

INTERVIEWEE: HAROLD HOWE II (Tape 1)

INTERVIEWER: DAVID G. McCOMB

10:30 a.m., October 29, 1968, Room 4181D, HEW, 400 Maryland Avenue, SW,
Washington, D. C.

M: Mr. Howe, according to my information you were born in Hartford, Connecticut,
in 1918.

H: That's correct.

M: Educated at Yale, got a B.A. degree in 1940, M.A. at Columbia in 1947 and
here I'm a bit unclear, but you did some work at the University of Cincinnati.

H: I did some graduate work in education at the University of Cincinnati,
really in order to make me legal in the job I was then holding. I was a
high school principal in Cincinnati and the people who hired me thought I
had an M.A. in education. It turned out to be in history, and I wasn't
properly certified in Ohio. So I made a treaty with the certifying
authorities, and while I was principal of that high school, I went to work
and made myself respectable.

M: And you were connected with the University of Cincinnati in 1953 to 1957?

H: Well, I was employed in the Cincinnati Public School System as principal
of a high school. I did some work at the University of Cincinnati during
that time.

M: You were teacher of history in 1940 to 1941 at Darrow School in New York.

H: In New Lebanon, New York.

M: And then shortly after that you must have gone into the United States Navy?

H: That's right.

M: You served during the war years until 1945.

H: Actually, I went off active duty in 1946. I was in the mine-sweeping

business, and one had a hard time getting out of it.

M: There were still mines to be swept?

H: That's right.

M: Then you must have done that work on the master's degree.

H: That's right.

M: Immediately following the war. From 1947 to 1950 you were at Phillips Academy in Massachusetts?

H: In Andover, Massachusetts--a private secondary school, teaching history there.

M: And in 1950 to 1953 you were principal of Andover High School. Is that correct?

H: That's correct. I was principal of Andover High School and Junior High School as well. The two principalships were consolidated into one, and I left the private school there and went downtown, so to speak, and became principal of the local public schools.

M: And then you went to Cincinnati after that?

H: That's right.

M: In 1957 to 1960 you were at Walnut Hills High School?

H: Well, from about 1953 to 1957, I was in Cincinnati as principal of Walnut Hills High School, and in 1957, approximately, I left Walnut Hills to go to Newton, Massachusetts, and became the principal of the Newton, Massachusetts high school and president of the Newton Junior College at the same time.

M: Then when was it that you went to Scarsdale?

H: It must have been in about 1960 I left Newton and went to Scarsdale, New York, as superintendent, stayed there for four years and left in 1964 to go to North Carolina to work with Terry Sanford, the very up and doing Governor of North Carolina, heading an organization called "The Learning

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Institute of North Carolina," which was sort of a holding company for a lot of the educational experiments that the Governor had started there.

M: And you were there what--about a year or two years?

H: I was there not quite two years and was appointed by President Johnson as Commissioner of Education. He announced my appointment in December of 1965; as I recall the date was December 17 or 18.

M: Let me pause here at this point and ask you why did Lyndon Johnson choose you? What connection did you have with him that would bring you to his attention?

H: I had no personal connection at all with the President, with the possible exception that I knew some people who knew him very well. One of these was John Gardner, who at that time had been his Secretary of HEW for five or six months. John I had gotten to know both because he was a resident of Scarsdale when I was there and active in the affairs of the Scarsdale public schools, and also because John was the head of the Carnegie Corporation. I had been involved in a great many activities in education that the Carnegie Corporation was interested in--committees and commissions and planning for educational change of one sort or another. So I knew John, and it had actually been on John's advice that I had taken this position in North Carolina. I also was a very close personal friend of McGeorge Bundy, who was an advisor of the President at that time, or staff assistant, or whatever you call it. I think that Mac, although I have never asked him about this, may have played some part in advising the President, along with John Gardner, about this appointment to the commissionership.

I think there's another part of this puzzle that doesn't get mentioned in these sort of formal things--what you've done on the job. I had been

very active in an extracurricular way in education. I'd been very active in the College Entrance Examination Board--chairman of its committee on examination, on its Board of Trustees, helping to develop its policy positions. Also, I had been active in the college and university worlds through trusteeship responsibility; I had been a trustee of Vassar College; I had been a member of the Yale Corporation which is the governing board of Yale University. These kinds of connections, whereas they were extracurricular activities rather than job responsibilities, plus a good many connections with the activities of the Ford Foundation in an advisory role, had led me to a rather wide acquaintance in the world of education generally. So that I imagine, although I don't know, that these contributed to my respectability as far as an appointment by the President was concerned. They were probably a part of the record he considered.

M: Was it in these extracurricular activities that you met John Gardner?

H: Very much so.

M: And I suppose Bundy?

H: No, Bundy and I were college classmates. We were very close friends at Yale, and one of his children is my godchild. We have this sort of relationship. So that has been a different sort of thing.

But I certainly met John Gardner in connection with these various extracurricular affairs. For instance, when we had to elect a new president at Yale, it was my job as a member of the Board of Trustees to consult with John about his ideas on who ought to be the president of Yale. I recall meeting with him in regard to the development of the plan for a National Assessment of Education and on other occasions when ideas about improving American education were being discussed.

