

This is an interview with Congressman Robert Kastenmeier, August 23rd, 1967...

(Interviewer) When were you first contacted by the Institute for... system?...

(Kastenmeier) I can't remember. I don't have any idea.

(Interviewer) Was it the summer of '67 -- I mean '64 -- or was it the spring or --

(Kastenmeier) Well, my office -- I had been contacted...off and on for a very, very long period of time but there was no special entreaty made...to help them.

(Interviewer) There was not a personal relationship to the...

(Kastenmeier) Yes, some of these -- some of the members of the FDP had been up here off and on in connection with civil rights bills which we had been working on particularly in 1963, in the fall of 1963. So there would have been no particular time, that I would've recalled anybody asked me, from their standpoint, although I did not consider this necessary that I be contacted by anyone at all as far as that's concerned. That's completely irrelevant.

(Interviewer) Did some of the staff use your office at times to --

(Kastenmeier) No. Well, my office is a small office. No, I don't -- staff of what?

(Interviewer) Were there FDP staff allowed to use it?

(Kastenmeier) No. I think they had -- I think they had other facilities. I don't know that they really had facilities in Washington, but I know that some of the people used to come up from time to time.

(Interviewer) When you went to the convention, were you -- did you feel that the FDP would get what it was asking for in the --

(Kastenmeier) No. No, I didn't.

(Interviewer) Had you considered the possibility of a compromise that was there?

(Kastenmeier) No. No, I think most of us went to the convention without any pre-conceived notions of precisely what was likely to take place -- it would have had to depend on many things beyond our control. As I remember, however, we -- some of us -- I'm not talking about the Freedom Democratic Party, I don't know what they did -- some of us checked a Credentials Committee list for the delegation from each of the states to find out from whom we could get support. A number of us were just prepared to go much farther than obviously the administration was, whether you say national party or the Presidency in this connection. That was fairly clear, so it wasn't a question of having a fixed position. We didn't have a fixed position as I recall. Now I might also state at this point that it is



difficult to recall what, eventually -- what took place three years ago at this time in detail. I do not, I must say and perhaps my own comments will be at odds with comments of others or indeed with history and fact. I can't be sure. I --

(Interviewer) Could you talk a little bit about your own delegation and their attitude toward the Institute as its grass roots...

(Kastenmeier) Well, yeah, my own delegation -- of course the Wisconsin delegation, I felt would support my actions. Now unfortunately the lady, Mrs. -- Miss, I think -- Elizabeth Hawks of northern Wisconsin was inclined to go along with the administration. She was what might be called a conservative in this connection, and I at no time had her cooperation. But I did look beyond my own delegation. I did not think, you know, that my own delegation was particularly significant. I thought they would support my view, and even though Miss Hawks had a different point of view, I did not think it would prevail.

(Interviewer) Well in the overall strategy that the staff had set...your delegation was very important in terms of what they -- you know, the various delegations they hoped to rally to their side. This is going to -- in terms of what I'm doing it's going to -- it's going to...not present the interviews, you know, out and out, and they're going to be edited, you know with references from each interviewee describing their own situation. I wondered if you could go into -- describe if you considered important your-- your delegation in just a little bit more detail -- 'cause all that we...

(Kastenmeier) Well, the delegation as such did not vote on anything. The only people that obviously played a role in it were myself and Miss Hawks. We were the two members. I went back from time to time to report to my delegation and ask for their support and I received it. I had Edith Green, for example, come and speak to my group because I thought Edith did a very good job of presenting the point of view which she and I shared, along with Joe Rauh. The three of us -- I think we were among the principals in the Credentials Committee itself in terms of our point of view. And we had a number of allies -- from Colorado, as I recall, from California, at least one or both members of their Credentials Committee representatives, and one or two other states -- at least one out of New York and so forth -- that gave us a nucleus to conduct the fight within the Credentials Committee. Our greatest problem, as you may now well know, is the fact that the committee leadership was set up to support the point of view the administration wanted. That is to say, the President wanted his formula -- the one that was submitted to us -- adopted. Governor David Lawrence who was chairman of the Credentials Committee was his instrument to accomplish that, and was given an aide who was also the counsel, his counsel, who is now Circuit Court judge, a distinguished Circuit Court judge although at that time he had one job -- ram through the President's request, period. Lawrence and Harold Leventhal. There were also Humphrey and other people, Humphrey's people and others on the committee -- Thurwin Markman, who is now a liaison officer for the White House, was the Credentials Committee member from Iowa, the male member, and he was an administration man. And not surprisingly so was the then Attorney General for the state of Minnesota, Fritz Mondale, who is a close friend of mine now, but they naturally took a very -- they were among the leaders to take a point of view in full support of the President's wishes.



