask you if you thought there were any areas where they were particularly weak? In 1961, for example, you wrote an addendum to a report by the Commission, and you emphasized police brutality, I think.

HESBURGH: Yes, because I felt that here was a case where the federal government just had to get more involved, and in fact, since then it has gotten much more involved. I felt that the FBI [Federal Bureau of Investigation] was just not serious enough about checking out police brutality. And whenever we criticized it, we got a very protective letter back, which is understandable because everybody will admit that the FBI has done a terrific job in areas like kidnapping, for example, practically eradicating it, and auto thefts and all different kinds of investigations which require great sophistication. My impression was that if they'd get as excited about civil rights as they have been about these other things, they

were perfectly capable of doing a supremely good job. The only problem was, and I began to see this as time went on, that in all these other things, the FBI was working on something with the complete sympathy of the local police. When it came to civil rights, they were at complete odds with the local police because the local police were not for civil rights, or they were the ones inflicting the brutality. And I suppose it put the FBI in a kind of schizophrenic stance when in a given Southern community they had to be with the local police one day and against them the next day on a civil rights matter. This perhaps accounts in a human way for the lack of enthusiasm to actually enforce civil rights at times, and it was that that bothered me. And where I thought the government could get more involved and maybe would have taken a different stance, I think that Jack Kennedy tried to do it somewhat through U.S. Marshals. But this was not a very strong body of people to do the job.

O'CONNOR: I was surprised that you found called upon to write a special section to this report, a special addendum. Could you elaborate a little bit on that then?

HESBURGH: I'll tell you the first time--I've written two special addenda, three actually. The first one was to our first report in 1959, I believe. And the reason I wrote on to this report was because I knew Governor Battle was going to write one disclaiming some things, as I already commented on--the sociological rhetoric, if you will--and I felt that there was a great moral problem here, which probably is understandable given the fact that I'm a priest as well as a person in education. I felt that the Commission by its nature had to take a fairly objective, non-editorial, almost sterile view of the problem for many reasons. Because there's a lot of emotion in it to begin with, we didn't want to contribute to the emotional, we wanted to contribute to the understanding. And yet, I felt that our report was a little bit colorless from the point of view of moral indignation or moral understanding of the problem which is

fundamentally moral because it's tied in with the question of the dignity of man and the respect that human beings ought to have for one another. I talked to the chairman about this, and he said, "I think you're right. I think there is this lack of feeling in the report, and we can't really do it, but you can because you are a priest and everybody knows this, and you have a little bit of perhaps extra-legal position here that would allow you to do something that none of us can do." The other members went along with this, so I wrote this special statement, circulated it, and it was included in the report. The same thing happened now in this report that you referred to, the five volume report. As I read that report, I remember I was on my annual retreat, and I think the last batch of papers that came in to be read was the one on police brutality, and it just made my blood run cold. I read case after case, and of course, I had known some of these, but they had dug up some others. And it just struck me that with all the things that the government was doing, and what government stands for, the protection of human rights and the protection of human life, and if you read the Declaration of Independence or the Constitution, you do these things to secure these rights, you do establish a government for this purpose. And with these horrible things going on all over, somehow I felt a cry of anguish, or a real loud blast from my moral soul that it might at least have some effect beyond the pure statement of the text which was, as I say, rather sterile and almost read like a case book. So for that reason I again checked with the chairman and the other members of the Commission, and they said they thought it would be legitimate for me to do this, and I did it. Now the subsequent report, the moral stance somewhat got into the forward of one of our subsequent reports, and at that point, since it was already in the report, I felt there was no need to add something. I added something recently on our southern integration and education report because I felt again that I wanted to say something beyond what the staff had prepared.

O'CONNOR: When you get into this question of civil rights being a moral question, you said this is one of the elements that John Kennedy added.

HESBURGH: Yes. He, I think, was the first President of the United States that came out and said: this is a moral problem. In other words, this is the right thing for us to do as a nation, and that we have a moral stance here.

O'CONNOR: Well, this is precisely where people criticize John Kennedy. They say that he was a man who made decisions for reasons other than moral inspiration, and he's been criticized specifically on this particular point. People have said that this is simply a political gimmick--his adding the moral dimension to the civil rights. He didn't do it out of commitment or out of conviction, but for political reasons. I wonder if you could elaborate a little bit on that. If you knew anything about it at all, or if you would say it characterized the man.

HESBURGH: No, all I know is--as I say, I don't propose to be one who knows him intimately. I think Harris Wofford would be able to comment on this more deeply because he spent a long time on it, and so would Sargent Shriver, on this precise point. They had both spent a long time discussing this, and I didn't spend a long time discussing this precise point with him. But I must say that my own personal impression, for what it's worth, in the passing contacts I had over the years with President Kennedy before and after, I did believe that there were certain things he held strongly and that this was one of them; that human dignity was a very real important factor to him; and that, oh, there's a famous crack, I think, in one of the books--I forget which one--where he was told that Martin Luther King's father had said publicly that he was going to vote against Kennedy, but now that Kennedy had come out for his son, he was going to vote for Kennedy. He was going to vote against him before because he was a Catholic. And Kennedy made some sort of remark, "Well, isn't that a queer kind of a father for Martin Luther King to have?" That he would be so prejudiced, in other words, and yet his son was standing out loud and clear against prejudice all over. Well, that, I think, in a humorous side even, is an indication