I think perhaps I ought to say, just to make this record complete, that back in September and October of 1965, Frank Keppel had discussed with me at some length the possibility of becoming the Associate Commissioner of

Education in charge of elementary and secondary education. And I was seriously considering that.

M: This was while he was commissioner?

H: This was while he was commissioner. I finally rejected the idea, decided not to do it, and informed Frank of that. In fact, about in October or November of 1965, I was very seriously considering going to work for the Ford Foundation, and that was all but formalized at that time. Then John Gardner called me and asked me to come up to Washington and said he wanted me to consider the commissionership. He and I went over to the White House and had a talk with the President about it. It happened fairly fast. The President and John and I talked for about three-quarters of an hour or more and then the President suddenly called in the reporters and said, "Here's the new Commissioner of Education." So that was that--with my approval.

M: It was a fairly quick appointment then. Had you done any work on the task forces in 1964 or 1965?

H: No, I had not been on the education task forces with the exception of an appointment to the Presidential task force to follow up on his Smithsonian speech. You remember his Smithsonian speech in which he had a lot to say about international education affairs? That came in September of 1965, and I was appointed to the task force to examine where we would go from there. That task force made the recommendations which resulted in the International Education Act. So I was a part of that, but I had not been a member of the earlier "Gardner Task Force," so-called, which is well known even though its report has never been revealed.

M: Then your first major activity in the federal government was your appointment--is that correct?

H: That was my only activity in the federal government, with the exception of

being in the Navy. I was once called down to the White House back in the early years of the Kennedy Administration to discuss with Mac Bundy and Ralph Dungan, who was then the President's chief "headhunter" for finding people to take on major jobs in the Federal administration. I was invited to discuss the question of who should be the Commissioner of Education. This was before Frank Keppel's appointment. At that time they were considering a number of people; they may well have been considering me--I don't know. That's a common technique--to consider a person by asking his advice on who ought to be the commissioner or whatever the position may be. And I recall at that time recommending to them that Frank Keppel ought to be appointed Commissioner of Education. I was then Superintendent of Schools in Scarsdale. But that was my only direct contact with the White House up until the time that President Johnson and I got together.

M: Did the President express a deep concern about education when you were appointed?

H: Oh yes, it was very clear that this was a genuine interest of his, an enthusiastic interest of his. By that time, of course, the first session of the 89th Congress was over, the major new bills--the Higher Education Act, the Elementary-Secondary Act, the new Voc. Ed. [Vocational Education] Act, these major new pieces of legislation had been passed. He was just full of enthusiasm for what these things might mean and talked at great length about the possibilities. It was very clear, I think, that Frank's role (Frank Keppel's role) up to that time had been one of getting this new legislation enacted, and the new job was going to be of a somewhat different kind--the job of making it effective and bringing it into operation. So that the President talked about this, I recall, and also reminisced about his interest in education years back.

M: Did he reminisce as far back as his childhood?

H: I don't recall directly. I've been with him quite a few times when he has reminisced about his interest in education. He has a phenomenal memory. I recall his talking about student support programs and about having young people have the opportunity to go to college. As we worked with the American Bankers Association, a year or more after I was appointed, about the details of the Guaranteed Loan Program, which is one of the new student loan programs that came in under L.B.J.'s Administration, I remember meeting with him and the bankers in the White House and having him reminisce at considerable length about the very great advantage that had accrued to some banker in Texas through making a small loan to him [Lyndon Johnson] while he was a student, thereby allowing him to continue his education. He apparently would have had to drop out if he--or not get started, I've forgotten the timing of this--if he hadn't gotten this loan. And this banker had loaned him, as I recall, \$75, a very small loan. Ever since then he has kept a deposit in that bank, a considerably larger deposit in more recent years than the banker had ever expected that he might have then. He was pointing out to these bankers by this story that maybe there was real benefit to them in supporting the Guaranteed Loan Program, even though they might not make an immediate big return on these federally guaranteed loans to needy students. What they would do would be to build up some future paying customers like himself.

M: He was in favor of private loans to students rather than federal loans?

H: Well, actually, it seems to me what he supported has been a mixture of these things, because the National Defense Education Loan Program has continued under his administration and has received regular support. But also it became very clear that the volume of loans that was necessary could

not be supported under the NDEA Program without very great outlays from the federal budget. One of the things that plagued President Johnson during his presidential years was the pressure on the budget. So in the Guaranteed Loan Program he and others were seeking a device which would make money available to students who wanted to go to higher education institutions, but would do so without impact on the federal budget, or as direct an impact as NDEA loans had. Since under the Guaranteed Loan Program the federal government doesn't have to put up the capital as it does under the NDEA, he pushed that program very hard. In fact, at one point in the winter of 1966, the Bureau of the Budget, and therefore I assume the President, made an effort to change the NDEA and get rid of its approximately \$90 million annual impact on the budget; to get it on a different basis using the federal credit as a backlog. And that effort, which we tried to put through the Congress, we got clobbered on--to put it bluntly. The Congress wasn't about to change the NDEA, and this was a defeat for the administration's program in the Congress.

M: What was the congressional objection to that? Was it interest rate that had to be paid, or what?

