

**Oral History of Joseph L. Rauh, Jr.  
Conducted by Robert S. Peck  
Mississippi Freedom Tape**

Mr. Peck: This is the interview with Joseph Rauh. When we had left off last time we had been talking about the Mississippi Freedom party delegates and we had basically finished that, although there were a couple of things that I wanted to ask you about. One is a report that I read that you told the Credentials Committee during the course of the fight that the Freedom party delegates were more loyal to the nominees than the office holders they were trying to seek. Is that an accurate statement?

Mr. Rauh: Well, it's so obvious. It's not only accurate, it's almost an understatement. The regulars there had already passed resolutions like this – we believe in segregation and will not support a candidate who does not. They shouldn't have come. They came to undermine. They came for their local political reasons. They were not National Democrats in the sense of someone who was on the fence as to whether to support the ticket or not. They were against the ticket. Here, these other people were for integration, for the civil rights positions of Lyndon Johnson. I think of all the things I said, the simplest is that the challengers here are the loyal Democrats on the civil rights issue, not the ones who were incumbent. I think it may have been, I don't know of forty or fifty or whatever it was, one or two of the irregulars would have supported the party. I think there may have been a couple of labor people in there who probably would have supported the party, but the people who were there as individuals or as office holders, there were none of them going to support Johnson. So that was a very definite statement.

Mr. Peck: Now, one of the things that people said was that the seating of these delegates and their opponents at the convention and all, was crucial to helping the '65 Voting Rights Act. Do you think that this had an effect on the passage of the Voting Rights Act the following year?

Mr. Rauh: Well, I don't want to pat myself on the back too much. I don't know whether it was the seating of the, or what it was, but this was the first time that people heard that only 6% of the blacks in Mississippi are registered voters, and out of that 6%, probably only 1%, if that many, actually voted. In other words, it did bring that thing to the floor, and it brought it even, and maybe that was the first time that King really realized what was going on. I'm not so sure of that, but it was the first major public confrontation that showed the people of this country how bad the voting was, how little the voting was. We knew it, maybe I didn't even know how bad it was, but I learned all the tricks that were used to keep blacks from voting. They would advertise the precinct meetings. It worked on the precinct meetings. Then there were county meetings, I think. There were congressional district meetings, and then there were state meetings. You got elected from one to another. Well, by shifting around of the thing, by the time it got to the state meetings, there weren't any blacks in the thing and the tricks that had been used were so obvious. I think its not a weighable thing. I can't tell what weight to give to it. I've always said that I was proud of the fact that we brought the issue to the consciousness of the nation. I still feel that way. Whether you'd say that it was a major factor or a minor factor, that's a debatable point.

Mr. Peck: Okay. Well that does bring us to the Voting Rights Act. When did the fight for that Act really begin? Did it begin almost immediately after the election?

Mr. Rauh: Yes. I think the Kennedy-Johnson Administration had decided way back that they were going to do something serious about voting. In February of 1961, the ADA leadership had a meeting with President Kennedy. He was very nice about receiving us, thanked us for our work, and he was an old friend from the civil rights issues. What happened was that there were four of us, three of us spoke, and the three who spoke were Sam Beer who was head of the ADA at the time, Bob Nathan, the economist, and myself on civil rights. There was a fourth, Marvin Rosenberg, but I can't recollect that he participated other than in the friendliness discussion. Sam Beer spoke first on how much we supported him, and it was a nice thing, but he said there were two matters we wanted to talk about, Nathan to talk on one and I would talk on the other. Bob Nathan talked on the economics side and said how bad things were, that there was 7% unemployment – it's funny when you think of the present situation. Bob gave him some very good advice on things to be done economically, and the President was very cordial with Bob. He said, "I agree with you, but remember 93% of the people are employed and it's not so easy. Go out and sell this and sell it and then I can pick it up, but I can't do that in the present political climate." But it was a very warm agreement on principle. Well, when I started saying something on civil rights, Jack Kennedy tightened up like a drum. It was perfectly clear that something was irritating him. He had nothing against me, we were not in any way – he was very nice, we've never had a harsh word, but he either had a guilt complex that they weren't going to do anything on civil rights, no legislation, or he didn't like to be pushed in that area. What he said to me was, "I can't go for any legislation, I have too narrow a victory, I don't want to upset the Southern guys I'm going to need on the other legislation. What we're going to do is, we're going to make some good appointments," which he did, and he said it just this way,

“Bobby's going to bring some Voting Rights Act [suits]. Voting rights is going to be our main thing.”

Mr. Peck: Who are some examples of the good appointments that he made?

