

## ORAL HISTORY OF BRUCE TERRIS

### IV. POVERTY, CRIME, POLITICS, AND ACTIVISM

This interview is being conducted on behalf of the Oral History Project of The Historical Society of the District of Columbia Circuit. The interviewer is Steve Steinbach, and the interviewee is Bruce Terris. The interview took place in Bruce Terris's office on Monday, December 22, 2014. This is the fourth interview.

MR. STEINBACH: Good morning, Bruce. How are you?

MR. TERRIS: Good morning. I'm fine, thanks.

MR. STEINBACH: We had last time taken you through your career up to the point of your years in the Solicitor General's Office and the Department of Justice, and when we pick up today, you're on the verge of leaving there to other ventures. But I want to start with what we covered just briefly last time. While you were still in the SG's Office, you participated, or were asked to participate, in a conference that involved Sargent Shriver in the new Office of Economic Opportunity that became known as the National Conference on Law and Poverty, of which you served as the co-chairman. So if you could just remind us again how that opportunity became available to you, and then we'll take it from there.

MR. TERRIS: I guess I should say that if I'd been asked the day before I started work on that conference how I was going to spend the rest of my life, I probably would have said in the Solicitor General's Office. After all, it's hard to beat that as a legal job, and so I think it's very possible that that's what would have happened. But totally out of the blue, I believe it was on a Friday,

Steve Pollak, whom I had worked with in the Solicitor General's Office, I believe his title was the Deputy General Counsel of the Office of Economic Opportunity, and he told me that they were going to have a conference starting a legal services program for the poor. I didn't know that, I don't think it probably was even public knowledge at that point, and the people that were running the conference, the two Cahns, Edgar and Jean, who had really done wonderful work on just opening up this whole area, had had some kind of a fight with Sargent Shriver, and they quit. They were going to set up this conference for Sargent Shriver at the Office of Economic Opportunity, and something had happened, and they were gone. There was nobody to set up this conference. I never knew, and still don't know, what the fight was about. But Steve said to me, "Would you be willing to run this conference?" I said to him that I would be willing to run it, but that I didn't want to leave the Solicitor General's Office. This was not a permanent job, the conference was going to take place in two or three months, and so I wanted to make sure that Sargent Shriver was personally going to talk to Archibald Cox to grease the wheels so that I wasn't going to have to leave the Solicitor General's Office.

MR. STEINBACH: So then what happened?

MR. TERRIS: Well, I worked that weekend. We had very little time to set up this conference. When I say, "we," I was the only person that weekend. On Monday I was later told that Sargent Shriver went to Archibald Cox, and Archibald Cox said "no."

MR. STEINBACH: "No" that you could not remain at the SG's Office and still work on this conference?

MR. TERRIS: Right.

MR. STEINBACH: And then you had a choice to make?

MR. TERRIS: I had a choice.

MR. STEINBACH: And how did you make the decision to leave the Solicitor General's Office?

MR. TERRIS: It was a very hard choice, but I thought the subject of the conference and what it was intended to do was of such enormous importance, really for the country, it was something that was changing the whole structure of how we deal with poor people and their relationship to the law, that I really couldn't say no to it. Somehow I probably thought there was a possibility that if this program got started that I might be the one to run it, but I had no promise for that, and in fact I didn't even ask for a promise.

MR. STEINBACH: After this conversation and after that weekend, how much more time did you spend at the SG's Office before you transitioned to the conference?

MR. TERRIS: Not one minute.

MR. STEINBACH: So that very same week, you started to work full time? Was that a federal government position?

MR. TERRIS: Yes.

MR. STEINBACH: So the conference was part of the OEO?

MR. TERRIS: That's correct.

MR. STEINBACH: And employed you as an OEO official?

MR. TERRIS: I can't remember now the technicalities of it, but I would think that was it. I was certainly a federal government employee, and I'm sure I was getting the same grade that I had been in the Solicitor General's Office, but I can't remember those kinds of details.

MR. STEINBACH: Okay, we're in the middle of 1965, we're at the beginning of the Great Society's War on Poverty. Describe that effort and the sort of excitement it generated when it was first announced by President Johnson.

MR. TERRIS: I think people who cared about the country's problems involving poor people thought this was a marvelous idea and that the federal government would take this seriously in a coordinated way – not just here's a program here and there's another program over there, but a coordinated program. I mean things like the Job Corps to train large numbers of poor youth, many of them minorities, so they could get jobs. Most of them were unemployed. I mean just marvelous ideas that were being tried out. Head Start for young children. It was really I think just a fantastic set of ideas that they were working on, and this was going to be a major part of it.

It was particularly interesting to me because I was doing the same kind of work on the street here in Washington at the time, and that's undoubtedly why Steve Pollak asked me to do this work – that he thought I knew something about the problems of poor people, more than most people did, so I think that's why I was asked.

MR. STEINBACH: Which we'll come back to in a few minutes. The conference is run by the Office of Economic Opportunity which is a new government agency, headed

by Sargent Shriver. Remember the creation of that and what its mission was perceived to be?

MR. TERRIS: It was to start carrying out these kinds of ideas that the President had, the Job Corps, promoting Head Start, and there were a lot of others that now have largely bitten the dust, and I can't remember the details of – but essentially a coordinated program to deal with all the major problems of the poor.

MR. STEINBACH: Had you had any interactions previously with Sargent Shriver personally?

MR. TERRIS: Never.

MR. STEINBACH: Back when he was running the Peace Corps, no involvement?

MR. TERRIS: No. And I didn't have any when I had this job either. I don't think I ever saw him. I might have had one meeting with him.

MR. STEINBACH: So your particular focus at this conference I gather had to do with legal services for the poor?

MR. TERRIS: That's exclusively what it involved.

MR. STEINBACH: Which was one aspect of OEO's focus on the War on Poverty?

MR. TERRIS: Correct.

MR. STEINBACH: Explain that to us. What's the thinking behind providing additional or new legal services to the poor? How does that get at the root problems of society perceived at the time?

MR. TERRIS: Everybody potentially has legal problems, and the difference, of course, is people with money can hire a lawyer, and poor people can't. But the truth is poor people have far more legal problems than the average middle class person has. The poor person frequently runs into housing problems, getting

evicted or getting increases of rent, or the apartment they're renting isn't up to code. All kinds of things like that. Then they have consumer problems, they're often taken advantage of, so that's a frequent kind of problem. So poor people have frequently, unfortunately, numerous legal problems. The thought is that if you don't deal with those problems – you may improve their lot by getting their teenager a job or their young adult a job – but many of the other problems are going to continue to exist, and a lawyer can be very useful on that.

MR. STEINBACH: When this conference is in the planning stages, at that point is there any federal coordinated effort to provide legal services to the poor already in existence?

MR. TERRIS: I don't believe there were any. I should say that it's important that this was not just OEO's proposal, it was also the American Bar Association's. It was a very close ally and participant in this, and the president of the American Bar Association at that time happened to be Lewis Powell, so he was quite heavily involved in it. He spoke at the conference, and the Bar Association throughout the country was a very important ally because they, of course, have local bar associations everywhere, in the same cities and states where you want to put legal service programs. OEO didn't have any offices all over the country, but the Bar Association had entities affiliated with it everywhere.

MR. STEINBACH: Can you remember how many weeks you had between the time you left the SG's Office and the conference occurred, and what you did during those weeks?

MR. TERRIS: I mostly went crazy, but I think it was two or three months. I was very lucky to get two people to work with me. One was Jack Murphy who was a young professor at Georgetown Law School. I don't remember how I happened to get him, but he basically did the administrative things. I basically put the program together. I don't want to minimize though the administrative and make it sound like I did the important things and he did the unimportant things. Putting together a conference with hundreds of people coming from all over the country in a couple of months is an enormous undertaking, and he did that. The other person who was equally important was somebody who would be well known to everybody, and that was Patricia Wald. I don't know how we happened to decide that she should be the one that would write our little book on legal services for the poor, which she did (even though I think she had four children). In a few weeks, she put together the only book that I think existed at that time on legal services for the poor. She went into these different areas, housing, consumer, etc., and somehow she produced this document that could be given to every one of the people that came to the conference and could tell people who really had no idea what we were even talking about, would have something in their hand that told them what we were talking about.

MR. STEINBACH: Had you had any previous contact with later-Judge Wald?

MR. TERRIS: I didn't before. I did afterward, and we'll probably talk about that in some of the other episodes in my career.

MR. STEINBACH: Tell us about the conference itself. How long was it? How many people attended? What happened all day long?

MR. TERRIS: It was in this marvelous auditorium over at the State Department, which is a beautiful auditorium. It had several hundred people. They were lawyers from everywhere. Many bar association officials in different parts of the country. There were legal services personnel in existing programs. There were legal services at a very low level in comparison to the need that existed in various parts of the country. Now I've got a block on what the name of that organization is, but it was also affiliated with the American Bar Association and local bar associations, and their people came. We invited them to come to the conference because they were obviously people who had an interest in this field. I think it lasted two days. It might have lasted three, but I think it was either two or three. Lewis Powell spoke, and Sargent Shriver spoke, and academics from different parts of the country that we recruited and had the beginnings of knowledge. There weren't people with a lot of knowledge, but they had the beginnings of knowledge, and so they laid out the field in rather a rudimentary way. In comparison to today people would regard it as very rudimentary. But that's the best that could be done then.

MR. STEINBACH: I guess this conference is credited to leading to the formation ultimately of the Legal Services Corporation. Do you agree with that conclusion? How did the conference affect that?

MR. TERRIS: There's no question, it went directly to it, because right afterwards, when the conference ended, Sargent Shriver put people to work to start putting together a legal services program for the country. It [didn't start] somewhere else. It started in the Office of Economic Opportunity.

MR. STEINBACH: So the conference issued I guess recommendations or findings. Do you remember?

MR. TERRIS: I think it maybe did some, but mostly that isn't what it did. It was intended basically to get the interest of important people all across the country so that people could come back to them and say, okay, now we've got some money, how are we going to do this in Des Moines?

MR. STEINBACH: So Sargent Shriver and the OEO after the conference participate in drafting legislation that ultimately becomes the Legal Services Corporation. Are you involved in that effort at all?

MR. TERRIS: I was involved for a short period of time, a few months, and I didn't get the job of running the program. Once more a more senior person got the job [laughter], so after working there for a while and when the new people came in, I left.

MR. STEINBACH: So you had maybe intended after the conference to stay on in this area, but then ended up – is the next step in your career the National Crime Commission?

MR. TERRIS: Correct.

MR. STEINBACH: Before we get there, let's go back to why maybe Steve Pollak called you in the first place, and you've mentioned this several times previously. Even back when you were in the SG's Office as a government attorney, in your private capacity you were involved significantly as, for a lack of a better term, a community organizer in the Washington, D.C. area. What got you interested in that sort of participation in the local community?

MR. TERRIS: When I came to Washington, my fiancé was a social worker in a settlement house down on I believe 9<sup>th</sup> and Q, but I may be a block off. It may have been 8<sup>th</sup> and Q when I think about it. I can remember that they wanted to set up a credit union, and I being a lawyer, somebody thought that I ought to be able to do that, so I did. That led over the next couple of years to doing more things and ending up setting up a block club, setting up a non-profit housing corporation, setting up programs for tutoring children. A few years later, that didn't happen the first couple of years, we set up medical services on Saturdays for people to come in, doctors and nurses and other medical professionals to come in to provide free medical services, a women's club, a men's club. We set up a small community center where men could pitch horseshoes and they had a pool table. I got Robert Kennedy to come down and dedicate it. So we did a whole variety of things over [many years].

MR. STEINBACH: I think what you're referring to is what was called the 1500 Block Club?

MR. TERRIS: That's the block club. The housing corporation was called Better Homes, Incorporated, and that led to the Housing Development Corporation.

MR. STEINBACH: Let's focus on the 1500 Block Club first, which when I heard you describing just now and when I read about it previously reminds me almost of 50, 60 years earlier of Jane Addams and the settlement houses at the turn of the century. So what's going on with the Block Club? What's its objective, and what do you do?

MR. TERRIS: When my fiancé left that settlement house in a couple of years she'd become my wife, and we continued to work in that area without being paid to do it. And then another fellow by the name of James Gibbons and his wife Kathleen were the other two key people. He was the head of an insurance company in town. Not the usual head of an insurance company. So what we did is, we knocked on doors. We got the men in the neighborhood to form a block club, and then we bought a building so they could play pool in the building. We bought houses and rehabilitated them ourselves. We set up tutoring in the block, and this program was run by a young woman named Jane Hardin. It was standard community organization, and we spent a lot of time doing it. We formed a Women's Club, and then the women started baking things and they sold them in various places in Washington to get money for things that the Women's Club wanted to do.

MR. STEINBACH: And for you this is night time and weekend work?

MR. TERRIS: Right.

MR. STEINBACH: 1500 Block, is that referring to a particular street in town?

MR. TERRIS: I think it was 8<sup>th</sup> Street, I'm trying to think about that.

MR. STEINBACH: In Northwest?

MR. TERRIS: Yes.

MR. STEINBACH: You separately had mentioned the Better Homes organization of which you were one of the founders. Tell us the concept behind that and what you did.

MR. TERRIS: The concept was, at the start we would go and buy a building, we'd get people to donate money to buy a building.

MR. STEINBACH: Who's "we?"

