

INTERVIEWEE: DONALD M. BAKER (Tape #3)

INTERVIEWER: STEPHEN GOODELL

March 5, 1969

G: This is the second session with Mr. Donald Baker, the general counsel of OEO. Today's date is March 5, 1969.

I'd like to start today by asking a question which was partially covered last time and perhaps not as fully as could be. And that is, in the formulation or putting together of guidelines, for example, in Community Action, does the general counsel's office participate in that kind of endeavor?

B: Very much so. It varies from subject to subject. As a normal rule where programmatic guidelines are involved, the program people for instance in CAP will put together the first draft. And then we'll work with them to check them for legal sufficiency, clarity, accuracy and whatnot, and also to build in, as I believe I indicated before, such legal or legal-like information as we think is necessary in that particular area.

On the other hand, in some areas we have taken the lead, sometimes where there is a particular subject matter in which we have some expertise or where it is a legal-like problem or where there's a subject in which there's one of us that happens to have some expertise, and sometimes for no reason at all. We took the lead in the drafting of the original family planning guidelines. There was a guy in my office, the CAP lawyer, Jim Siena who talked at great length with a variety of people, knowledgeable in that field, and who did the drafting and the actual modifications over

a period of time. We discussed it with the program people, with Sarge, with outside obstetricians and pediatricians and gynecologists and theologians and social welfare people and planned parenthood and so forth and so on. But we do play a big role. I think at times the program people think we play too big a role in that process. We for the most part--in the last couple of years at least--we have been sort of driving the program people to get more out faster--as fast as we could go. They will tell you, I'm sure, that in some times past we have impeded the operation and, in a sense we have, because we have occasionally felt very strongly about some issues which we debated at length, some of which went all the way to the director for final decision.

G: Could you specify what one of those might have been?

B: Oh, in the last couple of years I think one very hard-fought issue, actually it was a great number of issues, was the Green amendment recommendations I think some of the program people there would have gone so far as to do what Mrs. Green is in fact accusing us now of doing, and that was to flout the intentions of the amendment. As a matter of fact, Jules Sugarman and some others wrote some fairly competent, from the point of view of an advocate, lawyer-like arguments as to why we should interpret the law that way. That is the chief one of major importance that has come up of that kind.

G: Have the guidelines changed from time to time, other than when the legislation requires it?

B: Oh yes. There has been a lot of modification over the years, some of it in response to legislation of course, but a lot of it has been developing knowledge over time. Obviously in the early days

of the program we put out a lot of generalities and put out some guidelines or regulations which reflected our concern about particular problem areas that we had to be reasonably worried about. As time went on we got experienced, and we found that there was ambiguity or confusion or a failure to administer properly on the part of some of our grantees or contractors, and we came to learn that there was a need for regulation in some areas. In the early days these things came up in odd circumstances. I remember, for instance, one night about 2 o'clock in the morning I was reading some applications for state technical assistance grants and I ran across the name of a friend of mine from Capitol Hill who had been an administrative assistant to a congressman up there--actually he was an administrative assistant to Congressman Ken Heckler--and this guy was going to be the state technical assistance director for the state of West Virginia.

G: Which is your home state.

B: Which was my home state, but it had nothing to do with it being my home state. It was because I had known him as an administrative assistant which I was working for Jim O'Hara.

G: I just thought I'd get that in.

B: Yes. The fact of the matter is I knew this guy was such a consummate politician that the idea struck me that if he had anything to do with the administration of this program then it was all going to go into politics. And in that flash of perception was born the standard condition that we were putting into state TA grants in that time that none of the money was to be used for political purposes.

G: Either within or outside?

B: Yes. The fact of the matter is in the early days the special conditions

to certain types of grants, and then some of the general conditions, sort of took the place of regulations before we had a chance to grant them. We had sheafs of paper with conditions under which the money was given which provided the guidelines and the specifications, limitations, and prohibitions on the use of the money. That's the way that particular, special condition was born. I happened to see a name of a guy that I knew who I knew had certain propensities and so I divined a need for that special condition. Obviously, it wasn't strong enough.

G: In this kind of development with the addition of the national emphasis programs and the evolution of guidelines in Community Action, has there been a tendency to take away the flexibility of community autonomy? That is, I think at the outset the interpretation of Community Action may have been that these are going to be community programs put together by the community. In other words the whole program itself would come from the community and that the federal responsibility was simply that of funding and perhaps some sort of administration.

B: I think there is no doubt but what that is true to some degree. Obviously it's true when we or the Congress or somebody says that "X" percent of the money appropriated for Title II is going to be used in Head Start, and "Y" for something else, that does put a limitation on the flexibility of the community. Now the degree to which actually the various communities would have chosen to spend the money otherwise is hard to say. The fact of the matter is, for instance, a very substantial amount of the money that's expended in the Southeast region at this time is Head Start food, medical, and

family planning, the vast majority of it being Head Start.

G: Any reason for that?

B: I think it's because of the political, the racial, and other kind of problems that they have down there, the conservative nature of the areas. They are just less receptive and the people are less willing to take risks in doing some of the other things that we do elsewhere.

I'm not sure really how much this local flexibility means. The fact of the matter is in many cities, in the early days particularly, there was an unwillingness on the part of anybody to make the tough political decisions as to which programs were going to be run, and what types of things the money was going to be spent for. A typical example, as I recall, was the city of Chicago. The first grant, I think we had something like 10 to 15 million dollars or something like that, that we could use in Chicago, and as I recall there was something like 75 to 90 million dollars in applications from various public and private entities in the city of Chicago. The fact of the matter is CCUO, the mayor, or whoever was responsible for making those decisions at that time, absolutely refused to make the choices between those various programs. They sent them to us. They wanted to shift that political pressure upwards. Obviously that problem diminished as time went on, and there wasn't a question of what new things you're going to do. It's obviously more difficult to shut off something that's already going than it is to start something new, and you have a good argument for keeping what you have going rather than transferring grant money somewhere else. So as time went on and in fact as the pressures of the budget got more

severe, our problem was keeping going what was going on and that was the problem out there, and there was really a minimum amount I think of local choice. Now that doesn't mean that in some areas and in some cities there hasn't been some fairly substantial and sound programmatic thinking and variation, but the fact of the matter is there has never been as much as might have been imagined or hoped for.

G: Has the theory that the poor themselves are, if not best able, at least in touch with the problems that they themselves encounter and therefore should have some sort of say in not only analysis of the problems but the techniques and methods and programs by which to overcome them? Has that theory been borne out?

B: Well, yes and no. The degree to which they are aware of the problems and the degree to which they are able to deal with them has varied, and it all depends on which poor you mean. Personally, I am something less than certain that in all cases we have reached the poor. I think in a lot of cases Community Action has gotten some energetic, ambitious, self-promoters who have been poor, or managed to get themselves in the position where they represent the poor, or claim to, and that's where the voices come from. Now obviously there is something to be said for having people, who are really familiar with the actual conditions under which poor people live, help you develop programs. And poor people, and people in effect that speak the same language, if you will, can best do this. There's probably something in most cases actually disabling to some middle class person who has gone to college in performing this function.

But I think there is also a limitation in the degree in which the poor are able to help the running of programs. At one level

--I think the early days while the bill was being considered by the Senate--I remember one story, I believe it was in the New York Times about a welfare mother, a Puerto Rican, who had been provided by the welfare worker with some dry rolled oats for her new infant. And she took it home and fed it to the child, dry and uncooked, and the child choked to death. That was an obvious example of somebody needing to inform the poor person, or of a program that needed to be based upon the actual needs and the perceived needs of the poor people. And at that level, that program was inadequate.

On the other hand, I think there are limitations to which uninformed people can be used actually to run and to administer programs. I don't think we've really found the key. We have been successful in taking uneducated and sometimes fairly bright people and training them in limited tasks of breaking down what is ordinarily conceived of as professional social work activities, for instance, and getting them to be quite effective, so that a group of them together perform the function of several professional people. But as far as getting them actually to design and administer programs in the sense that some people would have us, I just don't think that it has occurred, nor do I think realistically it can occur.

Now those who criticize the program for not getting money into the hands of the poor, there's a certain amount of legitimacy there, but the fact of the matter is, if you're going to get medical care or social work, or legal services, or what have you, to poor people, you're paying salaries to professional people to provide that service. In the nature of the case the poor people themselves, they don't get any money in their pocket, but they do get the service, and I think

that's what the program is all about. And to try to put those services and the administration of those services in the hands of poor people which some advocates seem to want us to do, I just don't think is workable.

G: This is a difficult question to phrase except maybe simplistically, but in looking back can you see the coincidence of the emergence of what is now called the Black Power movement and the implementation of Community Action at a rather embryonic stage as hurtful to Community Action?

B: Oh absolutely. I think the coincidence of the change in the direction of the civil rights movement, the development of "Black Power," in the black community particularly, alongside Community Action made it possible for a lot of people to misconceive or misperceive that we were responsible. There was a correlation, but I would deny that there was causation; there was an admixture in some communities where Community Action and Black Power to some, but for the most part limited, degree involved the same people, Black Power advocates or hostile persons or militants got into or got power or got influence over Community Action program, but there was no causation as is implied by a lot of people. I really think that they are two separate developments. You know, I think you can take the level of abstraction one place further and say that simultaneous and perhaps in a sense caused, at least correlated with and may be some degree a cause of, black militancy is the development of the concept of militancy itself which is extant among white, middle-class college kids and upper-class kids, which is probably a function of our affluence, result of the educational theories of Dewey and the psychological ones of Freud and a great

number of philosophers and thinkers, and perhaps it might even be argued, I think, a logical next step in the development of the individual in a democratic society. Maybe the guns that were fired in the French Revolution and the American Revolution just sort of inevitably led to a confrontation and will lead, until we learn to deal with it better, to open strife with what is going on.

G: Alinsky says that it's the music of democracy.

B: Well it may be. It may be. The fact of the matter is there are a great number of people in America today, very intelligent and responsible people, who apparently have come to the conclusion that militancy and confrontation is a necessary weapon. After all, the late Robert Kennedy and Senator McGovern and a great number of highly respected individuals around the country today, if they have not actually advocated militancy as such, they've certainly done some things that encouraged the militancy on the part of others. When I say militancy, I don't mean only marching and demonstrating--I mean a willingness to stand up and confront in ideas. You know you had them in the Johnson administration. Willard Wirtz was just personally a man of tremendous integrity and great loyalty to Lyndon Johnson. At the end even he and Stuart Udall, who I would make much the same kind of observation about, really stood up on their hind legs and said, "Viet Nam is all wrong." That is a form of militancy. It's a challenge to the authority and a challenge to a superior in what he's doing. And I think that is going on more and more, and I think as a matter of fact it probably has some very useful aspects though I guess it's obvious even today, that there's some danger that it might be carried to destructive extremes and bring the

ceiling down on all of us.