Mr. Rauh: Well, let's see, there's Bob Weaver [Secretary of Housing], I'm thinking about blacks now. That one I would say was probably the highest ranking black. He put a black on the Labor Board. There were a great number of blacks. There were also a great number of ADA'ers. In fact there were some hostile columns listing all the ADA'ers. Oh, Carl Rowan was another one of the blacks. I think that you can truthfully say that he had a great number of blacks and liberals, more than in any other previous administration. But that he was going to do, and the voting rights, and it was perfectly clear that they were not going to do what we wanted. It was even worse in some respects because he had asked Joe Clark, the Senator, and Manny Sells, the Congressman, to convene a civil rights conference and he came to that conference at the end, and he knew what we had resolved because he had people there, and he adopted them. He said, “I adopt your program.” Well, he adopted it for the campaign but not for the subsequent administration, so I was rather hurt by it. There was no overt ugliness, but you could feel a different tension in the room when he was talking about civil rights than when he was talking about economics. Then when they did make a proposal on legislation in '62, I believe it was, it was on voting. It said you couldn't have a literacy test if a person had a sixth grade education, remember? – or something like that. Well, it was a lousy minor bill and it got beat because nobody gave a darn on our side. It wasn't that good. So, until you get King's march in Birmingham, you don't have any activity. Then they tried, in the bill that went up, was always forgotten, part one was some more on voting rights. You were always stressing the voting rights,

so I think the Kennedy-Johnson Administration was really quite attracted to voting rights, and Johnson was himself very attracted to voting rights. I think this is why you had the upsurge on voting rights. Whether we touched it off with the Mississippi Freedom party will never be fully known, unless there is something in Johnson's writings that I don't know about.

Mr. Peck: It was an extremely strong bill. It's often called the most effective civil rights statute ever written. Why do you think it was as strong as it was?

Mr. Rauh: Because Johnson took the provision that he had tabled in 1960, and accepted it and came out for it. That was the federal registrars. We had proposed, in the end of the '50s, getting tired as we were of losing, and getting bills that were not having any real effect on voting. The '57 one didn't have any effect on the voting. The '60 one didn't have any effect on the voting. So, at the end of the '50s we were talking about federal action. There was a wonderful man always given a lot of credit, he never got it, he's gone now. His name was Vincent Doyle. He was the head of the Congressional Research at the Congressional Library, and we used to have talks, he and I, and with other people, but we were the active ones, about, why not have federal elections? I mean, in essence, these are not federal elections, but where the state refuses to carry out the law and the Constitution, why not have the federal government do it? Well, we tried that in '60. Johnson tabled us in '60. He took us up in '65, so that we were able to write our own ticket pretty much in '65, because what you have was a situation where there were no holds barred, you didn't have any longer people saying, "Oh, you can't do that." There was an acceptance by '65 that the federal government could do anything it must do to ensure that blacks could vote. That's what you finally did have. You not only had that, you had the knocking out of the literacy test, but the Administration had tried to weaken the literacy test

thing before, and that hadn't gotten through. You finally had a situation in '65 that we could write our own ticket. And our side did write a bill, some of the liberal Republicans and Paul Douglas on our side did have a bill that went it there that prodded the Administration, but by this time, there really wasn't much argument with the Administration. We had terrible arguments in '63 on the bill that became the '64 Act. The Administration didn't want to go nearly as far on things as we wanted, but by '65 on voting rights, there was quite a parallelism between of our views and theirs.

Mr. Peck: And what effect, if any, did King's march on Montgomery have?

Mr. Rauh: I think it was less his march than that sheriff in Selma who wore the badge, "never." I've always said - President Kennedy, what he said was more important, in 1963 at the meeting right after his bill went up, Bob you have to get up - it's right there - that's the meeting of June 21, 1963, President Kennedy said there that what's his name, Bull Connor, did more for civil rights than anyone in this room, which he said in the presence of King, Wilkins, Reuther, and all the great civil liberties, civil rights people. I always said somewhat similar, but I think it's right, that Martin Luther King deserves his Nobel prize not for anything he did, but for his enemies, Bull Connor and Sheriff [Clark].

Mr. Peck: I don't remember the sheriff's name, but I remember the incident took place at the Edmund Pettis Bridge.