H: I think it was partly rational and partly emotional. The NDEA loan program is a very popular program in the Congress; a very popular piece of legislation; a piece of legislation in which a lot of individual congressmen and senators take a great deal of pride. It has worked well since 1958 and constituents of members of Congress have reacted favorably to it. I think they (congressmen and senators) resented the administration fussing with it. And I think also they were concerned that the proposals that we were making were not very workable and might result in somewhat less opportunity for students getting NDEA loans than we were saying they would. And to be honest about it, I think they were right. I never thought that the

administration's proposal, which I had to defend, for changing the NDEA, was good for anything except for reducing the impact on the budget.

Clearly it would have done that, but I think that the machinery of it was cumbersome; it would have been hard to make it work by the time the colleges opened the following September; and it seemed to me that we were backing a poor horse on that one.

M: Did you have any conflict with the White House staff over this?

H: I think at that time I didn't get personally engaged in any particular conflict with the White House staff. I was just learning my way into this job when that particular thing occurred. And I wasn't quite as ready to take on the White House staff as I have been subsequently on a few issues. We had this handed down from on high--this change in the NDEA program--and I don't remember making a strenuous objection to it at that time. In fact, I recall not understanding the details of how BOB's plan would work and having a difficult time answering Mrs. Green's questions on the subject in hearings before the House committee. She wasn't about to let this fancy fired juggling scheme supplement the solid dollars of NDEA--and she didn't.

M: According to what I've read and heard, the Office of Education has undergone a tremendous change under your administration and under Keppel's, one direction of change being a closer connection with the White House and the White House staff; another change being that the commissioner has become much more of a policymaker in the area of education.

H: I think that's quite fair to say. Certainly there is a very direct connection now between White House interests and concern about educational policies and programs, and the commissioner's office. In fact, I deal directly all the time with the President's immediate staff in the White House,

particularly with two offices there--Doug Cater's office and Joe Califano's office. I try to keep the Secretary informed about the dealings I have with the White House so that I'm not short-circuiting him. But in the normal operation of a government department, you might think that an agency head would not deal with the White House except through the Secretary.

M: Yes, you'd think so.

H: This has not been, in the three years I've been there, the practice of the Office of Education. I give John Gardner a great deal of credit for being willing to live with this informal arrangement in which I was free to duck in and out of the White House, the Bureau of the Budget, and make plans--and indeed make deals--to get important things done. And I think that the reason it works and is working is largely that there has been a very close rapport between me and the Secretary. This has been true under both John Gardner and Wilbur Cohen. Whenever there have been significant policy issues, I've gotten him on board. Frequently I'll be exploring something with a White House staff person and then this will result in a meeting in which we pull the Secretary in. But there has been a very informal and easy basis in working with the White House staff. Of course, I do not see the President without the knowledge of the Secretary and without the presence of some White House staff member. I think that the only time I spent with the President without White House staff or the Secretary present was when we were trying to get money out of George Mahon (chairman of House Appropriations Committee) for the Teacher Corps and the International Education Act. The President and I talked to him for half an hour or more. He promised funds for the Teacher Corps but not a nickel for International Education.

I think that these White House relationships reflect the fact that

there has been just a whole of a lot of activity in the White House concerned about education, starting with the President, and there's just a continued interest in it--all facets of it.

M: So this development, you might say, is peculiar to Lyndon Johnson?

H: It is peculiar to Lyndon Johnson. Whether this will operate with future Presidents, I have no idea. I think Frank Keppel will have to tell you, but my impression is that under Kennedy he developed a similar kind of rapport, perhaps not to the same extent as has occurred under Lyndon Johnson. But there has been a very easy access between the Commissioner of Education and the White House for Frank Keppel and me. It has probably developed even further when I've been here than when Frank was around. Sometimes I've had the feeling LBJ likes to talk about education as a relief from the war.

M: Do the personalities of the White House staff play a role in this, too? Are they important or are they just taking directions from the President?

H: I don't know if it's a matter of personalities as much as it is that individuals over there seem to assume certain broad responsibilities. In the past three years, Doug Cater has been a key person for communications about educational issues of all kinds. He has played a very useful role by being available to leading educators who need to get the attention of the President on educational matters. University presidents and others had access to Doug Cater's office. Also, Cater maintained an effective personal relationship with many members of Congress interested in education issues, and I would consult with him about contacts on the Hill.

When you get into major policy considerations where there is really a question of go or no go on a new program--whether you're going to introduce legislation or not, whether you're going to make a major shift

in the use of money or not--that kind of decision-making at the White House includes Cater, but tends to center up in Califano's office, particularly where the issues are big or where they're hot. For example, both Cater and Califano found themselves involved in the controversies we got into over the whole civil rights area and the political sensitivities involved in that. And both made a major contribution to sorting these things out. Doug Cater, on a daily working basis, to keep in communication and know about things and inform the President as he saw fit; Califano when there was a big decision-making point. Of course Doug Cater has played a major role in helping to fashion the President's public statements on education and also in working on plans for new legislation.

M: You brought up this business of civil rights. Are you referring primarily to the integration problems in the schools?