G: Looking back on some examples, I don't think there has been a case study approach, unless somebody within OEO has done it, of the kind of problem areas in Community Action. I think one of the earliest ones was the HarYou Act situation in New York, and particularly the Black Arts Theater incident; and then a later one that comes to mind is the National Black Liberation School. And this kind of phenomenon in Community Action has been a part of its history, and I can't say with any certainty, but with some major significance. I was wondering if you as general counsel have been involved in the construction of guidelines and to some extent in policy on this. What has been the evolution of that kind of policy? How does CAP treat its radicals or its militants today?

B: I think you find it in a variety of ways in the regulations. You find it in the personnel requirements--what is it, CAP 23 A,B, or C, whatever we've got developed to now in the personnel requirements that we have for our grantees. We have it in the form of guidelines to prohibit certain types of activities. One very real way of controlling this thing is not in generalized guidelines but in specific grant situations where somebody perceives (and not infrequently someone in the general counsel's office) that the words of the application of the grant are a little bit vague and that what we don't mean is X, and Y, and Z, and none of this money should be spent for those things. They may have applied for A and the definition of A is pretty loose, but we don't want them to do X, Y, and Z, and so we spell it out. There has been that development. With experience, I think most of our guidelines are probably a function of the experience that we

have where somebody has misused the money or exercised poor judgment in how it's to be used. We've responded where it occurred more than once, or where it occurred in such blatant and obvious form that we felt that there had to be some rule go out saying we're really not in favor of it.

G: I know in some instances where--

B: I would like to interject at this point something that is perhaps useful in the history of this whole business of guidelines and regulations in this area. The fact of the matter is this agency came into being at a time in which the federal government as such really had very, very little experience and no consistent logical policies or guidelines for itself in this whole area of administering grants and social welfare programs. The whole approach up to now had been to use the state public bodies, the school systems, the welfare systems; the federal government had encouraged, through grants in aids and carrots and sticks, various kinds programs run by local agencies which for the most part they were able to define themselves. All they had to do in many cases unfortunately was to set forth a plan, meeting certain minimal generalized standards of a given particular piece of federal legislation, and then they were permitted to administer the program and the money and nobody ever dared look at them to see what the hell they were doing with it. This was a matter of states' rights. I think this is one of the tragic reasons why the welfare system is developed so inequitably around the country. The federal government also had certain experience with colleges and universities which tended to be at least minimally responsible and, for the most part being parts of state or local government, they

could rely on them. In the area that we moved, one of the very few experiences that had existed was the old Mobilization for Youth in New York. And this sort of gave us some indication that there were problems in this area. One of the first things we did was to go over and talk to one of the administrative officers in HEW to get all their experience, and talk with people in the Justice Department, about the sort of problems they had run into. We tried to learn from them, and then we began learning on our own from getting our own fingers burned.

But there had been some earlier experience which I think is useful to know about. And it's pertinent to the Black Arts Theater situation. Under MDTA, Title I, and some of the other programs administered, it had been the custom before we came into existence to have a fairly substantial amount of money in research and demonstration programs in Harlem, 2,3,4, million dollars at any given year, which I think it fair to say were gifts from Labor HEW to Adam Clayton Powell for his purposes. I assume some of the evaluations and some of the applications of those programs are still in the records over in HEW.

But you will find for instance in job development programs, I remember seeing one over in the House Education Labor Committee in which there were just an enormous number of so-called job developers with, on paper at least, virtually no experience or talents or skill or training in this area, who were responsible theoretically for counselling and job development in and around New York, who were responsible for three or five people. And the programs--one, I think, ran for a year and a half and at the end I think it was

learned that about twelve jobs had been developed for the expenditure of three-quarters of a million dollars. This had gone on, and the fact of the matter is this goes on today in a lot of programs. So the degree to which we were able to tighten up or the people out there were experienced, particularly in some of the black community and Harlem, they hadn't gotten used to it, and nobody had ever required them to report and that was one of the problems that we faced up there. We'd get in awful pressures, and of course we had limited staff, but awful pressure to get money out, and we really did not anticipate a lot of the things that came up in Harlem and how you act in the early days. We were not able fully even to regularize and straighten out beforehand and anticipate some of the things that we really knew we had to worry about.

G: Was Black Arts such a bad thing?

B: No, I don't think it was a bad thing as such. The fact of the matter is it was bad in this sense. My office has been one of the elements in the agency that has always felt that you have to measure everything that you're funding against its potential of getting people out of poverty. That's really what we're supposed to be all about, in getting them so they can help themselves out of poverty. The way that Black Arts thing was run, I would question whether it helped anybody that was involved in it or made it any easier for any of them to get out of poverty. That was the big weakness there, and the big mistake. It was a gift of money to a bunch of people to do with what they wanted, and, it happens that Leroi Jones and [Imamu Baraka] that crowd used the Black Arts Theater to vent their spleen and as a cover for receiving federal money. It's just like the people I was talking

about who had the staff jobs, \$10, \$12,000 as job developers and with the obligation of about three to five jobs, the title job developer was only a screen under which \$10 or \$12,000 of federal funds was handed over to them because they happened to be a crony of Adam Clayton Powell.

G: I think the Black Arts Theater group was a part of a Project Uplift, which again I guess came under Har-You. In this kind of package deal, where Project Uplift didn't simply develop jobs but engaged in other kinds of activities and other kinds of programs--

B: If you go back and read the applications, the generalizations were much broader. There was no reason to believe for instance that there would be a theater, as I recall.

G: That's very confusing in the record because at one point a spokesman for OEO, I think it was Keller, said "Yes, we knew that Black Arts was in it," but at another point I think OEO claimed that it didn't know.

B: If I'm not badly mistaken, I think an examination of the application that was submitted, the formal documents, will reveal that we really had no reason to anticipate the running of a theater. A wide variety of other youth activities, through development of one of the things that kept being talked about all the time, was the development of vestpocket parks and the planting of ginko trees and the running of playgrounds for kids and that sort of thing; [this] was what we were being led to believe was going on. Certainly no reason to believe anything like the Black Arts Theater as it developed.

G: I have seen, just to put this in a much--

B: Now, let me make quite clear. There may have been somebody in the

bowels of CAP that knew that this was in their plans. There have been at this agency a certain number of what I've called the "bomb throwers," who I think have connived with some of the militants and others on the outside to bring about confrontations with us and to connive to get money in the hands of some of their militant friends, to do some things that, had I known about them or had Mr. Shriver known about them or had Ted Berry known about them, or any number of other people, we certainly would have put a stop to it before it began. But that sort of conniving--we attracted a certain number of those people unfortunately, and there's no doubt about it. We were from time to time deceived by people who should have been informing particularly the director, a little more fully than they did.

G: I don't want to belabor this, but I recall seeing not so much a justification or an explanation, but a review of the whole situation in the statement that was made, that there was no riot in Harlem that summer--I think this was '65 and the same years as Watts; and it was suggested that perhaps the Black Arts Theater group as well as the school and the other kind of activities that were undertaken by them had something to do with this in deflecting this. There were hot summer nights and they were holding--

B: Well the fact of the matter is those who argue that we diffused Harlem, and there are quite a few, can quite reasonably do so. I would question whether the Black Arts Theater as such contributed to that very much. The fact that the kids were kept busy at something--if you consider Black Arts as an alternative to a lot of other things that that money could have been spent for, I suspect

it wouldn't take a very sophisticated person to divine other uses that would have cooled it much more effectively than Black Arts Theater. I would guess that we probably had some influence in keeping things down, but I'm not sure that anybody can say with any degree of certainty the degree to which we influenced that and the degree to which we were responsible for keeping the pace down.

Mayor Lindsey has recently told the director of this agency, Mr. Harding, that if Community Action and all the things that we're doing up in New York City were suddenly cut off, bad as his budget situation is, he would have to keep it going; otherwise he was personally certain that the city would explode. And you know, you have to give some credence to his judgment on that matter.

On the other hand I'm not sure that anybody knows really what causes these things to start and what to stop. The last two summers the Justice Department and we and other people have kept close watch on a great number of cities around the country. I don't think for instance that anybody in any position of responsibility around this country can explain to you why Oakland, California, has not blown apart. Every week of every summer for the past three or four summers the nerve center where these things are kept track of always thinks that Oakland is ready to go. Oakland has never gone. And so I don't know. I would have guessed, and I think most people would have guessed that the city of Detroit was the last place that would have gone and yet it was one most violent. So I don't really know what went into keeping peace in New York. I'd like to think that we influenced it, I don't know really how much we did.

G: If there is a bad situation or there is some sort of a misunderstanding,

what is the procedure for cutting off funds, or just closing out, phasing out a program? I'm thinking for example there was also in that Har-You Black Arts summer, I think it was a summer camp for children project that was begun and then there was some public outcry, at least in the press, and there was supposed to be a communist couple that ran the camp--I've forgotten the exact details--but anyway the end result was that OEO cut it off, as I recall.

B: Basically, there is what is legal, and what you can get away with. There's public relations and there's program relations. The fact of the matter is, either Sarge or the program people occasionally went too far, probably beyond what we could legally do if it were tested in the courts in the way of cutting people off or threatening to cut people off. This, I think, occurred in a number of cases in which we were insisting that people be fired. In many respects I think our grants have gotten to the point where you have what in legal terms we call an offer and acceptance and what amounts to a contract relationship. And in contract law and the principles of equity when you offer somebody some money to undertake to do something and they accept the offer in effect and then go out and hire people to start and this sort of thing, there are serious legal limitations on the speed with which you can terminate them, the sort of knowledge you have to have; there are limitations on the conditions under which you can move to terminate.

You get all sorts of vested interests that the courts of law have traditionally watched. For instance, if you're talking about running a Head Start center or something, once they've hired a bunch of teachers and they've got contracts with teachers to go so far and

they've leased the room and they've ordered a bunch of groceries and they've got some furniture, the fact of the matter is you can cut them off the first week of the grant. But as a practical matter unless you've got some awfully good reason, almost in that case where they were defrauding you from the beginning of the application, you're really going to end up paying the teachers' salaries and the rent and the grocery bill and the furniture bill all the way through anyway. And the courts in interpreting these matters, I'm sure, would say, "Just because you've got a Red onboard--." Well, there are cases, Neal vs. McIlroy and some other cases which say that there are limitations to which the federal government can interfere with the private employment rights of individuals without affording them an opportunity for a hearing, that is, in the absence of specific legislation.