Mr. Rauh: That's right. He was wearing the "never" sign, so that, I think, the strongest thing we had going for was the public revulsion at Connor and the sheriff. So we had that going. Besides, there was that incident by the bridge. There was the wonderful women's group that went down there, Paul Douglas's wife, Mrs. Senator Toby, a Republican, Ickes'

second wife, Jane. You really had built this thing up. The only thing we lost in that whole fight was the poll tax. We didn't get a provision on the poll tax, much to our surprise. The Administration opposed that, just exactly why I've never been sure, but I've learned through experience that at certain times deals are made which you don't know about, no matter how close you think you are to the situation. For example, in the '64 law, the Administration refused to put in a fair employment practices, equal employment opportunities bill. Why was that? Because [Attorney General] Katzenbach had a deal with Bill McCulloch, the Ohio ranking Republican who was on the Judiciary Committee on what the bill would be, and that it would not include an equal employment opportunities provision. He lived up to his deal with McCulloch, and he never told us about it. I first heard about that deal in the '70s or '80s at a conference on the bill on the Johnson's civil rights. I'd always been very critical of Katzenbach, having been our opponent on Title VII, which he was, but he never let on about the deal and there may have been some deal on the poll tax. I can't say. At any rate, the poll tax thing all became moot when the Court, the Supreme Court knocked it out in the case for Virginia. [*Harper v. Virginia Board of Elections.*]

Mr. Peck: Ah, another thing that came up in '65 was D.C. home rule.

Mr. Rauh: First time Johnson ever lost. Johnson always claimed that our pushing him into that started the opposition, and in a sense that was true. Johnson did try to get the home rule bill for us. For example, we had to have a discharge petition. He pushed. We would tell him who was not on. We had very good relations with the White House, I still did then, it was later that they started to deteriorate with the war in Vietnam. He did his best to get that through. I've always thought that there was some deal made there with the liquor interests,

They were all scared that we would have raised the liquor tax, just like right now they want to raise the liquor tax, and the cigarette tax. I think they should. It was easier for the liquor and cigarette people to get the no taxes on that through the federals and MacMillan and the House Committees. A man named Congressman Moulter took the lead for us. He grabbed it away from our more serious friends. I'm not sure what went on there. I've never been certain. But that was Johnson's first loss on legislation and he always used to say something like, "You guys got me into a fight that couldn't be won." Well, that was true, but he did want to do that. Then he did immediately set up a government, which wasn't a democratic government, because they were appointed, but it set the basis for a democratic government. That was in 1968 [August 1967], Califano and I had a discussion. Califano asked me what I thought of it. I never thought too much of that, although it may have helped get the home bill in '73, but what we had proposed was that they make Walter Washington the Chief Commissioner in which case he would be running the police and fire, but Califano told me at the time that he tried that out on Bob Byrd who was the Subcommittee on D.C. Finances of the Appropriations Committee, and that Byrd had said, "No nigger's going to run the police department here while I'm running this thing." In fact, he was wrong. Washington ultimately did get it through, but in a more diluted form because you had a white-controlled City Council. Johnson always felt that it was downhill from the defeat of the home rule bill. But that could be more a coincidence, because it was also downhill on the Vietnam war. So it may be that it coincided in time, but was not in fact as important as Johnson always made it.

Mr. Peck: Right. Also in '65, you were involved in a few D.C. Circuit cases. One in which you were on the brief for the petitioner involved Local 155 in the strike in Frasier,

Michigan. This was an unfair labor practices case, an appeal from the NLRB. It was an unsuccessful appeal in front of Fahey, Miller and Danaher.

Mr. Rauh: Again, we didn't draw very well. Did Fahey not even go for it, so we couldn't even get the Labor Board - boy, that must have been a lousy case!

Mr. Peck: Then you had a pair of cases involving Kohler. The first one was a per curiam decision. It involved 77 strikers who had been denied reinstatement after the strike. This time you won because you pulled Bazelon, Edgerton and a fellow \_\_\_\_\_.

Mr. Rauh: I think I told you about that last time, Bob. You can move the thing up there. It was perfectly simple. They said you have to weigh the wrong of the company against the wrong of the employee. They did knock a few off, but the bulk of the people who had committed wrongdoing did get their jobs back and their big back pay.

Mr. Peck: Right. And in front of the same panel just a little bit later in the year, you came up with, I guess, you filed a brief on behalf of Local 833. The NLRB had sued Kohler for contempt and you had intervened, because the NLRB hadn't gone as far as you would have liked.

Mr. Rauh: That's right.

Mr. Peck: They weren't ready to go as far as you wanted, but they certainly upheld the NLRB.

Mr. Rauh: It was really a prayer that got that panel that won the Kohler fight. I think they tried to petition for cert. in either or both of those and we had to do oppositions to the cert., and we were successful. That case, despite its importance, and it is an important case for the idea of weighing instead of saying an employee commits violence he's out, which had been

the previous at least implications of the rule, but the Supreme Court, obviously agreeing with the court of appeals, left it alone. So they were important cases, but we did have to file oppositions to cert. on that proposition. Did I ever tell you how we really won the *Kohler* fight?

