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DEPARTMENT OF HEALTH, EDUCATION AND WELFARE
Washington, D.C.

Interview of
FRANCIS KEPPEL
by

John Singerhoff

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(This transcript was
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VOICE: I am John Singerhoff and I am in New York to interview Francis Keppel, the former United States Commissioner of Education.

Mr. Keppel served as the Commissioner of Education between 1962 and 1966. Mr. Keppel, to begin our interview, I wonder if you would give us a brief summary of the situation as you saw it when you became Commissioner of Education in 1962?

MR. KEPPEL: I will be glad to. By the way, for the sake of the record we should note that today's date is Thursday, July 18, 1968.

As I saw it, the situation in Washington in December of 1962 was one in which President Kennedy's efforts to obtain legislation affecting education were at a low point. I must emphasize that I was not in Washington at the time these efforts were made. Therefore, everything that I will say for the next few sentences is based on reports and not personal knowledge.

I had been a member of Mr. Kennedy's task force on education which he had appointed, if my memory serves me, shortly after the election. It was a panel chaired by the president of Purdue University, Mr. Howde, and it included Benjamin Willis, the Superintendent of Schools of Chicago, among others, as a member. This panel had suggested to Mr. Kennedy that in addition to the need for federal aid in higher education there was a need for aid to the primary and the secondary schools and special emphasis was put on the needs of the slum school in the great cities.

3

My understanding is that Mr. Kennedy's administration put up bills in the two prior years, 1961 and 1962. There was little Congressional attention paid to the programs for elementary and secondary schools because it was thought that the civil rights and the church-state issues would effectively block any chances of passage. I do not mean that legislation was not introduced; only that it did not get very far. And I had the impression that the policy for the Federal effort was based largely on "general" rather than "categorical" aid.

With regard to higher education, however, two bills had passed, one quite different from the other in the House and the Senate. During the summer of 1962 there were extended efforts in conference committees to achieve an agreed-upon version between the House and the Senate.

The assumption was that the church-state issue was a great deal less difficult, both constitutionally and politically, in higher education than it was in the elementary and secondary schools. During the course of this, for example, the counsel for HEW, Mr. Alanson Willcox--

MR. SINGERHOFF: Of yes, the General Counsel--

MR. KEPPEL: Yes, the General Counsel of HEW had prepared an important document on constitutional issues which was the basis of much discussion and which helped to support the notion that the federal funds could go in certain ways to higher education.

What happened (as I heard the reports) was that toward the end of the session of the Congress in the summer of 1962, the conference committee between House and Senate had agreed on a version of a bill in support of higher education which, when reported back to the House, included provisions which were vigorously criticized particularly on the grounds of church-state relations, particularly by the National Education Association. The NEA had sent telegrams to every member of the House urging that the bill be defeated. And, indeed, the bill was defeated, on the floor of the House, to the great disappointment of the Kennedy administration.

Therefore in November-December of 1962 there was real bitterness. It was a bitterness that affected not only a lot of the people who had fought on different sides of the issue inside the Congress, but there was a considerable amount of bitterness when the question came of who was responsible for the death of the bill on the floor of the House. A lot of blame was laid on the NEA perhaps unjustifiably, because I don't know whether their telegrams made that much difference or not.

But there was a lot of bitterness against the NEA on the part of the higher education community and the Kennedy administration.

That was what I sensed to be the situation. I can give a story that illustrates it: When it was arranged that President Kennedy swear me in as Commissioner of Education (which he did in order to make a fuss about the appointment of a new Commissioner) I asked that

certain people be invited, including the Executive Secretary of the NEA, Mr. William Carr. The White House was so cross at him I had to go find a more "respectable" new man to be asked (namely the president of the NEA, Robert Wyatt of Indiana, who was also a "good Democrat").

MR. SINGERHOFF: The bill that you have been speaking about, did it parallel most of the points in the--that ultimately were passed in the Higher Education Act of 1965?

MR. KEPPEL: It may have paralleled them, but my memory is not good enough to say what the differences were. My impression is that the later bills that passed included more areas and got around the problems in different ways. But parallel is probably true.

MR. SINGERHOFF: Well, you became Commissioner in the latter part of 1962. What was your first assignment from the President?

MR. KEPPEL: The first assignment was to take part in the drafting of the administration's program to go before the Congress at the opening of the congressional session in 1963. Since I did not go to work until early December, it is obvious that almost all the staff work had been done before. But I got involved in discussions as to some of the details of the elementary-secondary version.