H: Yes, really to the problem of enforcement of Title VI to the Civil Rights Act. And to be legalistic about it, there's not an issue of integration but an issue of desegregation. You have to distinguish between the two. When I came aboard in January of 1966, the Commissioner of Education had responsibility for making sure that Title VI of the Civil Rights Act was enforced; in other words he had to be sure that federal monies that were his responsibility to dispense, did not go any place practicing discrimination. This involved him in maintaining a staff to check up on those matters and developing policies that made sense to carry through that responsibility. Those policies were stated in what were called "guidelines" for Title VI of the Civil Rights Act. Those guidelines had initially been developed in their first form under Frank Keppel. When I came here in January of 1966, it was my responsibility to reissue them for the coming year. We reexamined them, made rather significant changes in them, and reissued

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them in approximately March or April of 1966.

The whole process of reissuing the guidelines and administering them involved a great many consultations at the White House in both 1966 and 1967. The President never publicly gave his personal endorsement to the guidelines in the legal sense. He never issued them as a presidential policy. They were, instead, a departmental policy issued by the Commissioner of Education with the approval of the Secretary. But the President and his staff (as well as the attorney general and his staff) were knowledgeable about what was in them. They were aware of the political squabbles and pressures and problems that these were going to cause, and they insisted that a great deal of preliminary checking be done with key figures on the Hill to do everything possible to disarm the excitements that were very likely to emerge, and did indeed emerge, as the result of the issuance of new and more stringent guidelines for school desegregation. So there was a very intensive period of negotiation back and forth with the White House in which I was directly involved in the winter of 1966 and again during the next winter over this matter. Of course Secretary Gardner was also involved in a good deal of it.

M: Could you explain to me in more detail what changes had to come in the guidelines from Keppel to you? And why was it necessary?

H: Frank Keppel really addressed for the first time the question of what do you do to move from a dual school system, which is discriminatory, to a legally constitutionally acceptable arrangement which is not discriminatory.

His contribution to this was to develop the first set of guidelines which in effect allowed for a gradual kind of change, moving from a dual school system to what you might call a unitary kind of school system in a local school district.

M: Did he get into some trouble over this in Chicago?

H: Yes, there's no question about that, but let me finish this point. In a sense what Frank set up with the advice and approval of the Justice Department and the White House was a system which allowed for gradualism by having school districts encouraged to use what were called free-choice plans for school desegregation. This was an arrangement under which a formerly segregated school system would, over a period of years, hopefully get rid of the dual nature of the school system--the white-Negro separateness--by giving pupils free choices to attend the schools of their choice.

M: This would be anywhere within a school district?

H: This would be pretty much within a school district, although with some qualifications--you can go to the detail of the guidelines and find those things out. But in its first operation this new system of free-choice plans, operating almost entirely in the South, which is where there were dual school systems, appeared to have relatively little effect on the actual nature of the dual school system. It still remained a totally segregated system.

M: The reason for this being what?

H: That not many choices were exercised. You can ask different people and get different answers, but certainly one of the reasons was that it was a very great act of courage for a Negro youngster to exercise the choice to go to a white school. There were many, many, many communities in which all

sorts of pressures--economic pressures, pressures more subtle than that, sometimes pressures of direct personal threats, activities of self-appointed saviors of the situation--including the KKK--were active.

When I came in 1966 it was pretty clear that whereas we had a reasonable system, it wasn't proving very much in changing anything. Minority group persons were still experiencing discrimination in the form of segregated schools that had the segregated characteristics as the result of public policy of states and local school boards. Title VI of the Civil Rights Act of 1964 said it was illegal for such schools to receive Federal funds. Our guidelines set forth the conditions schools had to meet in order to be eligible for these funds--now available on a large scale via the Elementary-Secondary Education Act of 1965.

The two major elements of change we brought into the new guidelines in 1966 were, first of all, the requirement that if you're going to operate a free-choice plan it has to work. It has to produce desegregation in some measurable form. This is where we got into the business of getting direct reports on the number of choices that had been exercised by Negro and white pupils to change the nature of this dual school system. The other major change which we included in these guidelines was the requirement that in addition to changing the pupil distribution there had to be faculty desegregation as well. We could not condone the continuance of all-white and all-black faculties to teach predominantly white and predominantly black pupil groups. This was, in effect, discriminatory, too, and that had to change. So that when these guidelines came out, they placed the school districts under pressures for performance in regard to faculty and in regard to students. This was a change from Frank's system of free choice since it required that choices must produce some integration

in order to have the schools in conformity with law. There was a lot of reaction and a good deal of excitement about this, some of it impinging on the White House.

M: I want to get into that, but first--Keppel's guidelines raised a controversy too, apparently, particularly in Chicago.

H: Yes, although the situation in Chicago was really not a situation involving a dual school system of the kind that you have in the South where the dual school system is a residue from the official policy of states. The situation you have in Chicago was discrimination resulting from a number of different factors. One of the major ones was the lack of opportunity of Negro youngsters in Chicago to attend certain specialized schools. For instance, certain vocational programs didn't seem to be open to Negro youngsters in Chicago. This was not entirely the result of school board policy. It was in part the result of the policy of certain labor unions. But the school board was condoning it. And that created what looked like a discriminatory situation.

The assignment of teachers in Chicago appeared to have elements of discrimination in it in terms of a tendency to assign blacks to teach blacks and whites to teach whites. There were certain school situations in Chicago in which the attendance lines by which pupils attended one school or another appeared to be drawn in such a way that they might be intended to promote the separation of the races. And if that were true, it was indeed discriminatory.

