INTERVIEWEE: JAMES GAITHER (TAPE #1)

INTERVIEWER: DOROTHY PIERCE

DATE: November 19, 1968

P: This interview is with James Gaither, who is a member of the White House staff. Today is Tuesday, November 19, 1968, approximately three p.m. We're in the Executive Office Building in Mr. Gaither's office. This is Dorothy Pierce.

Mr. Gaither, you came to the White House Staff in July of 1966. Could you briefly give me your background?

G: In terms of formal education, I went to Princeton, graduating in 1959, then spent two years in the Marine Corps, and then went on to Stanford Law School. Following that in July of 1964, I served as a law clerk to Chief Justice Earl Warren, and then spent nearly a year in the Justice Department as special assistant to John Douglas, who was then Assistant Attorney General in charge of the Civil Division. Then in late July of 1966, I came over here as a staff assistant to the President, working for Joe Califano.

P: Who brought you on?

G: Califano. The background is somewhat complicated. John Douglas as Assistant Attorney General had worked a great deal with Califano on various domestic problems, primarily price matters, and mentioned to Joe in I think it was January of 1966 that I would be leaving the Justice Department some time the next summer, and recommending that he try to find some place for me in the federal government. The next day Califano asked me over to the White House and then asked me to join the staff. I

turned that offer down, primarily because I was just about to complete a couple of major assignments in the Justice Department, defending the FBI in Las Vegas--

P: On the wiretapping charges?

G: Yes. And handling the Valachi case which basically was to prevent publication of the Valachi manuscript.

Later that summer, or I guess some time in early July, Califano again asked Attorney General Nick Katzenbach for a suggestion of someone in the Justice Department who might be interested in coming to the White House; Katzenbach recommended me. And at that point, on the recommendation of John Douglas and Nick Katzenbach, I agreed to come over to work on the development of the 1967 legislative program.

P: When you first came on, was that primarily your assignment--the '67 legislative program, or were you given further elaboration on what your duties would be?

G: I can't say that I was entirely clear as to what I would be doing. In my discussions with Joe Califano, it was clear that I would be working on the development of the legislative program. I really didn't know exactly what that meant. But it didn't take me long to find out. A meeting was set up over here even before I had accepted the job with representatives from the Budget Bureau, Office of Science and Technology, and the Council of Economic Advisers, who would work for me on a group that was formed initially to collect ideas for the '67 legislative program. This is really a long story about the start of the development of the legislative program.

P: I'd like to have you continue. This would be a good indication of the

process that you go through to formulate the legislative programs for each year.

G: Well, there have been rather significant changes since I've been here in the development of the programs. And I guess I would regard the whole process of legislative program development as perhaps certainly one of the most significant institutional changes in the federal government made by the President. And I think in describing my role, I can also describe the whole process. I began really the day I got here, which was July 27, 1966, with the representatives from CEA, Budget, and OST, to collect ideas from virtually every source imaginable.

P: Who were these people?

G: Sid Brown, who was formerly a special assistant to Charles Schultz who was the Director of the Budget; Bill Hooper from OST: and Bill Lewis--Wilford Lewis--from CEA. We collected ideas from virtually every budget examiner and every top official on the Budget Bureau, all of the so-called idea men in government--people like Herb Holliman(?) who was Under Secretary of Commerce and was always full of ideas; Wilbur Cohen; members of the Council of Economic Advisers; Charlie Zwick who was Assistant Director of the Budget; Bill Cannon, who was division chief of the Education and Science Division in the Budget Bureau--bright young people in the government like Les Brown of the Department of Agriculture for one. And we had a series of meetings with bright young people in the government who had been identified by John Macy.

At the same time we went through memoranda prepared in response to a request from Joe Califano for ideas that went out to all of the members of the White House Staff, the heads of agencies and departments, and

many of the key political appointees, such as Bob Wood and Charlie Haar and others. In addition Califano and various members of the White House staff had taken trips to a number of academic institutions for dinner meetings, basically asking three questions: what were we doing wrong, what problems had we missed, and what do we do from here? They were free ranging discussions at which one member of the White House staff took notes; and then all of the members of the academic community we had visited with were asked to put their thoughts down in writing, amplifying on ones raised at the meeting as well as the other thoughts and send them to us.

The group that I chaired then took all of these ideas, regardless of their source, and put each one of them on a single piece of paper with a very short, one-line description of the proposal; and then we developed some additional information such as related on-going programs, the problems which this proposal was designed to get at, and a recommendation for staff development of this particular idea. That could mean hiring a consultant to develop the idea, setting up an interagency task force to study the idea or a group of ideas, bringing in a group of outsiders to set up an outside task force to study an area or a series of ideas, or just an assignment to a department or agency to develop a proposal and give us the pros and cons. During our development of these ideas we did not eliminate any. And everyone was put on one piece of paper; for a couple of big ones, we went to two or three pages, but normally it was one page per idea. And they were put into a tremendous notebook for review at the White House.

P: Which one of these areas represents the departure from the regular process

of developing a legislative program--the academics, tapping these bright young people, as you called them?

G: Well, the whole system is new. The process historically of program development in the Executive Branch of government has been in recent years that the agencies develop legislative ideas; ultimately they will go to the Budget Bureau for clearance before submission in Congress. The White House will work on overall strategies which are then expressed in the State of the Union and other messages. The basic problem with that approach is that after awhile, there is very little new thinking and basically every idea is bureaucratized; it's compromised and cleansed, and by the time it gets to the Budget Bureau it's not very innovative or imaginative, and normally is not designed to rock the boat.

P: Who conceives this idea of going outside of government for these new ideas?