Mr. Peck: No, I don't think so.

Mr. Rauh: Maybe you could tell me the year, because I'm going back a little bit. The year that the *Kohler* decision came down from the Board, the basic decision. It came down in 1960-something. It was the fundamental thing. Pollak argued on the unfair labor practice, and I argued on the remedy. What year?

Mr. Peck: 1962 was the year that the D.C. Circuit decision came down.

Mr. Rauh: All right. Now that's what I want to tell you, that story, because it is a funny story. In those days, it may still be the law, where there are two circuits with jurisdiction, you go to the one that's first filed. In other words, if *Kohler* had first filed there, why that would have been everything in the Seventh Circuit.

Mr. Peck: Right.

Mr. Rauh: If we were first, it would be in the D.C. Circuit. So this became very important and we wrote five appeals. The appeal there is very short, you have to get the name and address, and a sentence or two about the case. We had five different ones ready to appeal from part or all of the decision. John Silard, my partner, was stationed at the Labor Board to receive the opinion. Dan Pollitt who was spending the summer with us there, was at the courthouse with the five ones. I was on the phone with John at the Board, and somebody was on the phone with Dan. At 10:30 in the morning, they handed the opinion to *Kohler* and John Silard for us. Two minutes later, John told me what that opinion said, and I told Dan to file number

three or whatever it was. So we had filed it within five minutes. Well about just short of an hour later, Kohler files in the Seventh Circuit. We filed the record here and Kohler moved to move the case to the Seventh Circuit because the time was earlier because it was an hour earlier on central time. We argued it wasn't the particular hour, that time was what it really was and we were first. We won that argument. It really was almost a joke, the *Kohler* case, isn't that funny? I don't know if that is still a law now or what. Is there still a lot of forum shopping?

Mr. Peck: Oh, there's a lot of forum shopping. But I think it's first in time still.

Mr. Rauh: Well, anyway, we were first in time and that's why we got Baselon and Edgerton and that's why we changed the law in this country.

Mr. Peck: In 1966, we had a couple cases too. First one was *Condo v. Karzenbach*. The issue before the D.C. Circuit was timeliness. This involved bank accounts seized in World War II.

Mr. Rauh: Oh, that Honda, h-o-n-d-a, did you say Conda?

Mr. Peck: Well, you know, the funny thing is that it is listed in the D.C. Circuit book, I know that it became *Honda v. Clark* before the Supreme Court, but in the report of the D.C. Circuit, it says *Condo*.

Mr. Rauh: I'll be darned. Well it may have been that there was a different Japanese then. At any rate, oh, do I remember that case very well. It's a cute story. There's a man named Mike Masaoka who was the Japanese-American Citizens League representative here. Mike comes in to see me one day and tells me about this case. What happened was that we seized the assets of the Yokohama Specie and Sumitoma Banks branches in California, and we

seized them when the war started right after Pearl Harbor. When the war was over, we offered the depositors the value of the yen at the end of the war which was about 1/3-400ths of what it was worth when they got it, so the question arose, what's what with these people. Another group actually filed with the government even for that lousy little claim that they were getting. They finally got the full value of the original without interest. That was the compromise. Then our crowd, who hadn't filed claims, decided to file, and Mike comes in. He had lost in the district court, and he comes in to see me and he says, "Will you take this case in the court of appeals?" I studied it for an hour or two and Mike was waiting. I said I don't think you have a chance. The statute of limitations has run by 20-odd years, maybe more, it's all in the Supreme Court opinion. He got very tough with me, and we were very good friends because we had worked on civil rights legislation together. Mike was always our designated hitter with the west coast Senators and he looks at me and says, "You don't give a damn about anybody but the blacks." I said, "Well, you son of a \_\_\_\_\_, talking about me that way, I'm going to take your case and lose it." So, we took the case. The Supreme Court won that case for us. They decided while we were on the way up. They decided another case where the defendant was responsible for the mistake made by the plaintiff in choosing a venue that was, but this was the same point. So we're in the court of appeals and we got a split decision. There was Skelly Wright who wrote the most brilliant defense. Skelly Wright's opinion was so much better than my brief that you could hardly believe it. It was incredibly beautiful. You know who wrote a good part of it, Abe Sotari [sp?], who was Skelly Wright's law clerk at the time, and who became a good friend of mine until he turned out to be right of Genghis Kahn on this later stuff. Well anyway, we had a 2 to 1 split decision and we went to the Supreme Court. I think by the time we petitioned for cert. we had

this case in which they had said you couldn't get away with the statute of limitations or with the wrong venue if you were responsible for that as a defendant. We certainly had a pretty good case for arguing that the defendant had been the one that caused us to make a mistake of not filing, when they offered 1/400th or 300ths of whatever it was worth, so the combination Skelly Wright and this decision, we got cert. and we won.

