

ROBERT PENN WARREN - WYLIE BRANTON TAPE <sup>1</sup> March 17, 1964

Warren: This is the conversation, afternoon of March 17th, with Mr. Branton, Atlanta, Georgia.

Mr. Branton, let's pick up something from the morning paper. Did you see the report on Senator Russell's proposal this morning?

Branton: I saw it in yesterday afternoon's Journal.

Warren: The Journal?

Branton: Yes.

Warren: What did you think of it?

Branton: Well, of course, my immediate reaction was that Senator Russell is merely trying to supply some argument in the Senate to get everybody's attention away from the purpose of the Civil Rights bill - that his is purely some far-fetched notion that he, himself, doesn't really believe in and it's his contribution to the beginning of the filibuster.

Warren: Is it a clever one. Does it raise any questions behind that do have relevance for our time?

Branton: No.

Warren: Sociological questions?

Branton: No, very frankly I don't think that anybody takes Senator Russell's proposals too seriously. I don't think that Senator Russell takes it seriously himself. And, because of the fact that it was given at the time and by the man who is leader of the Southern bloc, I don't think anybody would even give serious consideration to a proposal of that

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kind.

Warren: Almost certainly I should hazard, nobody will, but does it raise some of the same human and legal questions that are in the matter of housing renewal and redevelopment programs in cities.

Branton: Oh, yes, yes. It raises - at least focuses attention on the problems of the distribution of the racial population within a particular geographic area, and these questions have been raised in urban renewal arguments and it's being raised now in matters of school desegregation in the North.

Warren: These pressures are for the - of the same order then, aren't they?

Branton: Yes, to some extent they are, yes, they are.

Warren: Some of the same questions get involved in it. Well, speaking of the school business, what do you feel about the bussing proposal in New York?

Branton: I'm not familiar enough with the bussing proposal in New York to comment on it, other than to the extent that I'm limited by what I've read in the newspapers concerning it. I don't think that that's sufficient for me, really, to comment on - my knowledge of it is just not that sufficient.

Warren: This is probably a very unfair quotation. It's one that Mr. Galami-son - on a T. V. interview - he says that, "I would rather see it - the public school system destroyed" than not to conform to his timetable for desegregation or integration. But, he added, "Maybe it has run its course in the public school system."

Branton: Oh, I couldn't agree with that statement at all. There's great deal

wrong with the public school system, and I think there's a great deal wrong with the public school system aside from the question of integration and segregation. There's a great deal wrong with the public school system in an all-white town. Public education, very definitely, has not run its course. It's - it'll be with us for a long, long time. In fact, the trend is away from private schools and more towards public schools, and the idea of destroying the public school system <sup>if it</sup> /doesn't conform to a certain standard, or to somebody's time table is foolish. I don't think that you ought to hold up working on the problem of trying to correct deficiencies wherever they exist, but at the same time, I think that we need to do all that we can to keep children in school, and I don't think anything ought to be done to <sup>kids out of</sup> get/schools.

Warren: What about problems of integration in a big city like Washington where a very high percentage, and the percentage is increasing daily, is Negro? What kind of an integration problem is there? Is it beyond solution, or is integration the real point in such a situation?

Branton: I don't think it's beyond solution. You're going to have these transition periods in any situation. In Washington, you know, after the May 17, 1954, decision, the City of Washington was one of the first Southern, or border cities to go ahead and integrate the public school system. They did it practically overnight. A good many white people moved to the suburbs. They moved over into Virginia and into Maryland and into nearby communities in an effort to avoid the desegregation in the Washington

school system. Now, as these adjoining areas desegregate themselves, then people who have moved to these areas will have to give some thought to possibly moving again, to avoid desegregation, say, over in Virginia or in Maryland, where it has caught up with them. I think, however, that housing patterns - that is segregation in housing is so rigid in most communities that for a long time in the future, you will still have a great deal of segregation because of the housing discrimination. Naturally, people have a tendency to send their children to the nearest school, and if people are segregated into certain areas and there is a school located within that area, and the only people living in that area are of one racial group, then that school is going to be a segregated school - I don't care what you do about it. This, of course, involves to some extent the question which you asked about bussing kids in, but which I really don't know enough about to comment on one way or the other.

Warren: Let's take a hypothetical case. A woman whom I respect and like a very great deal - and a very, you know, able and learned woman, in this kind of conversation, and I said, "What about Washington?" She had spoken favorably of the bussing system in New York integrated schools. And, I said, "There aren't enough white children available for public schools there to make it significant, no matter how you bus them". She said, "Get them from Virginia."

Branton: Well, of course this would be contrary to all previously established educational controls, because Virginia is a separate political entity, a separate school district and everything else. It would have no relation-

ship under present laws to the Washington, D. C. system, and I frankly know of no law that would require children from one state to go to school in another state.