MR. TERRIS: Jim Gibbons and myself. And then on weekends and in the evenings we would work to fix them up with the people who lived in them and other people in the neighborhood. So in other words, I'm certainly not one of the great carpenters of our time, to put it mildly, but there were other people in the neighborhood who knew some things, and when we had some really skilled things to be done like electricity, we would hire people. So we bought a few buildings in that block and fixed them up. Then we graduated from that into going to the federal government, which had a program under which they would loan money for this purpose, and that was the Housing Development Corporation, which we set up. And so that was basically our concept, and since that time, much bigger enterprises have been formed in lots of places in the country.

MR. STEINBACH: So your prototype, the Better Homes model, obtained funding, I gather, from the Federal Housing Act?

MR. TERRIS: Correct.

MR. STEINBACH: And became sort of a model that was replicated nationwide?

MR. TERRIS: I'm sure if we hadn't existed the model would have still occurred. People were thinking of doing this kind of thing, certainly independent of us, and it was I think a fairly obvious thing to do, but we were certainly one of the earliest.

MR. STEINBACH: Is this rehabilitation of certain buildings, is that the same general geographical area as your other work?

MR. TERRIS: It was on the same block.

MR. STEINBACH: In Northwest, in the central city of Washington?

MR. TERRIS: Right.

MR. STEINBACH: And you had also worked in establishing a credit union for the center city in Washington?

MR. TERRIS: That was the first thing that we did, that I did really, because that was before I started working with Jim Gibbons. When my wife, then-fiancée, was working at the settlement house.

MR. STEINBACH: Tell us about that idea and concept.

MR. TERRIS: All over the country, people have set up credit unions to help poor people. They work pretty much the way other credit unions do except for of course if you're aiming at poor people, then you've got to sell it with them and work with them both to use it and to use it responsibly. But I basically wasn't the person who did the work on the credit union. I started it. In other words, the people that wanted a credit union weren't lawyers and they thought that I had some expert ability to fill out the papers, file them, figure out what the right structure was, that kind of thing.

MR. STEINBACH: So all these separate voluntary activities, while at the same time you were arguing in the Supreme Court for the SG's Office, all of that is what brought you to the attention of the OEO personnel who asked you to run the Conference on Law and Poverty that focused on legal services.

MR. TERRIS: I think that's right. And it also had to do, I suspect, although he never said that, that it was why Robert Kennedy ended up having a good friendship with me.

MR. STEINBACH: Tell us about the time that you invited Bobby Kennedy to the dedication of one of these Washington efforts that you were involved in.

MR. TERRIS: This was right at the time, it became clear later that it was the time, that he was thinking about running for the Senate. I went to his office. He had said at an earlier meeting with a bunch of young lawyers, including me, if you have something you need to talk to me about, come and see me, so I said to myself, I'm going to go and see him. So I went to see him to ask whether he would come and dedicate this center. I explained to him what we were doing, the things I just said to you, and he said he would. The day that this occurred, the dedication was going to be at something like 6:30 at night and I went down to his office.

MR. STEINBACH: Was he still Attorney General?

MR. TERRIS: He was still Attorney General. I went to his office, and the two of us went down to get in his limousine. I was cordoned off to sit in the front seat with the glass partition dividing me from him because it became obvious later the person he was talking to was a Congressman from New York City [laughter],

and when I later learned he was going to run for the Senate, I knew that's what he was talking to the Congressman about. But I couldn't hear what was going on. We went over to the building where our little community center was going to be with its pool table. That was going to be a center for the men in the neighborhood, which it certainly did become. He was mobbed by the little children there. I, of course, having no experience with this kind of thing – I've never been an advance man – tried to get the children off him, and he emphatically told me not to do that. He gave a little talk, and he left. But I think that experience made him feel considerably closer to me.

MR. STEINBACH: This is a very hard question and somewhat out of context. What made him so charismatic? You just described this situation that we can all picture as a typical Bobby Kennedy moment. Nobody would have mobbed anybody else who came to the dedication.

MR. TERRIS: That is absolutely right. That is absolutely right. Defining what charisma is I think may be one of the hardest things one can do. Because he wasn't, he certainly wasn't charismatic in small group conversations. I mean in comparison to the time that I spent a few minutes with Lyndon Johnson, it wasn't even the same ballgame. Lyndon Johnson in those small conversations was enormously charismatic. Robert Kennedy wasn't. But I think what somehow came through was how much he cared really about his audience – that I think you could tell it without a lot of words that he really cared to be there with those children. If there had been all adults there, it wouldn't have been the same. I think he had a feel for children, and of

course he had a lot of them, and I think he had a feel for them. And I think they could sense it. I find that a very inadequate explanation.

MR. STEINBACH: Before we leave the topic of legal services to the poor: Decades have passed. Look back and reflect on your efforts to begin the process of providing legal services for the poor. How proud are you of what you did? How successful were you? What would you say the state of play is now?

MR. TERRIS: Well, I am proud of it, although it was a relatively short time in my life and certainly lots and lots of other people have done all kinds of important things in it. I think it's an enormously beneficial program, but unfortunately it hasn't worked nearly as well as it should have because Congress has not provided the money that it should. I'm not sure that it hasn't actually over the last decade or two had a decline in the amount of money if you take into account inflation, and Congress has simply not been willing to expand the program in a way that it should have. There's an enormous demand, and if you go to any legal services program what they basically will tell you is we turn people away, people that are just as deserving of service as the people we do serve. So I think that's a pity. That's really too bad.

MR. STEINBACH: So it's your sense after all these decades that the need is still there, it's unmet in large respect?

MR. TERRIS: It's still unmet. If somebody asked me what's wrong with the American legal system, this is what's wrong with it, and it exists even more acutely in the criminal field. When you read about some of the things that occur from

failure to give adequate legal services to people that are accused of crimes, even serious crimes, it's a terrible blot on our system.

MR. STEINBACH: When you say "this" is what's wrong with the legal system, what do you mean by "this?"

MR. TERRIS: Inadequate resources to have the number of lawyers that are needed to provide services to people that are poor.

MR. STEINBACH: After your efforts on the legal services front, you transitioned to what colloquially becomes called the National Crime Commission. I think technically President Johnson established a Commission on Law Enforcement and the Administration of Justice, but we can call it the National Crime Commission because that's easier. Tell us just generally to start off: what was that entity, and how did you get involved in working with it?

MR. TERRIS: I don't remember exactly how. I was thinking I was ready to move from the Office of Economic Opportunity. I believe I got a call from Jim Vorenberg who was going to be the executive director – I think that's probably the title he had, the head of the staff of the Crime Commission – and asked me if I wanted to be the Assistant Director and to work on police/community relations. I'm not sure how he heard of me, because I didn't know him, and I don't believe he was at Harvard Law School when I was a student there. So somehow I think he had learned that I had some knowledge of the problems of poor people, so I had that offer. And then he also asked me at the beginning to work on narcotics and drug problems.

MR. STEINBACH: This is another almost call out of the blue for you. Had you been seeking other jobs at that point? Had you looked around and thought about maybe going to a private law firm or something?

MR. TERRIS: I certainly hadn't thought about going to a private law firm because I didn't want to go to a private law firm. Although I don't remember exactly, I'm sure that didn't happen. It would have been contrary to my whole thinking about what I wanted to do in life. So I don't remember whether I had made any efforts to try to find a job. I might have and simply hadn't found one. But I don't think I had. I think I was still enjoying the work I was doing at OEO, which was kind of early work on setting up the new legal services program. But on the other hand, I certainly would have entertained and did entertain any good job offer.

MR. STEINBACH: So Vorenberg calls and asks you to consider working on the National Crime Commission. What was the National Crime Commission?

MR. TERRIS: It was an effort to try to put together a program for the country to improve all the different elements of the legal system that deal with crime – police, prosecutors, corrections institutions. This isn't an institution, but it's obviously very involved, which is narcotics and the whole drug problem, and to take a look at that in a unified way to try to make significant improvements and maybe to get the federal government involved in a way that it hadn't been.

MR. STEINBACH: Is this somehow connected with the War on Poverty, or what was the motivation for Johnson establishing this comprehensive overview of the criminal process?

MR. TERRIS: I don't think it really had to do with the War on Poverty. It's not my recollection that it did. I think it came from the escalating levels of crime in the country and the feeling that that couldn't be dealt with unless there were some major improvements in the institutions that dealt with crime.

MR. STEINBACH: Describe how the Commission was set up, organized, and structured.

MR. TERRIS: The Commission had a number of major people from the private sector. I think the Attorney General may have been formally on the Commission, but certainly that wasn't where he was going to spend major time.

MR. STEINBACH: This would be Nicholas Katzenbach?

MR. TERRIS: Yes. But he did spend some time on it, and then there were people from all kinds of [organizations], the bar associations, from corrections, people that were major figures in the institutions that dealt with one aspect or another of crime. And then you had staff that were going to write a very detailed report – were going to go out to all kinds of academics and get them to write preliminary papers and then put those preliminary papers together. Facing me on the wall right in front of me is about, I would say, close to 18 inches of material that came from [the Commission] – all those white documents there, then the blue ones to the left is the actual report which is much smaller, but in each one of the areas they did more detailed reports.

MR. STEINBACH: These reports, I'm just looking, cover the police, juvenile delinquency, the courts, narcotics, etc., and your particular focus, or your particular aspect of the Commission's work was on, largely, not exclusively, police/community relations?

MR. TERRIS: That's a part of the police report, and then that was summarized and put into the overall report.

MR. STEINBACH: Right. And the overall report is called, "The Challenge of Crime in a Free Society," issued in, I think, 1967, although we can verify that.<sup>§</sup> What was it that got you interested in police/community relations, or were you just assigned to that particular sub-topic?

MR. TERRIS: I was assigned to it, but I had been interested in it before. If you're doing work on the street with poor people, it's inevitable you're going to do some thinking about how they relate to the police. Frequently poor people and their children have one kind of problem or another with the police and with the institutions that deal with crime, so I had done a fair amount of thinking about it. I had also set up another institution actually on Capitol Hill, that was a different idea, which was to set up a laundromat which would then become its own little kind of community center to get help for people. In doing that, one of the things I'd done in that area was to go on patrols with the police.

MR. STEINBACH: What did you learn from that process?

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<sup>§</sup> *The Challenge of Crime in a Free Society: A Report by the President's Commission on Law Enforcement and Administration of Justice.* Washington, D.C.: Government Printing Office, February 1967.

MR. TERRIS: One thing I learned is how boring it is. You can drive eight hours a night and nothing in the world happens, which may be a serious problem. I've never seen anybody write about it, but it's maybe a serious a problem because it may lead people, from human instinct, to want to do things that maybe you shouldn't do, for a policeman to do. It allowed me to talk to police officers for long periods of time and to talk to them about their relationship with African-Americans and the problems as they saw it in the relationship.

MR. STEINBACH: So you brought that level of experience with you to your work on the Commission?

MR. TERRIS: Right.

MR. STEINBACH: You're there for two or three years, 1965 through 1967.

MR. TERRIS: It wasn't three years because you have the pieces of two years that – I think it was probably even less than two.

MR. STEINBACH: But it's a considerable amount of time, one to two years. Tell us generally how you spent those one-to-two years.

MR. TERRIS: A lot of reading, and then at the end a lot of writing, and a lot of talking to people, talking to police. For example, the staff of the Commission itself had a police officer who headed the police portion of it and he had been I believe a captain in the police force in San Diego if my recollection is correct, and I talked to him, and he had a deputy running that section of the Commission who also had been a police officer. So you can learn a lot through people like this who had had a lifetime experience in police work. So I talked to them, I talked to other people on the Commission staff. And I also, I guess

this is part of my personality, I also thrust my nose into some things that weren't strictly within my bailiwick, like sentencing and things of that kind, and wrote short papers on them that then got considered by other people.

MR. STEINBACH: So in your particular area of police/community relations, you spent an intensive amount of time collecting information, scholarly works, interviews. I noticed in some of your publications there's a fair amount of data, polling data. Did you commission any of that or did you find it, or what?

MR. TERRIS: I found it. I don't think anything was commissioned by the Commission itself.

MR. STEINBACH: Are you working largely by yourself, or do you have a staff that's doing this for you?

MR. TERRIS: I'm all by myself.

MR. STEINBACH: So you're spending months trying to learn as much as you can about the relationship between – well you tell me – between community and police? What are you trying to learn?

MR. TERRIS: Correct. I'm trying to learn – you didn't need to do a lot of learning that there was a problem. The real learning is in, what are the solutions? How do you deal with this problem, which is in the newspaper today and yesterday and for the last few months, it's the same problem. I don't mean to say that it's as bad today or how it compares, but it's essentially the same problem. I certainly had to learn about what the problem is, but that's probably the easiest thing. The hard thing is, what do you do about it?

MR. STEINBACH: So let's define or describe the problem to start with that you learned, discovered, ended up writing about, in your work on the Commission.

MR. TERRIS: The problem is there's a lot of hostility between African-Americans – poor people generally but certainly African-Americans and the police. It comes in a number of different ways. One is crime is high in African-American neighborhoods, but victimization is high too. People almost always sort of think of it as a lot of African-American criminals. They tend not to think about the fact that almost all the crime that is committed by African-American criminals is committed against other African-Americans, it's not committed largely against people in the white community. I know people in the white community think that isn't true, but it's absolutely true. So when you talk about good police work and thorough police work and having a lot of officers on the street, in one way that's bad for the African-American community, but in another way, it's extremely good for the African-American community. They need that kind of protection, and if they don't get that protection, it does very bad things for the community in a whole variety of ways. People being victimized, people being afraid to go outside of their houses when it gets dark, all kinds of things, so it's a very difficult problem how you deal with this. The problem is also exacerbated by the police seeing the bad side of any community. That's who they see. They don't spend their time around upstanding citizens. They don't pay any attention to upstanding citizens to a large degree. What they're paying attention to is the person on the corner who looks to them, by the way they're

dressed or the way they walk or something else, that they think leads them to believe that person might be involved in criminal activity. They may very often be wrong, and the stop-and-frisk problems we have today revolve around this. But on the other hand, they're not always wrong. Policemen learn a lot by spending fifteen years out on the street. So it's a very, very complicated problem, and one that's not easily solved by solutions that say, well, you shouldn't be stopping any more black youths than white youths. I don't know if you remember this quotation from Jessie Jackson. Jackson said once that he was walking down the street at 2:00 in the morning and when he saw a young black man walking towards him on his side of the street, he crossed over to the other side of the street. Now that's a very telling statement, and it tells you a lot about the problem of how you deal with very complex problems in neighborhoods where African-Americans live.