I urged, for example, that the provisions be made, in effect, to encourage team-teaching and a selective increase in teachers' salaries, rather than a general raise across the board. This was in the direction of "categorical" aid. I also got involved in the discussions of putting it all together, as one bill--a so-called omnibus bill. Now here is an important political point:

6

There was a conscious decision that the educational associations had been so badly split by the quarrels of the summer of 1962 that it was essential to try to get them together to support an overall education bill. We knew that if they were split (if the lower schools fought the colleges, or the colleges fought the schools) the Congress would be most unlikely to take action. Therefore an "omnibus bill" was put forward, saying, "Both groups, both lower and higher schools, want this entire bill. The vocational educators want it, and everybody wants it. . . ." The plan was to try to keep it up in the Congress as one bill as long as possible in order to maintain the combined support of the lobbies, and to keep them from shooting down each other's special interests.

MR. SINGERHOFF: Some of the first legislation that came out of that Omnibus Education Bill, I believe, were the Vocational Education Act--of 1963, I think, and also the Higher Education Facilities Act. I think both of these were passed in 1963.

MR. KEPPEL: 1963, yes. In the one case, I believe it had substantially passed before--you will have to check my memory--before Mr. Kennedy's assassination. And in a couple of other cases, during the tragic month after his assassination, President Johnson encouraged the Congress to finish the work before the end of the session.

MR. SINGERHOFF: I think that's true. As a matter of fact I think it was Mr. Johnson who, realizing that some of this legislation might be bogged down on the Hill, appointed an Education Task Force. I believe it was President Johnson.

MR. KEPPEL: A task force was appointed in the summer of 1964.

MR. SINGERHOFF: 1964, yes.

MR. KEPPEL: And this is well past the time we are talking about.

MR. SINGERHOFF: Oh.

MR. KEPPEL: What we are saying--what I am saying is that the Vocational Bill and the Higher Education Facilities Act, I believe, were passed prior to the end of 1963.

MR. SINGERHOFF: Yes, that's true. That's true. (In October, I believe?)

MR. KEPPEL: In more than one case they were passed just after Mr. Kennedy's assassination, I think. But these are matters of fact that can be checked.

MR. SINGERHOFF: Then, what is your recollection of the next action so far as the educational legislation is concerned, Mr. Keppel?

MR. KEPPEL: After the turn of the year, 1964, you will recall that the President submitted messages to the Congress emphasizing both Civil Rights and Education. Since the Higher Education Bill had recently passed, his message necessarily put heavier emphasis on the problems of the elementary and the secondary schools.

My recollection during the winter of 1964 is that the major issues affecting Congress, of course, and the executive branch, including the Office of Education, was primarily in the Civil Rights area.

The Office of Education had had the reputation for a good many years of being, shall we say, aloof from the Civil Rights problem. It had not been an activist agency. Neither, indeed, had the whole of the Department of Health, Education and Welfare, as far as general public reputation was concerned.

A good deal of time was spent, as I recall it, in the winters of 1963 and 1964, identifying the Office of Education with a more activist position in regard to Civil Rights, as supported by both Presidents, from the whole tone of their administrations. An example was the Office's active cooperation with Attorney General Kennedy (and his aide, William Van Den Heuvel) in establishing the privately financed schools in Prince Edward County, Virginia.

This stage ended, as the record of course shows, in July, I think, of 1964, with the passage of the Civil Rights Act. There had continued to be some political activity with regard to the Elementary and Secondary Education Bill, but it was not getting much headway in the House of Representatives. I remind you that the Senate had always been more liberal in this regard. It did not get very far in the House of Representatives, where the balance between Southern and Northern Democrats was almost exactly equal even before the 1964 election.

The passage of the Civil Rights Act cleared away one of the fundamental obstacles with regard to any administration's program in education.

The passage of Federal aid was a question which got into trouble with the South. The passage of the Act settled, at least on the surface, this question. But it did not, of course, settle the question of church and state, or settle the question of whether the Federal money was to go out, as it were, without regard to the needs of the poor or to raising quality in the public schools. This latter need I might describe for shorthand purposes, as the reformers' view.

You will recall that the President, President Johnson, during the summer of 1964, appointed quite a number of special panels.

MR. SINGERHOFF: Yes, there was one identified nationally only by the fact that Mr. Gardner was the chairman. I don't believe the membership was ever made public.

MR. KEPPEL: The membership was never made public. The President also appointed a variety of other task forces, all connected with the idea of major domestic changes required to achieve a Great Society. This was, of course, also the time of a forthcoming election.

The task force consisted of men (the record of membership must be in the White House--I can't remember all their names now) who were very much interested in ways of improving the quality of schools, of facing into difficult educational policy questions having to do with the application of research and development, the demonstration of new techniques, the problems of adequate materials, and the like. The report that was rendered, which is surely in the White House, covered a lot of these topics.