Warren: What I'm getting at, of course, is this. Where the line of thought in principle that Senator Russell brings up this morning, or yesterday, we can find a parallel line of thought on the other side of the question for a much higher motive.

Branton: Well, if you're talking about something that's only <sup>on</sup> a purely voluntary basis, that's one thing - but if you're talking about something that would have legal sanction, that's an entirely different question.

Warren: Russell's is presumably voluntary - presumably voluntary. This other proposal means - are forcable - bussing from Virginia to Washington D. C.

Branton: Well, I just know of no legal basis wher you could have bussing from one state to another state, or to another entirely separate political division, such from Virginia to the District of Columbia.

Warren: Well, presume - accepting that, but the state of mind that prompts the proposal. Is that - having a massive shift - by - to bring about certain social ends, whether good or bad - I'm not discussing the nature of the ends.

Branton: Well, Mr. Warren, of course I'm under the handicap of being a lawyer -

Warren: You're a lawyer.

Branton: And, since I just cannot make up my mind that it can even work

legally, or could be legally enforceable, it is pretty hard for me to even carry my thoughts beyond that barrier.

Warren: All right. All right. Tell me something about the target of a demonstration and protest in the South - or to whom are they ultimately directed - as to the Southerner, or to create a situation in relation to the Federal government, and Federal interference, or to influence Northern opinion? Or, something else?

Branton: Of course, the targets have varied, depending upon where the demonstration was taking place. Sometimes these targets were carefully thought out in advance. There was a great deal of planning behind them. Sometimes these are spontaneous things. For example, in Greenwood, Mississippi, in the Spring of 1963, when a number of SNIC kids and others were acting in voter registration out there - they were meeting with a great deal of harrassment and intimidation down at the registrar's office. Nevertheless, they did - continued to do what they could to get people carried down there. Then they started getting a lot of threats and harrassment from private citizens. The office where they had their headquarters burned mysteriously. Two SNIC officials and a man from the voter education project were fired upon from a passing automobile, and the SNIC kid was seriously wounded by gunshot in the neck. They apprehended three white men, charged - two - and charged them with the crime. They've never been brought to trial yet. Then somebody fired through the home of one of the voter registration workers. There was just a series of incidents. Well,

so finally they thought they'd had enough of this. They held a little mass meeting and decided to march in a body down to City Hall and to ask the mayor and the chief of police for protection against this harrasment. When they approached the jail, the major and the chief of police erroneously assumed that this was a protest and a demonstration, and a march on the jail. Actually, they just went in a rather large group to ask about this protection. Before, without even bothering to find out what they were coming down there for, they turned police dogs on them and then the group announced that they would keep on to the court house and try to register everybody in the group. Nevertheless, they were arrested. Prior to that time, they had no particular goal, no particular target. They just had a genuine concern just to go down and express indignation about the happenings, and to seek protection, but when the police threw most of them in jail - then they decided that the police evidently didn't want them going down to the court house in large numbers, so they started getting a large number of people and marching to the court house, solely for the purpose of registering. And, they were harrassed and intimidated. A group would get dispersed and broken up into smaller groups, and they were arrested if they failed to do so. By the third day, I'm sure that there was a feeling that this had to keep up then to involve the Federal government in the situation, and in the overall problem of voter registration and denial of constitutional rights and civil liberties in that section of

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Mississippi. And so, the target shifted. I personally witnessed the changing of that target at least three times in the course -

Warren: You were there? At that time?

Branton: In the course of a week's time, yes. I went out and represented most of these defendants in court, and then the money for the voter registration activities at that time was being supplied by the voter education project. But, here was a - the target was changed at least three different times in less than a week. It was something that was just entirely spontaneous, and the same thing has been true in other cases, for example - a Negro child may get abused, or a Negro woman in some local store by a white merchant, and as a result of this and the protest over this, somebody might start boycotting or picketing in front of the store. And then this can lead to a larger demonstration in the town. This is what happened down in Albany, Georgia, if you recall, several months ago, because some people who were engaged in that picketing were charged with having picketed this store in an effort to pressure, or to punish a man who participated on a Federal jury, which considered a civil action against a sheriff down there for damages for the wrongful - the alleged wrongful - death of a Negro prisoner. And then some other people were convicted for perjured testimony in a hearing before the grand jury. Well, these things - one thing can lead to another, and so there's just been a variety of targets - reasons behind it, who they hope to involve and why. On the other hand, there have been demonstrations that have been carried on to show the attitude of, say,

Northern industrialists - or to try and get Northern industrialists involved. I think some of this was true even in Greenwood, Mississippi.

Warren: What about Birmingham?