And really this was where the fight was. There were important factions externally. Martin Luther King came up and played a role on one side and the Humphrey forces, even including to a certain extent the UAW, --

(Interviewer) What -- what does that mean?

(Kastenmeier) Well, that is to encourage people to support the White House position on the basis of expediency and insuring that the Vice-Presidential nominee would in fact be Hubert Humphrey. This was important to a lot of people, and I think caused certainly a dwindling in opposition...We could have expected two or three times the amount of actual delegate or at least critical support in the committee had not the unknown element of Hubert Humphrey's nomination been present. Even Joe Rauh, well, I think he was faithful to the Mississippi Democratic Freedom Party -- to the concept -- I shouldn't to the Party, but really to the concept of getting as much as he could for them as Edith Green and I did. Nonetheless I think even, you know, Hubert Humphrey's role troubled Joe, who is a very good friend of the Vice-President. And it was a problem for me, because the Vice-President spoke to me. But I -- be that as it may, I think we, there's no question, we all pushed as far as we could. And there was -- as you recall there was a concession, enough of a concession I think politically to undercut our position, to force us to -- we couldn't very well continue to fight because for full representation -- you know, there are a series of alternatives: neither be seated, or both be seated, or half and half -- all sorts of alternatives were considered. And the one that -- the one, small concession -- maybe it wasn't so small but it was a concession that the critical number -- I don't know, four or something like that -- be seated. I've forgotten. We won a point. We didn't win the war, I think, but we won a point. We -- we were fighting, as I recall, such notions as "Well, they'll be" -- it was offered to us -- "they'll be accepted as honored guests at the convention and seated in the back of the hall" -- they being the Mississippi Democratic Freedom Party. And as you recall people then said, "Well, they've been sitting in the back of the bus too long. They don't need to accept that type of status here." And it was a very powerful point. When I say I don't think the Wisconsin delegation was important -- I don't think it was -- I don't think it was crucial. I think the delegation was strongly for the Mississippi Democratic Freedom Party. Before --

(Interviewer) This Mrs. Hawks -- you remember, going back to it -- she was opposed to it --

(Kastenmeier) Yes. Now I'm talking about a person who was nominated by some means, not for -- for reasons having nothing to do with the Mississippi Democratic Freedom Party. She -- she had -- she was from northern Wisconsin, was a close friend of and admirer, as we say, of the Vice-President and her views on the position had nothing to do with her selection because at the time I don't think it was an issue. In fact when many of the Credentials Committee members were selected throughout the country, they were not selected on the basis of how do you feel about this -- the one big issue likely to come up.

(Interviewer) When you say she's from northern Wisconsin does that...

(Kastenmeier) Yes, what I'm saying is she was not from the liberal Madison



district or area; she was not from the Milwaukee area. She was from a part of the state that was probably less involved in civil rights questions. That-- northern Wisconsin would probably--

(Interviewer) Is that more of a rural section?

(Kastenmeier) Yes, it's non-urban. That doesn't necessarily follow, but-- but at least she was isolated, I think; people in that area are likely to be isolated from the great liberal pressures in the -- in the south in our state. In any event, the delegation did support me -- did support my position. I assumed that they would because it is a -- generally we had a liberal delegation. There wasn't any problem about them. We -- from time to time presented our point of view -- I did and a couple others did and we had some -- even our labor leaders who -- even our people who were very strongly for Hubert Humphrey, and this is the only -- you could suggest the only difficult problem for them was that they were for Humphrey and they were also for the Mississippi Democratic Freedom Party and the end result was they had to make a choice. Then they really chose to go as far as they could in helping that party -- to force it.

(Interviewer) ...Humphrey?

(Kastenmeier) Oh yes -- well, yes, I think many of them felt as I did that Humphrey was not well served by this compromise. I suggested to them that the worst thing in the world they could do -- at least privately, I don't know that I stated this publicly to them because it isn't something publicly to discuss -- is to permit Hubert Humphrey to act as a Judas' goat and to deliver the liberals to Johnson on a silver platter and compromise the political principle. Indeed if you were his friend the best thing you could do would be to thwart him in this so that he was never able, you shouldn't put him in the position of ever being able to deliver liberals -- force them to compromise a principle for a personality. Furthermore this goes to an old question about not getting personalities and principles mixed up. Keep your eye on the principle -- follow the principle and other things take their course. I think it was clear and I think that most of the other people understood that either Humphrey was going to get it or he wasn't going to get it and what happened on this issue was irrelevant to that end. You know -- if we'd seated the whole Mississippi Freedom Democratic Party in lieu of the regular Mississippians, Hubert Humphrey I suspect would still have been the Vice-Presidential nominee. So, I -- I -- despite -- but still you know there are some -- Hubert did go through the motions or the efforts to get people to support the administration's position, the national party's position on this and in the long run undoubtedly was successful. However, nonetheless, we forced a compromise.