G: It was done a little bit under President Kennedy when he established a few groups of outside experts to look on an off-the -record basis at certain problems; it was then expanded rather dramatically in 1964 when President Johnson established a number of select task forces to develop the post-election 1965 program. It was done on an ad hoc basis in 1965, beginning in the summer of 1965, with the Budget Bureau doing much of the work that I did in 1966. Charlie Schultz and Bill Cannon at that time--this was before Charlie Schultz became Director of the Budget--had prepared a book of ideas and suggestions for the legislative program. Several groups, probably fifteen task forces, were set up at that time. This can be contrasted with about fifty or sixty task forces in both 1966 and 1967.

To go back a little bit, the middle of August after roughly three

seven-day weeks until about midnight and sometimes all night, all of the ideas had been pulled together and organized by categories such as education, health, foreign aid, foreign trade, and so forth. And then a meeting was held to discuss the ideas in Califano's office with Charlie Schultz, who was Director of the Budget; Sam Hughes, the Deputy Director of the Budget; Harry McPherson; Doug Cater; Joe Califano and me. The purpose of the initial meeting was two-fold. One, to eliminate ideas that were clearly not meritorious in the eyes of that group; and second, to devise a strategy for developing all the various ideas. Normally the criteria for establishing an outside task force, that is, a group of experts from outside the government, was that either the government lacked expertise or the problem really had not been given sufficient attention within the government, and there was an awful lot of expertise that we could call upon to advise on action which should be taken in their area of expertise.

Well, first, let me finish with the meeting in the White House. I think in 1966 we actually had two sessions of about four hours in duration, and then began to prepare outlines of possible assignments to task forces in major areas of concentration. This formed the basis for a subsequent memorandum to the President asking him for guidance as to whether he approved of the various courses of study that we were suggesting, or whether he had any other ideas or areas that he wanted us to explore. During the development of the legislative program over the last three years, the '67, '68, and now the development of a possible program for 1969, the President has almost always said go ahead with the study of everything that we had on our list, and then he would add. I don't recall any incidences where the President [told us] not to study a

particular problem and not to come up with a proposal. We then went back, after getting his go-ahead, and began to establish the various task forces.

P: When was this meeting, and then the President's go-ahead?

G: This was all from the middle of August until very early September. Califano without any further approval set up all of the interagency task forces. I can give you a list of the task forces--there were probably thirty-five to forty interagency task forces that year covering such fields as consumer protection, education, health, manpower, the political process, campaign finance, foreign aid, foreign trade, and so forth.

In the memorandum establishing the task forces we would list all of the ideas I had accumulated and that this group--Califano, Schultz, etc--had approved for development. We would then ask this particular task force to conduct staff studies on all of those ideas and any others which they felt were worthy of consideration.

Then we would also outline basically charters for outside task forces. These were handled somewhat differently in that the charter and proposed membership were always submitted to the President for approval before we actually established any of them. At this point--

P: This is on the areas of the people.

G: On both the charter for an outside group and for people whom we were recommending for the task force. At this point we would take all of the ideas and the ways in which they should be developed such as outside task forces, inside task forces, agency assignments and put them on an agenda for a meeting with the Cabinet officer most involved plus the key top level government people. For example, in the 1966 program development there were suggestions in the field of education for an interagency

task force on education; an outside task force taking a look at the problems of education over the next twenty years; and an outside group on early childhood development. We then brought in Secretary Gardner, Wilbur Cohen, Commissioner Howe, Don Hornig, the Director of the Budget, Sarge Shriver, and maybe one or two others to review that agenda and get their comments on the suggested development of the program and any additions or subtractions that they thought ought to be made. Once we had their agreement we went ahead to set up the interagency task forces and the outside task forces; we then began collecting names for the task forces.

The process for putting together an outside task force was basically as follows. For example, the education task force. We had agreed that someone ought to take a look at the long-run trends in education at all levels, graduate through preschool, to determine what the major problems of the future would be and what the federal role and response should be, but it was no more clearly defined than that. We had a lot of ideas that had been suggested, but that was basically the charter at that point. We then asked Commissioner Howe and John Gardner and any other people at the meetings to send suggestions for the charter or assignment to the task force as well as the membership. Then Bill Cannon and I--Bill Cannon was then head of the Education and Science Division in the Budget Bureau--sat down and worked out basically a chart of all of the interests and experiences and professional capabilities that we thought ought to be represented. For example, preschool education, public and private elementary school people, college administrators, sociologists, historians, scientists, religious and lay educators, and so forth. We then put all

of that on a chart with all of the things that had been recommended and made checks in the boxes which the people happened to qualify for. And then we had another meeting with the same group including John Gardner, Commissioner Howe, Gardner Ackley, and so forth, to go through the whole list and decide what people we ought to have on the task force. Once we had worked that out, we made the recommendation to the President with the charter and the membership.

There probably is only one thing that comes to mind in terms of the President's response to probably forty-five of these memoranda over the last two-and-a-half years; and that is his insistence on regional diversity on the task forces, in short, that we were not just getting people from Harvard, but rather we were getting them from all over the country--East, West, North and South; and also that we were not getting just the academic viewpoint. There is no doubt that the task forces were predominantly academic, but an effort was made in almost every one to get businessmen and labor leaders and laymen and so forth. And in the crime field, for example, to get people who had had experience in law enforcement at the state, local, and federal levels. This kind of diversity was really the only thing that the President really insisted upon in the establishment of these task forces.

P: Did you experience any rejections in 1966 from the President, either on charters or the participants in outside task forces?

G: He never rejected a charter that I'm aware of, but he very often rejected membership. Usually it was a rejection because of concentration in a particular region. This is always a hard problem with the staff here, because you have so many top academic leaders concentrated in the

Northeast; and in any given field you would probably want to pick four or five people from Princeton, Harvard, and Yale. And Harvard always comes up. Then it's also very easy to get the Far West--Stanford, Cal, and UCLA--and MIT. But it's very hard to find really first-rate people in the rest of the country, not that they're not there, but they're just not as well known, and they don't really have the reputations of these other schools. And it's also kind of a circular process; you tend to see here in Washington top academic people from Harvard and Yale and Cal and Stanford; but you really don't see too many of them from Wisconsin or Michigan, colleges in the Southwest and so forth, or South for that matter. But he never rejected the idea of having a task force or the charters which we suggested, which were almost always very broad. For example ultimately the charter on the education task force which was chaired by Bill Friday, the president of the University of North Carolina, was basically as I described it earlier. We ultimately did not try to refine it, but rather said, "Take a look at education over the next twenty year." And, "You're the experts; you go ahead and figure out precisely what your charter ought to be, and don't ask us to do that for you."