Branton: Well, of course, Birmingham - well, I personally feel that the Birmingham demonstrations resulted from the earlier demonstrations in Greenwood, Mississippi. Now, that's purely a personal opinion -

Warren: It's from the Birmingham.

Branton: Yes, I really think that there was desire to conduct demonstrations in Birmingham, to attract attention to a number of problems, in Birmingham.

Warren: Was there a chance, do you think, to influence Northern capital there that was missed, or was there no chance?

Branton: Of course, I don't know how expensive the effort was to try and influence Northern capital, but I know that there was some effort in that direction. I don't think that it was as extensive as it should have been. If you recall, Mr. Roger Blough, I believe, issued a statement saying that he didn't see where his company should become involved in this. I don't recall his exact words, but that was it. Net effect -

Warren: I think I read it, yes.

Branton: Now, I think that there could have been a great deal more, but Negroes could not do it alone, and it's something that they would have to have a great deal of help from -

Warren: name of the white lawyer in Birmingham, who made a speech to this effect Can you remember?

Branton: Oh, I know him quite well. I just can't think of his name right now. I've even corresponded with him. It's - it'll come to me in a minute.

Warren: Yes. There was no backlash for him from that?

Branton: Well, yes there was. That was Chuck Morgan. Charles Morgan.

Warren: That's right, Charles Morgan, yes.

Branton: Yes, Chuck was under considerable pressure from people in the community, but this didn't seem to bother him too much. It's significant, however, that shortly after making the statement, he left Birmingham, and he's somewhere in Virginia, near Washington. I understand that he is doing some writing, but he did not remain in the community. And, of course, the best test of whether or not there was any backlash, would be for him to spend a little time in that community to see what the real effect would have been. He didn't stay there long enough for one to determine fully what backlash might have resulted from his speech. Actually, there were other things than his speech, because he had represented some Negro defendants in unpopular causes in Birmingham, and so there was more to it than just this speech.

Warren: Just the speech. Of course, the gossip has it several ways about this - the reason for his leaving. This is pure hearsay to me. What have been the effects of the demonstrations in general in the South - not a single effect, but can you sort them out. Sort out the effects and assess them?

Branton: There again they would vary.

Warren: They'd vary?

Branton: Depending upon the community, yes.

Warren: Just can't we sort them out a little bit? What the effects have been?

Branton: Yes, I think so. I would regard Albany, Georgia, and Birmingham, Alabama, and well, at least those two, I would regard them as immediate failures in terms of net gains for the local community. And, yet, on the other hand, you can't just write them off as failures, because I think each of them contributed to long-range gains.

Warren: Let's sort that out, now. In what way?

Branton: Well, I don't think that we would have the Civil Rights bill before the Senate today, if we had not had Birmingham.

Warren: The shock of Birmingham.

Branton: The shock of Birmingham. The shock of Birmingham, I think, and everything that occurred there contributed to the introduction of the Civil Rights bill in its form, in the Congress. I don't think that the Kennedy administration had in mind introducing the Civil Rights bill when it was introduced, except for the shock of Birmingham.

Warren: Have you heard it said, or do you know that the - the riot there after the bombing in Birmingham, was a shock also to the Negro leadership?

Branton: I have heard it said.

Warren: Does that make any sense to you? Do you know any thing about it?

This possibility of the big blood bath that was there - almost, almost about to occur?

Branton: Now, you talking about the one that following the bombing of the church - or you're talking about the one that followed the bombing of Arthur Shore's home? Actually, there was not too much violence, or threat of violence, immediately following the bombing of the church, surprisingly, as compared with the earlier bombing of the - of Arthur Shore's home.

Warren: Yes - the first.

Branton: This came as no surprise to me, and although I heard it said that there was surprise, I think that Birmingham is like a lot of other cities, where you have, you know, where you have a large Negro population, and an explosive situation such as they have in Birmingham, and it should come as no surprise that people would want to retaliate. There's more reason for retaliation in Birmingham than in most major Southern cities, because segregation is more rigidly enforced in Birmingham than in any other major Southern city.

Warren: I don't suppose that the provocations are really under discussion, you know, that they would know the provocations? Here was a very dire provocation. What about containing such impulses, though? Birmingham is small potatoes compared to what might break loose in Cleveland and almost did two-three weeks ago, or small potatoes compared to a real race riot on the outskirts of Harlem.

Branton: Well -

Warren: What kind of containment seems possible? Now, it's non-violence people, the devoted non-violence people, who profess some optimism about this containment, you know.