We developed over time in part, in response to legislation, we developed procedure for alerting people to problems, notifying and threatening suspension, actually suspending, and bringing about a termination. Actually under the rules now this is a result, I think, of some misconceptions on the part of the members of the Congress. We've ended up now with a hearing requirement before termination. We have to offer them a hearing. As a matter of fact, we have always tried, and my office has been most consistent in its insistence, on affording some elemental due process to the process of termination and suspension.

G: Outside of this process, are there other kinds of pressures? Again, to go back to that summer camp thing, it seemed to me that either a city councilman or local congressman or somebody found out that

this was a camp that had been used or was being operated by two former American Communist party members and that therefore this was a bad thing. And it seems as if OEO responded and over-reacted and cut it off. The kids had already gone to the camp and then they had to go back to the steaming streets of New York.

B: I remember that case. It was not, unfortunately, an isolated or a single case. I think at that particular period of time we had a number of that sort of thing. It was a difficult time. We were under pressure. I cannot at this point reconstruct the facts of that particular one. You're right. It had to do with the fact that there were communists. But there was also some confusion and some conspiracy, as I recall, in the way those people got the grant. I think there was some indication that they were going to use it one place--the camp was going to be in a certain location and then it ended up using some other site--and there were some people to be involved and the first thing you knew the staff was changed. And as I recall in that one it had been approved by a minority of, I've forgotten the name now, the CAP board involved. It had been brought up at 2:30 or 3:00 o'clock one morning after everybody had gone home and approved when in fact the majority of the board, informally at least, had said that they had not wanted it. And there were a variety of things behind the scenes that didn't hit the papers and we weren't really interested in publicizing. I don't mean to attempt to justify that particular one, I really don't try, but there were a number of things in the background of that particular case which I simply don't recall now.

G: What I'm getting out is that if OEO from an internal source finds

out that something is definitely wrong, no matter what the reason, then OEO can deal with that in its own way.

B: Yes.

G: But there is outside pressure, either newspapers or Congress or what have you, then OEO is sort of in the limelight and has to make decisions.

B: Well, we did. And in some cases, let us say, we stood up in a very firm, rational, and democratic fashion against all the forces of benightedness, and in other cases, I'm sorry to say, we didn't respond so well. In some cases, it may have been that it depended on who got into the act first, or before somebody was able to move.

There was the case of--he turns out, as I recall, to have been the first guy who challenged draft boards in the State of Mississippi and refused to be drafted on the basis that the draft board was segregated and on the basis of the fact that he personally had been discriminated against because he had been employed as an accountant for CDGM, or something, I've forgotten now who, but somebody down there that the white establishment thought was a no-good ended up being drafted, and he refused to go and started this lawsuit. If you'll review the history of that thing you'll find a legal opinion on my part and I think a public relations statement that we were not going to insist on that man's being fired; that he had a legitimate constitutional right to test the operations of that draft board; that he was using the judicial process in a manner contemplated in fact by the draft law; and in fact in the only way that he could test it, because unfortunately the draft law requires you to violate the law and test it only by getting yourself involved in a criminal prosecution.

He had a responsible law firm representing him, and we stood up quite firmly and said to John Stennis and Eastland and everybody that was yapping at us that, "we're damn well not going to force this guy out." And as far as I know he's probably still at his job down there, unless he got drafted! I don't remember the case ever getting to the Supreme Court.

Unfortunately, there were other cases in which we did not respond so well, I think. The fact of the matter is some of our public statements about "going to get rid of this guy and that guy and the other guy" didn't turn out that way, because in fact in time cooler heads prevailed and there were fewer people who got fired I think than we talked about. This was an issue of some note, and it was an issue on which Mr. Shiver and I had a number of differences at times. I always argued against the firing, absent due process for the individual. Well, I tried to meet the facts of each situation and give good advice in each case. This got to be such a sore point, whether motivated by Sarge or the President or Joe Califano or what I don't know, that in fact we ended up over in Joe Califano's office at one time with Jim Gaither, and in effect--Califano was in there for a little while in the meeting--but in effect the attorney general was asked to give his opinion as to my various legal opinions and programmatic opinions in this whole area of firing people and whatnot. And Ramsey Clark, as always the case in his greatness--and I really consider him a great man--he stood up behind me every inch of the way and ticked off what he considered to be the pertinent constitutional and legal principles, and then ended up, as I recall, saying, "and Sarge, I

think not only don't you have the right to insist that all these grantees fire people arbitrarily like that, you don't even want that right. And it would be bad for you and bad for the program for you to have it. What you've really got to do is to sell the people that that's the local responsibility." I think that's one of our problems. We really never got that idea across. This is local responsibility. But that's where I argued that it was and should be and, you're right, I did not always win that argument.

G: Did you ever feel the heat from the White House in any of these situations?

B: Yes. From time to time I felt some heat. I think Sarge felt more heat. There were various rumors about his being instructed to get rid of certain types of people, out of the program, directly by the President.

G: This goes back to that summer of '65, I guess the fall of '65 as well, when the Mayor's conference--and I guess Chicago was involved in that. And then there was the BOB-OEO conference when Joseph Loftus of New York Times was--

B: In this area there were a lot of things. I remember we had the first homosexual incident in the Job Corps that occurred at a base up in Oregon, where some kid was charged with homosexuality by the state. He was reported by a camp official and prosecuted under state law. We located a lawyer for him out there as a matter of fact former Congressman Porter represented him. And I had a friend Jim Klonowski who was an official of the ACLU and he kept an eye on the thing. That kid, I think, was eventually, as I recall what happened,

he was found by psychiatrists and psychologists not to be a homosexual. There was some element of hostility and aggression, experimentation and whatnot involved in his action, but they decided he was not a homosexual and the medical advice was that he probably was a good risk. That was rather a bad situation at that camp. They really had no program and the kids--it's understandable that there were some problems that developed. But anyway that kid was shipped some place else, and eventually I think did not make it. He was placed at another base and for other reasons ended up being tossed out or going AWOL or something. But the fact of the matter is I had a series of phone calls from Marvin Watson, who was then in the White House, periodically asking me what was the status of that case. And Watson kept saying to me, "I think you people are making a very serious mistake. I suppose you know what you're doing, but I wouldn't do it that way."

G: Is he saying "I" for himself?

B: Well, you never quite knew. Normally you think that people there should have enough to do without sticking their nose into those little picayune matters, and if they're calling, they're supposed to have called from the White House. There were from time to time things that the President was interested in and White House pressures, and in other matters, there were not.

G: Could you enumerate some of those incidents, where the White House may have been displeased?

B: Normally their pressures were designed more in the case of trying to get us to speed up, to do something.

G: Visible results?

B: Yes. We weren't doing fast enough according to their likes.

One case, I remember that the President was very interested in was the Appalachian regional hospitals, the miner's hospitals--they had a long history. If you recall John L. Lewis had built in the post-war era a number of hospitals for miners in Kentucky, West Virginia, Virginia, probably some in Pennsylvania and maybe Tennessee, I don't know. But in any event, some time prior to our coming into existence certain of these hospitals had been abandoned by the UMW at great agony to everybody concerned. In fact riots and tumult had threatened. When they decided to abandon them, the town folk in a number of cases had threatened to burn them down or to burn down the mines and so forth. And there were a number of these hospitals that came to be taken over by the Presbyterian Board of Missions. There was one at Wise, West Virginia--or was it Wise, Virginia--Pikeville, Kentucky, and Williamson, West Virginia, there were six, seven or eight of them, which were taken over by the Presbyterian Board of Missions. They had been given a loan by ARA and a grant by ARA, as I recall, and they had also procured a loan from a Kentucky insurance firm, and the United Mine Workers had advanced them money. Primarily this money was in the way of working capital. In late 1964-65 or some time in '65, I forget now when it was, the mine workers--John L. Lewis and some of the other people had gotten very disenchanted with this whole hospital thing. They had had to get rid of them because of the reduction of the number of mine workers and therefore the amount of the royalties going in, and the hospitals were just completely uneconomical. Well as time went on they became more economic. However, in and around all of

these hospitals there were still substantial mine operations and 50 to 75 percent, as I recall, of the income from the hospitals was being paid out of United Mine Workers funds. And they were threatening to recover their advance, the loan of three quarters of a million dollars or something, by simply holding up the monthly checks, or the bi-monthly checks for the treatment of miners in each hospital. Simultaneously the insurance company began to get anxious about its money and they were about ready to lose all their working capital, and I think they were collecting about a million and a quarter they would have lost. They would have gone down the drain. Well this outfit, the Presbyterian Board, as I say, had been running it and subsidizing it to some degree but it appeared, from what we could tell, it might be a viable unit. The Presbyterian Board, however, didn't have any more money, and they went to all the senators and representatives and the President and Governor Breathitt, and everybody involved in the State of Kentucky was anxious to save these hospitals. And they were bound and determined that we were going to do it. The fact of the matter is it was very difficult for me as an individual to perceive how we could do it, We just really were not in the business of giving working capital grants or working capital loans or anything else to hospital associations.

G: Was this before the creation of the Appalachian regional--?

B: It was simultaneous to it. Now the fact of the matter is I was ordered over to the White House by Harry McPherson, had meetings with John Sweeney and Pat Moynihan, several meetings in which the pressures to make this grant were really very severe. Harry, who was a delightful fellow, would show me his notes to the President,

how he had explored with this agency and that agency and the other agency the possibility of doing it. And each time the net got a little tighter, and he would show me the notes from the President, "Get it done, Harry, LBJ", and that got tougher, and tougher and tougher.

Finally I got to be something of an expert in hospitals and what the hell was going on--we had a guy named Kissick here, a doctor from the Public Health Service who had worked on this problem. And studying our act and the Appalachian Regional Act I managed to put together the two of them in such a way that we could in effect assist them in a research and development program, which was the first of its kind in the history. Our initial contribution to the thing was basically the saving of the hospitals from being broken apart. What was going to happen to them, if they went down the drain, was not of course that they went out of existence, but that individual hospitals would be sold in most cases--like East Williamson promised to be sold to a couple of private doctors--and the rest of them would have been sold. Some of them would have been closed up. But they never would have been available for the development of this regional hospital concept that the Appalachian Regional Commission was trying to develop.