Then normally Califano would call the chairman and I would call all of the members and ask them to serve. We would give them a letter describing very generally what their charge was, and call them in very quickly for a meeting. I think it's perhaps useful to run through the experience with a couple of task forces to show how it's really done.

P: Are these on a voluntary basis?

G: Yes. And normally the members were offered consulting fees plus travel,

but most of them over the years turned it down; they would accept only reimbursement for travel and not claim the consulting fee which may have ranged from--depending on the agency that was paying for it--from seventy-five dollars to one-hundred dollars a day, which they normally did not take; and that was particularly true in '67 and '68 when the budgetary problem became more severe and they felt that they shouldn't make it any worse.

They would come in. Normally Califano and I would greet them and kick off the first meeting, and describe generally what we wanted them to do, and how task forces operate. The task forces were all completely off the record; the membership was never publicly released, the reports have never been publicly released, and indeed their establishment was never really acknowledged unless we were put on the spot by a direct question. And we didn't lie about it, we would often say, yes, there was a group, but "We are not at liberty to tell you exactly what they're studying, or who is on the group."

P: Why was this handled this way?

G: I think really this is one of the most critical points about task forces, and it has given rise to a lot of controversy. The President's basic feeling was that he could get much more candid advice with all of the bark off if these people were free to come in here without any public knowledge of it, and free to write a report for his eyes only--the only exception being a couple of members of his staff. They could write in such a report that he was doing a lousy job; they could criticize a Cabinet officer or a top political appointee; they could talk very candidly about problems faced in terms of the Congressional situation and individuals; and not have to worry about this backfiring in the public. No one can

really expect a group of people to write a public document for the President which is extremely critical of him; they just don't do that. And they don't tell him, for example, that the Secretary of a particular Department is doing a perfectly lousy job and here's why. They just don't say those things in public. So in short, the President thought that he could get the most candid advice if it were done on a completely off-the-record basis; and there is absolutely no doubt that that is true. You can compare any task force report with a report from a public commission of equally distinguished membership, and you will find that every major issue, or virtually every major issue, in the report of a public commission has been compromised. People don't want want to take what may seem publicly to be a heretical stand; whereas, they will do that and will say exactly what they think in a confidential, off-the-record memorandum to the President. This is not to say that there isn't a place for public commissions, because there quite clearly is. Often you need a public commission to help get public acceptance. A good example is Selective Service where this is an issue which affects very directly all American families, and it's extremely controversial. And it is far better with that particular issue to bring in a very distinguished group of Americans to hold public hearings and make public recommendations. I have absolutely no doubt that that same group of people could do a better substantive job in private without the harrassment of the press, interest groups, and without worrying about how they look if they're the lone dissenter, without having to explain their stand publicly.

P: Were there any instances of task force positions or information being leaked to the press?

G: No. There was only one occasion that--that's not quite accurate; the President has on at least two occasions indicated the membership of a couple of these groups--that's the first kind of leak; he praised John Gardner after he became Secretary of HEW for his tremendous job as chairman of the education task force in 1964 which laid down basically the outline of the Elementary and Secondary Education Act, and the Higher Education Act, which were both passed in 1965.

On the other question, the only time that I'm aware of where a task force report was released as such--their proposals and facts and argument were often used in Presidential messages. But in terms of release there was only one occasion where the 1966 task force members asked the President if they could release a section of their report in light of a very strenuous Congressional debate. This was the debate relating to Title I of the Elementary and Secondary Education Act where the issue was basically whether Title I should be turned over to state control. And this group of about--I think it was about fifteen of the top educators in the country--had come in, I think initially feeling that indeed these programs should be turned over to the states; and after some study, particularly a study of the formulas which states use to allocate money, the task force concluded that it would be a terrific mistake if that were done. Basically they felt that the states would not concentrate the money where the greatest need was; that is, within low income school districts, and hence that the program ought to remain exactly as it had been in the past. And the President did approve the release of that three or four page section of their report. But that's the only example that I'm aware of.

Just to continue this a little bit, there's one other reason why

these were kept off the record; and that was that very often if ideas were released prematurely opposition groups were given too much time to develop their strength, particularly in the Congress. And they can beat you up there before you even propose the idea to the Congress. So that very often it's quite useful for the President to have these ideas and to be able to work them; to make changes in them, to talk to various key people in the Congress and in the private community; to mobilize in many ways a consensus; to eliminate some of the opposition; and really to mobilize political forces before the opposition has a chance to organize.

P: Of course you're precluding a little bit of public debate then too when you take that position, aren't you?

G: No, not at all. The debate will take place, but the problem is that if it takes place before the idea is firmly developed, people get locked into positions which they can't change. An example of that is the Office of Science and Technology did a study on this educational bank idea, of student loans out of the bank which they would repay over life depending on the amount of money they earned. Now it was just released cold. And nobody had really talked particularly to the people from the land grant colleges; nobody had a chance to sit down and talk to them, to get their views, to see if the proposed couldn't be modified, and as a result, they immediately became inflamed about the issue, and became so solidified in opposition that meaningful dialogue was impossible.