But that task force was scarcely designed for the task of solving the church and state problem. Very clearly, the President was

deeply committed to education. One had only to read his speeches; one did not have to hear him talk, personally, though that helped. If it was to provide programs to help improve the quality of education and above all, for those who needed it most, it would be necessary to try to solve the church-state relations question, and specifically, the relations between the public and Catholic parochial schools. The effort to handle this question (and I hope this is an appropriate part of the record) was undertaken quietly and without any publicity whatever, in conferences of an informal character during late 1964 and the very beginning of 1965. They were informal meetings, usually at dinner, and were not, of course, the only discussions that took place. The administration, using the Office of Education and Mr. Wilbur Cohen's office in HSW, was of course in constant discussion with such groups as the NEA, the American Council on Education, the American Library Association, the National Catholic Welfare Conference, and others. I don't mean to suggest that what I am about to report was the only set of discussions that were going on about how to get legislation passed.

The particular group that met to discuss what kind of legislation might be constitutionally proper, and might be also acceptable to and supported by the public school interests, the parochial school interests, the reformers--I've used that phrase earlier--and the like, were informal discussions. No documents ever

were distributed. There was no formal agreement that "My group will support your program, if your group will support mine--if the words are such and such."

The people who took part included Robert Wyatt, who was then president of the National Education Association (an active Democrat, by the way, and Executive Secretary of the Indiana Teachers Association). He wanted to get a bill through on elementary and secondary education, and his views on church-state relations were by no means as rigid as the views of the executive staff of the NEA.

The second person who took part was Congressman John Brademas of Indiana who served as a useful link because of his personal acquaintance with Wyatt and with the cause in general.

The representatives of the National Catholic Welfare Conference were primarily Monsignor Hurley and the lawyer for the Conference, Mr. Considine. And finally, I was present and took part in their discussion.

The details of the legislation, as finally introduced by the administration, were formed after Mr. Johnson's election as President and after the election of a new Congress. I must remind you of the enormous increase of Northern and Western Democrats in the House of Representatives as a result of that election. The legislation that was introduced to that new Congress was not discussed in detail, but, at these informal discussions, I at least got a sense that it would be possible to do the following:

To put up legislation which was based, fundamentally, on three points: First, that the big money would go to support educational programs for the poor. It would be very difficult for either public

school groups or parochial school groups to say that they would not support legislation that would go to help the poor simply because they were jealous of the other fellow getting the money.

In the general atmosphere created by the Civil Rights Bill and the whole question of a Great Society, it was difficult for anybody to say, "Well, I want to protect my interests and I don't want you to get yours. I don't trust you enough. Never mind if the poor and the Negro are sacrificed." Therefore the whole idea of focusing on the disadvantaged and the poor was such as to make it difficult for either public or parochial groups to oppose it, even on church-state grounds.

Number Two: The second principle that the program should include provisions for ways to improve the quality of all education. This turned out to be Titles III and IV of the Elementary and Secondary Education Act and those were titles, it was fair to say, considerably influenced by the Gardner panel.

And point Number Three: That this whole package go up as a piece to the Congress--as a combination. Title I was the diesel engine, if I may put it that way, for the train. Title I had money, and please note, it spread money pretty widely across the country because the poor, alas, were spread pretty widely in the United States.

And then Title II, which provided educational materials on the principle of aid to the individual, which therefore would provide some materials that could be used by parochial school children

as long as they were chosen from a public school list.

Then Title III for a demonstration and Title IV for research and Title V for aid to the States.

The diesel of Title I for the poor was essential to carry the train through.

The President urged all those with responsibility for parts of the Great Society legislation to get hearings of subcommittees to get action quick. "Get going in the early part of 1965," and the reason that he gave was "Look," he said (this was early in 1965), "Get this done as fast as you can; you never know what may happen in the coming months. We came in with a very large majority, but we may lose it at the rate of a million votes a month. Get those hearings. Get this done. Get that coonskin tail up on the wall." I can still see his gesture.

MR. SINGERHOFF: Well you certainly did, because it was in April--April 11, 1965, that the President signed the Elementary and Secondary Education Act and I think that was the largest piece of education legislation ever passed in the history of the country. There was a billion dollars alone in one Title, was there not?

MR. KEPPEL: That's right. Earlier legislation ranging from the Impacted Areas Bill to the NDEA had very substantial sums, but the effect of the Elementary and Secondary Education Bill on the Office of Education as such was to put it into a much larger administrative area than it had been in before.

14

As I speak, and I apologize for this, my memory goes back to a factor which probably should be recorded.

Senator Morse was consistently trying to get elementary and secondary legislation through. In the summer of 1964, I recall, he gave me a thirty or forty minute lecture about the general stupidities of the administration and its incompetence in one way or another, all done with a great delicacy.