MR. STEINBACH: So you're focused in part, in terms of the problem, on rising crime rates, especially violent crimes, especially black-on-black crimes, in center city areas across the country. You also – and I'm getting this from your writing and the Commission's publications – you also identify really rampant negative attitudes towards the police on the part of minority groups, which existed at the time. What do you think the root causes of those negative attitudes were?

MR. TERRIS: Attitudes of African-American toward police or police toward African-Americans?

MR. STEINBACH: The community members toward the police.

MR. TERRIS: Well first of all I think there are some bad policemen. I don't think there's any question about that. I think it's very difficult to be a policeman, even if you started out being a saint, it would be very difficult to be a policeman. But they don't all start out being saints either. There are people who become policemen because they have an attitude, they want to be big-shots, they want to be dominant over people, and particularly over black people. I think that exists. I don't think that's most policemen by any means, but that exists, and it doesn't take a lot of people to become the figureheads for a bigger group. So if you have a small number of policemen who treat African-Americans in a totally improper way, they become the symbol of police generally, they are the police. People don't say, well I'm counting now, there are only five percent of the police who are like this. The person who's treated badly doesn't know that, and to them this is the police. So that's part of it.

Part of it, though, is even with the best of policemen it's a very difficult problem. Do you stop people and start asking questions of 18-year-old young people? I think policemen will tell you that to do that helps to control crime, but it also helps make people very irritated at you, and so I think it's very uncertain about what method you should be using. [Rudolph] Guiliani's idea that you go and enforce the small statutes and ordinances in a community – that he thinks reduces crime. Maybe it does. I think that's not as clear as people argue, but let's assume it does. That's going to make an awful lot of people in the community mighty irritated, the feeling that every

time I jaywalk and they say to themselves, well I know a white community where people jaywalk all the time and they don't get arrested for that. So there are many, many different kinds of things. And then of course the African-American community has other grievances which can spill over to the institutions of authority generally; the way drugs are treated is really pretty terrible in this country. It shows that basically whites and African-Americans use drugs at roughly the same level and yet the people who go to jail are African-Americans. The police are part of that same system.

MR. STEINBACH: One of the things the Commission points out, which is interesting and almost ironic, is the sense back in the 1960s, that as police departments had become, and police work had become, in the previous decade more professional – police become more educated, more training – that rising professionalism at the same time it aggravated or worsened police/community relationships. What's the cause-and-effect going on there?

MR. TERRIS: I don't really know. I think the fact that you're getting a few somewhat better-educated police officers, I think that's useful, I think that's a good thing, but unless you really change the structure of the police department and how it sees its job, I don't think that will make that enormous a difference. What I wrote about coming out of the Commission was to argue that police officers have to see themselves essentially as people serving the community, not just serving the community by locking up serious criminals – of course serious criminals have to be locked up – but that they have a variety of tasks. [The police are] out on the street, nobody else is out on the street, nobody

else is dealing with the ordinary population in the way that police do – they have to see themselves as public servants in that kind of way. Attacking crime is part of it, but it's only a part of it. They see a young person they think has got a problem, they should be trying to figure out what to do about it. They're not going to become the social worker, but they can get that person help, and they've got to see their job I think in that way. And if they did see it in that way, I think it would have a cascading affect [on] the attitude of the public.

MR. STEINBACH: You point out in what you write that so much of the day-to-day role of a policeman is not investigating or stopping crime or shooting a target but simply human interactions and relationships much like a teacher or a social worker. Elaborate on that.

MR. TERRIS: Most of us, after we get to say age 18, don't deal with teachers. Most of us don't deal with social workers. The person who has contact with people if he gets out of the car is the policeman. This was one of the things I was arguing for, getting out of your car and walking the streets, and more police departments are doing that today than at that time – so you're dealing with individual people. They're often the only person from the government, from authority, people deal with, and so that's a very important relationship as to whether the person you're dealing with thinks that they are being respected as a person. So the policeman is an important person in our society. It's a very, very important relationship.

MR. STEINBACH: You write in your publications related to the police/community relations – you call among other things for police who can in effect become more sympathetic, empathetic, as human beings, almost as if you need or are trying to create more of a mentor relationship on the part of a policeman. Am I reading that right?

MR. TERRIS: That's right, because a lot of the situations, even the criminal situations, are quasi-criminal and quasi-social work. I mean you don't want to forget the criminal. For example, if you've got a situation, which police have all the time, they go into somebody's home and the issue is whether the husband has been beating the wife or girlfriend or whatever, that's a criminal situation and you don't want to ignore it as a criminal situation. It's also a social work situation, depending on the level of what's happening, and trying to figure out what's happening, and trying to end it with a situation that protects the woman but doesn't shatter what might still be a decent relationship and a family. It's a very complicated problem and one that policemen really need a lot of training in, and then a lot of empathy.

MR. STEINBACH: Your Commission recommends, among other things, more citizen advisory groups. What was the thought there?

MR. TERRIS: When incidents do occur – let's take the incidents we've been having lately of police killings of civilians – it's important to have a public institution that can deal with them and has different kinds of people on it and can provide some wisdom to the public, to the politicians, to the police, and in appropriate situations, conduct their own investigations if there's not another

way to do it. Now the ones we've had lately, investigations have been done by prosecutors, but frequently that has not occurred in the past, and having an advisory board that does that in an effective way can make a contribution. Usually they're too weak to do it, they're not set up properly and they don't have the resources to do it.

MR. STEINBACH: Your group also called for more minority recruiting for police officers and police leadership. Explain the thinking behind that.

MR. TERRIS: There's no question you're not going to have a good system if you have a mostly black community and you have mostly white officers. Even if the white officers were every bit as empathetic with the community as black officers, the black community is going to see it as that the institutions of authority, of power, are in white hands. It doesn't work. You can't have that. The police have to relatively closely mirror the community. It doesn't have to be perfect. If the community is 50% black, if there were 40% black officers I don't think anybody's going to rise up and say that's terrible. But also the officers who come from a black community are going to have a certain kind of empathy, a certain kind of knowledge, that's going to be superior to people who don't come from that community and they have to be taught in the classroom about it. So I don't think there's any question, that also is important.

MR. STEINBACH: A final recommendation, or a further recommendation, of the Commission was a ban or prohibition on certain types of what were deemed to be excessive or aggressive police conduct. That brings up one of the things that

the Commission did [which] was to put neutral observers in squad cars, which sounds very much like what you did in your laundromat days.

MR. TERRIS: It's not too surprising because I arranged some of that for other people on the Commission staff.

MR. STEINBACH: Tell us about that project, which seems intriguing.

MR. TERRIS: I just told them that I had done that, and Jim Vorenberg immediately thought it was a very good idea for other people to do it too so that they can get a feeling for it, and I think he did it himself. My dim recollection is that he did.

MR. STEINBACH: One of the conclusions was that in a small but still significant percentage of cases there was what the neutral observer deemed to be aggressive or excessive police misconduct. Did it surprise you that you were able to sort of see and document that so easily?

MR. TERRIS: It's not terribly surprising because I think a considerable number of police officers don't think of what they're doing as being wrong. I'm not talking now about shootings or something like that, I'm talking about things that are aggressive but are well short of that. I think they frequently don't understand. Training is really enormously important, and not training once. I think that's one of the big deficiencies is the idea of a person comes into the police academy, train them for six months or whatever it is. These kinds of things have to be repeated over and over because they go to deep-seated things in your own psyche, so if you're not training people over and over so it becomes clear, we really mean it, this isn't just what we're doing because

you're becoming a police officer and you've got to go through training, we mean it.

MR. STEINBACH: So you collect this information, you end up as a Commission making certain recommendations of the sort we've been focusing on, and you write this up as part of the Commission's report. Why don't you take us through that process of getting your ideas and recommendations approved by the Commission or published.

MR. TERRIS: This is one time in my life I had a real problem with a writing project. I unfortunately acquired so much information that I really needed to write a book by myself, not do something for the Commission. I wrote a much too long detailed document, and it really looked like that I was going to have trouble getting it cut down to the right length within the time period that was essential to get it done, and so the person who ended up rewriting it was Patricia Wald [laughter].

MR. STEINBACH: Who we've heard of before.

MR. TERRIS: That's right. And so I can't remember though whether what she rewrote was the portion that went into the big volume on the police or just the portion that went into the summary Commission report. But anyway, she rewrote one of those two, and she did a good job of it.

MR. STEINBACH: The essence of the police community section of the National Crime Commission's findings and report is essentially your brainchild.

MR. TERRIS: Yes. What she did is edit. She did a fairly thorough edit, but the ideas were my ideas, and she did a very good job of improving it.

MR. STEINBACH: We're going to come back to more on your Crime Commission work in a second, especially about narcotics, which we haven't focused on yet, but in terms of police community relations, you end up publishing several other works in a variety of legal journals, which we'll reference in footnotes in this interview transcript.\*\* So in 1967-1968, you are probably one of the nation's premier leaders, experts, consultants, on this particular topic. Would that be fair?

MR. TERRIS: I'm a little reluctant. I wasn't a consultant, because nobody came to me to say, "Please, we want help changing our police department." That, I think, probably would never have happened without somebody having direct police experience, and it didn't happen with me. I think I did have considerable expertise, and I think the article I wrote for the *Political Science Journal*, which is one of the leading –

MR. STEINBACH: American Academy of Political Science.

MR. TERRIS: – is one of the leading periodicals in the country in the political science field, has my ideas down to a reasonable length. So yes, I think I did know a lot. There probably wasn't anyone who knew more than I did.

MR. STEINBACH: If you could put yourself back in 1968 when you're finally consolidating these ideas and putting them in the streamline form such as in the American

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\*\* See Terris, Bruce J. "The Role of the Police." *Annals of the American Academy of Political and Social Science* 374 (November 1967): 58-69; Terris, Bruce, J. "The Challenge of Crime in a Free Society: The Responsibility of City Government: Win the War or Preserve the Peace?" *New Jersey Municipalities* 45 (February 1968): 6, 15-19; Terris, Bruce J. "Black Versus Blue: The Crisis in Police-Community Relations." *The Legal Issue – Catholic University Law School* 9 (Winter 1968/69): 3-4, 14-15; see generally Task Force on the Police, The President's Commission on Law Enforcement and Administration of Justice. *Task Force Report: The Police*. Washington, D.C.: Government Printing Office, 1967.

Academy of Political Science extract that you wrote: What was your sense of how your ideas were being received at the time?

MR. TERRIS: I didn't really have an outside audience in the sense that when it came time to write, we were no longer really dealing with the outside world. We were all focused on getting a document out in the time period that was given to us, and it was an enormous enterprise, as those volumes on the shelf indicate. It was a tremendous, complicated enterprise. Within the Commission and the staff, my ideas were welcome. There was, I guess, a little bit of tension that I had with the police people that were the head of the staff on the police about setting up special advisory commissions and community relations boards and things of that kind. I was not terribly popular with the police people. So there was a little tension, with that kind of thing. But essentially the ideas I had were I think Jim Vorenberg's ideas too. But as I say a little bit of tension with the police people.

MR. STEINBACH: Do you have any sense in the next five to ten years following publication of the Commission's recommendations in your particular area, to what extent police departments across the country paid attention to what you all had recommended, or carried on life as normal and ignored what you suggested? How influential was the Commission's work?

MR. TERRIS: I'm really not sure about that, either in this field or any of the fields that the Commission dealt with. I think it had some influence, but you know it's almost a truism, these commissions, they do elaborate things, the documents they produce are wonderful documents, and they sit on the shelf. If you ask

people, they would say that's always what happens. I think I may be a little too cynical, but I think it's largely true. You're only going to really get an effect from this kind of thing if you have a bureaucracy whose job it is afterwards to carry it out. Now there was some effort, and I can't remember exactly the timing of this, the Department of Justice got money to dish out to police departments and other institutions in the criminal justice field. I don't think it happened immediately, though, but ultimately it did happen, and I think they pushed ideas like the ones that are in the Crime Commission report. Let me put it this way: Years afterwards, I don't know how long ago it is now, maybe 15 or 20 years ago, there was a reprise of the Commission. There was a meeting here in Washington in which all the people that worked for the Commission, as many of them as possible, came together again and had a meeting for a couple of days, and that question was asked – your question was asked. And I think there was a feeling that some of it had had an effect, but by no means as much as obviously the people that worked on it hoped.

MR. STEINBACH: Did you feel at all at the time – I'm looking back now to ask this question – but at the time you almost seem – this report is issued in 1967, 1968 – there's a lot going on politically and culturally then, which leads to Richard Nixon's election and almost a reversal of many public attitudes toward the War on Poverty in the wake of unrest in the cities. Did you have a sense at the time that you were writing, that this unique moment that might go away or that

you were about to be swamped by a larger societal forces? That was a very vague question, but I think you know what I'm asking.