I feel quite certain, although I was not here at the time, that the same would have been true of the Model Cities Program which came out of a task force and of the Elementary and Secondary Education Act in particular. This country had seen a debate of some eighty years of federal aid to

education. It looked as though the task force had come upon a formula that would satisfy both parochial and public school interests, that would avoid the church-state problem, and that basically would bring together the public school people as well as the private and religious school people--the Catholics and the other religious leaders--behind one bill. If it had been floated prematurely, particularly before some modifications were made by the President, who was more familiar with the political problems involved, these groups may well have joined in opposition, particularly the religious groups. There was still free and open debate, but the ideas didn't cause people to lock into a position which they wouldn't necessarily do if given a chance for some discussion. But there are pros and cons. I think that many members of the academic community who have not served are somewhat offended by the notion of confidential reports; there is always tremendous pressure on us, even going back three years, for those reports.

P: Where does the pressure come from primarily?

G: Oh, it may come from a historian; it may come from someone who is studying a problem. For example, there have been in the last year at least three major higher education groups studying the question of financing higher education. They've heard through the grapevine that our 1966 task force really did what is until this day the definitive work in that field. They want it. Clark Kerr is heading a big study for the Carnegie Commission. We have not, because of the policy and very important underlying objectives of the whole process, released that report, but we have told Clark Kerr and Bob Goheen [president] who has headed another similar study, and others that we would be happy to talk to them and to discuss

the ideas but not to give them the report.

P: What is the objection to releasing the report after it has been made use of, such as in an act or a bill or in the President's messages, or State of the Union address?

G: First, we haven't really had to answer that question yet. Usually the demand is for a report which hasn't been totally used. For example, there's very little demand for the Gardner task force report of 1964 where there were some forty major recommendations and thirty-nine of them are now law. The question of whether we should release it at this point frankly has never come up. It's obviously a very useful historical document, but it was not written for the purpose of publication; it was written for the President's personal use. They didn't hire a professional writer to polish it for public consumption; they weren't particularly concerned about the type of language they used or how critical they were--more personal in many ways. So that I would think before you released a document of that nature, you'd have to get the permission of all the members and perhaps permit them to rewrite in a form suitable for publication. As you probably know, academics have certain pride, particularly of documents which are going to be made public, which they don't always insist upon if it's just going to be an internal document; and that's quite understandable.

That really suggests another reason for doing it the way we do it. These assignments are often very, very tough and take an awful lot of time from very busy people. And if you ask them to prepare a document suitable for public use, it would take literally another two or three months. Because all they have to do is prepare an internal memorandum in essence with appropriate back-up, but it's not a document that's ready for

publication with a few exceptions. Some task forces do want a document that looks really good and indeed could be published, but not many of them do that because they're too harrassed with deadlines.

Once a task force report comes in, this is true of both interagency and outside, we normally have them coming in from early October right through November so that we can have wrap-up meetings. First, we get a budget analysis of the report, and then sit down with all of the interested people, less so with the outside task forces which the President uses primarily--he pulls ideas out and asks Cabinet officers and others to comment on particular ideas without giving anybody the full report. But with interagency task force reports and other recommendations for the legislative program, we start in early October and right through November having wrap-up sessions in the White House. This involves basically going through all of the recommendations with all of the key people in particular fields.

P: How much time did you allow the outside task forces to prepare? Did you set a deadline? Time would necessitate it, of course.

G: They varied. For example in 1966, because of the tremendous breadth of the charter we gave the education group a year to study the problem. We gave another group a year to study urban employment problems. On the other hand, we had an outside group on early childhood development and another one on the American Indians which we established--I think we established both of them in September and asked them to give us an interim report in December, and a final report in January so that it could be used in developing a message to the Congress.

P: These that had as much as a year, did you have some sort of interim

report so they could be used within the next legislative program or part of what--?

G: No. Occasionally--there was another one on cities and we asked them to take a look at a couple of ideas we had, but we did not ask them for an interim report.

Now, one further thing about the outside task forces. They were given complete flexibility in terms of staffing. We basically said, "Our resources are at your disposal; we will identify some good staff people in the government who might serve as executive directors, but if you would rather go outside of the government and hire somebody, you're free to do it. This is your study, we're not going to interfere with you, just do it however you think best and whatever help you need, let us know." Now, the chairman and the staff director are the key people of the whole operation. And when they're good, you can be assured of an excellent report. For example, the education reports in both '64 and '66 were excellent. John Gardner chaired the '64 group, and Bill Cannon from the Budget Bureau was the staff director. He was at the Assistant Director level in the Bureau of the Budget, a first-rate, imaginative, innovative guy. He also served as executive director in 1966 with Bill Friday, and they did an excellent job. That's an example of a great executive director drawn from within the government; we had other ones drawn from outside the government such as Fred Bohen who came down from the Woodrow Wilson School; he was executive director for a task force on government organization which was chaired by Ben Heineman. He later joined Califano's staff at the White House.

P: What about those that were not so good?

G: There have been a few that were not terribly good, and usually it was

because the staff was not all that good.

P: Which ones were these?

G: Well, in some ways the cities' task force of 1966 was weaker than others; the staff was not particularly strong, but there was really another reason why it wasn't terribly useful to us. It wasn't programmatic in a very meaningful sense. The importance of that report was really theoretical; it really dealt with where the country's cities were going, and where they would be in twenty years if they didn't quickly act to do something. They were not very strong in terms of suggesting what ought to be done, but they did some excellent work in terms of population trends and racial and economic mix and so forth. But I think in part because of staff that wasn't as strong as others, the programmatic recommendations to meet that problem were not terribly good.

P: Who chaired that task force?

G: Paul Ylvisaker chaired it and Julian Levy from the University of Chicago was the vice chairman. And Dick Leone who came down from New Jersey and had been working in some capacity for Governor Hughes was the staff director. There was also a problem in that field in that we had had task forces in both '64 and '65 covering the same area, and we had pretty much milked the area dry so to speak.