(Interviewer) Were you in -- in on these meetings and conferences? I think there were about four.

(Kastenmeier) Yes.

(Interviewer) You were in on them too?

(Kastenmeier) I don't know whether one or two or even whether -- I was in on at least one or two and I don't know whether -- possibly a third, but I don't



know that I was welcome in each one because in some cases there was an attempt -- Humphrey did meet with many people, and he talked to me personally on the phone at great length and...

(Interviewer) What was this? What was the gist of that conference with you? Was he coming right out and asking you or he was just talking to you about this --

(Kastenmeier) Well I -- my recollections -- just urging support of the party position, I guess you could say the party position, on this -- White House position -- or the -- somehow there was a position specifically expressed, and I don't know by what -- now I don't recall by what agency. We knew what the plan was. Now, how -- whether that plan nominally came out of some subcommittee of the national committee or what, I'm not now sure. But in any event that was it. But he was interested in talking to Negro leaders -- Martin Luther King and to others. We were interested just in the opposite, of getting King without any difficulties to support -- and I had many of my associates there. I don't say they were acting under my direction. They were not. These are -- young men, for example, would serve on my staff; Raskin, Waskow, Elkowitz had all served on my staff and all were there. And Alder -- Tom Alder -- all four of them at one time or another were legislative assistants of mine. And they were also more or less in the fulcrum in the -- playing a leadership role in a sense as far as the Mississippi Democratic Freedom Party was concerned, that is, working with them on strategy and so forth at that point -- and I think working effectively.

(Interviewer) What about the effect that the FDP...for instance, its lobbying techniques, its legal case, the moral impact or --

(Kastenmeier) Well, I think the moral impact. If you remember there were hearings of a type -- Fannie Lou Hamer and Pastor King, whose face was so terribly marred -- and I think really at that point, unfortunately it is not the same attitude in the country today, but at that point there was a great national feeling of sympathy for the cause of the people who -- of the Negroes themselves in Mississippi and in other states and the people who labored on their behalf there. And so the Mississippi Democratic Freedom Party, I think, by and large had the sympathy of most of the working press, most of the television audience, and that the hearings of Friday, Saturday, whenever they were, preceding the in-camera proceedings of the Credentials Committee, in other words the hearings in which we interrogate witnesses, was very revealing in this respect and gave us what we needed as a take-off point to dramatize and to stick with a position -- a much tougher position and demands -- making demands, I should say. I think this was the best thing we had going for us.

(Interviewer) News and the press and the --

(Kastenmeier) The press and the radio-television, the dramatization, the cause of the Mississippi Democratic Freedom Party.

(Interviewer) How does this-- how did the regular Mississippi people come off?

(Kastenmeier) Well, they were a bit defensive. They were shrewd enough not to say much or over-expose themselves, and what they did say, even though



it wasn't a great deal, tended to put them in a poor light -- made them make defensive statements that were patently incredible -- you know, not believable. This was a very big factor. I don't think prior to ten days beforehand many Americans knew what the Mississippi Democratic Freedom Party was or what the issue was, and it took really the dramatization at the convention just during that first part of it to bring it alive.

(Interviewer) So the people that supported the compromise or -- or just to help the...FDP...were not support -- did not see themselves as supporting the regular Democratic Party but saw themselves as supporting Humphrey and supporting the legal workings of the convention, the smooth runnings of the convention...

(Kastenmeier) When you say regular, are you talking about the Mississippi regular party?

(Interviewer) Uh huh. I mean a vote for the compromise it seems to me was a vote in support of the regular party.

(Kastenmeier) Yes. Yes.

(Interviewer) But people didn't see themselves really as supporting these people -- the people that voted for the compromise?