I think that Frank Keppel believed that one or another or all of these situations required federal intervention because discrimination was being practiced. And he declared a moratorium on further federal funds in Chicago until these problems could be looked at. I don't know the details

of this at all because I wasn't directly involved in it, but I was certainly told that it created quite a brouhaha. Mayor Daley apparently called the White House and the Secretary's office and put on the heat for withdrawal of Frank's ruling. You'll have to get details from Frank or from Wilbur Cohen, who became the middle-man for HEW and the White House in working out this problem.

M: Then he resigned after this?

H: Frank resigned about in December of 1965. Actually, I'm not sure whether he resigned when the President announced my appointment or whether he resigned when I actually went to work, which was in early January. But in any case, he resigned the Commissionership. He had already been appointed the Assistant Secretary for Education, and he continued in that role until the following spring, when he left the Department of HEW entirely.

M: Well, to clear this up, he was not forced out of this position as Commissioner because of the trouble in Chicago or the uproar over integration?

H: I really don't know the answer to that, and I think you've got to ask Frank about it. From what he has told me, I'd say he had some rather sticky dealings with the White House over Chicago. At one point, apparently, someone issued an order that no one in OE was to talk to anyone in Chicago. There are a number of records of that situation. In the process of developing the history of the Office of Education, which we have been doing, our people interviewed Frank. There's a tape and a transcription of that interview, and he addresses himself to Chicago affairs on that particular tape. So you might pick up his interpretation from that and then see whether you want to question him further.

The public interpretation placed on the situation was that Mayor Daley of Chicago got in touch with the President and told him to call off his boy, and that this in turn had resulted in Frank's being, so to speak, kicked upstairs. But whether that was actually true, I'm not sure. Myself, I doubt that it was. I seem to recall Frank's telling me that he had, prior to that Chicago incident, raised the question of his possible resignation and his possible pulling out with Secretary Gardner and that he felt that his major contribution had been accomplished at the time that the legislation of the first session of the 89th Congress was through. I believe that he had indeed raised this question with John, although not acted on it, and I think that the coincidence of the Chicago thing probably led to this public interpretation more than his actually being bounced by the President on account of it.

M: Well, your revision of the guidelines was based then on the fact that you were not achieving your goal about ending discrimination, not due to any public pressure or political pressure?

H: There was a general unhappiness with the vigor of HEW in enforcing Title VI of the Civil Rights Act on the part of many civil rights organizations, but it didn't produce much political pressure in the sense that Congress was demanding action. Actually the situation I found was one in which I was sitting down with representatives of the Justice Department, a specialist on this staff here, Dave Seeley, and Pete Libassi, who was then the Secretary's special adviser on civil rights questions, including hospitals and other issues outside the schools, and working out what made sense to get rid of discrimination in the schools. This was a policy-developing enterprise in which it was very clear that Secretary Gardner was looking for what made common sense and what would produce progress. We finally made a recommendation

to him which he approved and which was then carried to the White House and which was ultimately approved there. Of course we had been to the White House many times before a final formal approval by the Secretary.

I would say here that something that has never really had public attention as much as it should and perhaps there were reasons that the President would prefer it didn't have public attention while these squabbles were going on. But in all the back and forth behind the scenes of developing new policy for civil rights, policy which would make progress, when you got right down to the bite of the thing as to whether you were going to do something that had to be done or not to enforce the law, the President was always on the right side. He or his staff would make you run all the way round the barn and try to have people happy with the decision and have it explained to them ahead of time before it was publicly announced and in some way insulate the administration from the public reaction consequences. But when you had taken all the time and gotten everything done that could be done to cut off unfavorable reactions and there was still a question of pushing ahead and antagonizing some powerful people in the Senate and the House, he was there saying, "Let's go." Usually I worked through his staff, but these things were cleared directly with him. I think it was very clear that he had made the transition from being a parochial person on these concerns to being a really national person with a clear understanding of what was involved in the Civil Rights Act and in its relationships to the courts' decisions.

M: Well, your new guidelines raised some controversy.

H: No question about it.

M: And I suppose still are.

H: Yes, because, you see, they required something to happen by saying you

couldn't use a free choice plan to desegregate a school system unless the choice resulted in changing its characteristics as a dual system among both pupils and teachers. The new guidelines put us in the position of having to raise the question of whether a number of school districts should continue to receive federal aid because their free choice plans were ineffective, of actually holding hearings in a growing number of school districts to determine where discrimination was being practiced, and of issuing orders to withhold federal funds from some districts. This created very considerable excitement in the press and indeed in the Congress.

There were many, many misunderstandings about it. The interpretation that was placed on it was that we were actively engaged in forcing integration by requiring racial balance. It would have been illegal to do so. The interpretation that was placed on the guidelines by many people was that these were illegal. And to some extent during the summer and early winter of 1966, we found ourselves out in the open without any protection because it wasn't one hundred percent clear that the courts would indeed support the position taken in the guidelines. There was a very real argument as to whether they were legal or not. We continued to support them, to say they were legal. The Justice department (the Attorney General) said they were legal, but there had not been a real test of them in the courts.