An interesting thing happened at the argument. Ben Cohen had helped us with the brief. I argued it. I'm arguing it, John Silard is sitting next to me, Ben's sitting next to John. I got up. I was the petitioner, of course. I don't even know whether I said if it may please the court before Abe Fortas said to me, "This is just a bunch of rich people, isn't it, I mean, this is not a big group or anything?" I couldn't understand what was going on. I said, "No, Your Honor. It seems to me we have several, there are millions of dollars." "Oh, I know there are millions of dollars, but they're just for some rich Japanese." I said, "No, sir, their claims are very well moderated and we will," I was really getting worried, you know, and Fortas was really berating me. I said, in order to cut it off, I said "I give you my word that we will within a week submit to this Court under oath exactly how many plaintiffs, what their average amount is." Well, the argument went very well after that, but I was rather, but I couldn't help but be upset having been attacked by Fortas, an old friend. We go to lunch afterwards, it was getting late then we go to lunch, and I said, "Why do you think Fortas sort of attacked my integrity?" Vince said, "Do you think he was attacking my integrity, too?" He was suddenly afraid that he was being attacked. Mike finally owned up that he had been over at Arnold & Porter thinking possibly that he would rather have them than me, his friend. I could understand that. We had a little firm, small firm, 4 or 5 people. Fortas was Arnold, Fortas & Porter. I wasn't sore that he had gone over there, but he

said they had decided in our favor just because they thought we would give it more of the old college try. So that was why I got the beating up there. At the time I got it, I didn't know, because I didn't know that Mike had gone over there. I didn't know that this was a contest between us. Especially, it seemed so strange that he was so rough on me for not taking it, when he had a back-up there over at Arnold, Fortas & Porter. But anyway, we did win in the court of appeals. That is the only big fee we ever got in our life. I've always said to John Douglas, who was the Assistant Attorney General in charge of the Civil Division, who was my opponent in the case, I always said, "John, you're a great man, you've made more money for me than anybody else ever did." He said, "How do you figure that?" I said, "Well, don't you remember when I came and offered to settle for about a quarter of what we got?" He turned the settlement down. He didn't think we could win. So anyway, John and I are good friends. He's a wonderful guy, but I always kid him about the fact that he made the biggest fee I ever got. Of course, it was divided because Al Wirin's firm, he was a famous civil liberties lawyer out in Los Angeles, they had spent an awful lot of time on the case building the record and all of that, so they were entitled to as much as we were, and John and I, but as I always said, John Douglas was responsible for the only big fee I ever got in my life. Anyway, if you want for just sheer joy of reading a dissenting opinion, look at Skelly Wright - it's so, so brilliant.

Mr. Peck: O.K. Well, also in 1966 there was a labor case against the Arrow Corporation. This one was over enforcement of an NLRB order and was very similar to the issue in *Kohler*. Again, this time the court was Leventhal, Danaher and Wright, and they wouldn't find additional violations beyond what NLRB ordered, but they did find that the enforcement of the order ought to occur. This was just a bitter strike there. I think this brings us up to the Fair

Housing Act in '68.

Mr. Rauh: We all felt in the civil rights operation that the hardest law in the civil rights to deal with in a statute and get through politically was housing. That nobody had ever been able to deal with that problem. You had Martin Luther King's marches in Cook County in 1966, 1965, the resentment on black housing was always the worst. Everything was bad, but that was the hardest. On the other hand, Johnson had made a try at a bill, I think, in '66 or '67, and it failed, and we weren't clear on what we wanted to do, what we wanted to go for. The civil rights groups finally decided to go forward with the statute trying to protect the personal security of the blacks in the South and civil rights workers in the South. You had real difficulties there with people getting hurt. So that bill was brought up in the Senate and it was being filibustered. We were having a meeting, and I remember [Senator] Joe Clark being there, and he was working on it, some of the other senators, and Clarence, he was there of course. We were talking about what to do. The bill was important that was on the floor of the Senate to protect personal security of blacks and civil rights workers, but you couldn't feel that you were getting the strength to fight the filibuster. So, we're sitting there and I looked at Clarence and I said, "Clarence, should we recommend that we attach the housing bill as an amendment to this, because then you have worse opposition but do you outweigh that worse opposition by more and more support?" Well, Clarence thought that was a great idea and the two of us turned to them and said, "We recommend that you do this." Joe Clark thought it was fine. Whether he made the actual amendment, I can't remember, but the amendment was made, and we did in fact get the housing bill. It was pretty watered down by the time you got it, because it wasn't until the '80s that you got the really tougher bill. All the reports show it's not being very well enforced, even