of the depth of which he was committed to this idea of human dignity. Now I believe it's possible for a human being, because we're all fairly complicated if you could get inside us, to have very deep feelings and yet to realize that politics is the art of the possible, which is a very banal statement but a true one, and that you believe something is very important, but the proper time comes to do it and you do it at the proper time and you get it done. You do it at a time when it's not right, and it doesn't get done, and you wind up worse off because you've made a great campaign for a moral principle and lost. And then you have the opposite of that. You might make an analogy that we are just now pushing for a great theological faculty here in a Catholic university. And you might say, well, what have you been doing the last hundred and twenty-odd years? Isn't that the one thing you have a Catholic university for? And, well, the fact is we have always taught theology here, but we never had a really first-rate graduate faculty of theology. And maybe it wasn't the kind of thing you could have until there'd been a Vatican Council II. But now the moment is ripe and we're doing it, you see. Well, a hundred and twenty years later is a little late, and yet it might be the only time it could be done with a kind of style and fashion and impact that is needed in this particualr context. Well, that's at least an illustration out of my own life that something I believe deeply. I don't believe any more strongly about the importance of theology today, doing this today, than I felt then or fifteen years ago. And I've been in a position to be able to do this for the last fourteen years and haven't done it. So at least they're somewhat analogous situations, I think.

O'CONNOR: Okay. Really we can wind this up in just a second. I was wondering if you'd care to comment --there seemed to me to be a change in emphasis in Civil Rights Commission Reports toward a greater emphasis on the local level and action on the local level, particularly in recent years, but you could even see this change seem to come about during the Kennedy Administration. I wondered if that was my imagination or if there's a reason for this?

HESBURGH: No, I think it's a reason because. . . . There's a confusion in people's minds about civil rights. They look upon it as one single revolution, if you will. And it seems to me that there's a tempo, an ebb and flow to revolutions and that they, revolutions, are almost always two-phased, if you will, that the first phase of a revolution that faced us when the Commission began in 1957 was the phase that I would characterize by saying to form the national conscience. There was no real national conscience in civil rights. At least there was no body of law one could point to that would guarantee equality of opportunity in housing and education and public administration and voting and a whole range of things like administration of justice. These just did not exist, and the Congress was not about to pass it. After all they filibustered for months it seemed just to get a fact-finding group, which is what we were, and a judgment group. I think they were thinking more about the fact-finding than they were about the judgment, but they had to put that in to fill out the bill. Well, we spent the first few years of our lives, if you will, in the Commission trying to form the national conscience. We brought out a whole range of factual information that said that the situation in America as regards equality of opportunity, especially for Negroes, was very bad, and in some parts of the country it was outrageous; that the following actions should be taken by way of legislation to at least establish that this is what the United States stands for, this is what the federal government is going to uphold, this specifically is our ideal as a nation, this is our conscience nationally, and I would guess that somewhere between 70 and 80 per cent of those recommendations have now been passed into federal law. That I would call phase one of the revolution. This was aided immensely by a kind of private revolution going on by the involvement of Negroes in sit-ins and walk-ins and strikes, and one thing and another. And it was also helped by a few martyrs which we shouldn't overlook because the effect of an [Medgar] Evers dying, or being shot, and the one who is accused of shooting him getting off scott free--and maybe he should,

I'm not passing judgment on that act, but the fact is that, let's say, that many murders went on unpunished when many lesser crimes were found out very quickly and punished, at least the perpetrators were found out very quickly and punished--was a kind of national scandal that none of us were proud of. Now then, if you would grant me in large measure that the national conscience has been formed, that the appropriate legislation has been passed, then you have to ask yourself, what is the next phase of revolution? And I say the next phase is to form the individual conscience, and this must be done on a local basis. This must be done by an enormous amount of local, even volunteer action. It must involve the churches and the schools and the individual families and voluntary associations and PTA [Parent-Teacher Association] and a whole lot of things much more deeply than it did in the national phase of education, if you will. So that I think it quite appropriate that we're depending more and more on our state advisory committees, and we're depending more on information derived from local hearings, either by the whole Commission or by the commissions in the various states. And this, it would seem to me, is the second phase of revolution, that where the Commission in the past was trying to establish a norm, we are now trying to get that norm accepted and apply it locally. And if I could make an analogy again, I'd say [Fidel] Castro was probably a pretty good revolutionary for wrenching power away from the [Fulgencio] Batista regime, but once he got the power, he didn't have a clue how to use it to build up a good country. The same might be said to some extent of the history of the labor movement. The great revolutionaries in the early days of the labor movement were not always the people who knew what to do once labor achieved power. It's true somewhat of the French Revolution. Most revolutions you've got, I think, these two movements, and I suspect we're moving into the second part of the movement of the civil rights revolution.

O'CONNOR: Alright, unless you've anything else to add . . .

HESBURGH: Well, I would like to add that we all have fallible judgment in these matters and we're all somewhat colored by our own prejudices, if you will; no matter who you are you have some unknown prejudices, I believe, and that perhaps by putting many people's judgments together, you come up with something like the true picture. But I suspect that each individual judgment has to somehow be balanced against the impressions of the person that makes it. Thank you.

O'CONNOR: Thank you, Father.