The central point that he made was, if we wanted this bill to pass, it would be wise to hitch it to a piece of legislation that has plenty of congressional support (namely, the Impacted Areas Bill) and to problems of the poor. His advice was excellent.

MR. SINGERHOFF: I think Impacted Areas Bill is a phrase that has grown up in the Office of Education, but might not be really identified by others. What exactly is the Impacted Areas Bill?

MR. KEPPEL: The Impacted Areas Bill, so-called, is legislation that goes well back (fifteen years or more) to provide money to school districts which supply educational services for the children of servicemen in Army, Navy and Air Force installations. Grants are based on a complicated formula which provides not only operating money for the schools, but also building money. There are two separate acts. The word, "impacted," I fear, has two meanings, one which is official, i.e., it meant that the community near a military establishment or government agency received an "impact" by the very establishment of this big government or military agency. That is, its economy was affected, it had to provide space for a lot more school kids than it had before. Hence the word "impact."

15

The other meaning of the word struck me as equally appropriate. The legislation became, and still is, something of a pork-barrel, and President Eisenhower and President Kennedy tried to amend or withdraw the so-called Impacted Areas Bill several times. They got beaten every time, when they went up on the Hill. In that sense, it always seemed to me to have rather a dental meaning; it hurts to try to pull out a tooth which is impacted.

MR. SINGERHOFF: That's a nice way of putting it. As a matter of fact, I think appropriations for the Impacted Areas Bill are still on the increase.

MR. KEPPEL: (Laughing) I am not a bit surprised.

MR. SINGERHOFF: When the President signed the Elementary and Secondary Education Act, he referred to the tremendous job that had to be done and that he felt that he ought to prepare the Office of Education for this big job. Now this brought about a general reorganization of the Office of Education. As a matter of fact, I think the President appointed another task force to help you in this reorganization. Would you tell us your recollections of that?

MR. KEPPEL: Let me point out that the Office of Education in prior years had had the reputation (which was partly justified) of being a pretty sleepy old place. It had a group of rather older professional educators (please note, not scholars). It did not have the reputation of scholarly strength in the same sense the National Science Foundation had. It was organized a little along the lines of a college faculty. I should qualify that. It was a kind of school of education faculty, in which you had men who wrote reports on their specialities. It had the reputation (in perhaps two-thirds

of the (vice justified) of not being capable of administering new programs. It was, in that sense, a report-writing agency, with the exception of the Impacted Areas Bill, the vocational program, and the National Defense Education Act, which were operating programs in which money went out to the States or localities.

The Office was thought to be otherwise a statistics-gathering agency, with little strength in higher education. Therefore, when the Higher Education Act passed with quite a lot of money in it, in late '63--

MR. SINGERHOFF: That was the Higher Education Facilities Act for construction of college facilities--

MR. KEPPEL: That's right. It seemed clear to me that if an operating program of that sort (in contrast to a report-writing program about numbers of college students and the like) was set up, we would have to get a piece of machinery to put it into effect.

For that purpose, I asked President John Millet of Ohio to set up the machinery to help write the regulations and (I had hoped) to head up a new Bureau. He was not able to and Mr. Peter Muirhead took over as the chief manager, I think, sometime in 1964. He has done a superb job.

But that new Bureau would not solve the problem of what would happen when the huge Elementary-Secondary Education Act came along. I took the position in 1963 and 1964 that it would not make sense to attempt a major reorganization of the Office of Education until we knew what that Office was going to be required to do by the

President and the Congress. In other words, until legislation had passed and we knew what our job was.

When it became reasonably clear that there was hope of passing the Elementary-Secondary Education Act in the winter of 1965, the White House wisely (I take it this was Mr. Cater and others) and my own shop, knew that we would have to engage in a substantial change. Discussions were held with HSW senior people as to how to go about making an administrative reorganization. I initiated some of those and so, I honestly don't remember where all the ideas came from, but I was in complete agreement that a major change was needed.

I had felt for some time before these talks that in order to put into effect whatever the changes would be, the Office would need a skilled, experienced and pretty tough manager, not necessarily an educator.

The search for that man went back to at least the spring or summer of 1964, with the advice of Mr. Macy, Mr. John Gardner, and others. Sometime during the winter of 1965 Mr. Henry Loomis (having turned down the job once before) was brought in as Deputy Commissioner of Education with the conscious expectation that his task would be the carrying out of an administrative reorganization of the Office. I had felt for some time that Wayne Reed, who was the Deputy Commissioner when I was appointed, could not be asked to do the job. He had been in the Office for many years and had close personal and professional friends throughout its Bureaus. He was not the kind of man to run rough shod over anyone's feelings, yet that was

18

exactly what a drastic reorganization required. Nor did he have (and this was unfair, but unchangeable) the confidence of senior HEM or Bureau of the Budget officials. He was an expert at relations with the educational bureaucracy in Washington and the States-- but these virtues were out of fashion at the time. So I knew I'd have to get a man from outside who had a good record as a tough-minded manager of large-scale government enterprises. This was tough on Wayne Reed but with characteristic loyalty he took it and supported the eventual reorganization. (Mr. Loomis' memory should be checked on this).