the new bill. But we did get a fair housing bill. You can say for Johnson that he was able to get something in all of the different fields. I was not working closely with Johnson anymore, so that the role that Johnson played in getting that bill is not one with which I am terribly familiar except secondhand, to get it from somebody else what Johnson was doing. We were working on it too. It sort of completed the trilogy of the Johnson bills. People often ask, "How do you explain Johnson as Majority Leader fighting you guys all the time and as President getting all the bills you couldn't get when he was Majority Leader." I said, "It's perfectly simple. He's the consummate politician. When he was the Majority Leader, he was the Senator from Texas, he listened to his constituency, when he was President of the United States, he listened to his constituency, and they were totally different." That is my feeling. I will say for Johnson that I think that he was happier when he was on our side than when he was giving us the business.

Mr. Peck: Well, '68 was also an election year, and you signed on pretty early with Eugene McCarthy. When you did that, did you think that there was any realistic chance of stopping the Johnson nomination?

Mr. Rauh: That was something that "grewed" on people, like Topsy. It grewed. You didn't immediately have that feeling. I had been in a dispute with Al Lowenstein during the summer of '67, right on our porch downstairs, Al and I had an argument. The argument was this. Can you run a dump Johnson movement without a candidate? Al was after me to get the ADA to come out against Johnson when you didn't have a candidate, and I refused. We had an argument right on the porch, the only witness was my wife, and what happened was, he said, "We're going to win with none of the above in Wisconsin." He said, "The Wisconsin

primary lists candidates and then there is none of the above. I think they still have that.” Well, I said, “I think individuals can do that, but you can't have an organization do that. It doesn't seem to me, its too slim a possibility.” Well, within 3 months there was a candidate. There was Gene, and Al and I were back together and I came out right away and took a post as sort of consultancy and also fundraiser. I took many of the big fundraising pitches like in Madison Square Garden and Fenway Park. I think maybe the thing grew as we won, in perception at least, in New Hampshire. Then Bobby Kennedy came in. I would say that by the time Bobby was in and they were fighting for the job, why people began to think that there was a real chance that we were going to win. Then, of course, Johnson pulls out shortly after Bobby comes in. I'd say that I wasn't so sure at the beginning, but I really thought there was a chance. Then when Bobby is assassinated, Gene is left alone and Hubert goes in it's absolutely hopeless. They had the delegates all lined up. What would have happened if Bobby had lived, I don't really have any feeling. I thought Bobby would be a better President than Gene, but I gave Gene my word I was for him and I wasn't going to give up. There were a lot of switches on our part. Dick Goodman was the number one switch because he was writing McCarthy speeches. If McCarthy speeches and Bobby Kennedy speeches look alike, Dick Goodman had written them all. Then he came back to Gene when Bobby was killed. There were a lot of people who switched. I honestly believed that Bobby would be a better President, but I just couldn't do it. I was the credentials coordinator for McCarthy at the convention. We won some fights and we lost some. They could have been more generous to us without risking it. I was surprised at Hubert not being more generous with the contested delegates because he had the thing locked up.

Mr. Peck: But before McCarthy jumped in, I read that you originally thought

that a peace plank rather than a primary challenge was about the best that could be done.

Mr. Rauh: Well, I thought that if you didn't have a candidate, the best thing you could do was to have a peace plank which I wrote, which I showed to McGovern, Church, and others who all said I was okay. Bobby was the most critical of it. He said, "It was the most ridiculous thing I ever heard." Bobby said you can't start a fight on a plank. I said well, I started a fight on a plank once in 1948. I did a pretty good job there. He said, "Well this isn't the same thing." Well, he was right and he was wrong. He was right that if we hadn't had a candidate there wouldn't have been much of a fight, he was right. But he was wrong on the fact that he wouldn't go and when that peace plank was largely the result of the fact that he wouldn't go. In other words, he was much more responsible for the peace plank than he was letting on. Because we weren't going to just do nothing. We had to do something in this terrible war, and this was a bad substitute for a bad situation.

Mr. Peck: Well, there was a lot of resentment when Bobby jumped into the race.