(Kastenmeier) No, I think they felt that it was politically practical and expedient to do this, and one could from a legal point, standpoint, cite precedent. From a legal standpoint -- of course, Joe Rauh worked on this very intensively -- But still from a legal standpoint it was an awful case to have to argue from a precedence standpoint and so forth, because really, as you well know from facts of the time, they were literally wiped off the ballot. They were never -- the Mississippi Democratic Freedom Party was never -- never went through the processes -- didn't even have the electoral processes available to them, in a sense, to elect delegates or in anywise to meet the formal requirements of certification as delegates. And so we had to argue and we did argue, you know, on other grounds -- on moral grounds and so forth and so on. I've forgotten -- as I say three years have gone by -- precisely what all the arguments were, but from a rigidly legal standpoint of precedent and procedure, the Mississippi Democratic Freedom Party did not have a very strong case. It was on other grounds. It was on grounds of party loyalty, of a party which would pledge to support the nominee of this convention, and would otherwise support this convention's platform. Loyalty was a big issue. And it was also on great moral grounds that clearly came alive relating civil rights and what the national party stood for. Well these were some of the things we argued, but you see there was an argument for the other side and some liberals, some Democrats, took that point of view.

(Interviewer) Please digress just a minute for us. You were on to something that I mentioned, a question, but you said that the testimonies of Mrs. Hamer and Reverend King were helpful in getting off to a good start. Do you feel that there were any other points in the convention where there was a possibility that you could have gotten more than you did...and where you could have...



(Kastenmeier) Of course we debated, and I'm going toward the end of the convention, I mean, whether we could get any floor support. And I really think it boiled down to the fact that we could get a crucial amount of floor support if they made no concession to us. Once they made the concession, about three or four days into the week, about -- you know, after we had gone in it, oh, at least two or three days -- I think they undercut what floor support we could expect to the extent where it didn't seem to make much sense to go to the floor and take a beating because --

(Interviewer) How did they do that?

(Kastenmeier) By making the concession they finally made to us.

(Interviewer) Oh. Oh, I see, what you mean.

(Kastenmeier) Had they not made that concession we would have had, I think, support. This was a crucial point. But earlier I think the interviews -- I really can't say what high point there was more than this. But I think the viewer on television was able to see interviews with people and see the issue really come alive, and this was, as I say, quite helpful. I don't remember any other particular incident.

(Interviewer) Was that in the closed session of the Credentials Committee where they voted -- I'm not sure; I believe that was either on Monday or Tuesday -- Long. I believe got up and gave a speech to support the compromise and everybody -- and Racket said, "I cannot -- we cannot vote until I have talked with my delegation," -- and everybody kept saying "Vote, vote, vote," and he felt like he was under a tremendous amount of pressure and he got a telephone call and left the room --

(Kastenmeier) He what?

(Interviewer) He had a telephone call and he had to leave the room and called for a recess came back and I believe you all went ahead and voted, and it was an overwhelming vote on whether or not to accept the compromise. Do you remember --

(Kastenmeier) I don't remember that. What you tell me sounds reasonable; that is, sounds like it happened. I can't -- I can't recall the details nor when that vote was. Was it on the original -- are you suggesting it was on the original proposal of the administration or was this the --

(Interviewer) Yes, it was on -- it was on the proposal to...two members.

(Kastenmeier) Oh that was then the later compromise --

(Interviewer) The McFaddell (?) compromise, right, right.

(Kastenmeier) Yeah, uh huh. That sounds to me like the reasonable description of what happened. I don't remember the details.



(Interviewer) ...In the meeting, let's see, after the compromise had been passed and some people were still hoping for a minority report and the seventeen of you who were supporting the FDP, the Credentials Committee people, met in a room in the back of the church --

(Kastenmeier) Yes --

(Interviewer) Do you remember that?

(Kastenmeier) Yes, I remember that. I remember that as you now tell it to me.

(Interviewer) Could you -- it would just be ...if you could go into that just a little bit.

(Kastenmeier) I don't think I could. My memory just isn't clear now.

(Interviewer) You went -- I've had a report from two different people and they were different about what happened. I believe you went around the room wondering about when to say whether or not you would support a minority report, and I believe you knew eleven and one report says that the eleventh person was Rauh. He said would not support -- he would not go any further, that he was just -- felt like he had done all he could do. But all the others up to that point said they would support a minority report. I'm not sure... I mean I'm not sure that...

(Kastenmeier) I can't -- I --

(Interviewer) ...except for Rauh. The important thing is did Rauh do that? And another important question, was the person who reported that in the room. Rauh says he wasn't. That was Bill Halleck's question. You may -- you may not know...

(Kastenmeier) I couldn't give a version of that. It's vaguely reminiscent but I couldn't confirm these details or deny them.

(Interviewer) But you yourself felt at that point, that a minority report would be -- taking it to the floor would be hopeless?