It's probably useful to just take one task force all the way through. I indicated what happened with the John Gardner task force. The child development task force of 1966, which was chaired by Dr. Joseph Hunt from the University of Illinois, had perhaps the top fifteen people in the nation in child development and early childhood education, child psychiatry, and child welfare; [it] developed in a very short period of

time really a first rate report. Many of the people on this group were also part of the group that put together the Head Start Program. This is an interesting one from really the start to the finish, because it showed how the process worked. When Califano and I and other members of the White House Staff traveled around the country talking to academics in the early summer or mid-summer of '66, everybody kept saying, "One of the problems which you're missing is child development." By the time kids get into Head Start at age five or six, as they were then doing, it was too late. They were saying that a child's ultimate capacity was fifty percent developed by the time he was five or six; and by the time he was eight, it was eighty percent established; and that the most rapid point of growth was before, between really two and four, and some were suggesting that it was sooner. And they pointed to an awful lot of the federal efforts where indeed what we were doing was coming in at a late stage and trying to compensate for the handicaps which these disadvantaged children had already developed. So that basically was the question we asked this outside group. What are the critical phases of a child's development and what can we do about it? What should the federal role be?

We had initially thought we would give them a year, and then the President said, no, he thought this was too important; that they ought to get their recommendations in and have a program ready for 1967. They rebelled and at one point were on the verge of resigning. They basically said, "We can never get any consensus by mid-December; we don't know enough facts; we may know a little about helping really disadvantaged children, but we don't know, once you pass a certain stage, what you can really do that can help semi-disadvantaged children, or well-to-do

children--just too many questions." And they were clearly split and ready to throw up their hands.

P: How did the President become suddenly--this had developed out of a memorandum on what the ideas were, and he decided to place an emphasis on--?

G: That's right; we had said in the memorandum establishing the group that they would report the following summer. And he said no, he wanted it in because of its importance.

Well, when they threw up their hands I guess probably around the first of November after they'd been at work for roughly a month and had had two or three meetings, John Gardner happened to come to the meeting where they threw up their hands. And it was very interesting to see John get up, having had the experience of running a task force in '64 as well as some experience as the Secretary of HEW, stand up before this group and in effect lecture and challenge them. And what he said was, "Basically there isn't a man in this room who hasn't spent at least fifteen years in this field, and there isn't anyone in this room who hasn't for most of that time written or lectured and told the American people all of the problems that they saw in this field; what a terrible job that we were doing in terms of meeting the needs of disadvantaged children and the importance of early childhood education and development; and then when the President asks you for a recommendation, you throw up your hands and say, 'Oh, I don't know what the answer is.'" This obviously moved the group. And then John went on to say one other thing which was extremely important, and that is that "the President and this country doesn't have to be one hundred percent sure in a field as complicated as child development; you never will be one hundred percent sure that the

solution you're recommending is the right one, but when you're seventy-five percent sure and you know that there are virtually no risks attached to that proposal, then you ought to recommend that it be done," which is basically what he said these people had been doing for fifteen years. They felt that this was the right thing to do, and that's all the President was asking them. "What do you think I ought to do, and what would you do if you were President?"

Well, off of that it took about a week for that task force to reach consensus on almost a total program which later was mentioned first in the State of the Union message by the President, and ultimately formed the basis for a special message to the Congress on children and youth. Among the recommendations were the Head Start Follow-Through program where the task force pointed out that one of the real problems of the Head Start Program was that all of the gains were being rapidly dissipated as the children went into a public school where there was virtually no individualized attention, no parental involvement, no special services to meet the special needs of these children. They recommended changes in the welfare laws, child and parent centers, university-based research centers on problems of child health and child development, and a whole series of other proposals. Almost all of them were adopted and presented to the Congress in the President's message of 1967, and now are law. Many of them could be done within existing authority and were just included in the budget.

One interesting sidelight--the President also told these task forces that he didn't want them to worry about either the political or budgetary issues involved in their fields, because he felt, one, he had the responsibility for making the budgetary decisions, and he and people in

the Budget Bureau could have a fairly firm grasp of everything that was going on in the government and were in a much better position to appraise the relative priorities than a group solely concerned, for example, about early childhood development. Secondly, on the political side I think in part the President was worried that the groups would not recommend some things because they didn't think they could pass--when in fact, the President felt that he might be able to devise a way to get them passed. A classic example of just that danger was in the Model Cities Program, and the task force I think almost unanimously agreed that it would be politically impossible to pass a program like the Model Cities; and hence at one point in their deliberation decided not to even recommend it to the President. Ultimately the point was made again and again to them that they ought to recommend what they thought was right and let the President make the judgment of whether he could do anything with it politically. And today that's a major program.

The experience with that child development task force is very much the same as that of many others, and really an ingredient of the success of this program. You could not ask a nation's top academic leaders, business leaders, and labor leaders to keep coming in here to work on task forces if you ignored their recommendations. And one of the perfectly incredible things about this whole operation is that most of the things recommended by task forces, excluding the ones that just came in recently, have been done. They are now laws on the books, and the academic community knows it; and that's why they think it's a good operation, and that's why they're willing to serve at tremendous inconvenience to themselves. Most of the meetings are on weekends,

nights, and it's pretty gruelling, but they do it because they realize that it has had tremendous impact.

I can give you a few examples of the programs as well as task forces. The Elementary and Secondary Education Act, the Higher Education Act, the National Alliance of Businessmen, the Model Cities Program, virtually all of the major legislative activities and legislative achievements, as well as many of the administrative achievements since 1965, have come directly out of task forces. And most of them have come out of the outside task forces, because that's where you really get innovative new thinking in this government, and that's terribly important. After a while, particularly after you've had one party in power for a long time, you've seen most of the ideas that the government can generate, and you really do have to go outside to try and get new ideas and new approaches and people who are not so wedded to the particular approaches you've taken over the last few years.