I believe it was in January of 1967 that we got the first breakthrough on this issue. The Fifth Circuit Court ruled on some cases running through the South--a whole series of cases--that the positions taken in the guidelines were indeed quite legal. This was such an important decision that a rehearing of it by all the judges of the Fifth Circuit was arranged.

I don't know the legalities of how that was done. Perhaps the plaintiffs sought this "en banc" decision. I believe that the original decision had been by a three-judge court and a two-to-one decision. The en banc decision of the Fifth Circuit Court came out some time in the spring of 1967 and indeed fortified the earlier decision and placed us in a much better position; in effect this said, as far as we were concerned, "what these guys have been about is indeed legal."

In the meantime the controversy was continuing. I've forgotten the exact timing of these events, but the Congress became very much involved, and the Rules Committee of the House of Representatives held a really unique and special series of hearings for which they called me up to the Hill. Old Judge Smith of Virginia [Howard Smith, D-Va.] was chairman of the Rules Committee. This was very clearly an effort to discredit the guidelines and indeed to discredit me. By that time I had become a very visible, controversial person because of the publicity attending school desegregation.

The record of that hearing is, of course, available. We came out of the hearing fairly well in terms of the press reaction, and that was helpful in reducing the temperature of the controversy as was the later ruling of the Fifth Circuit Court. After the Rules Committee hearings, which resulted in no formal action, the Judiciary Committee of the House of Representatives held a complete review--I believe that was in December of 1967--and a series of formal hearings about the school desegregation process and whether we were proceeding legally or not. The record of those hearings is of course available as a very extensive inquiry by the Congress into all of this. So that there were considerable pressures from the Congress to examine this whole process and review it and see whether

the administration was indeed proceeding in the proper fashion to enforce Title VI of the Civil Rights Act.

By the time those two reviews had taken place and the Fifth Circuit decision had begun to filter down into people's consciousness, why, a lot of the excitement started to die down. More and more we began to get cooperation from school officials who had up to then taken refuge in the notion, "Well, maybe all these prickly requirements are really not required, maybe either the Congress or the courts will declare these illegal, maybe someone will get rid of Howe and all those characters who are making so much trouble." I'm very sure, although he never said anything to me about it, that the President was very strongly urged to unload me in the middle of all of this.

The Congress certainly didn't make any secret of their views on the matter. Various resolutions were produced on the floor of the House of Representatives saying that the Commissioner of Education ought to be fired. I think it was Mendel Rivers [Congressman, D-S.C.] who made one of my favorite statements. He said, "The Commissioner of Education is so ignorant he ought to incorporate." He said, "No one should own so much of one commodity." Sometime after this utterance Mendel Rivers needed some money for a college in South Carolina and wanted to see me about it. He was so worried that I might be annoyed with him that he came down to HEW to see me--a rather unusual gesture for a senior legislator!

There was considerable fluff of this general nature. But we went on about our business to try to do this job of enforcing the law, and we began to make some progress, although there was a great deal of progress still to be made. We produced more changes than had been made in the initial year [1965] by putting pressure on and trying to require the end of the

illegal dual education system.

The Appropriations Committee of the House of Representatives, chaired by Congressman Fogarty of Rhode Island, had taken the position early in 1966 that the civil rights enforcement activity in the Department of Health, Education and Welfare ought to be centralized, and the committee said this in its report on appropriations action that year, asking the Secretary to bring about the centralization.

With John Gardner's concurrence, we dragged our feet on this request for centralization, basically on the ground that school desegregation ought to be carried out by people who were educators, who knew the school officials, and who could deal with the school officials on the basis of common knowledge of school problems. Just as the hospitals ought to be desegregated by people who were informed about the operational problems of hospitals.

The issue involved in this request was complex. Up through the spring of 1966 enforcement of Title VI of the Civil Rights Act by HEW had operated under the broad policy guidance of the Secretary but had been decentralized in the sense that I had a separate staff in the Office of Education to carry out this work in the schools and colleges, and other agencies of HEW, like those concerned with hospitals, for example, had their separate staffs for the work on the requirements of Title VI of the Civil Rights Act. These staffs had the dual job of trying to ensure that no Federal monies went to agencies practicing discrimination and simultaneously to define the conditions by which hospitals or schools or nursing homes could become eligible for Federal funds by eliminating discriminatory practice.

I think that Mr. Fogarty honestly believed that there was both

inefficiency and lack of clarity in policy resulting from this decentralized system and that he didn't like the idea of separate budget items for Civil Rights staff in the management budgets of the major agencies of HEW for these reasons. I think, also, that other members of Mr. Fogarty's committee supported centralization for quite different reasons. Some of them wanted to get all the expenses for civil rights activity for HEW in one item where it could be more easily controlled, and some were interested in getting enforcement related to the schools out of the Office of Education and particularly out from under my administration, which was less than popular, particularly with southern congressmen.

But by the time the spring of 1967 came along and the appropriations sub-committee had met again, this time under the chairmanship of Mr. [David] Flood of Pennsylvania, they vigorously renewed their position that all this ought to be centralized. In fact they said, "Look, we told you to do this a year ago. Why haven't you done it? Get going." And Secretary Gardner at that time, I believe it was April of 1967, had to move to bring together all the civil rights enforcement activity for Title VI in one agency in the department rather than out in the separate agencies of HEW. He did that by changing Peter Labassi's assignment from an advisory person to an administrative person in charge of civil rights enforcement activity for HEW.