Mr. Rauh: Oh boy, and how in our crowd. Especially the kids, oh they went crazy they were so mad. We had upset the apple cart for him, but Bobby was right in a sense. He was the last real candidate to appeal to the blue collar worker as a Democrat. They loved him. Exactly why, no other Democrat has ever really appealed to the worker. Bobby would have gotten into the race, he would have gotten in with Nixon, he would have gotten 80% of the workers. They loved him. So, I did share that for a few days, his getting in. And then we were trying, I was really interested in stopping the war. So I made a speech one day attacking both Gene McCarthy and Bobby for fighting so hard instead of fighting against Hubert. I think that it

was a good idea, but it didn't have any effect on any of them.

Mr. Peck: Was this the speech that I have marked down here, March 26, where you called upon McCarthy and Kennedy to support the survivor among the two of them and not to fight each other?

Mr. Rauh: Yes.

Mr. Peck: Okay.

Mr. Rauh: If you want that, I have that. I mean I have that among those copies, but I don't think you want that. If you decide you do, I could let you go through it.

Mr. Peck: We'll do that later.

Mr. Rauh: All right.

Mr. Peck: Now, somewhere, I didn't jot down where, I found that you described when the integrated Mississippi delegation was seated at that convention was one of the high points of your lifetime.

Mr. Rauh: Well, that's exactly right. I said it in '64, we have won this fight now, we have to wait and see if I'm not right. But the integrated delegation, exactly as we had it, walked on the floor there. Mrs. Hamer walked on that floor as a delegate. Johnson said that she never would. Well, he was wrong. There was an effort in the credentials committee to give a minority of the regulars seats, and there was a real struggle. I finally had to tell Aaron [Henry] and Hodding Carter and his present wife, what's her name, she was the human rights person in Carter's Administration, she was the National Committeewoman of the Mississippi Freedom Democratic party, that I would blast them if they gave them an inch. "I know you people are so anxious to get on the floor, but remember there is a very important principle here. We said that

we were going to be seated next time, we had to promise, and I want to make them live up to that promise." So there was no compromise. The exact delegation led by Aaron, Hodding, and Mrs. Hamer was seated as 100%. That was quite a remarkable thing. Then we also had the Georgia rival delegation under Julian Bond, which finally settled by having them both seated. So we did pretty well there in the sense of carrying out the promise of 1964.

Mr. Peck: But being in the convention hall, how much were you aware of what was going on in Chicago at the same time?

Mr. Rauh: Oh, pretty much. You knew. Furthermore, I was staying at, what is the big hotel, Conrad Hilton, I was staying there. It stunk of tear gas. I walked into the lobby there, wanting a drink, I don't know what time it was, one of the evenings of those nights wanting a drink, I walked into Betty Friedan. She and some guy in the same position I was, so I found a cop, asked where the nearest bar was that would stay open for a while and drank for about three hours, that's when I became a great friend of Betty's. She's a real pistol, I'll say that. You knew what was going on. I was really worn out. I didn't stay to the bitter end. We did try and Al was a great hero of that period. Al and I had only one fight in our life, it was right on our porch here, on whether you could take an organization like the ADA into support for movement without a candidate. And I still think I was right, but it was mooted by the fact that we got a candidate, not one that we had expected to get.

Mr. Peck: Then we move to the general election. Humphrey, who had the hardest time winning back people who in another era would have been his natural supporters. He came within inches. What can you tell us about that?

Mr. Rauh: I can only speak for the ADA. I can speak for some of the others.

The ADA was a problem. Immediately after the convention, there was a small minority of people that said we've got to immediately endorse Hubert. They would call. It was the Labor Day weekend and I was pretty beat up, in spirit, not physically. I was never beat up physically or anything. I said, "No, I think that if you have a meeting now, you'll just have a roaring disapproval and I don't know what will happen. Let's wait until we're ready." About 6 weeks before the election or about 2 months before the election we realized that we had to start to move. We called the meeting for about 5 or 6 weeks before the election, and we got pretty much unanimity in support for Hubert, and the unanimity came from the intervening time your wounds heal, and from something else. We put in the truth in the resolution. Maybe there has never been a resolution that tells the truth about what you're doing. It said. "We disagreed with Humphrey on the war. We still do not think he is gone far enough in his opposition of the war, but when, in a realistic war here, he's far and away the best candidate, even on the war, and we urge your support for him." Now, Hubert being of course a real politician, he is at one of those radio stops, goes to a pay phone to call me to thank me and he gets my wife. I wasn't home yet. He gets Olie and he says, "Tell Joe it's the greatest thing what he did." He didn't give a darn about that extra stuff in there that made liberals feel that they were honorable people and all. He didn't give a darn about that, he cared about the bottom line. So he says tell Joe to be at the airport tomorrow morning to go on a plane with me. I spoke only to McCarthy audiences. That was my job, to round out McCarthy people. There was a lot of hostility to Hubert. Don't believe there wasn't. I think in the end most people came around. I still find people who voted for third party or wrote somebody in. I still find them, but I don't think it was a significant factor that cost Hubert the election. It may have been that people held back too long, although I think Leon Scholl judged