(Kastenmeier) Well, we discussed the possibility of who might speak to it and so forth. As I just indicated, I did feel that we had lost the crucial number to make it meaningful by virtue of having been offered a small but -- depends on how you view it -- but a concession that could be claimed as a minor victory. Certainly had that not been the case we would have had a very strong hand in going to the floor. I guess I was of two minds about it. I guess at that point I would have been willing to go along with the rest. That is to say, if there was a disposition to proceed with a minority report I would have been -- it's easy to say this in retrospect but I think this is what my position was. Although I did feel that it was then a losing cause -- that we had been offered something and many others it was being reported



that we had gotten this concession and that we still weren't, you know, still weren't satisfied with what would be characterized as a reasonable concession that wasn't expected to have been made in the beginning. So I understood what our position was, and I thought that many of them, my delegation, would go along with either course of action; and they would have, I'm sure. And I guess it was -- as you now recall to my mind -- it was at that meeting that we must have agreed, must have felt there wasn't enough unanimity within our own group to proceed, that the compromise offer had divided us, had divided a minority. When a minority is divided, you know, it's a very bad position politically.

(Interviewer) What about the FDP leadership? How would you evaluate the --

(Kastenmeier) Well, as I say, I had done -- I had known --

(Interviewer) Was it good as a political party?

(Kastenmeier) Yeah, I had known most -- well, several of the leaders, in the past. I'm trying to recall who they were. I guess Smith was one; Lawrence Guyot was he then?

(Interviewer) Lawrence who? Guyot.

(Kastenmeier) Guyot. He may have come in later.

(Interviewer) He did. He was in jail at the time of the convention.

(Kastenmeier) Yeah.

(Interviewer) Bob Moses.

(Kastenmeier) Bob Moses, yes. Frank Smith.

(Interviewer) Aaron Henry...

(Kastenmeier) Aaron Henry.

(Interviewer) ...

(Kastenmeier) Yeah, these were the leaders. Well I -- they were the leaders. I have no way of evaluating the leadership. I think it was pretty good -- you know, by and large. I can't comment on how well they did in Mississippi but they brought this -- they brought this to a national -- were able to bring it to national attention and I thought they had -- their supporters were with them and so forth. So I -- I think I'd have to give them -- I'd have to give them good -- certainly good marks on their leadership.

(Interviewer) Do you think this -- this particular affair strengthened Lyndon Johnson or the Democratic Party -- as a leader of the Party...



(Kastenmeier) No.

(Interviewer) What do you think it did to it?

(Kastenmeier) Well I -- as I say, I don't think it strengthened it. It may not have been --

(Interviewer) Do you think it had any effect?

(Kastenmeier) Yes, I'd say it had this effect. It meant that the President might -- it suggested by implication that the President might trim his commitment to civil rights depending on other factors, political factors. He might not go all out depending on how things went. I do think that as far as legislation goes, by and large, while the President doesn't have an impeccable record subsequent to that or before that -- just before that as President -- nonetheless he has a pretty good record. But this was not one of the high moments in his record as a civil rights President. It was a poor one because here I thought the Presidential suggestion was -- fell far short -- even the compromise -- of a reasonable position...

(Interviewer) You would agree with him -- or with me that administrative people have said that the whole South would walk out if they gave any more to the FDP.

(Kastenmeier) I don't think that. No, I don't believe that. We didn't have any walkout because they gave them what they did. No. The answer is no, the whole South would not have walked out, in my estimation. Now maybe --

(Interviewer) Do you think Johnson really believed that?

(Kastenmeier) No, I think Johnson had a pretty good notion. He had as good a notion as I -- much better notion than I had. I say I don't believe they would have walked out and I don't think the President believed they would have walked out. This was suggested, but the South had a lot more to gain by staying than by walking out. It was a pragmatic decision, a political decision not completely devoid of sort of a commitment in principle to civil rights on the part of the President obviously. From that standpoint I guess one could defend it. But you see I feel that the issue has other implications. So as I say, I don't think this helped the President and shouldn't have.

(Interviewer) Yeah. Well, I think that's about all I can think of right now. Do you have anything else to say?

(Kastenmeier) No, except after three years of really not talking about it I -- you know for a particular reason -- it's a real pleasure to reminisce about a very fascinating interlude, an interesting interlude in civil rights and party politics. I think the one thing that really made that particular convention come alive...



(Interviewer) ...

(Kastenmeier) Well of course I've been in civil rights in the Judiciary Committee the past eight or nine years. I guess this was in a different place and different forum and a different -- oh, frame of reference really and may have been very special -- this excitement is something...working on a committee on civil rights...