Well, we made the first million and a half dollar grant, and I think we made a subsequent one. This time instead of giving it to the hospitals, however, we gave it to the Appalachian Regional Commission and they were the grantee and we were in aid of their program, not our own, which we were authorized to do. We put together a consortium as the price of getting our money. The state of Kentucky

undertook through its welfare system to pay some types of welfare programs for the indigent up there that was to support these hospitals. The Presbyterian Board of Missions agreed to divest itself of certain of the hospitals as this regional hospital business, became developed. The University of Kentucky in Louisville, or the University of Louisville, or both of them, medical schools got involved in studying and straightening out the administration of the hospital and the provision of medical services. And that thing has gone on, albeit rather slowly, and I'm told it looks like it's going to fly.

Some of the problems that they had--for instance in Pikeville, Kentucky, there was a religious order of nuns who ran a general hospital there, and then there was this Appalachian hospital, the Presbyterian Board hospital, neither one of them was an economic unit as a general hospital. Well, part of what they did was to convince the nuns that what they ought to be running was a generalized convalescent home and old folks home, and the Pikeville hospital then became both a general hospital and had certain advanced specialty skills--this was part of this regional concept to have the hospital strategically placed with certain general facilities and then all other special facilities which it would support as a unit. And people in that whole region, if they had one problem. They'd go to their own hospital, but if it was an advanced problem, they might go to Pikeville, or if that facility wasn't at Pikeville then they might be sent to Wise, Virginia.

Well, it looks like it's going to fly. That was a result of presidential pressure. In other areas I gather we got some pressure and in some ways we didn't. I think there probably were some people around the agency hired as a result of White House pressure, but out

ten or twelve people that were referred over here to me from the White House I never hired a one. I think in some cases some of these pressures were particular gambits of individual White House staff guys. I remember one time I seemed to be getting really intense pressure from one fellow, I've forgotten now which one it was, and I called up somebody over there and said, "Is the President really serious about this fellow?" And whoever it was I called said, "Oh no, what's his name has been trying to peddle that guy all over town. Don't pay any attention to him."

G: Do you have any direct knowledge of that incident which I referred to a little while ago where OEO and the Bureau of the Budget met because at that time, I think in the fall of 1965, the whole issue of maximum feasible participation became somewhat exacerbated by the fact that some of the mayors objected and apparently had seen Vice President Humphrey?

B: I'm sure I was involved, but I really don't have any recollection. There were a great number of those battles in-house and out-of-house and around, but I just can't conjure that one up. I have vague recollections of being over to the Bureau of the Budget arguing about many things, but I don't specifically remember that one.

G: I think that may have been tied in with the whole CDGM there too.

B: Yes.

G: I take it from what you said earlier in this session that the general counsel's office has had quite a bit to do with the approval of grants, and the whole sign-off procedure, that this office would be a major office to be consulted before a grant could be approved. Is this the case?

B: Oh yes. The fact of the matter is until regionalization this office saw virtually every grant. They saw every grant really, with the exception of some in the Head Start area where the volume was getting so large and the program people so experienced that we would indicate to them only certain types of issues that we would want to review. Like church-state matters.

G: What are the other agencies or other divisions within OEO who would have to sign off before a grant--

B: Well at one point Civil Rights signed off on most. They didn't, and then they did.

G: Did the Office of Inspection?

B: Inspection had to sign off at one time. Again, their role was varied I think from time to time, sometimes they just were given information and then other times they had to sign off. But ours was the place-- Inspection and Civil Rights and some of these places had fairly specialized interests and mainly Inspection under Haddad and Civil Rights were interested in getting more black people. Haddad always wanted one more, as did Sam Yette always wanted at least one more black person.

Our perusal came to be a fairly broad based one. We came to regard ourselves, and I think Sarge relied on us, as his last defense. We looked at everything. As CAP grew, and got more specialized, various individual people would look at parts of the packages. And this came to be in a very real sense for certain periods of time the only place where one fairly intelligent, mature, individual would look at the package as a whole, and try to ascertain if it made sense. This got us into some awful fights from time to

time with the program people and some rather bizarre arguments. I can remember arguing with Stan Sallete who was our expert in education, education theory and whether certain types of programs made any sense at all. Basically, we did not expect to win all those arguments, and basically what we were trying to do was to make them defend their arguments. If something about them appeared rather bizarre to us, or strange, we fulfilled that role much to the agony and the irritation and infuriation, in fairness it has to be said, to some of the program people.

G: I'd like to turn to another area, and that is the relationship between OEO and the Congress. I can phrase the question by citing at that time Congressman Goodell, who made the charge in 1967 that OEO was engaged in illegal lobbying. I'm not sure he ever followed through on that, but was there substance to his remark, and if so or if not, what was the process that OEO had used to talk to congressmen and get the legislation through?

B: I don't think he was as concerned with lobbying the Congress as such, though he may have had some of that in mind. The fact of the matter, the Anti-Lobbying Act has never been used to my knowledge, there's never been a prosecution under the Anti-Lobbying Act for anybody going up to the Hills. A member of Congress would hardly dare to criticize an agency for going up to speak to another member. The Anti-Lobbying Act itself says this doesn't prohibit from the providing of information. And if you're going up to Congress to talk to even an unfriendly congressman, you can at least preface your remarks or defend them afterwards by saying, "I think Congressman X is misinformed, or uninformed, and I thought that if we went up and

talked to him, we could straighten him out. He's entitled as a member of the Congress to have the correct information." So that sort of direct thing I suspect was not in his mind so much as what he perceived as a violation of the law in the sense that we were drumming up lobbying pressures on the part of others. The labor movement and the church groups and some of the education groups and some of the foundations, outfits like the Conference of Mayors and the organization of the municipal workers--what the hell do they call themselves--state and county workers organization, county officials, county supervisors, chief state school officers organization, all manner of organizations were interested in our programs. And in 1967 particularly [they] brought very intense pressure on the members and we cooperated; when some of these outfits asked for information, substantive information, we provided it. The Information Act indicates that the public's entitled to information. It has to be said that in many cases we knew that this information was going to be used for lobbying purposes, but on the other hand I'm not at all sure that we were entitled to deny it even when we knew explicitly. Sarge had friends and a lot of us had friends around in various groups who we encouraged to tell over a cocktail, if nothing else, or a cocktail party, "Looks like we're in trouble, you're a friend of Congressman X, for Lord's sake why don't you go talk to him!" And there were the Job Corps contractors and others who threw their weight behind us, some of the big industry people. Herb Kramer and the public relations group in this office did what I regard as a fantastic job in getting a favorable, and affirmative editorial comment around the country, even in such unexpected places as--the

Dallas, Texas newspaper had a favorable editorial to CAP. There were favorable editorials in all manner of bizarre places that you would just never expect them. As a generality you could say that this was lobbying, but the fact of the matter is what was done was equally defensible under some other rubric. The newspaper people were interested in writing to our public relations people.

G: Well what was Goodell's gripe?

B: Goodell's gripe was that we were winning, that we won--that's his big gripe. And he lost. You know, he not only lost, he caught a lot of hell in doing so. He had an extremely critical editorial in the New York Times which criticized in effect not only his judgment but his duplicity and the way he and Quie and those guys had tried to undermine the program. And he was stung by the defeat, he thought he was going to win!

G: You mean win with the opportunity crusade--

B: Put us out of business.

G: Do you really feel that he wants to do that?

B: I don't think he wants to right at this point. Let me say, I don't know what the hell he wants to do now. But at that time a congressman from upstate New York who's interested in advancing in the House of Representatives, which was basically a conservative institution and only conservatives advanced, was interested in destroying OEO for political purposes. You know, he could have been bought off. I sat down at a cocktail party or a dinner with him and Quie and Bert Harding early in 1967 at a very clandestine and quietly arranged dinner where we discussed what their price would be. And the fact of the matter is their price

was just about what we got in the House, "Spin-off everything, and we'll let the programs go on."

G: And yet he seems to be the big champion of Community Action, "don't put it in the hands of the Mayors!" Is this because they're Democratic mayors and he's a Republican?

B: No. You see, he was "put it in the hands of the poor," but he divined that there was a great deal of antipathy to this participation of the poor and what he perceived as the revolutionary aspect and militant aspect of Community Action, and he played on this, thinking that there would be a backlash, particularly on the part of the Southerners. Now where he lost was with the South. He played to the South. He figured basically he would get his votes for his point of view from the majority of the Republicans, the middle and right wing of the Republican party, all the Dixiecrats. He was trying all throughout to maximize the maximum participation and to maximize those elements of the program that would have been most objectionable to the relatively conservative people and the big city guys--the machine guys. It was a good strategy. I would have done it the same way.

G: But then he would have been held accountable for it, wouldn't he?

B: Well, you've got to consider in 1967 he didn't know Bobby Kennedy was going to get shot. He thought he would be a conservative congressman probably for the rest of his life. He made liberal noises but if you go back and look at Goodell's record, he was anything but a liberal guy. He talked as a liberal, but he led some of the most conservative reactionary fights that were led in the House of Representatives, and he was tremendously effective. And

the way he was effective in many cases was using this same group-- the coalition, the Southern Democrat and the Northern Republican coalition. He played on it regularly.

G: He has always been very difficult for me to understand because I have read that into his record, but at the same time you recall at the time of the Green amendment this was his phrase I think, "the bosses and boll weevil."

B: At that time he was so absolutely furious and hysterical that he made a very serious mistake in judgment. Just as he was playing to try to make this thing appear as ultra-liberal so as to alienate the Southerners, so Perkins and Green and the rest of us were trying to make it palatable to those guys. Now where he lost his fight-- well his strategy was to make the thing in its totality objectionable to as many of those people as he could. Then what he wanted to do, it was going to be very difficult for a lot of people to vote for killing Head Start, for killing the Job Corps, for killing Upward Bound, some of these guys had interests in programs so his idea was to spin them off. And he divined, you know, at the time he made the "bosses and boll weevil speech," that we were beating him at his own game. Essentially we adopted the same strategy he did, only it was in reverse. We ended up getting the Southerners on the tellers. William Jennings Bryan Dorn and what the hell was his name, down in Louisiana, Watson--well somebody from Louisiana--anyway, they led their colleagues along with two or three of the others along with us on the tellers and most of the teller vote.

G: The unrecorded votes.