Just to mention a few of the task forces--and some of these things don't happen immediately the way they did with the '64 education task force or with the child developent group. For example, the American Indian program was not actually implemented until a year later. The task force on urban employment opportunities has been implemented piecemeal over the last year-and-a-half. It was here, and we just didn't hold together a program when it first came in. Ultimately we started reorganizing the Labor Department, as they had recommended; we ultimately changed the whole approach to private enterprise and set up the National Alliance of Businessmen. But it was very slow in coming. We received the report I guess in June of '67; we tried out many of their proposals on a pilot basis in 1967 and then in 1968 consolidated many of their proposals in the Job Opportunities in the Business Sector and National Alliance of Businessmen programs.

The recommendations of the Heineman Task Force on Government Reorganization dealt in part with what the federal government ought to look like ten or fifteen years from now. And that of course is not something that the President can put into a reorganization plan or a piece of legislation to send to the Congress. It also involved a lot of things about strengthening the President's leadership ability in the Executive Branch; and that really can only be done piecemeal, by strengthening for example the office of the Secretary of HEW so that the President through him really has some control over that organization so that it is responsive to his leadership. Many of the recommendations have seen the start of their implementation trying, for example, to develop the staff of the Secretary of HEW.

There are a couple of others--the '67 task force on education is one that has not been implemented in full; at least their major recommendations have not been proposed yet by the President, although there are a whole series of smaller changes and legislative proposals. For example, perhaps four or five sections of the Higher Education Act amendments of 1968 came right out of that task force. But the major proposal there was for institutional aid to higher education. And for a number of reasons, including the very substantial budgetary problem which we faced last year, plus the lack of support within the Executive Branch and the higher educational community on that proposal, we did not go with it last year. It is something that the President may wish to talk about in one of his final messages as President, or afterwards.

The President did use the material in a major speech on education, pointing out the very serious problems confronting higher education and the need to deal with them, but he did not at that time endorse the

basic recommendation of the task force. Now to go back a little bit, the outside task forces as I mentioned are the major source of new ideas and new thinking, but--

P: Could you continue through a development phase of giving a report, and then what happens? How does it get into a State of the Union message?

G: I was trying to avoid that, because that's less institutional than most, and fairly complicated. That really varies. As soon as a report is received, we normally--even though it contains a summary--we boil it down even more.

P: Why is this?

G: The President is a very busy man, and if he's given a ten or fifteen page summary, it may sit on his desk for quite awhile; and if it's an important document, you may want him to at least get a feel for what's in it. So it's very useful and helpful for him to summarize it rather briefly in one or two pages, and then if he wants to go on and read it, he can; but he doesn't have to wade through ten pages to find out what it's all about. So that's why that's done.

P: That's not a Presidential directive--to put it in one page?

G: No. There's no directive; we all here recognize the tremendous amount of literature that he has to go through, and one of our jobs here is to try and make his job a little easier, and just the bulk of reading material is one way in which you can get at some of his problems.

When the reports go in to him, occasionally he will react immediately and want something done. On other occasions, and this was true for example of the Urban Employment Opportunities Task Force, he got that report, I think, in late July of 1967; it sat on his desk

and about a month-and-a-half later he called Califano and wanted a program to involve private industry in manpower training. He didn't say it, but it came right out of their report--and I'm certainly not suggesting that he has to say it, but he didn't say where he got the idea. I assume he was thumbing through this very important and significant report that was on his desk. And then as [is] often his fashion on a Friday afternoon, he wanted to see the program the next Monday morning. And we spent Friday night having the first meeting, which broke at about two in the morning, and spent the next two days putting it together; and we had a program to implement the task force's recommendation early the next morning.

P: Were these meetings among White House Staff, or did you call in some of the task force people?

G: No. The way it was done--I worked with the executive director from the task force who was Bill Kohlberg, who had since left the Budget Bureau and was at the Labor Department; then I got top people from all of the interested agencies--Assistant Secretary Stan Ruttenberg from Labor; somebody from the Defense Department; General Counsel of GSA; General Counsel of the Commerce Department. And we did the staff work, and then on Monday I presented the program to McNamara, Trowbridge, Wirtz, and Califano, and Schultz. Then we submitted it to the President, and ultimately that became the test program, otherwise called the "private industry job program," which was run by the Commerce Department and was really the forerunner of the National Alliance of Businessmen.

On other occasions the President would not react at all, and we would incorporate it into the normal process of our program development,

whereby we would take the ideas and get some of the key ideas and have Cabinet officers and other specialists in the field comment on the ideas; and then we would make it part of our presentation, for example, of the program in education. That came in December; I'll describe that.

Others like the child development which came in at the very end of December, perhaps the wildest time of the year at the White House. We're trying to put together the State of the Union message, and we actually got a couple of key people from the agencies. On that one, we had John Gardner, Lyle Carter, somebody from the Budget Bureau, I guess Sarge Shriver, taking the report, reviewing it, putting together the program. And ultimately we developed most of it in just laying it out in the message to the Congress. That's really where it was put together because it was too late--we had already submitted the legislative program to the President. And he knew we had a major package for job development and had seen the report. But we continued to work on it; there were recommendations. Normally task forces don't know all about the different laws; they don't know whether this ought to be an amendment of the Economic Opportunity Act, or how it ought to be presented to the Congress, or whether we just ought to put money in the budget. So that's the kind of thing we had to do.

P: How do you make those determinations? For instance, whether it be an amendment or a program of its own?

G: Oh, sometimes those are political judgments about what are the best changes of passage; often it's clear, for example, that you could do it under one particular law if you just got a few words changed.

P: Is there any sort of rule of thumb to use on that like if it's particularly

innovative, it would be emphasized--

G: If it's extremely important--well, let's take the Safe Streets Act which passed this year. It came initially out of the Crime Commission, but they really never faced any of the major issues that you had to face in putting a program together. They said you have to do something about the training of police, about new equipment; there has to be much better planning at the state and local level. But they never faced the issues about do you make grants directly to local governments, or do you make them to the states and let the states take care of the problem. Do you require comprehensive planning before you give them any money! Do you give money to supplement police salaries. Things like that. So we set up a task force composed of Nick Katzenbach who was chairman of the Crime Commission, Jim Vorenberg from Harvard who was executive director, Ramsey Clark, Fred Vinson, David Acheson from Treasury, and a couple of people from over here, and Charlie Haar from the Department of Housing and Urban Development whom we often used as kind of a roving task force expert just because he's a very imaginative and innovative guy. We used him in everything from consumer protection to crime and housing.