MR. TERRIS: I do know. I think the answer to that is probably "no," because people are not very good at doing that, even smart people are not very good at doing that. But at that moment, I don't think anybody would have thought that Richard Nixon or people like Richard Nixon were on the horizon. I think you have to have a little bit of a footnote there because of the problem of Vietnam, but the country did not seem to be repudiating these efforts, these kinds of efforts, domestically. We should probably have been thinking about that kind of thing. People that are involved in politics, and this is politics – it's not politics in the sense of getting elected directly, but it's politics, it's how you run the government – always should be thinking about that. But I think there wasn't much such thinking.

MR. STEINBACH: I want to take you to late 2014 when we are talking together. In preparing for this session, and I know you prepared for the session also, we've done so by looking at your work 50 years ago. In the midst of tumultuous society self-reflection on the events of Ferguson, Missouri and Brooklyn, New York, and even over the weekend the shooting of two officers on patrol in New York City, one reaction would be to say nothing has changed, the problems of the 1960s are still with us. I'm not sure that's your sense. Why don't you address it from that perspective. Has anything improved?

MR. TERRIS: I think things have improved. I don't think they've improved anywhere near enough, as the past few months have shown, but I think they've improved. I

think in fact everybody in reaction to what happened in Ferguson realizes that a black community can't be policed by white officers. I think there's hardly anybody that thinks that makes any sense. Regardless of what happened concerning the particular death of [Michael] Brown, the situation in Ferguson was terrible. The discrimination against African-Americans by the police, using it as a way of raising money for the city is outrageous. I really haven't seen anybody who thinks anything like that is justified. So there are pieces of this that are certainly different than the way they were at the time of the Crime Commission or maybe a few years before the Crime Commission where that kind of stuff existed probably in half the country, and nobody really thought anything about it. So those kinds of things I think are very different. I think people today, if you said we really have to do different kinds of training, I think everybody basically knows we're not training police officers in many communities in the right way. So there's a big improvement, I think.

The thing with Ferguson to me – and I've thought a lot about Ferguson given my background, as you can imagine – Ferguson makes me very upset in many ways. I'm very upset about the liberal position, [although] I'm thorough-going liberal, which basically is second-guessing what the grand jury did and the same thing in New York. You can't second-guess a grand jury unless you see the evidence. It's absolutely impossible that anybody in this country thinks that you can judge that officer without actually being present at the [grand jury proceedings]. Now was that a fair grand jury

inquest? I don't know. I am a little suspicious that the prosecutors set it up in a particular way, but I wasn't there, and unless you read a transcript of the whole thing, and maybe even then you can't be sure if you weren't there. Very, very difficult to know. To me, the emphasis today should not be on the two particular officers. If we get into that, we're going to be in a situation which in my opinion led to the death of the two officers who were killed [in New York City]. I think what you have to do is go back to what the Crime Commission was dealing with, how do you change these departments? I don't think the issue is whether you put these two officers in jail. I don't know whether they did the right thing or the wrong thing, but I'm very convinced that for people like me who have never faced that situation, it's a very, very difficult situation. To me, you've got to change the police departments, not put two officers in jail.

MR. STEINBACH: Do you ever say to yourself, "Gosh, I wish they'd just pull out our report and do what we recommended 50 years ago?"

MR. TERRIS: Yes [laughter].

MR. STEINBACH: I'm just reflecting on one man, one vote, and your involvement in that markedly changes our political process, and the potential is there for the same result with the National Crime Commission to markedly change social relationships in our urban settings. Looking back, are you saddened, disappointed, or not the least bit surprised that things have played out the way they have?

MR. TERRIS: One of the differences is, it's an interesting difference. The Supreme Court, even though the election-type things are done city-by-city, state-by-state and everything, the Supreme Court as a national institution could lay down the law. This is our decision, this is our country, everybody's got to do it. The criminal justice system in this country is largely split up so there is no ability to do that that way. In many ways, that was the underlying deficiency of the Crime Commission. Not its fault, but this is a Crime Commission for the country, but it's dealing with 50 states, thousands of cities and counties, and most of them had no connection to the Crime Commission whatsoever. In other words, if the Crime Commission had said we want the FBI to do something, there'd be a connection. President Johnson could have said, I want the FBI to do what the Crime Commission said. But there was nobody to say that to the State of Nevada. They had to be persuaded by reading this book, a much messier situation. That's our criminal justice system in this country – completely decentralized, or almost completely.

MR. STEINBACH: Which sounds pessimistic and almost non-fixable.

MR. TERRIS: Well it's not fixable in a clean-cut way. We're going to do this in the next year. It's not fixable that way. It's got to be fixable, but in an incremental way. And that's very, very difficult. Something is happening now. I think something good will come out of this process. If people concentrated not on these two police officers, but on what's wrong with police departments.

MR. STEINBACH: If you were the President or the Attorney General, would you set up another national Crime Commission at this moment?

MR. TERRIS: No.

MR. STEINBACH: Because?

MR. TERRIS: Well, I was a little too quick. If I thought that the federal government was functioning, I would say my answer was no. Maybe because the federal government now isn't functioning that that's the best thing that could be done for the next two years. But the right way to do this would be for the President to deal with Congress and to see whether there can be some agreement on things that can be done, which means pumping some money into the police departments to do certain things.

MR. STEINBACH: Any other reflections on this important aspect of your past?

MR. TERRIS: I'm afraid to go on because I'm afraid that'll become our main discussion, because as I said before, I've done a lot of thinking about this, and I'm afraid that we'll concentrate too much on these two police officers and not on what's wrong with police departments.

MR. STEINBACH: Larger issues such as you focused on at the very beginning back in the 1960s. Before we leave the topic of the Crime Commission, you had a role not only in police/community relations, but also at least to some extent you focused on narcotics and dangerous drugs. Why don't you tell us a little bit about your work there.

MR. TERRIS: The main thing that I remember was a topic of particular interest to the Commission at that time, which has died down now. I'm not exactly sure why. The idea of using methadone to get heroin addicts off of heroin was being mooted about at that time, and it was a big issue with the Commission

because of course it raises moral questions. You're giving people one narcotic to replace another narcotic, but if that works, isn't that a good thing? I spent a considerable amount of time working on that, and my recollection is that the Commission basically did support it. The reason I say it's my recollection is I never wrote any of the work in the narcotics field. Before we got to the writing stage, an additional person, Tony Lapham, was brought in because the Commission thought it was such a big topic that to have somebody to be doing it part time was not appropriate, so another person came in and did that.

MR. STEINBACH: We're a couple years away from comprehensive drug legislation that Congress passes, I think in 1970 or 1971, that becomes colloquially known as the War on Drugs. Does the Commission play a role in bringing us the War on Drugs, or are these sort of independent acts?

MR. TERRIS: I think they were mainly independent. Most of the discussion in the Commission while I was doing the work was on treatment and the like. There was some discussion of police work and what have you, but I don't remember anybody having some brilliant idea about how we were going to control the marketing of drugs in this country.

MR. STEINBACH: I guess it's fair given at least your work on it at the time to ask for a reflection now on – here's a big question – the past 50 years of drug policy by our nation.

MR. TERRIS: I have a lot of opinions on a lot of subjects, but I have always been baffled by this. I have got to tell you I'm still baffled. I'm very uneasy about legalizing

marijuana. On the other hand, clearly the efforts we've made to control drugs have not worked. And certainly the number of people we lock up for being essentially users and not traffickers I think makes no sense whatsoever. I mean the effect on the black community is horrible. The percentage of black males that spend time in jail because of drugs – just that alone explains much of the problems of the poor black community, the portion of the black community that's poor. It's terrible. But I don't have [a solution] – it's a very, very difficult problem.

MR. STEINBACH: Is there anything else you want to add about your work on the National Crime Commission that I may have neglected to trigger a recollection about?

MR. TERRIS: No, I don't think so.

MR. STEINBACH: Why don't you tell us where you're headed next in your career, and we'll see how far we get before we take a lunch break.

MR. TERRIS: These little slivers, I keep forgetting what the order is.

MR. STEINBACH: At some point you leave the National Crime Commission. Is that because the Commission has completed its work?

MR. TERRIS: It's over, right.

MR. STEINBACH: And you become at some point a member of Vice President Humphrey's office. Is that the right transition from the Crime Commission to Humphrey's office, as far as you can remember?

MR. TERRIS: I think I did some work for a private law firm here for a short period of time, and that may have been at this time for a few months. When did I do work

for the Department of Justice Community Relations Service? Because I did work for them too.

MR. STEINBACH: Tell us about that because I'm not certain I know this.

MR. TERRIS: I was asked by Roger Wilkins, who was the head of the Community Relations Service. What dates do you have for that?

MR. STEINBACH: 1965.

MR. TERRIS: Oh, so it was before the Crime Commission.

MR. STEINBACH: And let me for the record here – you became a consultant for the Community Relations Service of the Department of Justice consulting on police and community relations in 1965.

MR. TERRIS: Right. And Roger Wilkins asked me to do that. I went to several places in the South to deal with police problems there, and I also went there to deal with problems of setting up the legal services programs. Those were interesting projects. I had never really been in the South dealing with problems of African-Americans, so I found this quite interesting.

MR. STEINBACH: This would be in which states?

MR. TERRIS: I went to Mississippi, and I went to South Carolina. I'm not sure how many other places I went to. It wasn't a large number. This was not over a very long period of time. It wasn't the regular work of the Community Relations Service.

MR. STEINBACH: This was during the time when those states were focused on the Voting Rights Act legislation, mid-1965. Did you have any involvement in the Civil Rights Act of 1964 or the Voting Rights Act of 1965?

MR. TERRIS: No.

MR. STEINBACH: I meant to ask you earlier, did you have any continuing contact with Lewis Powell after your work with him?

MR. TERRIS: No. But I had a fair amount of contact during that time that I was working for OEO.

MR. STEINBACH: So let's place you in 1967, 1968. Your Crime Commission days are over, and you're now the Assistant to the Vice President, Hubert Humphrey, for the District of Columbia. How did you get that job?

MR. TERRIS: I'm not sure, but I have the feeling that it was also Steve Pollak [laughter]. I was brought in, I don't know if this is cynical, I was really brought in to do what I could to prevent having a riot that summer.

MR. STEINBACH: In Washington, D.C.?

MR. TERRIS: In Washington, D.C.

MR. STEINBACH: The summer of 1967 or the summer of 1968? You started in 1967.

MR. TERRIS: That's it. 1967.

MR. STEINBACH: So this is the summer before Martin Luther King and the riots.

MR. TERRIS: Correct. So I was to basically work on programs to deal with African-American youth. And what does that mean? It meant getting jobs, maybe that was most important, getting jobs, working with all kinds of other agencies in town, and also setting up cultural programs, music programs, we got name people to come in and play music in the parks, and that kind of thing.

MR. STEINBACH: How does all of this responsibility end up with Vice President Hubert Humphrey of all people?

MR. TERRIS: I don't know [laughter]. I really don't know. Probably, the President said to him, you know, we can't have riots in Washington, I'm giving you that job.

MR. STEINBACH: Were you on Humphrey's staff?

MR. TERRIS: I think so. Yes, I think so.

MR. STEINBACH: As a government employee?

MR. TERRIS: Correct. Oh yes, I was definitely a government employee.

MR. STEINBACH: Did you have an office in some building?

MR. TERRIS: Yes. I was with a group of people that worked more across the country. I was the only person working on the District of Columbia, and I was doing it much more intensively than they were doing things across the country. I mean I was calling the Director of the Department of Recreation as to what his programs were. I was calling the Employment Service about how many jobs they were going to get for young African-Americans. This was hands-on.

MR. STEINBACH: Did you have any personal interaction with Humphrey himself about this?

MR. TERRIS: No.

MR. STEINBACH: Did you ever meet Humphrey in the course of your work?

MR. TERRIS: I met him later. It wasn't that – oh, wait a minute, that's not right. I did meet him that summer, that's right. He went around the city opening swimming pools and I rode with him.

MR. STEINBACH: So this is in the days prior to Home Rule.

MR. TERRIS: Right.

MR. STEINBACH: And it's almost my sense that a fair amount of the District's day-to-day business is in part the responsibility of Johnson, Humphrey, and the White House.

MR. TERRIS: Well when it comes to whether there are going to be riots, I don't know whether that's true. Steve Pollak had himself considerable responsibility for the District of Columbia. He was working in the White House. The reason that came up was he went on vacation for two weeks during the summer and for those two weeks, they wanted me to be in the Executive Office Building, so I had to get some kind of FBI clearance, and at that same time, John Hechinger was being considered to be the chairman of the City Council, so they thought, the newspapers thought, momentarily [laughter] that I was being appointed to be the chairman of the City Council. It was very momentary before it was discovered that all I was doing was moving for two weeks over to the Executive Office Building.

MR. STEINBACH: The first significant 1960s riot is in New York in 1964, followed by Watts the following summer, and then in 1966 and 1967, there are dozens of riots in dozens of cities. What did people at the time like you think were the reasons those riots were occurring?

MR. TERRIS: Why I thought they were occurring, I think, is very different from what most other people would have thought, that the situation for large numbers of poor African-Americans was very, very bad and that there was a feeling of hopelessness. Let me add one thing about this. One of the things I learned at

Harvard College, and I'll never forget this particular point, Crane Brinton, a scholar of the French Revolution, said in class, and I won't forget it, "Revolutions occur when conditions are getting better. They don't occur when conditions are getting worse and everything is totally hopeless." And so I think that's a fair description of what was happening during this period. Conditions were getting better, but they were getting better at a very slow pace, and people now realize, this doesn't have to be what my life is going to be. It doesn't have to be this way. I want more. I want more for my children, and people – I think that's in many ways underlying what happened with the riots. Things were getting better, but they were very bad. Both statements are correct.