B: Yes. Very few times did they vote against us. They were voting with

Carl Perkins, the chairman, and with Carl Perkins, the Southerner. Then came the record votes and there were too many Republicans that couldn't stand the heat of voting against Head Start, so they turned around and voted for us while the boll weevils were voting against us. And that's exactly the way it was planned. But when he made that "bosses and boll weevils" statement he was absolutely furious because he knew that we were planning the same game that he was playing; the difference was, we were winning. He was one of the first guys in the House of Representatives who really perceived that we were winning the ball game. There were few people up until that point who really recognized that we had a strategy that was paying off.

G: Did Quie too?

B: Quie? Oh yes, I think he was there. The fact of the matter is, the House of Representatives in that thing--the Republicans--just got on the verge of hysteria. Ford was holding caucuses of the Republican party--I don't know how many they held. They were out one time and had a caucus and came back in and in less than 20 minutes later they were out in another caucus. They couldn't decide what the hell they were going to do. Well, a little footnote to history, I think one of the great advantages and assets we had in that whole legislative battle was the accident that Laird's brother was killed in an automobile accident and Laird was absent. Laird might have rallied them, might have kept them pursuing this strategy. It might eventually have hurt us badly, but Ford and Quie, Goodell, were just unable to do it.

G: The way you state some of this is as if you yourself or somebody from

OEO was there all the time helping to manage this legislation through the Congress.

B: I was. When this bill was before the committee in '67, before both committees, and before the debates on both sides, in conference, I was there from morning to night and late into the night all the time.

G: Did you work with White House people also?

B: Occasionally we met somebody from the White House. The fact of the matter is that they were doing very little working with us.

G: Why was that?

B: My own view is that they did not expect the bill to pass, and there was at least some of them that felt they would be better off with an issue rather than this program, that they would have been just as content to have it go down the drain and to have been able to point to the Republicans in 1968 as having killed the war on poverty. The political rhetoric would have been more advantageous than the hell that they were catching from the programs we were running.

G: This goes back to the construction of the amendments--technically they are amendments--of the '64 act, call it the bill of '67 or '66. How were these put together? I have seen reference to not so much an opinion, but I think a proposal for what the changes should be in the next years act or the amendments for that year. Are the administration bills forged through OEO--White House cooperation, or are they simply done at the White House?

B: They were done here. They were squeezed out of us, but they were all drafted right here in my office. They were squeezed out of us by a combination, I think, of Lyndon Johnson and Sarge Shriver, who

had somewhat the same sort of approach to legislation--I think it was sort of an ego involvement--that the administration ought to be responsible for straightening the thing out and we ought to go up with a bill saying, "This is a new program," and "see what we have done to improve it." Each time I resisted, and I think that was a mistake. The fact of the matter is in 1967 the Congress really had very damned little idea what was in that bill, nobody paid any attention to it. If they read it, they assumed it was full of gimmicks and tried to bolster every idea they agreed with anyway.

A far better strategy anyway, I think, I think we would have gotten fewer amendments and probably some less onerous ones if we'd gone up there with a simple extender but with many of the amendments that we planned, or that actually we sent up, and a few others in hand. You know, as you talk to a guy, and some of us knew some of those members and what was in their craw, you could give a guy an amendment and that was his and he got some credit for it; he was able to stand up on the floor and say "I've done this," and "I've done that." And the committee could have said "I did this," and "I did that. The fact of the matter is we had done so damned much in the way of trying to tighten the thing up and appearing to tighten up that the committee had trouble finding ways in which it could do something to straighten the thing out, which was a political necessity for the committee. Carl Perkins and that committee and those who were favorable for us really could not have gone to the House of Representatives with the presidential bill, as such. They might have gone to the House of Representatives and successfully defended the bill that we sent up, if we'd sent up only a simple extender which the Committee could have substantially enlarged upon with all the "strengthening"

amendments. Then they could have said, "Look what we have done! We're your committee." But, you know, Sarge and Lyndon were jealous of that prerogative, and I think it brought us more problems that we needed to have had.

G: Could you remark on the effectiveness or ineffectiveness or the usefulness of Adam Clayton Powell as opposed to Carl Perkins?

B: Well I think there's no comparison, in a sense. Perkins was far more sensitive to the House of Representatives as an institution and had an instinctive feel for what was necessary to get bills enacted. Powell flouted the House. Whereas he, for reasons best known to himself, did things to infuriate his colleagues; Perkins always went out of his way to placate and ingratiate them. Needless to say, Perkins was absolutely essential to the strategy that was being used in the 1967 fight. His relationships with the "establishment" of the House - the big city members - and more particularly with the southerners made it possible for him to get teller votes or to avoid negative tellers by encouraging Members to be absent and not to vote against him. He was able to do this in a way Adam Powell never could have. Powell is, or at least was, a much more intelligent man than Perkins. I think Powell, as a matter of fact, in his best days, probably was one of the most brilliant guys in the House, however much he may have wasted his talents. As time went on, in recent years he of course lost the capacity to concentrate and be very interested in anything, but he was still quick and had incisive insights sometimes, but he was a pretty corrupt guy. He was offensive to so many members of the House that I think on balance he generally was more of a deficit. The fact of the matter is in 1964 and '65 and '66--when was he thrown out?

G: '67, I think.

B: In '66 we got along because there were big Democratic majorities and because Lyndon Johnson in the White House was then 100 percent behind us. Powell did as much to confuse the picture, to alienate his colleagues in the House, as he did to help. The fact of the matter is he was trying, I'm not sure how much he was consistently interested, but Chuck Stone really wanted to dominate the running of this program and use it to set up little satrapies of power around the country for his use or for Powell's use. At one time, I think it was in 1966, in the Committee office, I was told quite clearly by Powell and by Stone that if we didn't cut off Har-You Act in the New York City program and give all the Har-You programs to various and sundry organizations that they listed, then there wasn't going to be any bill.

G: Had he lost control of Har-You?

B: Yes, it was getting to be a threat. He thought--what's his name, former aide--Livingston [L.] Wingate was getting to be a political force and, indeed Wingate was making a lot of noises. He was going around that town making speeches, morning, noon and night.

INTERVIEWEE: DONALD BAKER (Tape #4)

INTERVIEWER: STEPHEN GOODELL

B: Powell was frightened of Wingate or others at Har-You, and we were making noises I believe about that time--we may actually have thrown Wingate out by then, I'm not sure. But anyway he was afraid of the political power that was going with the money to Har-You, and Har-You as an institution was getting to be too strong for his taste, and he wanted to break it up. He was afraid that with the amount of money it had and the number of people who were on the payroll and with him not having control, then it would go against him. So he insisted, I forget, in the various places--one of the outfits, he wanted the Kennedy Foundation up there to be given a grant to run a program. And he had various places he wanted to put the money.

G: Could you date this approximately, when these demands were made?

B: This was in mid-1966, I believe.

G: Would this have some bearing and help to explain the subsequent very famous Shriver-Powell correspondence which started out "Dear Sarge," "Dear Adam," and wound up--

B: No, I think that was a separate deal. I remember that one. I remember that so well because Sarge got the letter from Adam and he asked me to draft a reply. And he took off, I think, for Dallas, Texas, or some place in Texas, Camp Gary, some place far away. And he didn't give it to me until late in the afternoon, and--I forget-- Steve Pollak was gone I believe by that time, I didn't have a deputy. My other guys had been working hard and I sent everybody home and I drafted the thing. I called Sarge about 9:00 o'clock or so and read him the first draft and he said, "No, no, no, no. I

want to answer him blah, blah, blah, blah." In effect he was going to take up the cudgel. I had come back with a fairly low-key response. And Sarge went off to make his speech wherever the hell it was. I called him again about midnight, just as he was getting ready to get in bed, read him another draft. And by this time he had thought about it some more, and he was madder than ever. "No, damn it, say blah, blah, blah, blah, blah." And he was really infuriated. And, "Do it all over again." And of course by this time I had sent the secretary home, and I was doing this in longhand. And, "Call me up, doesn't matter, call me up and read it to me. I don't care what time it is. As soon as you get it redone call me up." And I called him about 2:30 or 3:00 o'clock. "No, no, no, no, no." He really wanted it strong. He was really going to have open warfare. And then he went back to bed and I called him this time about 6:00 o'clock in the morning--I'd been here the whole night--and he said, "No, no." He'd been a little rested by now. "That's awful strong. I think you ought to say it this way." And in effect he repeated my first draft.

G: Which you had thrown away the night before?

B: No, I dragged it out of the waste basket. So I said, "Okay, that's the way it's going to be." And he was going some place, and we had promised to have it up there that morning. And I decided, "to hell with it, I'm not calling him again." I drafted it, I signed his name to it, and took it up to Powell, in essence the first draft. And that's the letter which is in the committee report of that year. But that was a separate--you know, I'm sure it was in Powell's mind and it may have been in Sarge's mind, but the threat and the direction

to spend money to break Har-You up, to not fund them at all anymore, was really essentially a separate operation.

G: Is the reasoning behind Powell's demand comparable to the Chicago situation?

B: Yes, I think it is. Essentially the mayor wants to be able to control everything that goes into that town.

G: Are there other counterparts?

B: In most cities where the public officials are reasonably competent, they have found a way of getting a very substantial voice in the Community Action program. They did so before the Green amendment, and they're doing so after the Green Amendment. And the fact of the matter is there isn't a hell of a lot more now or less now than-- you know, the situation hasn't changed that much. The Mayor somehow now pretty much runs that damned operation, and he isn't a formal party in any sense in any way, yet but mayors and city council and local politicians, where they're bright and not a lazy bunch of idiots, have managed to run it. Let's face it, Dick Lee in the city of New Haven has run the Community Action program up there and has run it through Mike Svirdoff and that outfit up there since the beginning. Before we came into existence he was running that program. Similarly, out in San Francisco, Mayor--the former congressman out there, what's his name--

G: You mean before Alioto?

B: Yes. The congressman, what's his name? The mayor, John Shelly. He was a great fellow here and a pretty able congressman, he drank too much, he drank even more after he got out there, but he was a very ineffective mayor, and he got a very ineffective poverty program. This is really

the measure of the quality of the Community Action program around the country. It's really a pretty apt to measure in most cases I think the quality of local government.

G: Is there a correlation between the urban Community Action agency's militancy and the support that you would get in Congress from the representative of that area?