P: Where was he from?

G: The Department of Housing and Urban Development.

P: We were discussing who makes the determination as to where they were--who would make that decision?

G: I've lost track of that a little bit.

There we developed an outline of what we thought we needed authority to get Congressional legislative authority. Then we had one bill on the books which was the Law Enforcement Assistance Act. Now the program we

were talking about was a hundred times as big as the Law Enforcement Assistance Act; it would ultimately go up to expenditures of $500,000,000 or more a year, whereas we had been spending $13,000,000 a year under the Law Enforcement Assistance Act. It was much broader and much more important. Now, we could have just sent it up as an amendment to the Law Enforcement Assistance Act, but the judgment was that it really ought to be a major new proposal and indeed that it just ought to swallow up the Law Enforcement Assistance Act.

P: Who made that judgment?

G: Basically that was the recommendation that was made to the President and agreed to by all of the people on that particular task force. Normally what we do in this process is to try to resolve before involving the President in any issues of this nature, or at a minimum to isolate these issues so that they can be presented to the President for resolution. Now the title on that, for example, which was Safe Streets and Crime Control, was ultimately decided by the President. Califano and Charlie Haar thought Safe Streets was perfect; politically nobody could vote against safe streets. The purists, as I would call them, on the other side thought that it was an outrage to call the bill Safe Streets, because you're never going to completely eliminate crime and make streets safe. So that became a rather heated argument, and as I recall Ramsey Clark even took it to the President suggesting that he ought not to use that title, but we did. So that's how one particular issue gets resolved. That's a kind of an example of how those problems are dealt with.

Without confusing it too much, I think I ought to go back a little bit and complete the development of one whole legislative program. I've described how outside task forces are used and how their recommendations

are reviewed and developed into programs. Now aside from that, we have each year a number of agency assignments plus about thirty-five to forty interagency task forces reports. They come in and we get the Budget Bureau to do a summary and analysis of--both an analysis on substantive grounds as well as an analysis for budgetary implications, and then hold a meeting or a series of meetings in Califano's office with all the key people in that field. Again, these are the same people--for example, in education, who would review an outside task force--well, who were there when we decided which task forces to set up and who would comment on proposals of outside task forces--in education, Gardner, Wilbur Cohen, Doc Howe, Don Hornig, and so forth, and Doug Cater. And this would be done in every area, everything from manpower through foreign aid and foreign trade. Normally, we would have complete agreement on virtually the whole program. During this whole process from August, when we start setting up task forces, until October and November, when we're reviewing their reports, we keep the President informed by memoranda on what the major recommendations are and what really important studies are still being conducted and so forth. But this is really the critical wrapup at the end.

After all of these meetings, I guess in ninety percent of the cases--we reach agreement through these meetings. Sometimes like the education and health programs, just in terms of meetings of the Cabinet level in the White House, used to take somewhere between twenty and thirty hours to finally reach agreement. Civil rights used to take the same thing. Others could be done in one four-hour meeting, for example, occupational health and safety, consumer protection, something like that.

P: Can you give me a generalized area of where you might run into an objection? I mean, is it because the program would be too new to--?

G: There really have been very few of these. I'd have to look through a book to get many, but I remember one where it was very heated. We had a task force on electric power reliability; it came out of the northeast power failure. There was a rather violent disagreement between the Office of Science and Technology--and the Commerce Department. Basically the Commerce Department was against binding federal standards, and the Council of Economic Advisers, OST, Budget, and the White House staff, and Lee White from the Power Commission, felt very strongly that you could not leave that important a matter up to voluntary actions by the industry. Indeed, that the federal government had to have the power to step in. Secretary Connor felt very strongly that that was wrong, and he took that issue to the President. Ultimately the President overruled him, and proposed the Electric Power Reliability Act that unfortunately is still stalled in the Congress. But that's the kind of thing. As I say, there aren't more than two or three of those in the whole legislative program, which is about an eighty-page outline, of these three or four minor--well, they may be major, but three or four issues where Cabinet officers--where we haven't worked it out, and there is not complete agreement on what the program ought to be. Now often the President rejects some of our recommendations, but very seldom.

Anyway, starting in early November we begin to develop this program outline. Normally Joe [Califano] and some or all of the people on his staff, then go down to Texas in late December to brief the President on the program. It normally takes a full day briefing. And we come back with somewhere

between one hundred and two hundred assignments. "Look at another idea, or develop this more fully, check this one out with certain Congressmen, check this out with X business leader, or X labor leader, or so forth, and report back to me." And that's what we do.

We also at that point resolve differences--there will be a lot of budgetary issues in the program that's presented to the President between the Director of the Budget and Califano; and he will resolve those--some of those down at the ranch.

P: What do you mean, issues?

G: For example, when we proposed the Jobs Program for the National Alliance of Businessmen, we had on our chart the recommendation of a program with a $450,000,000 first year cost; this was for FY 1969. And we pointed out on the chart that this was $200,000,000 above the budget mark, which the President had already approved. And the Director of the Budget, while he agreed with the $450,000,000 figure, would not unless the President directed him to do so go above the budget mark which the President had told him to stick with. Instead of resolving that issue, the President basically said, "I'd like to do that, but I don't want to go over the budget mark, and you go back and negotiate it out with Schultz and see if you can't get the money from some other less important program." Ultimately Schultz and I negotiated it out, and it came in at $350,000,000, which the President ultimately approved. It's right in the middle of where we'd been.

We would continue to do these little assignments, but we had at that time a pretty clear indication of what would be in the program. And I must say--I've been a part of the development of two legislative programs that have been presented to him, and one that we're working on now, and

there have been astonishingly few things that the President has rejected.