It was a good time to make the change. By that time we had been through the congressional excitements; we'd gained the protection of the Fifth Circuit Court decision; we had things going for us in the cooperation of schools, much more than we had had a year and a half before that. And when Pete took over, he handled the whole thing very well and brought it under a very good administrative arrangement. Actually he had been a key person

all along in school desegregation and had participated in the development of new guidelines, relationships with Congress, and a variety of other activities. This change was widely interpreted publicly as my having been bumped out of responsibility for Civil Rights for making so much trouble, and it was publicly stated in news reports that either John Gardner or the President or somebody had made a deal on the Hill with certain figures who were interested in pulling me out of civil rights enforcement in the schools. I honestly don't know whether that's true or not. I don't think it is, and I think that if it had been, John would have told me. In any case this change was made, and I accepted it as a reasonable change at that time; whereas the previous July, when it had been suggested in the Appropriations Committee, I was unwilling to accept it and told John Gardner at that time that I thought we needed to continue the responsibility of the Office of Education for school desegregation for longer until we could get policies and relationships better established. When Pete Labassi took over Title VI enforcement, he did a fine job as has Ruby Martin, his successor. Both of them took the lead in getting rid of free choice plans as an acceptable method of school desegregation. Superficially the idea of free choice sounds fine, but actually it places the burden of school desegregation on the black student and his family rather than on the school board, where it belongs.

M: This centralization--did it relieve you of pressure?

H: It relieved me of the enforcement responsibility, but actually, you know, a lot of people have the impression that that was all I was doing. Really civil rights enforcement was a very small proportion of my responsibility anyway. My job as Commissioner has three or four major components, and certainly the biggest one is running about \$4 billion worth of activity

divided into some eighty different programs, seeing that the personnel is here to do it and do it right, and developing all the policies and relationships that have to do with those programs and making them work effectively.

Another part of my job is, as you were mentioning earlier, getting into the policy issues of where do we go from here and how should these programs change and what new programs do we need and what levels of investment do we require in these programs we have so they can prove something. And, of course, like any executive or administrator the Commissioner has a lot of putting-out-fires work to do. Somebody is always mad about something.

So this civil rights enforcement, whereas it created 99 percent of the publicity that I received in the first couple of years I was on this assignment, really represented a relatively small proportion of the responsibility. It took a somewhat larger proportion of the time. I don't know how to estimate the amount of time it took, but having been relieved of the enforcement responsibility, this did not remove me from concern about racial isolation in the school. There is a whole other area of race related activity in connection with the federal programs which has nothing to do with the enforcement of Title VI. It has nothing to do with finding discriminatory practices, and making sure that federal money doesn't support them; rather it has to do with encouraging the sensible use of the several elementary and secondary school and indeed higher education programs to end racial isolation whether it comes under Title VI or not.

M: Let me clear up something. Do you mean by racial isolation that within a particular school, the social isolation of races, or what?

H: I mean within a particular school, but I mean more importantly within a

school district. For instance, you take the racial isolation that exists in Chicago or Harlem or Washington or Boston.

M: You mean with one school being all Negro or all Caucasian or--

H: Yes. And you'll typically find what people call de facto segregation. You'll find that there'll be schools which are all Negro even though no one has legislated a dual school system, as the states of the South did.

M: Right.

H: I have tried to encourage the use of federal programs to make a dent on de facto segregation without regard to Title VI of the Civil Rights Act, which according to the courts isn't involved in that situation. De facto segregated schools get that way by a variety of influences related to housing patterns and related factors. Unless a public body like a school board can be shown to have created or encouraged this discrimination there is no present remedy for it under the rulings of courts or under the Civil Rights Act. But it is just as damaging to children as segregation produced by illegal means.

So we have tried to use the programs for which OE is responsible to do two things. One, to compensate for the disadvantages of various kinds that youngsters undergo because they find themselves in this racial isolation; and secondly, to break down the racial isolation where local school districts want to do so--not because they have to but because they want to.

There have been some but not enough examples of local school districts using the funds we provide to do something about this problem of racial isolation. In Hartford, Connecticut; Boston, Massachusetts; Rochester, New York; Berkeley, California, just to name a few, the local school

districts have in one way or another, or local citizens who have been interested in getting at this problem have in one way or another, used federal programs to create opportunities for Negro and white youngsters to get to know each other and to get at the problem which racial isolation creates, which is really the problem or the feeling on the part of the Negro that "I'm a second-class citizen. They've shoved me off in this corner with people who have the same color I do."

It's pretty clear that segregation of whatever kind helps to develop people who don't get the same chance as other people in this country. A youngster gets to feel that way about his chances during the second grade or maybe earlier. He realizes that his own chance of improving his own opportunities is less than the chance of other people in the country, people who happen to be white; he realizes this not consciously in the beginning, he realizes it unconsciously. He doesn't verbalize it; he feels it in his gut; and he knows it.