B: Yes, there is a correlation. If it's working reasonably well, you stand a much better chance of working well without too much trouble. You're more apt to get the support of the members. Militancy scares the members of Congress. Too much political activity, even though it's not immediately directed at them but directed against other politicians, is frightening to members and makes them nervous. Because typically the member, even though he may despise his own mayor and they may be political enemies in some respects, or he may despise the superintendent of schools, nine times out of ten, they will have adopted a sort of "hand off" policy. They just leave each other alone. Typically the average congressman would not infrequently in most cities rather have the mayor that they have, maybe even of the other party if he has been there for awhile, than court another mayor of their own party, if you get right down to it, because the new mayor's a doubtful quality and maybe he gets tired of being mayor and he's built up prestige and he's had his name in the paper and all that jazz, and he becomes a political threat. Whereas if it happens to be like the city of Detroit, or some place else, they know he's no political threat if he happens to be a Republican one. I would not equate militancy with effectiveness of program, however, and I think militancy was something that frightened congressmen.

G: By the same token would there be if in the South these Community Action agencies are more controlled--maybe I'm misinterpreting your implication--

B: It isn't only that. The fact of the matter is the Southern congressman is typically a hypocrite of the first water. They want all the money but they vote against all the programs. They make a career of voting against all of these programs. They'll call you up and they will be most abusive and most critical if you're threatening to cut something off down there unless, again, it's something that's perceived as immediately threatening them. But if you're dragging your feet on a grant to somebody down there, if you're not willing to support the training of Negro ladies or cheap service in the textile mill down there and \$1.40 an hour, it's 60 cents now that the minimum wage is up--you can catch some awful hell from some awful mossbacks. On the other hand, they are concerned about SNCC, and CORE and NAACP and SCLC and the Negroes, and they really are very much against black control. I think probably the most traumatic experience that has happened in the state of Alabama for most of those Democratic and Republican members down there is that SWAFCA outfit. A bunch of Negroes having control of a million dollars is something that just drives them out of their mind.

G: Is that the Southwest Farmers Cooperative Association?

B: Southwest Alabama Farmers Cooperative Association.

G: I don't want to bring up CDGM again, but wasn't this part of the issue in CDGM too?

B: No, CDGM was in Mississippi--well, yes, black power was one of the

elements of CDGM. There were no direct relations.

G: The fact that Stennis was over here.

B: Well, Stennis was of course in Mississippi, SWAFCA was over in Alabama.

G: I'm trying to draw a comparison.

B: Oh there was an element of comparison. Let me put it this way. CDGM came to be, in the year of its great crisis, came to be a tool of the black militants. I think it fair to say that our chief objection was that it ceased in many respects to be chiefly oriented toward providing Head Start to children and became an instrument of some of the black militant organizations. The fact of the matter is a lot of our money went to pay for the automobiles and to feed the marchers on that Memphis to--was it Selma march? There were some of those centers that were feeding SNIC workers three meals a day out of food that was being purchased to feed Head Start kids. The automobiles, as I say, were being used for black power purposes. We were paying very frequently the maximum allowable rate for rental facilities when the fair market rate obviously would have been very much substantially less.

But I think perhaps in some respects the worst thing about it was that in many areas it was converted from a child-oriented program to a public employment program for adult Negroes. And what they were doing was they were hiring illiterate, untrained Negroes, and not infrequently requiring a certain amount of militancy from them, in essence, what amounted to baby sit the children, at least that was what our evaluators--. And what would happen was, in order to spread the goods, the loot, so to speak, they would hire "Suzie Glotts"

as the employee of record. Suzie might work two days a week; then she would be replaced in actuality, though never formally on the record, by somebody else who would work two days. And maybe a third person would work Friday and the following Monday, and they would be the third person on that payroll. And that is the way it was working. It got a little money into the hands of everybody. I'm sure the vast majority of those people who were being employed needed it very badly, but in point of fact it was not what we gave them the money for. There are legal and moral problems with federal funds being used for purposes, however good they are other than what the money is granted for.

Another thing that was happening was there were some cases where people would be on the payroll and spend the whole period up in New York recruiting for SNCC, or one in school. There was a lot of that sort of thing going on. There just wasn't a hell of a lot of management.

G: Was that Stennis' objection?

B: Well, Stennis' main objection--he was reflecting accurately, I think, his white constituency who basically, if the thing had been run 100 percent by Uncle Tom's, if they'd been all black, they would have objected to it because that's not the way it's done down there. His more formal objections were that we were supporting the black militants down there, and there were people, in fairness to him, who were misusing some of this money for militant purposes. In fairness to us, however, some of the charges that he was making about the SNIC involvement, while they involved people who maybe had been part of SNIC or SCLC or CORE or something, really had severed all ties and as far as we were ever able to determine were doing the right

thing.

Now having said that they were doing a lot of things that were bad, the fact of the matter is the situation under which people in CDGM were operating was also intolerable. And in some respects the white community was making it impossible for them to do it 100 percent right. We require accounting of dollars. But Head Start in the state of Mississippi, because it did have something of a black militant cast, at least it was perceived so by the whites-- there were many cases in which the white merchants selling food or milk or whatnot wouldn't dare in the same county sell milk for the local program. So they would have to go into the next county. Well that was very expensive. Other places the merchants wouldn't take their checks, they had to pay in cash. And then they wouldn't give a receipt because they didn't want anybody to ever have a record that they had ever dealt with these blacks. They wanted the business, but they didn't want the credit for having dealt with them. You know, the police harassed CDGM in many, many ways and it was a very difficult situation. It was a mixed bag. But it was essentially different from SWAFCA, I think. SWAFCA suffered primarily from the objections of some of those demagogues down there to having blacks have any control over their own destiny or their own economic freedom.

Probably the biggest single factor in the opposition to SWAFCA was the fact that Shirley Mesher, a white civil rights worker who came to Selma as part of the march and stayed, who lives around in Negroes' homes and is a very militant lady, was in on the initial organizing of SWAFCA. That, and there were some economic reasons.

It was not an accident that they local pickle manufacturer who had been paying a very minimum for the cucumbers he bought, was the only businessman, non-politico, to make the trip up here. And after SWAFCA got going the price per peck of small pickled cucumbers went up three or four cents. And I think eventually they were selling their okra, making a couple or three cents more on a bushel off okra that was sold in Chicago, than they had been selling to him.

But there were some similarities, but also some differences.

G: You were talking about the congressional period up to 1966 or '67 and you implied that LBJ was behind OEO. Does that mean that he withdrew his support?

B: Well, I don't know that he withdrew it. There was more perceivable action on the part of the White House staff, clearly there was in '64, and certainly there was in '65; there was less in '66. I think as each year went by there was less enthusiasm. It may have been, you know, to some degree that there was increasing preoccupation with other things and [being] content that we got along, but I'm convinced myself that by 1967 they would just as soon have us go down the drain.

G: Why did Shriver leave?

B: Leave where?

G: OEO? Was he just tired?

B: I think he was tired. He thought he was not being as effective any more as he might be, that he wanted to try something else. A lot of us felt that way. You know, if he hadn't left I probably would have. Because I was just as tired as he was, but because of the timing of his leaving and the political situation and whatnot, I felt that he had gotten it started and it was reasonably well

established after '67, and it might hopefully go on and survive-- the effort in any event was underway. He had made his mark and it was time to move on.

G: A little while back you were talking about Adam Clayton Powell. My initial question was to elicit some sort of comparison between Powell and Perkins. We digressed, and you never really get a chance to talk about Perkins. Perhaps you could make a comment about him.

B: In our own experience I think part of Powell's punishing tactics for Sarge not doing everything he wanted in the way of letting him run the program was to punish us in connection with the committee operations. For instance the OEO staff were invited out of the legislative process. While I had participated in the '65 committee deliberations, in '66 I was not permitted even in the House of Representatives. And his staff didn't talk to me except when we were summoned forth, Sarge and I, together-- Sarge almost invariably took me with him. When Perkins came in of course it was an entirely different operation, and we were a little concerned. He's sort of a countrified gentleman who doesn't seem to have a hell of a lot of energy and doesn't seem to be too bright, talks a bit like a hick. The fact of the matter is, he's one of the most sagacious old gentlemen in the House of Representatives, who sometimes when he appears to be playing some childish games he has really got something underway. And I've watched his staff grow in amazement over time as they've come to perceive that some peculiar thing that they've been laughing up their sleeve about him doing for the last two years is really part of a large tactical problem that he's interested in.

Well, he was interested in the poverty program. His greatest

concern in life is that of the poor people of eastern Kentucky and next to them, the poor people of the state of Kentucky, and beyond that the poor people of the rest of the country. He's really a very humane and decent sort of guy who wants to get things done. And he took great advantage of the fact that he was a chairman and that he was a Southerner to really court, he really did, the Southerners. On any pretext whatsoever that he could try to win them to his position, he did so. He involved them in a wide variety of ways in the process. He's a next door neighbor to William Jennings Bryan Dorn. We had a number of meetings in William Jennings Bryan Dorn's office. Normally Mr. Perkins used to call these meetings in Dorn's office because Mrs. Green was always going by his office and seeing him coming out of his office, or somebody like Shriver or me or O'Hara or Thompson or somebody coming out of his office, and she was very jealous that she hadn't been called to the meetings and all of this business. And she was trying to find out what was going on. He used to hold meetings in William Jennings Bryan Dorn's office, pleading with Dorn that he had to escape Mrs. Green. But I always had a sneaking suspicion that he was sort of enveloping William Jennings Bryan Dorn and getting him committed to Carl Perkins and this operation of trying to save the poverty program. You know, as we would sit around the office talking when he would try to get him involved and seek his advice, my theory as to what he was doing with respect to Dorn really was sort of, so far as I was concerned, proven when Dorn voted against the motion to recommit. It must have been easier for him to vote on the tellers--the non-record votes--but he voted with us on the record votes too, and there were a few others.

And Perkins leaned on him, and he leaned on people like Wilbur Mills. Mills had a little interest in that Title VI of our act that provided that poverty funds were not to be counted against welfare payments.

G: You mean Perkins leaned on him?

B: Yes, Perkins. And he bargained with the guy. One of the interesting things about Perkins is his method of negotiating with some of his colleagues in the House. He seems to be falling all over himself sometimes, exceeding to the wishes and the demands of the other fellow, but my observation is that all so frequently after he's gone through this process of seeming to fall around all over himself like a lapdog, he ends up bringing home the whole ham! It's really amazing to see how he performs.

I think in a sense Perkins has improved with time. I think in a very real sense I observed a change in him with passage of the poverty bill. He really decided he was a chairman after that, and you know he really could.

G: This is Powell?