MR. STEINBACH: I was going to ask you, because we're now after Martin Luther King's civil rights progress, we're after two major legislative enactments on civil rights, and we're after the War on Poverty even – and then there's starting to be significant, almost routine, catastrophic unrest in our cities summer after summer after summer, and that must have been very difficult to experience personally and as a society.

MR. TERRIS: Absolutely. There are lots of people in society who think to themselves, "I'm doing some good things, our society is doing good things, and look what's happening, things are getting worse. African-Americans didn't used to riot." Of course that's forgetting a few riots that did occur earlier in our history. "But African-Americans didn't used to riot, and now we have these improvements going on and look what's happening."

MR. STEINBACH: So one of the reasons you were brought in to work on youth programs, etc., was to try to do all that could be done within the government to prevent Washington, D.C. from also erupting in 1967?

MR. TERRIS: I was obviously not dealing with anything fundamental. I was dealing with the surface, and at one point I almost thought I was going to cause a riot because I was told that young African-Americans were not coming in to get jobs and there were jobs available, so I put out publicity that there were jobs available, and then the number of people that came in was so huge that they were having trouble getting jobs for them. People were wondering whether I was going to be the cause.

MR. STEINBACH: What did you do on a day-to-day basis while you were assigned to Humphrey's staff working on District of Columbia issues?

MR. TERRIS: During that summer – I have to separate summer from the rest – during that summer I nagged people. I can remember now I'd have a sheet of paper and top to bottom, there'd be thirty names, and I would start going down the list, calling, what's going on with this, what's happening with this? I was in many ways the official nagger in which I was going to have them get done what they promised they were going to get done. That's largely what I did.

MR. STEINBACH: That's to coordinate efforts inside the city's bureaucracy to provide important services that had been previously promised?

MR. TERRIS: That they're not going to drop the ball, it's not going to get delayed three weeks. I called some music people to get them to come to be at concerts, that kind of thing.

MR. STEINBACH: What was your work like after the summer was over?

MR. TERRIS: The summer was over, I stayed on to work more generally in the country on things that Hubert Humphrey was interested in. A lot of good things, small business development for African-Americans, things like that. I got to meet for the first time Marian Wright (she wasn't Edelman then), a brilliant young woman coming from Mississippi.

MR. STEINBACH: When did you meet her?

MR. TERRIS: I can't remember exactly which of the different things that I was working on.

MR. STEINBACH: So you continued through the rest of 1967 and early 1968 to work in Humphrey's office.

MR. TERRIS: I also was at this time teaching law at Catholic University.

MR. STEINBACH: Why don't you tell us about that. You were a visiting Professor of Law at Catholic, 1967-1968.

MR. TERRIS: Right. I expected that I was not going to be working for the Vice President after that summer because I was hired to work on the summer [issues] and nobody expected a riot in December. So I took a job with Catholic University and then Humphrey wanted me to stay, so I did. But it wasn't that difficult to teach law at Catholic University and still do my other job. I taught the full load, which was two courses. They were both Constitutional Law. I've got to tell you I don't think it's that hard a job to do. I probably wouldn't want to say this to any of my professors, but it really wasn't, and particularly because I used entirely the Socratic method. I think it may be true that except for making assignments, I didn't say a full English sentence

in the entire two courses. I am a great believer in the Socratic method.

Apparently it worked because I was voted after that year by the students the best professor at Catholic University Law School [laughter].

MR. STEINBACH: That was a one-year experience? Did you enjoy it?

MR. TERRIS: I also taught another course because the law school got irritated with me because I didn't hide it that I was working for Humphrey, so they said you should teach another course in the spring, so I taught a course on urban legal issues in a seminar. I enjoyed it, but I didn't want to [be a law professor permanently]. I'd actually, when I was in the Solicitor General's Office, been interviewed by several very good law schools, and I think I turned them down, but maybe they turned me down. I believe I turned at least a couple of them down. I didn't want to do it then because the Solicitor General's Office was such a great place to work – but after Catholic University, I didn't want to do it, I was very sure I didn't want to do it, because I really thought it would have warped my personality. And the reason is, you're really in a position of complete control[. . .]. I'm not commenting on the work you do because I think the work you do you ought to get a medal for, I'm a great admirer of people who teach – but with law school, it was like I always felt that I was almost manipulating the situation. I knew more than they did, and besides, I'm in control, and I can essentially do anything I want, and that's not really good for the soul to do that. So I really didn't have any interest in continuing there or elsewhere.

MR. STEINBACH: So one year of teaching and you've never looked back?

MR. TERRIS: No, I never looked back.

MR. STEINBACH: I think we're about to move to 1968 and Robert Kennedy's campaign for the Presidency and your work on a variety of other ventures. At some point, somehow, you transitioned from being an employee of Hubert Humphrey to being a campaign staffer for Robert Kennedy. So take us through the events of early 1968: Johnson's surprise decision not to run again and then a free-for-all in the Democratic party for the nomination.

MR. TERRIS: Well of course there was a lot of rumblings through 1967 and then into 1968 about whether Johnson was going to run. Eugene McCarthy had announced he was going to run. It seemed very clear, or at least I mistakenly thought it was very clear, that Robert Kennedy was not going to run. So I didn't do really any thinking about the fact that I was working for Hubert Humphrey and that maybe Robert Kennedy would run, because if he ran, I knew I would attempt to join his campaign. Then of course everything changed. The New Hampshire primary occurred, and Johnson pulled out, and that day, I called Kennedy's campaign and asked whether I could join his campaign, and I resigned from Humphrey's staff. I don't know if it was still Drew Pearson or his successor, but there was a little blurb that I left Humphrey's campaign to join Kennedy's campaign.

MR. STEINBACH: Johnson doesn't run again because of events in Vietnam largely.

MR. TERRIS: Or maybe events in New Hampshire [laughter].

MR. STEINBACH: Exactly. Which he wins, but not at all convincingly for an incumbent President. What's your recollection at this point? It's 1968. Has Vietnam touched your life very much up to this point?

MR. TERRIS: No. Obviously like any American I thought about it. I was not a gung-ho person about opposing the war. I considered it a considerably more complicated issue than a lot of my friends did. I can remember during this period I happened to be, or really my wife and I were, friends of Joe Califano and his wife, and I can remember being over at his house and having discussions about all this. I was much more, I guess, not certain. During this period also, maybe a little earlier, it was definitely somewhat earlier, Robert Kennedy had gotten me a job offer from John McNaughton, who was what people called the Secretary of State for the Defense Department. He was an Assistant Secretary of Defense, and he handled all their diplomatic affairs. I'm sure that's not the right name for it, but that's what he did, and I would be his chief of staff. I went over and I talked to him, and I decided not to do it, partly because my attitude was rather mixed on the war, but also partly because it was very clear that would be the end of my ever seeing my family to have a job like that, and so I didn't accept it. So I wasn't clear on the Vietnam War itself, but I was very clear that if Robert Kennedy was running for President, I wanted to be part of it.

MR. STEINBACH: So McCarthy does well. Johnson decides not to run again. Was that announcement – it's now deemed as a big surprise in retrospect – at the time, was that a surprising announcement?

MR. TERRIS: Enormously surprising.

MR. STEINBACH: It was?

MR. TERRIS: Yes. Either it was enormously surprising or I was a very dumb guy, let's put it this way, because I was enormously surprised, and I think other people were too. That didn't seem like what Lyndon Johnson would do.

MR. STEINBACH: A week or so after that Robert Kennedy decides that he too is going to enter the Democratic nomination against, at this point, McCarthy. Had you given any thought of working at all for McCarthy?

MR. TERRIS: It never really crossed my mind that I'd work for him. First of all, I didn't think he was a heavy-weight, he had never been a heavy-weight, Senator. I didn't think he was qualified to be president. He had obviously an issue, a very powerful issue[. . .]. His main argument was, I had the courage to stand up, Robert Kennedy didn't have the courage to stand up, therefore you ought to vote for me for President.

MR. STEINBACH: Bobby Kennedy at this point had been a New York Senator for almost two years. Had you been involved at all in his 1966 campaign in New York or any interactions with him while he was a United States Senator?

MR. TERRIS: No. I had mainly been in government so I really couldn't have done it, and I didn't.

MR. STEINBACH: When Kennedy decides to announce, was it clear at that point that Humphrey was going to be the heir apparent from Johnson's perspective, and he, too, would run for President?

MR. TERRIS: I don't think it was entirely clear, but it certainly seemed like a possibility. I don't think it was more than a possibility that he would.

MR. STEINBACH: I guess I'm asking indirectly, and will ask clearly: Did you think you were making a choice between Humphrey and Kennedy when you went to work for Kennedy?

MR. TERRIS: Oh yeah.

MR. STEINBACH: Why did you pick Kennedy instead of Humphrey to be the next president?

MR. TERRIS: I knew Kennedy, and I had enormous admiration for him.

MR. STEINBACH: So Kennedy announces that he's going to run, and you call the campaign. Do you remember who you called or what you asked or what you were offered?

MR. TERRIS: No. I'm not sure. I wasn't offered much of anything. My job was not one of the more important jobs of his campaign, I can tell you that.

MR. STEINBACH: What did you do in the 1968 Robert Kennedy campaign?

MR. TERRIS: Mostly just messed around and did research on some topics, most of which I don't think probably ever saw the light of day in a speech, talked to some academics and some people to get them on committees. People like to fool around with that kind of stuff. We've got this committee of professors that deal with this or that or whatever, so I did some of that kind of thing.

MR. STEINBACH: Were you focused primarily on urban issues, police issues, the sort of stuff you had done before?

MR. TERRIS: I'm sure it was urban, it certainly wouldn't have been foreign policy or defense. Those aren't subjects I really had any expertise in, so I'm quite sure it was domestic.

MR. STEINBACH: You didn't travel with Kennedy at all?

MR. TERRIS: Not at all.

MR. STEINBACH: Any interactions with him at all during the campaign?

MR. TERRIS: The only interaction I had with him during the campaign was the week before he was assassinated, there was a caravan of cars – the District of Columbia's primary was the week before California's – and there was a cavalcade of cars in which I was sitting in one car and as he ran by, he ruffled the back of my head. That's my connection with him during the campaign. Other than that, I never saw him during the campaign. Of course he rarely was in Washington.

MR. STEINBACH: But he ruffled your head on purpose because he recognized you.

MR. TERRIS: I guess so.

MR. STEINBACH: That's a good connection. We'll count that [laughter]. So this would have been most of April, most of May, into the first few days of June that you were full-time working?

MR. TERRIS: I was still teaching too during that time period, but again, I was at the headquarters, except for the time I was actually teaching. One of my classes was in the evening and one was during the day. Except for that one class during the day, I was in the campaign headquarters. I would prepare at night for my classes.

MR. STEINBACH: How exciting was that campaign?

MR. TERRIS: The campaign was enormously exciting. The work I did wasn't enormously exciting. I didn't interact with important people. The people that were writing the speeches, I never saw them. They were out with Kennedy wherever he was. But the campaign, I thought, was enormously exciting. It was really a campaign that was based on Kennedy's charisma and his ability to rouse people in a way that isn't usual.

MR. STEINBACH: What likelihood of success did you envision at the time for the campaign?

MR. TERRIS: I didn't go into the campaign saying Robert Kennedy is certainly going to become President. In a way it really didn't matter. That really wasn't a critical question. If somebody had proven to me that his chance of becoming President were 10%, I would have done exactly the same thing I did. So that wasn't how I was approaching the issue. But I thought the chances were good [he would] win the Democratic nomination. I thought that McCarthy had fundamental weaknesses, that ultimately he would not have been able to prevail. He would have had to, I think, sweep the primaries to have done it, and of course he couldn't sweep the primaries. He ended up losing most of the big primaries. So I felt pretty confident that Kennedy was going to win the nomination. Who knows about the actual election?

MR. STEINBACH: What was it about Robert Kennedy and his candidacy that, even now, you say you would have volunteered even if he had only a 10% chance of prevailing?

MR. TERRIS: As I think I said earlier in one of our interviews; maybe I didn't, if not, I'm glad to say it now: I think of all the politicians in my adult lifetime, he was the most principled politician. A principled politician is in some ways a dangerous politician – and there was a danger in him, and that was he really had some very deep-seated ideas of the way this country should run. Most important, I think, what he thought about poor people. It was not a coincidence that he went out to see Cesar Chavez, that he went into the hills of West Virginia, that he went into the ghettos across the country, that he went to Indian reservations. Those [actions] were not contrived. Like the way he appealed to those schoolchildren at the community center that I'd started. These were really what he fundamentally believed, and I'd never seen anything before that time or since of a politician who really felt that way.

MR. STEINBACH: There's this sense out there that Robert Kennedy's hard edges were softened and mellowed a lot after his brother's assassination. Any reflections on whether that was true from your perspective? The ruthless Bobby Kennedy from the past?

MR. TERRIS: Obviously there are people who knew him much better than I did. That's not what I saw. His attitude on one man one vote I thought was very indicative of somebody who wanted to do what is right and had a clear idea of what democracy meant. He prosecuted all kinds of people. It was not good politics. Prosecuting Hoffa was not good politics. Now there are people who would say he went too far with Hoffa, that he wouldn't quit. You can call

that ruthless or you can call it that he believed based on the evidence that he had that Hoffa was a very corrupting influence on American labor. I think that's what he thought. And he also had the same idea about the corrupt Democratic politicians who he prosecuted. Yes, if you call it ruthless, maybe. And the fact is, as I said before, a principled politician in some ways is a dangerous politician. In some ways the least dangerous politician is one that goes with the flow, pragmatic, doesn't have too many principled ideas. I think Kennedy was not that kind of politician.