his board very well when he decided that we were ready to endorse Hubert, that the scars were gone enough so that you could do that. It had an effect. For example, Al [Lowenstein] hadn't endorsed Humphrey yet. He was running for Congress up in Long Island and he shortly thereafter endorsed Humphrey. That was true of O'Dwyer. Wasn't he running for the Senate? The ADA wasn't the determinant or anything, but I think it helped start pushing people back towards Hubert. That was a funny day for me. Either that time on the plane or later, we went to New York and Hubert just had the most wonderful time with Kenny O'Donnell on one side and me on the other with the Kennedy-McCarthy thing. He just enjoyed praising us and praising Kennedy who was gone and praising McCarthy, although McCarthy hadn't come out for him yet. Then, the next morning we went to Texas and Humphrey's camp survivors, they didn't like me. They wanted to push Hubert to the right and there was quite some bitterness. They were all saying to Hubert, "Tell Joe he's got to behave when we get to Texas, with Connally." See Connally was the head of the delegation. He was the governor. He was head of the delegation, and I had tried to get the delegation excluded because of racial things. We didn't have much of a case, because they had some blacks, they had some Mexicans. Anyway, we get off the plane and there's Connally in the receiving line and I went up and couldn't be more gracious and tried to befriend him. I was working for Hubert then. So there's a \$500 luncheon half way between Ft. Worth where we landed and Dallas. The staff wasn't invited to the lunch. I don't know what we ate. Then I heard my name saying, "Report to the headquarters." I went to the headquarters and on the way I bumped into Tim Dyke, what was his name, he rode on the plane. It'll come. He was running the plane. He was the manager. He said, "Joe we have an appointment for you in Los Angeles tonight to speak to a McCarthy crowd. We have a reservation for you on the 3:00

plane.” I don’t remember what. “You will be met by somebody that will tell you all the details.” I said, “You can’t get my suitcase, you got it mixed in with everyone else’s.” He said, “No, we have it at the airport.” Well, I knew something was fishy, but I didn’t know exactly how fishy. I went. I was not going to blow up anything. I got there and the ADA lady was waiting for me but there wasn’t any meeting. I subsequently found out that in a meeting with Humphrey, Connally said he wouldn’t go to the same plane with me because I had tried to exclude him from the convention, and Hubert had to make a fast decision. I think Hubert made the right decision. Maybe some people would not have been able to understand. But I understand, by God, if Connally hadn’t gone on that plane, what were we doing in Texas. So, I’ve never thought that he had made the wrong decision. I can’t remember when I first learned it, but there were a couple of people in the room who knew. One was Yarborough’s assistant, Bob Harris, told me. ‘He was in the room. There was a fellow, the advance man, was in the room, he was from Covington & Burling. He was the advance man. He subsequently confirmed that Connally had said this and that Hubert had turned ashen because he realized the results the danger that this story would get out about yielding to Connally. He had to make an on-the-spot decision. They came on to L.A., and I got back on the plane. Nothing ugly was really said. I spoke to the McCarthy delegation there, assembled in a house, the delegation to the convention, and spoke with Hubert and it was a pretty rough evening. The guy who led the opposition, the next day came to a McCarthy fundraiser and told my wife that he was going to help get support for Humphrey. So it does have some effect to argue . . . . A big black fellow got up at that meeting and he said, “You honkies can talk all you want, but you’re not going to be the ones who suffer under Nixon. We’re going to be the ones that are going to suffer. By God, you ought to be in there fighting for Hubert.”

That guy said more in one minute than I had said in a half an hour. Anyway, that was my job on the plane was to talk to McCarthy people.

Mr. Peck: Well, do you think it would have made a difference if Humphrey had distanced himself from LBJ earlier?

Mr. Rauh: Yes. I was asked that after the Salt Lake speech what I felt. Actually, I had listened to the speech with a class in one of the universities taught by a reporter named Shirley Elder, a lady reporter. When the speech was over, she asked the young people what they thought. I said, "It was too little too late." I said that Hubert's got to go farther than this. He did go a little farther, but he sort of was too tentative in going. What you can say for Hubert, Johnson's ain't no beanbag. What he might have done to Hubert, he was a tough guy there. He didn't want the party doing anything against what he had tried to do. The answer to your question is clearly yes.