B: I mean Perkins decided that. The fact of the matter is nobody with any responsibility or knowledge, sophistication, in the House of Representatives expected the '67 bill to pass. Carl Albert told Sarge Shriver and me a week before the bill went to the floor that he just didn't see the votes, and when we showed him a list of our canvass, he just went down the list ticking off the ones that he doubted. I think it was the Friday before the bill was taken up in the House of Representatives, I was in the Speaker's office, the Speaker was talking about, "isn't there some deal we can make with

Goodell and Quie? We can't possibly pass that bill." And everybody was telling Perkins, "You can't do it." But he decided to fight it out on those grounds and fight it out he did, and he came off. Well you know he grew somewhat in his own estimation, as well as everybody else's estimation, with that singular victory. I think as far as legislative victories in '67, there were no more greater victories, at least based on people's expectations. He did a great job. He became a chairman in his own mind and in the minds of some of his committee people and others around the Hill.

It was Perkins almost singlehandedly that knocked out the spin off of Job Corps and Head Start in '68. He did that with his own strength.

G: There was sort of a delaying action, a couple of reports that had to be made.

B: Yes. Perkins stood up very firm on that and he got very tough even with Mrs. Green on the Vocational Educational Bill, I think it was-- or was it the Higher Education--the Higher Education Bill, I guess, where she had stuck her amendment on. No, I guess it was Voc-Ed. He put her on the conference committee, but he said before he did it, "I will have her proxy." And she never attended the meeting. And that's what knocked Wayne Morse. I'm told that the Senate Democrats almost fell off their chairs--on the vote of the House members on whether they should recede and let the Senate have its way on this spin off of Head Start--when chairman Perkins voted Edith Green's proxy. They knew they were beat on that issue and just gave right up.

G: What was the story behind Wayne Morse's sometimes vehement and bitter opposition, to OEO, I guess it was? The story I heard is that it

stems from some sort of a Job Corps Center in Oregon.

B: Yeah. The closing of Fort Vannoy was one of the real problems. The fact of the matter is Wayne Morse had been out in Oregon, the community around Fort Vannoy had really opposed it quite a good deal. There is a very substantial amount of racism in the state of Oregon in that section. In Oregon there's a great number of people, fugitives from the Civil War, the post-Civil War era from the South, and there's a fair amount of racism out there. They had opposed Fort Vannoy very vigorously and Wayne Morse had defended it. He had gone back there and defended it and tried to sell it and worked in its behalf. He had always been very good to us.

Of course one of the problems was Kelly. Kelly, in an attempt, in part I think, to put the President in a position where he really couldn't do anything to the Job Corps, had expended monies and obligated money and got himself in a box. And when his bluff was called by the Bureau of the Budget he was placed in the position of where, at least as he perceived it--there were some other who had some doubts--he had to close some of those bases. Also, as part of his public relations gimmick and his presentation to the appropriations committee the previous year, [he] had laid out the criteria which he was going to use if he didn't get his money. So he was committed to these criteria.

As a factual matter I think the criteria were faulty in a number of respects. One, they were based on at least one erroneous premise and that is, that all the Job Corps camps were getting kids of the same degree of difficulty. With respect to Vannoy I later found out that was particularly untrue. It was sort of a repository

of Latin American kids from Southern California that were just regularly channeled up there. Their academic achievement was lower than elsewhere, their language facility--that is, with English--was less in every respect. They were harder case kids than were going elsewhere even on the West Coast. Beyond that, you know, several of the criteria measured the same thing, just over and over again. One of the criteria which was quite legitimate was also a bit subjective; that is, the community relations. The fact of the matter is so far as Vannoy was concerned, I personally in my own investigation am satisfied that the assessment and the placing of Vannoy on the scale that they use to measure community relations, they were reflecting the earlier response to Vannoy and not what was occurring within the last three to six months.

G: Which was what?

B: Which was pretty damned good. Wayne Morse had done a job of selling it and the community had recognized that they had an economic interest. That was reflected in the fact that they fought like hell and got Wayne Morse to fight like hell to keep the camp. And beyond that there was the erroneous judgment that included, as part of this decision-making element, no consideration for the federal financial investment. Fort Vannoy happens to be bricks and mortar, some of the best facilities west of the Mississippi. It has got the finest machine shop in the whole four or five northwest states, just an elegant outfit in which we had about a million and a half bucks! Even in that same area--we had some of the early bases that we had put up in which we'd used portable housing, you know, trailer, mobile homes sort of things, which I'm willing to bet my bottom dollar by the time we close Fort

Vannoy, or right now, are pretty much deteriorated and depreciated to almost nothing. In order to keep them going it's going to require some very substantial investment.

Now even if you assume that those criteria that were good, it would have made more sense in some of those cases nearby to have moved the whole Goddamned camp from one of these tempo outfits to a place like Vannoy--lock, stock, barrel, kids, equipment, kitchen pans and the whole shebang. But they didn't do it.

Well Wayne Morse, in his typical thorough lawyer-like fashion dug up all these facts and he presented them and he complained about them bitterly. And he made his judgment. This was a mistake insofar as he was concerned. The fact of the matter is it was a Goddamned mistake as far as Fort Vannoy is concerned. I think some of those other bases were a mistake. Hell, we've got a couple of those bases where we had a million, three-quarters bucks, where we never put a kid--there was never a kid in them! Just absolutely it was a disgraceful waste of money! And he knew it.

Now there were other things. The agency made some other mistakes that he was involved in, that Albina Corporation for instance was one. I think the grant was a mistake, but we handled it so badly and we didn't tell them "no" and we kept promising "yes" and "maybe," and they kept taking actions based on the fact that they thought we were going to make a grant, and we got in the position where he had to make the grant. And as far as he was concerned we had committed ourselves. And there were a series of these things, where he quite legitimately was criticizing, at least from his point of view he was critical of the way this agency was being run.

- G: And Morse broadened his attack and made that kind of statement.
- B: This was part of his bludgeon. He warned us. The fact of the matter is he was quite clear in what his intentions were. He called me up. There after Fort Vannoy he had some Job Corps people come up there and try to explain what was going on. And he threw them out of his office, just absolutely furious.
- G: After the explanation?
- B: After the explanation. And of course he had done some research and they had done an inadequate job.

He called me up and asked if I would come up to the office. And he said to me, "You're someone that I admire very much and I'm very fond of. You're associated in that place in a responsible position and because of our personal relationship, I want to be perfectly fair with you, and I'm going to tell you exactly what I'm going to do. If you people and Lyndon Johnson don't find some way of remedying that Fort Vannoy situation, I'm going to declare war. It's as simple as that, and you can count on me." And he did.

But we were warned. He gave us a reasonable period of time to act, and we indicated that we were not going to do anything.

- G: What happens in a case like that? He talks to you, and it's obviously in OEO's interest to do something about that situation.
- B: I came back and I tried to urge, first, Shriver to do something and then Harding to do something. I guess Sarge was still there, I lose track of time, but Kelly was absolutely adamant. Kelly perceived this as being an attack on his integrity--he was really great on integrity--and he thought this was backing down to political pressure. And he was so adamant that he had not considered politics. He sort

of gloried in the fact that we had closed one in Oregon and one in Minnesota, where we had all manner of friends up in John Blatnik's district, that we had closed one in New York in Kennedy and Javits' state. You know, he gloried in the fact that we had kicked our friends. His integrity and reputation around this town was absolutely in solid, he had never done anything political. That's a lot of nonsense. There's nothing done in the world that isn't political. His problem was he had been right in neither political lines or otherwise. There are criteria and then there are criteria. I bet you \$20 if I had set about to decide that I was going to stop a Job Corps in the states of Idaho, Nevada, North Dakota, any place else where there were guys that weren't doing me any good, I could have come up with some objective criteria that would have let me do that. He'd come up with some objective criteria that not only were programatically nonsense but were politically horrible.

The fact of the matter is he made his decision and he was stuck with it. He just refused to change. I was arguing. After the thing was done, I kept coming back and addressing myself. I'd researched this myself in fair detail. I came up with a theory under which he could have reopened Vannoy even if you could assume for public relations purposes and congressional relations purposes that these criteria were all first-rate--but in point of fact he could have justified going back to Vannoy or taking one of those others from Vannoy, as I've described, on the basis that "this is now a completely new operation. We have made our relative choices around the country and that was a sound decision, but now we're faced with a new decision and that's the best physical facility we've got." And it was!

G: Can the director override?

B: He might have, he might have, but there was little inclination to do it. The Bureau of the Budget--they just got Kelly absolutely furious with them, and they were not very enthusiastic about giving him another Job Corps center. They were always afraid that he was going to overspend the budget and get them in an embarrassing position. And the White House was furious with him too. So there was really no inclination to pull his chestnuts out of the fire.

G: Along these lines I have the impression in terms of the history of the Job Corps that from Otis Singletary to Franklin Johnson to Bill Kelly there is a progression for the need of administrative efficiency, and that Kelly in fact was brought in for that purpose. Is that a correct interpretation?

B: Yes, I think so. I think we talked earlier about some of the problems with the start up of Job Corps. The fact of the matter is, Otis was never a manager. Frank Johnson was an absolute disaster from almost every point of view--he was such a disaster that they put him on the road to get him out of the way so that he wouldn't interfere. If Kelly had been put in early, it might very well have been a better operation because he was fairly competent administrator--I thought he was. But Kelly, having put on this great show and in some respects tightening up the program for purposes of the legislation in '67, like a lot of the rest of us, he was about emotionally and intellectually exhausted and totally fatigued. And he thought that he had scored his victory and done his duty, and indeed he had. As I gathered, he expected to be able to land a job with industry. He tried to use his energies, after a brief sortie, in trying to get the director's job

after Sarge, as a footnote.

G: Some footnote.

B: Well, he did. First of all, he tried to line up some of these Job Corps contractors and whatnot to get behind him for the director's job. Things went so far in fact that at one point, I forget who it was, got a call from Bill Moyer saying "For Lord's sake, tell Kelly to lay off. That's the thing that's least apt to work with Lyndon Johnson." Well anyway, he sought among his friends in industry, or his supposed friends, and failed to locate anything there. And then he was trying in a number of places to get jobs as president of small universities--Rhode Island, I think in Maine and northern Michigan and various places he was in on, and he was interviewed. And he was I think quite confident that he was going to move out in 1968. As the months went by and he expected to be going, he was not making big plans and he was not paying a hell of a lot of attention. A lot of the proposals for Job Corps in the way of evaluation studies, research, and various things that some of his people had worked up in anticipation of proving their worths, say, in 1969, if not before, he would just simply write "no", and it would come back out. After several months of this, affirmative recommendations ceased to go into the office and the place lay dormant, except for a periodic flap when somebody would criticize the Job Corps on TV or radio or some place and then a great task force would be assembled to meet it with a massive assault of public relations.