Branton: Well, of course, I think one of the best things for containment is the employment of Negro police men. This is something that you do not have in Birmingham, as distinguished from most major Southern cities and as distinguished from just about all of the Northern cities - and police officials basically are looked upon with skepticism, even in a white community, when trouble breaks out. But, in the segregated South and especially in Birmingham, it takes on an entirely different picture, at least it's deeper in terms of the scope and the involvement - or the attitude toward the police officer, because people in a place like Birmingham do not look upon the police as their friend or ally under any circumstances whatsoever, unless it involves a crime by one Negro against another Negro - where there isn't even the question of whether or not one of the Negroes was an active integrationist, or an active segregationist. But, in the racial situation, such as we're talking about now, when the white police man even drives around the street, Negroes look upon him as an invading enemy in their territory, and so there's this feeling to begin with. Now, the use of Negro police men would eliminate this basic distrust on the part of a police officer, and would go a long way towards containment, such as you expressed a while ago. I think this is the real difference between what could possibly happen, say, in Birmingham, as compared with what could possibly happen in Chicago

or in, New York - because even the Negro police men in these other cities have a working arrangement with their white fellow officers - and so far as I've been able to ascertain, and I saw some scenes from the Cleveland situation, which broke out some weeks ago - there were Negro and white police men there side by side, working together to quell the disturbance without regard to whether or not the perpetrators of this disturbance were white or Negro.

Warren: I wan't thinking of the - of containment, by the way, as a matter of merely suppressing disturbance. I was thinking of controlling and channelizing grievances and random violent energies into some more useful and constructive way - say, into legally acceptable demonstrations, or humanly acceptable demonstrations, and other such activities.

Branton: Yes.

Warren: But many people now are very pessimistic now about the next few months in Chicago and New York - that the summer could be very, very bad.

Branton: I would agree with that and frankly, one of the most disturbing things which has happened recently has been the breaking off by Malcolm X from Elijah Mohammed's group, and the idea of this rifle club among Negroes, because I do not share the view that you have all of this great body of non-violent Negroes. I think that basically in thousands of Negroes there is this desire to want to resist, or to defend themselves, or to protect themselves against this harrassment and this intimidation - and I think that there's a vast resevoir of people who would,

if they thought Malcolm X could really carry through and follow through, probably would join up, but they are probably deterred by the fact that they know that it's purely a temporary thing and - or that ultimately he cannot win, but I question how many of them would give thought to this in some suddenly developing situation.

Warren: There was a very astonishing fact, or reported to be a fact, in the Newsweek<sup>Survey</sup>, which posts in extended form as a book. This fact being that large percentage of the population of Harlem do not realize that the Negro is a minority in the United States.

Branton: Is this because of the fact that there's so many Negroes up there and they see them every day?

Warren: Up there, that's all they see.

Branton: Well, of course, this is something that I -

Warren: And, this is based on their toll, and also plain ignorance. First, factual ignorance, second, the psychological conviction of seeing no white persons around ever. Except maybe the police that passes in that patrol car. A sense of being the majority group and therefore, not having this - the intimidation of - that a minority may feel vis-a-vis the majority.

Branton: This is something I've given very little thought to. I've never lived under such circumstances, and I've never really talked to anybody who lived under circumstances in reference to this particular point of view.

Warren: This is stated as a result of the poll.

Branton: Um, hum. I just received a copy of that book the other day from the publisher, because I was one of the persons interviewed when this - when the material for this book was being gathered, and so they sent me a courtesy copy - and I have not had a chance to read it yet.

Warren: How much have the demonstrations broken the - in the South now - the old apathy, fatalism, cynicism - how much has been accomplished that way. How could we assess that? In say, Mississippi and Alabama and Georgia.

Branton: Well, now, in Greenwood, Mississippi, which is the place which I'm most familiar with, although the demonstrations there grew out of voter registration, and while it's true that there's very little that we can actually point to and say that this is something which was gained as a result of these demonstrations, and of course, there's continued discrimination at the registrar's office, so we haven't been able to point to successful registration as a result of it. But, knowing the Mississippi situation as I do, I chalk Greenwood demonstrations up as a major victory and a breakthrough against fear. And, this, of course, a lot of times what people write off as apathy is due to a lot of other things, other than what is really apathy. Some of it is due to fear. Fear on the part of Negroes that they are going to suffer some economic or physical retaliation because of their participation in certain things - whether it's in voting, or in trying to eat at a lunch counter, or

moving into a certain neighborhood, or many other things. And, Greenwood, Mississippi, is a major breakthrough against fear. I think it's also a major breakthrough against what might truly be apathy, because even though we were unable to get very many people successfully registered, we did send more than two thousand Negroes down to the court house to brave the insults and everything else that goes along with it in trying to register, and so it's through no fault of their own that they are not registered. They, at least, went through the motions of trying to get it.

Warren: What happened in Montgomery - this is the end of Tape 1 - the conversation with Mr. Wylie Branton. See Tape 2.