My memory is that Loomis and I agreed, in discussions with HEM and BOB, that it would be better to carry out the reorganization only when we knew what the duties imposed on the Office by the Elementary-Secondary Education would be.

We further agreed that we would be better advised to get the reorganization planned by people outside the Office of Education and indeed, outside HEM.

Finally, we agreed that this was a major effort, not to be done by borrowing a fellow for a week. This was all agreed to with the White House at the time and men were named to this Commission, which was chaired by the Assistant General Manager of the Atomic Energy Commission, Mr. Dwight Ink, and included a man from the Civil Service Commission and a man from the Bureau of the Budget. They went to work almost immediately upon the passage of the Act. That's my memory of the sequence.

MR. SINGERHOFF: I believe that factions within the Office of Education at that time were referred to as "educational guilds," depending upon the specialty. Did these "guilds", so-called, oppose your attempts to make a more workable organization?

MR. KEPPEL: My memory is that the Ink Commission, being appointed effectively by the White House, had a lot of prestige. Resistance to it was a little subterranean.

The group that the Ink Committee, and Loomis and I worried about, particularly, was the Vocational group. They had an effective, strong lobby, well-informed, deeply built into the Office of Education and the Congress. That fact, plus the general notion that we didn't have much time, made us reach the conclusion that we had better get the basic structure from the Ink Commission. It was not a question of Ink and Company putting in a report and then saying that we had to swallow it. Loomis was working with them all the time and so was I.

We reached the conclusion that once we got it into reasonable shape (I think it was in June of 1965) we had better put it into effect in a hurry, before opposition built up.

With regard to the actual carrying-out of the--this rather massive reorganization, I think the record should explore the memories of Henry Loomis and others who were more centrally involved in it than I. But a few general points should be made.

Number one. This was a drastic move and it took place on a given day.

If my story is right, almost 75 or 80 percent of the people had to physically move their offices. This meant vast confusion and disruption.

Second, it took place at exactly the same time that the application to the elementary and secondary schools of the Civil Rights Act had to be administered, i.e., the summer of 1965. Most of the time of the Commissioner was taken up with a race to see if we could persuade the Southern school systems to put in desegregation plans that were satisfactory according to our guidelines, and to get them all done by September. In fact, we used to be reporting, as I recall, to the White House once every day. I used to have to go over to the White House all the time to Mr. Califano's office and report on our latest bag of captured Southern school districts.

I emphasize this point because there were two things going on at the same time: A massive reorganization and a very "politically hot" relationship with Southern school districts and, indeed, some of the northern ones. You will find that studies are being made by several scholars that might relate to it. One of them, I believe, has been or will be published by Dean Stephen Bailey of Syracuse on the Elementary and Secondary Education Act as a kind of a case study. By the way, I can't help thinking that Dean Bailey was influenced by looking at western movies on the television with good guys and bad guys. His report sounds a little more dramatic than it was, in fact.

Second. Some studies are being made on the administration of the Civil Rights Act, which are being undertaken, I think, by a young man at the University of Virginia.

21

And, third, the key problem in the summer of 1965 on the reorganization was personnel: where to find them and how to get along with Congressman Adam Clayton Powell, who would complain every time a post was filled by someone who wasn't his nominee. This took quite a lot of time.

MR. SINGERHOFF: Mr. Keppel, you mentioned that the Civil Rights Act was also a problem at that time. Whereas we both know of the Civil Rights Act as a mandate not to permit the spending of Federal funds in any school district or in any program that practiced discrimination, one of the first confrontations you had in cutting off school funds, or suspending payment of Federal dollars to a school district, came in Chicago at about that time. Do you recall that incident?

MR. KEPPEL: Heavens, yes. I recall it. I have a feeling that it will probably be put on my gravestone. Especially since the superintendent with whom I was in the fight was the same Mr. Willis to whom I referred earlier as a member of President Kennedy's panel. Even more especially since I had to sit up very late one night with Mr. Willis, who was a great believer in general aid and in "Give the money to the local schools and don't tell them what to do with it," to persuade him that it would be wise public policy to give special funds for the city schools for the poor. He was resistant to any effort at categorical aid.