INTERVIEWEE: JAMES GAITHER (TAPE #2)

INTERVIEWER: DOROTHY PIERCE

DATE: November 19, 1968

P: You can just continue.

G: One of the really significant things is the President's reaction to the overall legislative program that had been put together through this rather complex process; and that was almost one hundred percent in favor. Indeed, the only kinds of things that he rejected were those that he felt certain could not even get out of a Congressional committee. And this I think tells a lot about this man. He really is a doer; often he does the seemingly impossible, but he really knows when something is in fact impossible. And his reaction would be, for example, in each of the last two years we have recommended abolition of resale price maintenance And he agrees with us. And when he was a Senator, he tried; but his reaction to putting that in a consumer message or to fighting in the Congress was that we could not even get a hearing in a Congressional committee, and why should he waste his time and his power to try to do something that he couldn't do. And so he would suggest to us that we just go check with "X" people in the Congress, and ask them if they'd even hold hearings if he sent it up. And we would come back and as he expected, they said no. And so he rejected that both years. He did say though for us to tell the chairman of the Council of Economic Advisers and the Assistant Attorney General in Anti-Trust to speak all year long and to try and develop some public support of abolishing resale price maintenance, and then he would consider it the next year. He never made it.

He would add a lot of things to the program. Very often he would suggest that we add certain things, and to go back. For example, one year he wanted to put a major program for nursing homes together. On other occasions he would tell us he wanted to do something more in education or something more in child health or something; give us some ideas and send us off to study them. But by and large he had seen at some point during the fall most of the major ideas that we presented in December, and he approved most of the program at that time. There were some minor things; for example, last year he rejected several suggestions for advisory councils and so forth, saying that we had far too many of them already, and we weren't paying any attention to the ones we had, and that it was just a gimmick. If we needed a study, we ought to get a task force in here to do a good study. But nothing of any great significance was really rejected.

I'll go on with the changes that have taken place in this particular office in terms of the whole process of program development later. Let me just mention one thing, and this is perhaps the final change to institutionalize this whole process. Charlie Schultz and I worked quite a bit in the spring of 1967 to iron out some of the kinks involved in the whole process of legislative program, and particularly to coordinate what the Budget Bureau was doing with what the White House was doing.

One of the most serious problems was that we had not paid much attention to the budget in the development of the legislative program for 1967. And while we had everything priced out and showed all the dollar figures on the outline and in the presentation to the President, we never had really checked to make sure that all those dollars were in the budget.

So in January we found out that we had a beautiful legislative program and no money in the budget, and the budget had already been printed. So we had a wild six or eight hour meeting with Califano and Schultz and me to try and put some money into the budget for the key elements of the President's program in 1967. A lot of the new legislation could be buried in a contingency fund within the budget, and we didn't have to change the budget for that other than the total number; we didn't have to reprint major sections. But there were a lot of other things. For example, everything that came out of the child development group could be done administratively--all we needed was money, we had the authority. And none of that money was in the budget. For example, we had to find money for the Head Start Follow-Through program somewhere in the OEO budget; it hadn't been budgeted for as of January 4th or 5th when we met. Now, to get at that problem Schultz and I worked out with Jim Frey. also in the Budget Bureau, a new system for the next legislative program--the development of the 1968, a system whereby the Budget Bureau would receive a copy of every task force report, and they were under instructions to notify me if at any time during the Director's review or the agency hearings on the budget, any item recommended by a task force was dropped. So basically the task force recommendations were automatically included in the budget and whenever they were dropped, they let us know and then we could fight it out with Schultz and if necessary, take the issue to the President. This is tremendously important and has made a great deal of difference.

Perhaps the most significant part of this particular change is not that it saves us the last minute battle with Charlie Schultz, who obviously

doesn't want to have to reprint his entire budget, but there are many things recommended by task forces that are not important enough to warrant the involvement of the President. For example, we had a follow-up task force on child development in 1967. Well, their recommendations were important, but not the kinds of things that the President really would talk about. He would do them, but not make them the subject of a major message to the Congress. For example, they recommended that funds be combined from various sources, from OEO and HEW and the Children's Bureau and the Office of Education and so forth-- be combined in major research projects to see if we could learn more about compensatory education and about how we could get at the educational problems of disadvantaged kids. They were talking about structuring experiments to see how important small classes are; how important parental involvement is, and so forth. They were talking about in the first year some fifteen or twenty million dollars. Now, that might have been the subject of a Presidential message, but it wasn't. Now under the structure and approach we used to follow, that would have just been dropped unless some agency happened to pick it up on its own motion. But here under the new system, the Budget Bureau automatically put it in the budget whether the agency had asked for it or not. And this was true of virtually every recommendation made by that particular task force. There were a lot of very important but minor things, not just big enough to warrant the President's personal involvement. And under the old system they just probably would never have been done.

P: In the program that occurred in '67 where your budgetary totals didn't coincide with what your programs were estimated at, was it this area

where they had been dropped from the major program but were still incorporated as part of the proposal?

G: There were two problems. One, even if we had agreed at the White House with John Gardner and everybody in the field of education that we would propose this to the President as part of the legislative program, that did not mean that Jim Kelly who handles most of the budgetary matters for HEW had proposed it in his submission to the Bureau of the Budget. So that we would have an item in our program--the President's legislative program--which includes a lot of administrative actions which was not reflected in the budget. Now that was one kind of problem. The other kind was that there were a lot of important things that were desirable that we thought ought to be done, but we didn't include them in the President's program because we didn't think they were important enough. And we didn't have the time or the resources to follow up on literally hundreds of small suggestions involving maybe five thousand dollars here and five hundred thousand dollars--two million dollars and five million dollars and so forth. So that they were just dropped, primarily because the budget process and a legislative program development process were not tied together, so that they just wouldn't be done.

P: Would you like to cut here?

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By James Gaither

to the

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