MR. STEINBACH: So you've only been working on the Kennedy staff a few weeks when Martin Luther King is assassinated, which is an event I'm sure you can recall.

MR. TERRIS: Right.

MR. STEINBACH: What do you remember about that, and were you in Washington when that occurred?

MR. TERRIS: I wasn't, and I've never been able to figure out now what I was doing there, I was in Seattle. But I don't think I was working on the campaign. I don't know why I was in Seattle.

MR. STEINBACH: Martin Luther King is assassinated, and do you recall Robert Kennedy's speech in Indianapolis that night?

MR. TERRIS: I recall it then, and I have a copy right over there, because I talked to some people in my office about Robert Kennedy, and that speech is a remarkable speech. So I know that speech fairly well.

MR. STEINBACH: It is a remarkable speech. What's your perspective on what makes it so great?

MR. TERRIS: First of all, it came straight from the candidate. It's quite obvious it didn't come from speechwriters. He had wonderful speechwriters, but I don't think they wrote that speech. The other thing, I think you can tell that it came from the heart. It came from somebody who had been very deeply affected by that assassination. Of course of all the people in the country who would be just about the most affected by that assassination, certainly pretty close to the top of the most affected would be Robert Kennedy, given what had happened to his brother.

MR. STEINBACH: Correct me if I'm wrong, but prior to the assassination of Martin Luther King, there had been no major riots in the city of Washington, D.C.

MR. TERRIS: I think that's right.

MR. STEINBACH: And then that changed after the King assassination. What was your reflection on that after having spent a good part of the previous year trying to prevent that from occurring?

MR. TERRIS: Well I didn't think that I would have been the one that stopped it. Things like that, you feel terrible, but I really felt terrible as a citizen, not for other reasons.

MR. STEINBACH: Do you know what happened to the particular geographic neighborhood that you had devoted all your efforts?

MR. TERRIS: It wasn't affected.

MR. STEINBACH: It was not affected during the riots?

MR. TERRIS: No. But it didn't have stores in it. It was a residential block.

MR. STEINBACH: You at some point came back from Seattle to Washington. Describe the city at the time of the riots.

MR. TERRIS: I didn't go into the riot areas. I would've been a very foolish person if I had. So I didn't go into the areas. I got my information totally from television and the newspapers, and it was obviously a very, very sad situation. A very, very difficult situation.

MR. STEINBACH: From the perspective of working on Kennedy's campaign, did that make the sense of urgency all the more of having somebody like him elected?

MR. TERRIS: Sure. Lots of things in the country at that point, domestically that was a terrible problem, and we still had to do something about Vietnam.

MR. STEINBACH: There's this sense, looking back, that 1968 was the year that everything fell apart. Did people in 1968 think that way?

MR. TERRIS: I think so, at least for a lot of people, I think so. The assassinations, the accumulation of assassinations, I think had just a terrible effect on huge numbers of people. It's one thing to have serious problems – riots, a war that's certainly not going well – but that's one level, but even when they're really bad, that's not quite the same thing as saying your democracy isn't working, that you elect a president and he gets killed, that you have a great leader of a large minority population who was a very positive leader and a leader that's really good for the country and he gets assassinated, and then you have a presidential candidate that's assassinated. There's a sense of almost hopelessness. What do you do in this kind of a system? And then what you get is Hubert Humphrey running for President from that side who's

really not the representative of that side, and then you get Richard Nixon.  
Terrible.

MR. STEINBACH: Let's not forget George Wallace in 1968. Tell us what you remember about the Robert Kennedy assassination.

MR. TERRIS: These things you never forget where you were and what you were doing. I went home from the campaign office, turned on the television, and heard that he'd been shot. I called my father who was a doctor and asked him what he thought the situation was. My father said he thought he would die. It wasn't like the John Kennedy assassination which of course was overwhelming. My wife and I sat in front of the television set for whatever it was – two or three days – essentially without moving. This of course didn't have that kind of attention, but I found out, of course it was announced, that the funeral was going to be in New York at St. Patrick's, and so I got myself to New York. I'm not even sure anymore, I can't even remember how I got to New York, but I got to New York.

I went to the funeral, and then I got myself on the funeral train that came back. That was really a terrible experience in so many ways. I can remember in the car I happened to be in, [John Kenneth] Galbraith was in, the Harvard professor and Ambassador to India. Very peculiar how people react to things like this. He went around pontificating. Very peculiar.

We arrived in the Newark train station, and a person was killed on the tracks, which of course was horrifying. I didn't see it, and I'm not even sure now whether I saw the body afterwards. It was so traumatic that I'm not

even exactly sure what I saw. But that got the people that were running the railroad to slow down the train. It had been going at the usual clip and it got slowed down. I think it took, I'm not sure exactly, but it took something like eight or nine hours to get to Washington. It went extremely slowly. In all the cities, of course, the train stations were packed. But the most impressive thing were the people in the countryside, most of whom who had been waiting for hours, four, five, six hours.

MR. STEINBACH: So you're on the train watching the people watch the train, paying their respects to Senator Kennedy.

MR. TERRIS: I'll never forget – there was one hillside – there was one family – had a sign saying – “Goodbye, Bobby, we love you.” [Pause.]

MR. STEINBACH: Any other events from that day? Did you attend the ceremonies that took place at Arlington National Cemetery?

MR. TERRIS: I'm not sure actually. I don't think I did, because I don't think I got an invitation. But I'm really not positive. Because I have attended a ceremony for him there, and I don't remember whether it was then or some time later.

MR. STEINBACH: Obviously the most important thing at the time is not your future career, but Kennedy's death does change what you're doing.

MR. TERRIS: That's correct.

MR. STEINBACH: What happens to you after your job for the Kennedy campaign has ended?

MR. TERRIS: The thing that most flows from it is that, in the primary that occurred a week before his death, he of course won an enormous victory here in the District of Columbia, and it would have been impossible for him not to have won an

enormous victory in the District of Columbia. Nobody was going to beat him in this city or come even remotely close. The Kennedy campaign chose me to run for the Democratic Central Committee, the committee that ran the Democratic Party in the District of Columbia. His delegates won, his slate of delegates won, and his slate for the Democratic Central Committee won, so I was on the Democratic Central Committee. I think approximately in July, not that long after the assassination, the committee met and chose its officers, and I was chosen the chairman. Not so much I think because of me, but because of a very excellent black leader in town, Channing Phillips, who had been elected as the Democratic National Committeeman, supported me for that position. That goes way back. I knew him for a long time before on all these housing things that I had done. He was the executive director of the housing organization that I had helped form in the city.

MR. STEINBACH: So you're essentially the chairman in D.C. of the Democratic Party?

MR. TERRIS: That's correct.

MR. STEINBACH: Elected by the Democratic voters of Washington?

MR. TERRIS: They elected me to the committee, and then the committee elected me.

MR. STEINBACH: You served in that position for almost four years?

MR. TERRIS: Correct. Until the next primary, in 1972.

MR. STEINBACH: How big was the Democratic Central Committee? How many members?

MR. TERRIS: Probably about 25.

MR. STEINBACH: What was its function or purpose?

MR. TERRIS: I'm not exactly sure what its purpose was before our group was on it. The group that I was chairman of was an interesting group because it was an amalgamation of McCarthy people and Kennedy people. McCarthy's people did not put up a separate campaign here. The campaign here was between this slate and a Humphrey slate. So the committee had a lot of people on it whose big issue was the Vietnam War. I would say that's where the real McCarthy people were focused, and they were mainly white, and as I say, that was their main emphasis. The Kennedy people were more of a mix, but they were probably mainly African-American, and they had much more of an interest in the affairs in the District of Columbia and Home Rule and all kinds of other things in the District of Columbia – police activities, schools, whatever. We took it as our job that we were the closest thing to representing the people in the District, and that's really what we really did for four years, was to essentially act in a way that we tried to reflect that point of view.

MR. STEINBACH: Before we quite get to that, let's finish 1968. Did you go to the Chicago Convention?

MR. TERRIS: No.

MR. STEINBACH: Any role in campaigning for the rest of the 1968 electoral affair?

MR. TERRIS: I don't think I did very much of anything. For one thing, in the District of Columbia, there was, to put it mildly, not the slightest chance in the world that Humphrey was not going to win here, so the level of campaigning was very much lower generally. I can't really remember doing much of anything.

First of all, a number of the people on the committee were by no means enamored with Hubert Humphrey.

MR. STEINBACH: What was your personal sense? You were chairman of the Democratic Committee for Washington, you've now got Hubert Humphrey as your standard bearer. You used to work for him. So what was your sense of Humphrey as the candidate?

MR. TERRIS: I was very much in favor of Humphrey. I mean the choice was pretty clear that I wasn't going to support anybody else. Not only because I was the Democratic chairman, but because certainly his ideas on domestic issues were very much closer to mine, and I wasn't nearly as far away from him as many of my fellow committee members were in terms of Vietnam. There were other people on the committee who were for pulling out in ten minutes. So I was favorable to Humphrey, but it was hard to get myself back into campaign mode.

MR. STEINBACH: What was your personal feeling after Humphrey lost?

MR. TERRIS: I was sad about that. I certainly didn't think we were going to get a very good result from the victor.

MR. STEINBACH: Over the next four years, you stay on as the chairman of the DC Democratic party. This is a time when Washington now finally has an appointed mayor, I think. Walter Washington was appointed in the middle of Lyndon Johnson's presidency, and I think at this point an appointed City Council, also by Johnson. That changes later on in 1973. Did you have much interaction with the appointed Mayor and the appointed City Council?

MR. TERRIS: I didn't have a lot of interaction with the Mayor, but I had a lot of interaction with the City Council. I appeared in front of it over and over again.

MR. STEINBACH: In what capacity? Why?

MR. TERRIS: As I indicated before, we considered ourselves the representatives of the city of the people of Washington. The City Council was not representative of the people of Washington. They hadn't been elected to anything. So on issue after issue, we went up there, frequently myself, sometimes somebody else on the committee would have more expertise than I did and somebody else would go up. Education, health, police. I called for Chief [John] Layton to resign, and I've forgotten even the issue now, but it was a police/community relations issue. And a host of other issues. I went up to Congress and opposed people, nominees, that the President had appointed to be appointed judges because they didn't live in the District of Columbia. Things of that kind.

MR. STEINBACH: That would have been President Nixon by this point?

MR. TERRIS: Yes.

MR. STEINBACH: So you function in effect as D.C.'s chief elected official?

MR. TERRIS: Well that's obviously pushing it a little far, but in the sense that we thought what we were doing is telling non-elected officials what we thought a majority of people in the District of Columbia wanted, and they should be paying attention to that by coming as close as possible to seeing themselves as representatives of the public.

MR. STEINBACH: Were you accepted in that role, or were you ignored and marginalized?

MR. TERRIS: I think we were accepted in the role in the sense that I think we were treated seriously by the Council members. The Council members, many of whom were good people – people that themselves were really good representatives of the District. John Hechinger was a good representative. I used to play tennis with him. I think he was a conscientious chairman of the City Council. There were other people that were conscientious Council members. I think they took seriously what they thought the public wanted. But on the other hand, they also knew they were appointed by somebody else, weren't elected, so they had pressure from other directions. So it's not that everything I said they immediately jumped up and down and said we'll do that.

MR. STEINBACH: I read that when Lyndon Johnson appointed the city commission, he said to the city commissioners he had appointed, "Act as though you were elected,"<sup>††</sup> which is an intriguing way of running a local government.

MR. TERRIS: [Laughter] So we were trying to push them along the same lines.

MR. STEINBACH: It sounds like largely, cordially, consensually, for the most part.

MR. TERRIS: Yeah.

MR. STEINBACH: How about relations with Congress from your perspective during these years?

MR. TERRIS: I went up to Congress a number of times too. [John] McMillan was terrible; he ran the House District Committee. I appeared before him a few times. Obviously he wasn't going to pay the slightest bit of attention to me. The

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<sup>††</sup> Delaney, Paul. "District of Columbia, to Gain Subway, Accepts Bridge and Freeway It Did Not Want." *New York Times*, August 24, 1969.

argument that I represented somebody in the District was about as persuasive to him as if I said that I represented somebody from Mars.

MR. STEINBACH: You are during this same time period – actually a couple years even longer – a member of something called the District of Columbia Home Rule Committee. I think that's maybe self-evident from its title, but tell us what that was about.

MR. TERRIS: It was an organization that had existed for a fair length of time, and a lot of people in the District that had titles were on it, and a lot of other people too. A fellow by the name of David Carliner was the head of it I believe at that time. I don't think it was the most effective group in the world, because it really didn't have a very big base. Carliner was white, not African-American. If you really wanted to have an effective Home Rule apparatus, you really had to be working through the black community. Much more power was in another group that I was in, the Coalition of Conscience, which may have ended by that time. I'm not sure exactly when it ended. That had people like Walter Fauntroy and Channing Phillips and Marion Barry and the Episcopal bishop of Washington, and a representative from the Catholic Archdiocese, Geno Baroni. It still didn't have much power because we didn't have elected government, but there was more power there than there was in the Home Rule Committee.

MR. STEINBACH: When you were seeking Home Rule back in the late 1960s, what did Home Rule mean at that time?

MR. TERRIS: It pretty much means what we've got, except without Congress being able to veto legislation of the City Council.

MR. STEINBACH: But this was for D.C. to be able to elect its own self-government?