This whole Civil Rights business, in the summer of 1965, took place after the Elementary and Secondary Education Act had passed in

April-- only the Authorization Bill. The Appropriations Act was before the Appropriations Committees of the Congress throughout the summer of 1965. In short, to exaggerate, the supposed "club" of civil rights which was held over recalcitrant school systems that did not wish to comply with the Civil Rights Act under Title VI, was in fact a mirage. In fact, no money had been appropriated, whatever, for the new Act.

Therefore, in negotiating with the Southern school districts, in effect, Mr. David Seeley, and his associates, were negotiating out on the assumption that there would be money to be withdrawn.

Now, this is the key part to the Chicago story. There had been, for a year or more, well documented, seriously studied and prepared complaints, from a combined group of civil rights organizations in the city of Chicago, saying that the city schools in Chicago, in fact, were being administered in a fashion that maintained segregation.

When it came to the time that the city of Chicago, under the rules of Title I, proposed a plan for expenditure of money to go to Chicago--when the time came for the city of Chicago to present those plans to the state of Illinois, this same complaint group pointed out that the plan for the city of Chicago, as drawn up by Mr. Willis and his staff, in effect, did not concentrate the money where it was most needed. And, in their group's judgment, this represented at least the possibility of a violation of Title VI of the Civil Rights Act. Please remember that this was one of the major questions of administration of Title I of the Elementary-Secondary Act: Is the

money to go out as it were, in general aid, according to the plan of the local system, or is the State going to carry out its duties to review the plans, both from the point of view of Title I and its intent and from the point of view of Title VI of the Civil Rights Act?

What I did, actually, was to send a letter simultaneously to the Superintendent of Public Instruction of Illinois and to Mr. Willis, saying "please hold up any payments until we are satisfied on this issue."

That's when all the trouble broke loose and it was probably a stupid way of doing it. In fact, I am pretty sure that it was. Whatever the background, Mayor Daley got very cross and protested to the President and a kind of a compromise was worked out by Under Secretary Cohen.

The underlying issue here is both the Civil Rights issue and the Title I issue. In fact, I think, the Chicago plan was changed as to how to spend Title I money. That's the background. The outcry was considerable and eventually Mr. Cohen worked out some kind of a dicker, which, by the way, was a partial "victory," as far as the Office of Education was concerned. But in the main, in the public aspect of it, it was a colossal defeat.

MR. SINGERHOFF: Well it was certainly precedent-setting but in the long run did it not have some valuable effects on Civil Rights Act enforcement?

MR. KEPPEL: Well, I don't know how the historian will judge that. The general impression that got abroad is that the administration

24

didn't have the courage to resist its political supporters in the form of Daley, in the north. It slowed up any effort to interpret what was, by the way, a very difficult legal interpretation of powers, in the larger northern cities. The question of whether the "calling" of a State department and a city by Washington was a good thing or a bad thing--again the historian will have to comment. I would say on balance it was probably a necessary thing.

It had the effect of bringing sharply to public attention (and particularly that of educators) that the northern cities were in trouble.

MR. SINGERHOFF: Earlier in our talk, you emphasized that when you became Commissioner of Education--that was in 1962--there seemed to be a serious rift between the professional educational associations, that is the National Education Association, which represents the elementary and secondary education people and the higher education associations--even to the point that this rift, or the unfriendliness of the two, blocked passage of needed legislation. Do you feel that you brought these associations to the bargaining table and did anything to break up the ill feeling?

MR. KEPPEL: I was part of it--part of a team that worked on it. I learned a lot of my lessons directly from Assistant Secretary Wilbur Cohen, who was a most skilled and experienced and knowledgeable government servant, knowing all about these professional groups in medicine, in welfare and in education. So was Peter Muirhead.

It was clear that if one had the "educational world" including the NEA and the American Council on Education and the

American Vocational Association and the American Library Association and all the others together, you would do much better on Capitol Hill than if they were snarling at each other and separated on issues. All of us worked on this point. I remember calling a meeting with the President of the American Council on Education and the Executive Secretary of the NEA, which was to be held in a bar at one of those hotels in DuPont Circle. I arrived, alas, as usual about five or ten minutes late and these two gentlemen (who had known each other for years) were seated on opposite ends of a completely empty sofa. They were as far as possible from each other both reading the same newspaper and studiously avoiding speaking to each other.

It was a beautiful beginning. The only thing they could agree on was that they had to be polite to me, because I had just come to town.

MR. SINGERHOFF: Mr. Keppel, one point: The president appointed you to chair an interagency committee to look into the Federal Government's role in education. Would you tell us about that?

MR. KEPPEL: This was the result of a series of events. I do not think the President's office in the White House had really very much interest in it, frankly.

Mr. Gardner had been made Secretary of HEW in something like August of 1965 and was just getting into active work, in September and October.