And the months slipped by. The place became very demoralized. In fairness to Kelly it needs to be said that he was very goddamned tired. His wife I'm told is in a mental institution and has been for

some time. He has really had his disappointments. Again, in fairness to him, inspite of the fact he wanted the job, I think Sarge made a mistake in putting him in there. Because he was really just too damned exhausted to have taken that thing over. Even at the time he did an amazingly good job up until the end of 1967 when the bill was passed. But he just was not up to carrying on thereafter.

G: I guess Job Corps, as much as any other program in OEO, has been vulnerable to Congressional attack and press attack for example.

B: Yes. The fact of the matter is Job Corps is vulnerable. From a subjective and a personal point of view, Job Corps is the thing that really I think is probably my biggest disappointment. I expected many of the troubles we had with other programs, but Job Corps is a program that I am convinced is a sound idea. It works in a number of places; and works not very well in others but I'm reasonably convinced that where it works and where it doesn't work, is the result of absolutely nothing that comes out of Washington. It works where it is, works because of the dedication and the intelligence and the sensitivity of the people who happen to be at a particular base. I think it should be said in defense of Job Corps that the Employment Service has done an absolutely miserable job of recruiting. The state employment services have connived with the courts and the police and everybody in the sun to get kids into the Job Corps that had no business being there, who they had no hope of dealing with, who ran up their bills at a phenomenal rate, led to exorbitant dropout rates. They just did a lousy, lousy job as they do in everything they put their hand to. But even so, some places are doing fantastically good jobs.

And again the tragedy of the Job Corps--I don't think that there's anybody downstairs in this building that can tell you why it is working in one place and why it is not working in others. What are the constituent elements, so we can take it out. We can pick up the goodness from this one and that one and put them together and take it over here and tie it into some other place where it's not going so well, and that's just never been done, and that's the tragedy. We really ought to know by now. If they'd been doing their job they would have some ideas, at least. There may be some intangibles that it would take years of study to pull out, but we should have some ideas and I don't think we have many.

G: I guess it was in '66 and '67 that Congress wrote into a law that they had to begin some sort of evaluation process of the Job Corps.

B: Yes. That was the beginning, the amendment was initiated with my office. That was an attempt to get them to do it. There's very damned little of it. As long as we're talking about the office and patting ourselves on the back, there's a number of things in the statutes, the bills that were sent up, that initiated with our office. The requirement of the plan for the research and development was really instituted up here in this office, and came about again on the basis of experience, that I felt that I R & D really had never had--frankly to this point, I think it's still true--really don't have any overall understanding of what the hell they're supposed to be using that money for. You know, it's for any project that happens to interest somebody that's down there, or a random sample of things that people happen to apply for money for, or that happens to be applied for by some colleague or former Fellow Ph.D. candidate at University "X". All manner of

things get into why they make R & D grants. But it never has anything really much to do, I'm sorry to say, or has not up to this date. It's beginning to, with an overall plan of developing a field of knowledge as to what works and what doesn't work and how you can help the poor. There is some knowledge that comes out of these but more often than not, as I keep telling them down there, the only things these grants are designed to do is demonstrate that Uncle Sam's money is legal tender. And the fact of the matter is, they don't always get good enough evaluation reports to be able to prove that.

G: You're talking about R & D. Is that part of --?

B: Research and Development, CAP. That's another of the things that initiated in my office. If we live long enough and if we have the time in my office, or hopefully in the next few months, something I'm working on is the development of a scheme to change, for instance, particularly in the R & D, and the research and development and technical assistance and training areas, to change and modify the whole grant process. Some of them I want to make contracts. I want to force them to design proposals, or at least outlines of proposals, that they will then compete, and that they will have to follow the whole traditional gamut of protections built into the procurement regulations. In others, even though you continue to go the grant process, we are working on some criteria systems for trying to build in, at least, as many elements of the procurement process as can rationally be done without interfering with the program. I have been trying to peddle that idea virtually since the first day I came in here--of somebody essentially putting together a basic idea for a demonstration, then going to a half-dozen places--

universities, foundations, research guys--and saying, "Now here's what we think we ought to do. How would you put it together? How would you run it? And what would your costs be? Will you bid on it?" And then have three or four of them come in, and then have a good evaluation team sit down and say, "Okay, Agency A has got the best plan. They can go."

To date the only outfit that I've been able to convince that they ought to do that is Noel Klores and his migrant groups. And he has underway right now a proposal from a number of outfits who have made some proposals on the running of these mobile migrant centers for the services.

G: Was the Blackstone Rangers a business R & D--?

B: Yes. And again, another one of my criticisms of them has been the fact that they undertake a lot of this stuff with no idea in the world that they're going to watch it or monitor it, on the hypothetical belief that somewhere along the line, hopefully at the end, somebody will pull all the pieces together.

Now in the case on the Blackstone Rangers, actually I'm a little unfair. They did have people going out there periodically and taking a look. But the fact of the matter is they knew in January before the thing blew up in June exactly what was going on. They had reports; they did nothing about it.

G: Who sent them out, Inspection or the R & D people?

B: Both. I think it was mainly at the instance of the R & D people. There was a routine going out in R & D. The inspection people went out because of peculiar problems that developed, or were reported.

G: Does this report then get to the Director's office?

B: Yes.

G: Wasn't there any anticipation or any attempt to--?

B: Bert played the whole inspection bit a little bit looser I think than Sarge. Having watched Sarge in some respects over-responding or over-reacting to some inspection reports, like in the communists-- the location of a crook or communist some place--Bert was inclined to go a little slower and to call up somebody in the program office. Actually he stopped reading. I think as a routine matter he did not read the inspection reports the way Sarge did. Sarge read every inspection report that came out himself.

G: That's quite a task there.

B: Yes. Bert did not do it. Well, let's face it, he was reading two or three reports a day. Bert did not undertake to do that. He set up a staff whom he relied upon to urge, cajole, plead, order, direct program people to do the right thing. The tragic fact is they didn't always do it.

G: And this always hurts when it gets to Congress.

B: Oh yes.

G: Especially in the hands of a committee like McClellan's.

Do you have anything else you want to add to this tape?

B: No. I suppose it might be appropriate to make an overall assessment of the agency and the office. In the broad picture I think I really don't apologize to anybody for what we've done. We've alerted the nation to the problem of poverty and set forth an awareness of something that people were not aware of before--in a way that they'd never been aware of it. We've developed some program ideas that have been good in and of themselves and that will go on and survive regardless of

what happens to us or this agency. We've broken ground in preschool education, remedial education. We've broken new ground in the programs for the Indians and migrants, and I think really, if the truth were known, probably some of the best things we've done has been among Indians and migrants, the least heralded and least known. The medical health centers and the legal services program, I think will go on. Obviously food is going to be an issue, and nutrition. Beyond that I think there has been sort of an unmeasurable and imponderable impact that is I suspect is of more long-lasting importance than what we've done directly, and that is the indirect impact on the operations of federal, state, and local agencies, public and private.

They are never again going to do things in the area of helping the poor quite so badly as they were doing them beforehand. And this will be the case if we go out of business tomorrow. I think in that respect the legal services program's great benefit is yet to be perceived in that particular regard. They are obviously creating some revolutions in welfare, in education, in police activities, and in a number of ways. But they are going to be of continuing and long-lasting impact, I think, in institutional change and ideally so, because of their method of effecting change through the judicial and legal system. So I'm really very, very proud of what we've done.

I'm sorry that we made so many mistakes, and we did make a lot. We made them because we started out too fast, we started out in ignorance. I suspect some of our successes were because we started out fast and started out in ignorance, too. We never had enough people. One of our problems, we really never had enough bureaucrats and enough help from the Civil Service Commission and

some other places in the way of being able to mobilize people. My office has never at any stage up until right now reached its peak or reached its personnel ceiling. The fact of the matter is, the system makes it very damned difficult to get people aboard and if you've got other things to do, it's a pain in the fanny. And it's awful hard and for everybody that you finally recruit and get onboard, you really go through the shenanigans with a half-dozen. I've lost some of the best lawyers in the country simply because the Civil Service Commission took so long to decide whether they could let me hire a guy at a GS-13, step 3, rather than a GS-13, step 1, so that he didn't come with me at a lower salary than he was currently getting, or \$3,000 lower than he was being offered. We never had enough personnel.

On the other hand we had absolutely devoted people, and a lot of people with tremendous brains and intelligence and zeal and enthusiasm, dedication. I've never seen anybody work so hard and long as some of the people around here, which leads me to my own staff. My office, I think, a year or a couple of years ago probably was as strong intellectually man for man as any law firm in this town, and as good as the solicitor general's office. We turned out more work with more imagination, solving more problems faster, than any outfit that I've been associated with. Steve Pollak, my original deputy, by all rationale I found out after I got here, probably should have been the general counsel. He was just an absolutely phenomenal guy and when Katzenback stole him away I felt like I had lost my arm. And then Tony Partridge and Jim Heller and just the whole crew have produced a phenomenal amount of work, carrying one and two

briefcases home when they left here at 9:00 o'clock at night. And just turning it out and answering all manner of complex and difficult questions.

And the fact of the matter is, in all the years in which we have been answering complex legal problems with yeses and noes on the way to the john, in oral fashion we have yet to have a real legal blowup. Our judgments have been sound in the places where they have been tested, either before the courts or before administrative agencies. They have tended to be supported. I've got one current outstanding issue with the General Accounting Office on an interpretation in which they have exceeded the legality of my position to the extent of saying that if I get something in committee reports this year they'll not press their position.

But other than that we've dealt with some very complex church-state matters and defended them and built around them, in that area particularly, some safeguards that had made it not worthwhile for some people who were very interested in testing some of our legal ideas--not to undertake to do so.

It has been a really great experience. As Jim Heller once said to me, twenty years from now he expected that all of us would be looking back on this period of our life as our salad days, and very likely we'd be telling stories around the bar and around the office and at home and at cocktail parties, and boring [the] hell out of people, just like some of the old guys from the New Deal days are doing right now in this city. And I think he may be right.

G: Thank you very much Mr. Baker.

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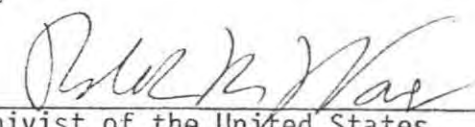
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