MR. TERRIS: Yes. I'm sure that they also would've loved to have a Congressman and Senators, but that isn't what the focus was. The focus started out as being able to vote for President. That seemed like a small little thing that you could get.

MR. STEINBACH: Which did get achieved before your time.

MR. TERRIS: Right.

MR. STEINBACH: So the Constitution gives Congress control over the District of Columbia, that's pretty much undisputed. What were your arguments that the District should govern itself? What would you say to people?

MR. TERRIS: That's not democracy. There's no reason why you have this group of people that don't have any democratic rights. We have more people than some states, that we should have the right that everybody else has.

MR. STEINBACH: You still have a Democratic Congress at this point, but no receptivity on this issue?

MR. TERRIS: No. Because the key committee is run by Congressman John McMillan from South Carolina. Home Rule would have been absolutely the last thing he would want. One thing we haven't talked about, and that is the background of all this in the District is that the District of Columbia was segregated until very shortly before I came to it. Schools were segregated, water fountains were segregated. *Bolling v. Sharpe* [347 U.S. 497 (1954)] is the decision

which is the equivalent of *Brown v. Board of Education*. I believe it was decided in 1954. I think for people today, if you ask people on the street, at least white people, and you ask them how long has Washington been desegregated, first of all, they might think it never had segregation.

MR. STEINBACH: Or they might say Civil War or something.

MR. TERRIS: Right. It's amazing. It's even amazing to me when I think about it.

MR. STEINBACH: So the District does get some sort of self-rule in 1973, I believe, when we start electing our Mayor, electing a City Council. So you must have some resonance of success with your arguments to get to that point, relatively shortly down the road.

MR. TERRIS: I think the power of the South in Congress was a big difference.

MR. STEINBACH: Looking at news clippings from these years, one of the things one discovers is that you manage to get yourself jailed at one point over District of Columbia issues.<sup>##</sup> We have to cover all things in this interview.

MR. TERRIS: Well actually I was jailed at least twice. The first time I was jailed had to do with housing, which we talked about in an earlier session, in which the code inspectors came in and said one of our houses wasn't up to code. Well we hadn't gotten it up to code yet.

MR. STEINBACH: This is when you were doing community work in D.C.?

MR. TERRIS: Right. But of course we were going to get it up to code. But anyway I was arrested, and I can't remember what happened in court, I don't think I was penalized in court. The other one never went to court, the time I got arrested

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<sup>##</sup> Delaney, Paul. "District of Columbia, to Gain Subway, Accepts Bridge and Freeway It Did Not Want." *New York Times*, August 24, 1969.

when I was chairman of the Democratic Party. That occurred when a group of people were protesting in the City Council chamber the possibility of freeways being driven into the center of Washington, and I was not protesting. I was standing on the side. I was there because of my job of being chairman of the Democratic Party, but I was not part of the protest. But I was standing there. I had gone because I wanted to witness the [committee] hearing, but the hearing broke down into protests, and they swept the room. So I got picked up. But I got released after a very short period.

MR. STEINBACH: You made the *New York Times*.

MR. TERRIS: I didn't even know that [laughter].

MR. STEINBACH: The underlying story is interesting. This is apparently how Washington got its subway funding, which was a quid pro quo. Southern leaders in Congress held up the subway funding, which had already been appropriated, until the District agreed over I guess its own objections to a highway and a bridge, which none of the local people apparently wanted. Remember that whole episode?

MR. TERRIS: I don't remember the trade, though. I remember the fight about the highway, and I remember the people, at least one of the people, who were involved. He was on the Democratic Central Committee, Sam Smith.

MR. STEINBACH: The *New York Times* story makes it seem as if the subway funding came only after the District reluctantly agreed to the freeway, but at that meeting where

the decision was made, violence erupts and you are arrested and imprisoned, so I'm glad we cleared up that you didn't purposely lead a riot.

MR. TERRIS: [Laughter] No. But the highway wasn't built either.

MR. STEINBACH: Oh. Interesting. After 1972, you're no longer officially involved in the Democratic National Committee here in the District, but the Home Rule story has continued, and you still live in the District. What's your sense after the past 40 years of effort about D.C.'s status?

MR. TERRIS: I think the District, like probably most cities in the country, has good mayors, some not so good mayors, some corruption, probably not more than most cities. It's not terribly well-governed. My connection with the District since that time has largely been in the areas where our firm has brought lawsuits against the District, about which in those specific areas, I know an awful lot, but in other areas, I'm just a regular member of the public. So I know something by reading the newspaper. I think democracy is a good thing, so it's a lot better than it was, but it's not perfect, and never probably will be.

MR. STEINBACH: Where would you go from here to make D.C.'s relationship perfect? Should it be a state? Should it have voting rights in Congress? What would you do?

MR. TERRIS: I think that should be done, but I don't think that will change anything fundamental in the District of Columbia. I think these changes should be made, because I think it's a symbol of the way we run our democracy, but I don't think we would do better by our poor people, have a better educational system, a better health system. That's got to come just by getting better people in office, hope that the economy is good in the city so we can raise

sufficient taxes – that kind of thing. That would be the same answer in Philadelphia, and the same answer in Los Angeles.

MR. STEINBACH: So the underlying social and structural problems will be with us no matter what happens politically?

MR. TERRIS: Well those kinds of things politically. Other kinds of things politically are much more important, deeper, how the city, political parties, choose people to run for office. Those kinds of things. What kind of money is there that goes to what kinds of candidates. Those kinds of things are fundamental. People say [we want to have] Senators for the District of Columbia, but I don't think that would change very much in the District of Columbia. Two Senators out of 102.

MR. STEINBACH: As the former chairman of the Democratic Committee in Washington, do you think it's a good thing that Washington contains only Democrats?

MR. TERRIS: Probably not. It's probably bad everywhere that you don't have competition[. . .]. It used to be in a great many places there was real competition in districts, in cities, and what have you. That works in a very interesting way. Let's assume you've got a city or a place that is conservative. What will happen in a well-organized democratic system is that both parties will trend conservative so there'll still be competition. In other words, in a well-run system, you won't have, because it's conservative, Republicans win every single office all the time, because what the Democrats will do is they'll trend conservative to compete with them, and vice versa in liberal places. Think of the way it used to be in New England where you had

Republicans who were moderates or even liberals and they got elected.

Today in the South, there's no such thing as a Democratic Party. I read a few years ago that in South Carolina, 10% or 15% of whites were Democrats.

They essentially don't have a Democratic Party anymore.

MR. STEINBACH: So large parts of the country are becoming one-party places, and D.C. may have been ahead of the times.

MR. TERRIS: Exactly. And no, that isn't good. It would be much better if the Republican Party here could trend in a liberal direction. It would have to trend in that direction. Most of the people here don't have the same views as the Tea Party. You couldn't run a Republican Party that way. But the trouble is a lot of people here vote without ever looking at the particular person. They vote Democratic, that's it. [David] Catania, for example, may very well have been somebody who in most places would have been a Democrat.

MR. STEINBACH: So you end up in your Democratic committee role through 1972. Did you carry that all the way through the McGovern defeat, or had you left that earlier?

MR. TERRIS: We'd been replaced. At the time of the primary, a new group of people are elected, and that was the end for us.

MR. STEINBACH: Did you have a horse in the 1972 race?

MR. TERRIS: I think I was mildly, maybe even a little more than mildly in favor, of McGovern.

MR. STEINBACH: And then McGovern wins the D.C. primary? I assume, I don't know that.

MR. TERRIS: I'm trying to think about that.

MR. STEINBACH: In any event, you end up being replaced by the group elected in 1972. So you're not around to be spied on by Richard Nixon?

MR. TERRIS: [Laughter] At least I hope not.

MR. STEINBACH: And then McGovern goes down for defeat, but you're at least out of elected D.C. politics at that point. Is that right?

MR. TERRIS: Yes.

MR. STEINBACH: But before that time, you start devoting considerable effort to something called the Anacostia Assistance Corporation, which you helped found in 1968, and helped operate as executive director through 1969. Why don't you tell us about that experience?

MR. TERRIS: Well I didn't really found it. The founders found me, and I was the first and only Executive Director. So in a sense it kind of looks like I helped found it, but I really didn't. This was an idea of Katharine Graham's and Pete Quesada, who built L'Enfant Plaza. I was asked by these people and some others, but these two are the only ones I ever met with. If they ever had board meetings, I don't remember them; I don't think they occurred. But they funded it, and they wanted to help Anacostia after the riots. They'd bring in small businesses to Anacostia and some housing, that kind of thing. So I worked on it, it wasn't that long. The founders didn't have that deep an interest. I think they somehow felt, this was easy stuff. Somebody came along and gave them some resources, what have you, that this would be fairly easy to do, wouldn't take any time to get it started and rolling. That isn't the way things in community organizing go. People in Anacostia, naturally, had

their own ideas about things. So you go to a meeting and everything doesn't go right, people don't say, oh now we're finished with this meeting, we've now decided A, B, C, and D, and we'll get that all done in the next month. That isn't the way it goes, and so it went very, very slowly. I drafted up papers for a community development corporation which could get funding from the Small Business Administration. I don't remember whether we got funding or we didn't, but after a relatively short period of time, Graham and Quesada decided they didn't want to continue, and that was the end of that.

MR. STEINBACH: What was the grand vision had everything gone well?

MR. TERRIS: At that time, there was almost nothing in the way of grocery stores in Anacostia, there were all kinds of deficiencies in what kinds of businesses were available to people, what kind of housing was available. It was a little bit like Bedford-Stuyvesant in New York where Robert Kennedy had a lot to do, as it happens, with all kinds of development that occurred there in the 1960s. So I think there was something of an idea that something similar to that could be done.

MR. STEINBACH: A sweeping rehabilitation, urban renewal project for Anacostia.

MR. TERRIS: The wealthy people that were on this board I don't think were really prepared to put up substantial money.

MR. STEINBACH: Why would this sort of effort come from the private side rather than government programs?

MR. TERRIS: The theory would be it would come from government but that the private side would put money into the community so it could organize itself, that

they could have a community organization that would have some authority and then could come to the government and ask for things, and that I would be paid to help the community to do that. The problem is that kind of thing is just not quick. You don't snap your fingers and that kind of thing happens.

MR. STEINBACH: What did you do on a daily basis in these months?

MR. TERRIS: I met with people out there, I drafted up proposals.

MR. STEINBACH: There's a reference I've seen to the possibility of a community electronics plant. Does that ring a bell?

MR. TERRIS: It rings a bell faintly. That was one of the ideas for bringing in businesses that could employ workers.

MR. STEINBACH: So it's a variety of efforts you're engaged in to try to stimulate economic development in the Anacostia community that ultimately dissipates for lack of interest in funding by the people whose idea it originally was?

MR. TERRIS: Correct. The people who hung around my office, which was actually at L'Enfant Plaza – one of the buildings had been built recently so part of it hadn't been rented, so I had an office in one of the unrented spaces on the first floor. The two guys, interesting guys, that I'm bringing up because now they're of course very famous, the two young guys that hung around talking to me sometimes [were] Katharine Graham's son and now-Senator [Richard] Blumenthal, who's a friend of Katharine Graham's son, and they used to hang around talking to me some of the time. I don't know what they were supposed to be doing as a matter of gainful employment. They may have still been in school.

MR. STEINBACH: During this time period, there are several other related type efforts: the Housing Development Corporation, you're a co-founder of that. What is that about?

MR. TERRIS: That was the successor to Better Homes. We got money from the government and from I think a foundation to get an executive director to do further work on housing in the blocks that we did. Then we went to the City and said you really ought to start a big corporation to do this kind of work, and the City did that and got all these high-powered people, really very high-powered people, to be on the board. The top union official in town, some of the top business people in town, all that kind of stuff. I was the secretary of the corporation, and it then went to HUD and got a lot of money, and it had a whole staff. Channing Phillips was the executive director, but they had a very excellent professional who ran the professional side of it.

Unfortunately what we did is choose as our first project this very large dilapidated building in Northwest called Clifton Terrace and put in large sums of money into fixing that building up. It really just shows you how tough this business is because there were big overruns, and then when the people moved in – the problem of how you run these kinds of buildings is enormously difficult. If you admit the people that most need it, the people that are the poorest, have the most problems, you run a terrible risk that the building is going to end up sociologically collapsing. If you go the other way and take essentially middle class type people, lower middle class people, who have jobs, then you say to yourself, they could probably get a place without

us. Well this thing completely fell apart as a matter of sociology and what kind of people were in the building, what kind of crime there was, and the whole enterprise within a few years had died. It was not a success.

MR. STEINBACH: How about something called Project Share?

MR. TERRIS: Project Share was a different thing. That was an amazing thing. Jim Gibbons, the guy with whom I had worked in the Shaw area of Washington, had this idea. This guy was a charismatic guy, very charismatic, and he said what we should do is we should raise money for low-income housing and we should raise it by going door-to-door[. . .]. He put together – I participated, but I was definitely not a moving force – he put together an organization on one weekend to go door-to-door in the District of Columbia to raise money for low-income housing. In one weekend, he raised \$100,000. That \$100,000 was put into buying a building on Connecticut Avenue for low-income elderly people, and the building was given to the District of Columbia government. You can go to that building today. It's on Connecticut Avenue. A few years later, I've forgotten who it was, the president – I think it was Clinton – came to that building to see the remarkable thing that had been done there. Nobody invited Jim Gibbons to come, a terrible thing. The project was entirely the work of a private person. Isn't that amazing?

MR. STEINBACH: People just giving people cash out their front doors?