He asked me to serve as both an assistant secretary of HEW and Commissioner of Education. He created an Assistant Secretary for Education. I may say that I had already talked with Gardner (before

he was made Secretary) about the wisdom of my getting out of the Commission-ership. I didn't expect to stay in the Government because it looked to me as if I was building up too many enemies and would not be able to be very useful.

We had talked a little about bringing Howe in, by the way, to start as an associate commissioner for elementary and secondary education and then to take the Commission-ership.

When Gardner asked me to take this Assistant Secretaryship, I said, "Sure." And the office was established. The Assistant Secretary of Education, if I may be very frank, had to have something to do, and reasonably sensibly, the idea was to make him chairman of an interagency committee on education.

MR. SINGERHOFF: I believe the Federal Government is involved in education in some 42 departments, agencies, and bureaus. There was a rumor at the time that this interagency committee was to pull these educational involvements together with the idea of establishing a Department of Education--cabinet level department. Have you any thoughts about that?

MR. KEPPEL: I had views about the notion of a Department of Education but let me come back to it.

With regard to what this Federal interagency committee did: The representatives of the major agencies sat around and talked, and talked, and that's about all they did. The Bureau of the Budget

would come in looking gloomy and make some earnest statements. I found that it was rather frustrating after an active life in the Office of Education. It didn't seem very exciting.

There is, clearly, a need for a more orderly set of government-wide policies in education. For example, the size of stipends, or the relations on research projects, the balance of Federal investments in the Arts, the Humanities, the Sciences, which obviously is not looked at in any single place. It seemed to me that the only way in which such a Federal interagency committee could really be useful would be at the time of budget review, when budgets are being put together by National Science Foundation, Office of Education, National Institutes of Health, NASA, and so forth.

But that involved very complex problems of how you keep the government books. What is labeled education, what is not labeled education? How you define the purpose of the programs? Not an awful lot of progress was made while I was there. Assistant Secretary Miller got into it much more than I did.

Now to go back, if I may, to the question of the Department of Education. I personally felt, while we were attempting to pass legislation which involved difficulties of church and state, of Federal-State relations, of civil rights, and of the whole idea of the Federal Government being in education at all, that it would be nonsense to symbolize Federal control over education by arguing for the establishment of a cabinet office with some secretary driving around in a big, black Cadillac. That would look like Federal control

over education. Therefore, I was strongly opposed to the notion, while we were getting the legislation through, of adding yet another obstacle to the difficulties of church-state, civil rights, etc. And I haven't changed my mind that this was the right position at that time. By the way, nobody was pressing it very hard. Today however, I believe that the time has come for a separate Cabinet Department for education.

MR. SINGERHOFF: To get back to one other point that you made, the Office of Education, you said, was composed primarily of education specialists who were writing reports on their specialties. These persons were replaced by administrators, program administrators. Do you see the need for the Federal Government having an office for education specialists to write reports and keep statistics?

MR. KEPPEL: Let me answer first by making a comment on what you said, and then by trying to answer the question.

It is not so much that the men that were in the Office of Education were replaced by program administrators. Though that was true, in part. And a search was made for such administrators. It is rather that we were forced into the problem of trying to convert them into program administrators. Not the easiest task in the world, incidentally.

People who had been brought up with one kind of background and experience, pushed into operating positions when they had been

in more statistical or analytic positions, presented one of the major difficulties encountered by the Office.

With regard to the question that you asked as to whether the Office of Education (or, if not the Office of Education, some unit in the Government) would have people analyzing and writing reports about education, my answer is flatly, yes.

The reason is partly imbedded in the statutes. The Office was set up in 1867 and its primary duties were to report on the condition and progress of American education. The law flatly states that's the duty of the Office. I heartily agree with those instructions and deeply regret that for a 100 years the Office of Education had not really been reporting on the condition and progress of American education.

There were a lot of data about numbers of teachers, numbers of schools, numbers of school systems, numbers of colleges, the age and weight, and I sometimes thought, the measurements of school teachers. But there were no reports on three topics: What the learners learned. No data on their ability to read or at what rate. To write, or with what grace. To cipher or with what accuracy.

Second, no data on quality of institutions. I agree that to do so is a very difficult and a politically dangerous enterprise. But we lacked qualitative assessments, except as that quality could be inferred from data on the ratio of teachers to students, age of buildings, and the like. That is qualitative data, in that sense, but not in the sense of institutions and their style and the general

intellectual and academic quality.

And third, there were, by and large, no reports of an analytic sort on the evaluation, the success or failure, if you will, of new ideas of educational developments. In short, the requirement to report on the condition and progress of American education was being carried out in all sorts of ways by fellows writing reports, statistics, and all the rest, but not on those three areas, which seem to me essential for the advance of American education.

I am not sure that doctors or lawyers particularly enjoy being measured or assessed and educators have had no practice. They haven't been brought up that way. This was why, very early in '63, (and by the way, this is an important part of the Johnson Administration history) I went to Carnegie (when Gardner was president of Carnegie Corporation, and before he became Secretary of HEW) and I said, "Look, I don't think I can start this 'assessment' within the government. It looks to me as if doing so would lead to outcries about Federal control over education [even though there was no attempt to control, but simply to get information]. Therefore, will you, in the private sector, be good enough--" and Gardner always thought faster than I did, anyway, and was evidently prepared-- "see if you can figure out a way to get a sample assessment, where you are not testing every kid, which gets to be a damn nuisance in the schools, but get a sample which will give us some benchmarks. In a family you put the child up against the bathroom door and you put a little mark to show how

tall at three and where he is as a five-year-old, or seven, and so forth. Can you get something like that started?"

I remember saying to the group in New York that Gardner brought together, saying that I was tired of going up on Capitol Hill with social statistics and no data on what is presumed to be the purpose of education, namely, to teach somebody something.

Gardner got it started, and today, just by sheer chance, I got a copy of an announcement I think of as much importance as anything I have seen in a long time. The Office of Education has decided to make a grant to the committee to handle this very idea of sample testing. For the first time there is government money going into it.

It happens to be today. I am delighted to record it.

MR. SINGERHOFF: Mr. Keppel, you mentioned that there were problems in relations between the Federal government and the States in education. Is that the reason for Title V of the Elementary and Secondary Education Act which provides for strengthening State departments of education?

MR. KEPPEL: Yes. It is a little more complicated than that. The State departments of education, with very few exceptions, then, and I regret to say, now, are weak, in quality of personnel and in strength, and in tradition.

When it came to passing major legislation, affecting primary and secondary schools (not so much colleges) there was a serious question as to whether the State departments of education should be relied on to carry out the Acts.

This was a serious question politically as well, because the Congress thought in terms of the States, and therefore it was politically advantageous to have something like Title V in. On the other hand, a whole bunch of the professional federal servants, in and out of the Bureau of the Budget, had no respect whatever for the states and thought that this was a real way to guarantee bad administration.

I felt, as a matter of principle, that the Office of Education would be absolutely incapable of handling requests from 25,000 different school districts and 2,800 colleges. It would be a bureaucratic monster and we didn't have any monsters to control the monsters and therefore it was essential to have State departments do it.

Parts of the Bureau of the Budget didn't like this a bit. They could marvelously restrain their enthusiasm for Title V, but the Congress passed it and I always thought the President agreed. I still think the policy is wiser to decentralize a complex administrative structure to States, rather than regions, on the ground that no regional office of any cabinet departments has yet had a senator to love it. Why should he? But he does love his State.

MR. SINGERHOFF: Mr. Keppel, when you became commissioner in 1962, what were the relations of the Office of Education with its parent, the Health, Education and Welfare and with other agencies outside of HEW?

MR. KEPPEL: Within HEW, the Office of Education had the reputation of trying always to be separatist. It was not, I think,

the most loved child among the agencies under mother HEW

There is a history to this which can be found, by the way, in some Public Administration case studies, the most dramatic of which was the so-called, "Case of the Office of Education Library" which is printed and available. The general mood was one of "Beware, the Office of Education is both incompetent and separatist."

This was clearly a most unwise policy, because the Office of Education was not strong enough to carry on its own back the whole burden of relationships with the Congress, with the rest of the Executive Branch, the White House and so forth. It was a steady policy, as I sensed it from the White House--from both Mr. Kennedy's and Mr. Johnson's White House--to avoid separatism and to break down those walls of resistance. Therefore, we worked very closely with Mr. Cohen, the assistant secretary for legislation and with anybody else in HEW, and we tried to stamp on the toes of anybody who objected in the Office of Education.

(end of tape.)

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NATIONAL ARCHIVES AND RECORDS SERVICE

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By Francis Keppel

to the

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In accordance with Sec. 507 of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 397) and regulations issued thereunder (41 CFR 101-10), I, Maurice Keppel, hereinafter referred to as the donor, hereby give, donate, and convey to the United States of America for eventual deposit in the proposed Lyndon Baines Johnson Library, and for administration therein by the authorities thereof, a tape and transcript of a personal statement approved by me and prepared for the purpose of deposit in the Lyndon Baines Johnson Library. The gift of this material is made subject to the following terms and conditions:

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Signed Maurice Keppel

Date Sept 27, 1971

Accepted James B. Rhodes
Archivist of the United States

Date Jan 25, 1972

Deceased 2/19/90

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