MR. TERRIS: Isn't that amazing, that \$100,000 can be raised on one weekend? He put together a whole organization.

MR. STEINBACH: Anacostia Citizens and Merchants Board?

MR. TERRIS: Once Katharine Graham and her friends decided it wasn't working, that was pretty much the end of it.

MR. STEINBACH: One more: The District of Columbia Development Corporation, on which you were a member of the Board and Secretary?

MR. TERRIS: That's the housing one I was talking to you about a moment ago with a lot of very important people.

MR. STEINBACH: So that's a continuation of what originally was the Housing Development Corporation project that you discussed.

MR. TERRIS: Right.

MR. STEINBACH: So the Anacostia Assistance Corporation effort lasts slightly less than a year, and then it looks like your next significant career involvement is with the Center for Law and Social Policy.

MR. TERRIS: Right, except for the dates of that really start before the dates that you would see on any resume of mine because for a year or so, a group of people met together to talk about how to create that kind of an institution.

MR. STEINBACH: The Center for Law and Social Policy?

MR. TERRIS: That's correct. It was about six or eight people, met fairly regularly, I believe Patricia Wald was one of those. But only two of us ended up once it had been put together who were interested in making that our job, and that was Charlie Halpern and myself.

MR. STEINBACH: What did you and Halpern do in helping to set up the Center Law and Social Policy?

MR. TERRIS: Charlie had been a lawyer at Arnold & Porter. In fact, he was still a lawyer at Arnold & Porter, and he wanted to practice public interest law, and so did I. So the point of this group, was to set up a public interest law firm. This was precisely the time when the Ford Foundation really began public interest law in the United States. There had been what you'd have to call public interest law firms before. The ACLU is really in many ways a public interest law firm, a very big one. And the NAACP Legal Defense Fund is really a public interest law firm too. But there was very little of it, and it wasn't a movement. There were those firms, maybe there were a couple of others. The Sierra Club had a group of lawyers. So there were a couple of [organizations] around the country. Nobody really thought through the idea of public interest law – that you ought to have lawyers like this working in a variety of different areas.

So this little group of people met to try to develop this idea, not for the country, but for ourselves. The Ford Foundation was getting interested in funding public interest law at this exact time, and so that was an obvious place to go. We had lots of meetings with them. It turned out only two of us, Charlie and myself, were interested in this as a job. The other people dropped out. At least one practiced public interest law. One, Dan Fried, went up and started the Vera Institute up in New York. But anyway, just the two of us stayed. Then we went and recruited, I think, three other lawyers. We got a foundation grant from the Ford Foundation. Charlie was really the person more than I who raised money. I hate raising money.

I wasn't the head of it, and I don't even remember what the head was called, but I directed the educational program. The educational program was very interesting because we went to major law schools in the country, and we said to the law schools, why don't you let us educate your students for a semester of their second year. They'll come practice law with us, and they will get as good an education during that semester as if they were with you. Several good law schools, I believe Yale, Stanford, Pennsylvania, and maybe Michigan, agreed. My alma mater, Harvard, said no [laughter]. I'm sure they didn't believe we could educate their students as well as Harvard. So I directed that program.

MR. STEINBACH: This must have been one of the first clinical experiences in law schools, now very common, but at the time they weren't.

MR. TERRIS: Right. You're absolutely right. It was very uncommon at the time. So that's what I did for a couple of years, maybe just a year, year-and-a-half. During that time, I did argue the case for Cesar Chavez, which I lost.

MR. STEINBACH: We'll come back to that.

MR. TERRIS: Afterwards I was essentially forced out by the Ford Foundation.

MR. STEINBACH: How would you define a public interest law firm? It was a new beast back then. These were not really around in the 1950s and 1960s. What is that?

MR. TERRIS: I'm glad you asked, as they say, because I gave a speech on that subject. The Ford Foundation asked me to speak at a meeting on public interest law, and I said to that group right at this time that that was a very misleading name. I did not claim that I represented the public interest. There are two sides to

litigation, and I'm not going to tell you that I'm always on the side of the good guys. There's a dispute about that, that's what it's about. Public interest law, if the name has any meaning, it is people are getting represented who don't normally get represented in our legal system. That is in the public interest.

MR. STEINBACH: So this is in a sense an extension of the Legal Services for the Poor?

MR. TERRIS: In a sense. Sometimes it is actually poor people. When I represented Cesar Chavez's union, they were poor people, but very frequently it's not poor people. When you do environmental litigation very frequently the main people that are interested in it are middle class people.

MR. STEINBACH: So you established in effect a law firm, the Center for Law and Social Policy. Suppose General Motors or General Electric comes to you and wants you to take a case – do you turn them down because of who they are?

MR. TERRIS: Yes. Because they can get lawyers by themselves. By the way, we wouldn't even have a choice in that. The way the IRS set up the rules for receiving money from charities, if we take in money from the Ford Foundation, we would have had to represent General Motors for free, and even then, I think we would have been in trouble.

MR. STEINBACH: So the clients you represented, you represented without charge?

MR. TERRIS: Correct.

MR. STEINBACH: So how did the firm finance itself?

MR. TERRIS: Ford Foundation and other foundations.

MR. STEINBACH: So it was a charitable venture.

MR. TERRIS: Right.

MR. STEINBACH: Clients would come seeking your free legal services?

MR. TERRIS: To some degree. Sometimes we went out and analyzed a problem and then went to somebody who was affected by that problem and said, "Would you like us to handle a case for you that would help you solve this problem?"

MR. STEINBACH: How did the Center for Law and Social Policy decide which cases to take and who to represent?

MR. TERRIS: It was based more on the interests of the particular people that we had. Jim Mormon had worked in the Environmental Section of the Department of Justice, so we chose him because we wanted to do environmental cases. Geoff Cowan, who later went on to become the dean of the school of communications (or a similar name) at UCLA, he worked on communications-type cases – television and the like. Charlie and I basically, I suppose, made the choices by choosing particular lawyers who had particular interests, and then we talked it out among ourselves what kind of things we were going to handle.

MR. STEINBACH: Did you yourself have any particular litigation niche during this time?

MR. TERRIS: Not really. I certainly was not an environmental lawyer. In fact there were almost none in existence, but I wasn't one of them. I guess you would say that I cared about poverty-type programs. After all, I had the background of doing organizing [in a poor neighborhood] and starting the Legal Services program. The things I did, I represented Cesar Chavez. I also worked on

problems at D.C. General Hospital. I guess my poverty interests led me into that kind of an area.

MR. STEINBACH: Tell us about the case where you represented Cesar Chavez [*Bustos v. Saxbe*, 419 U.S. 65 (1974)] .

MR. TERRIS: That's one of the great disappointments of my legal career, that I lost that case because Justice Douglas, of all people, wrote the majority opinion. It really showed, I think, what a sloppy thinker he was. He basically always decided cases straight from his political point of view, and I think he couldn't figure out where his political point of view should have led him. He sympathized with the Mexican laborers who were coming into California and therefore they shouldn't be excluded. Well of course those Mexican laborers were undermining the Grape Workers Union, and Cesar Chavez was desperately trying to make that union viable so those people could get decent wages and decent working conditions. I've always thought Justice Douglas couldn't completely figure out what his liberal position should have led him to.

MR. STEINBACH: It is a strange lineup in the Supreme Court. Justice Douglas along with four quite conservative Justices. You picked up the votes even of Justice White and Justice Blackmun. Okay, back up. How did the Center for Law and Social Policy hook up with Cesar Chavez in the first place?

MR. TERRIS: I don't know the answer. I can't remember anymore. I suspect we had a connection. We were talking to people in legal services in California, and they had some connection with the Grape Workers Union, so I think that's

probably how it happened, that they thought that we were better able to handle the Supreme Court case. We hadn't handled the case below, so I think they must have felt we were better able to handle cases in the Supreme Court.

MR. STEINBACH: Chavez and his union members are complaining about what and why?

MR. TERRIS: They're complaining about – what's happening is the country's allowing Mexican laborers to come into the country on a seasonal basis, and they're simply making it impossible for the Grape Workers Union to organize. If you've got people that are ready to do that type of very hard labor at lower wages, a union has got a bad problem.

MR. STEINBACH: So this is technically an interpretation of the U.S. immigration rules?

MR. TERRIS: Right.

MR. STEINBACH: So what's your role on the case?

MR. TERRIS: I argued the case and handled the brief. I'm sure the students did a lot of the brief writing.

MR. STEINBACH: What do you remember about the Supreme Court argument itself?

MR. TERRIS: I don't remember it at all. That's probably a protective device [laughter].

MR. STEINBACH: Then the decision by the Court – again on what appears to be a sort of administrative law interpretation of the Immigration Act but really is dealing with larger social policy questions.

MR. TERRIS: Right. The kind of thing that usually appeals to Justice Douglas a lot.

MR. STEINBACH: So you end up losing the case.

MR. TERRIS: Correct.

MR. STEINBACH: You said it's one of the great disappointments of your legal career.

MR. TERRIS: Well to lose a case, to have Justice Douglas decide against you on a liberal case, yeah, that's a disappointment.

MR. STEINBACH: What you started to tell us before about the work you had done at the Center for Law and Social Policy for D.C. General Hospital, what was that about?

MR. TERRIS: I can't even remember anymore. I think the level of care that was given, but I really can't remember.

MR. STEINBACH: You represented a group of physicians, I believe. Then you also represented others: American Public Health Association, National Council Senior Citizens in a lawsuit against the FDA regarding ineffective drugs and trying to get them off the market.

MR. TERRIS: I can't remember that either.

MR. STEINBACH: How about Ralph Nader, representing him in proceedings before the Federal Trade Commission?

MR. TERRIS: I can't remember really doing it at the time that I was at the Center, but after I went into private practice, I handled a number of hearings before the Federal Trade Commission. The Federal Trade Commission then was involved in issuing various regulations in particular industries to protect consumers. The chairman of the Commission was a very good guy named Mike Pertschuk. It had a program that they would pay people that represented organizations to come in and represent the consumer side. So I handled a number of those kinds of cases. I think the ineffective drugs was

such a one that occurred after I was in private practice, but I'm not sure of the exact timing. I also did one involving the funeral industry.

MR. STEINBACH: Tell us how you ended up leaving the Center for Law and Social Policy.

MR. TERRIS: The guy that handled all the public interest grants of the Ford Foundation was named Sandy Jaffe. At that time, Congress had been stirred up to get interested in the Ford Foundation's public interest grants, that they were being dished out by a bunch of liberals so therefore this is really politics. Jaffe then came to me and said you either have to resign as chairman of the Democratic Party or you have to leave the Center for Law and Social Policy. So I said, well, I guess I'll leave the Center for Law and Social Policy, and I'll set up my own public interest law firm. Not that I knew where I was going to get any business [laughter]. In retrospect, I've got to think to myself that must have been about the most stupid thing I've done in my life. And sheer luck that it worked. Because I had not the slightest idea where I would get any business.

MR. STEINBACH: It sounds like, on good terms you left your affiliation with the Center for Law and Social Policy.

MR. TERRIS: Correct.

MR. STEINBACH: Which still exists.

MR. TERRIS: Correct. It's shifted a little bit in the areas that it goes into. I also started at that time – or at least was one of the major people in starting – the Alliance for Public Justice, or [a name somewhat] close to that, that was going to be

the lobbyist, so to speak, for public interest law. I was on the board at the time, but that was not a paying [job].

MR. STEINBACH: So the next significant role in your career is to found your own law firm.

MR. TERRIS: Right. Me, by myself.

MR. STEINBACH: Your public interest law firm, which is a separate chapter which we'll focus on eventually. Today we've covered a whole range of experiences, from the time you left the Solicitor General's Office all in one way or another in conjunction with public service, but in a short period of time. We've only covered five or six years. Looking back now, what's your reflections on that part of your career?

MR. TERRIS: I guess I would have to say all of it was very interesting. Some of it was creative, like the Center for Law and Social Policy. It's not entirely me that was creative, but a small group of people were creative. The start of the Legal Services Program was obviously, I think, of great importance. It's not as if I did it; that was in the works. If Sargent Shriver hadn't found Bruce Terris, he would have found somebody else. But it's still very rewarding to have worked on something like that, that you know how important it is. And I believe that sooner or later this country is going to properly fund lawyers for poor people, both on the criminal and civil side. I believe that. I think it's inevitable. It's so obviously unfair, unjust, that it will happen. So those kinds of things are very satisfying.

MR. STEINBACH: Add to that the National Crime Commission and your work for both Humphrey and Kennedy.

MR. TERRIS: Right. What I did for Kennedy was very small bore, you know. I didn't do anything important for Robert Kennedy. He did some things important for me, but I didn't do really important things for him. If I go back to look at that, I don't, fortunately I have enough sense not to spend my time doing this, if he hadn't been assassinated, there's a good chance my life could have been entirely different. Entirely different. And from my personal standpoint I'm not sad that my life went where it went. I'm very sad for the country and for the Kennedy family, of course, but not for myself. I certainly would have had a job in the federal government, and I think a very good one, and who knows.

MR. STEINBACH: Our history certainly would have been very different.

MR. TERRIS: That's a lot more important than what happened to me.

MR. STEINBACH: Well on that modest note, let's leave it and go on next time to the chapter of your own law firm, where we are presently sitting. So it must have been successful to have lasted this long.

MR. TERRIS: That's a complicated question. I think it's successful. Legally, I think, it's successful. Financially, it would depend on what day you talk to me. I believe when we first had our interview, that question would have been in serious doubt. It's not in doubt today.

MR. STEINBACH: I promise to come back on another good day [laughter]. Thank you, Bruce.