You must always come back to how the individual feels about himself and his own chances when you get in an argument on whether it really is important to get rid of racial isolation. So that in OE we have tried, realizing all the time that these were great big problems that aren't going to be solved in a rush, to encourage those who wanted to experiment with suburban-urban cooperation of various kinds, who have wanted to plan for building arrangements in their school districts that would break down racial isolation, who have wanted to do what Cleveland has done to create special centers for special kinds of learning activities that would bring Negro and white youngsters together for those particular activities, and indeed we've encouraged what is anathema to a lot of people, "busing," which simply means moving people about to expose them to other people.

It's generally regarded as a good thing when bringing together Negroes and whites seems to be involved.

M: How can your office encourage something like busing?

H: Simply by suggesting that this is one of the options available to a local school district in planning for its use of, let's say, Title I funds in the Elementary-Secondary Education Act. And actually--

M: You use those funds to buy buses and to set up bus routes?

H: The local school district decides to use those funds to break down racial isolation, and I encourage them but can't and don't require busing unless Title VI is involved. That's exactly what the City of Berkeley, California, has done. The Title I funds have made it possible for them to have an integrated school system. They decided it was important to have an integrated school system. There was no legal reason under Title VI saying that they had to have an integrated school system; they could have gone on with their de facto segregation, but they decided that they really believed what the Supreme Court said in 1954 which was in effect that segregation was discriminatory regardless of whether it's caused by an illegal act or by a series of historical developments.

Up to now there has been no legal basis for attacking what we call de facto segregation. I suspect that in the future the federal courts will provide such a basis. I doubt that the Congress will because it would be politically unpopular. What Berkeley, California, is doing is saying without legal pressure from anyone that it wants to rid itself of one aspect of racial discrimination. I think any school district in the U.S.A. should have that option with the federal funds it receives.

I don't want to overemphasize this sort of thing because it's clear that there hasn't been a lot of progress made on it. In spite of all the

developments in Berkeley and other cities I've named, if you were to add the whole thing up, the history of the past three years in one of further development of racial isolation in the overall rather than any real solution to the problem. As an interim policy we probably will have to be willing to accept some racial isolation and to say, "Let's have as good schools as we can have even if they are racially isolated," but at the same time we have to say, "Let's encourage the school districts to do something about this as they have opportunity to do so."

One of the opportunities for a school district comes whenever it's going to build new schools. Site planning particularly, as well as the size of schools, has a lot to do with whether they will encourage or inhibit racial isolation.

Racial isolation has meaning for whites also. People think of it pretty much in terms of Negroes, but there are many white kids in the United States who grow up fearing and suspicious of Negroes, not having had opportunity to see them as people.

M: Has the growing polarization of the races, or what might be called militancy of students, influenced your policies yet?

H: No. Actually I think that what you might call the new separatist black movement is a small movement in terms of numbers and percentages. For example, it is very interesting that the Poor People's March on Washington that was here last summer and spring [1968], in its demands of us made it very clear that it was still seeking vigorous activity in desegregation of the schools and seeking ways to get out of racial isolation.

Now there were a lot of militant people connected with that march, and certainly some of them were over on the fringe of wanting separateness for the blacks to build black confidence, black power, black self-esteem,

and so on. But the solid center of Negro leadership, in the Southern Christian Leadership Conference and the National Association for Advancement of Colored People and the Urban League and these large organizations, still remains committed to the notion of one society rather than two.

I can't personally accept the argument that consciously planning for two societies will ever do anything for the blacks. I think it may possibly be a way station we have to go through in some situations because of this feeling of the black people that they gain something psychologically and otherwise through this separatist movement. But it seems to me in the long run self-defeating and that if we have two societies, inevitably the racially identifiable minority group is always going to get the dirty end of the stick from the other powerful element. I think that the thoughtful people in the black group are quite aware of that. This doesn't mean that I have any objection at all to black alliances to get political powers--that seems to me to make a lot of good sense. That's a different thing than denying all association with whites. So that I think we have to keep school desegregation on the agenda. There are powerful forces that want to turn back the clock on it.

M: Is teacher militancy a growing problem?

H: Teacher militancy is certainly making some issues. It is very little on the agenda of the federal government. The federal government has no real basis for getting involved in the situations in which teacher militancy creates problems, because these are essentially either local or state affairs. I think that we'll see in the years ahead some efforts to get the federal government involved because inevitably when you have major frustrations in the society, they get reflected in the Congress. People are going to start introducing bills to do something to control teacher

militancy or hedge it about or create rules for it.

The Office of Education has only very indirect relationships to all this. For example, we have in the Office of Education under the new Education Professions Development Act, which was signed by President Johnson a little more than a year ago, considerable funds for teacher training and for training people who are administrators in education and people in a variety of other roles. It seems to me that the institutions that train people to work in education, by and large, have not faced up to the fact of teacher militancy. And yet these people are going to enter a very different world from what they would have ten years ago.

And I'm wondering what you would do about the training of a teacher or administrator or indeed a school board member, who is usually an untrained person anyhow, to sensitize them to their responsibilities and obligations in a situation in which militancy is the mood. And certainly militancy is going to be the mood increasingly. So we might make indirect inputs related to militancy through encouraging training programs that would have a component related to it, but we wouldn't control these directly in the federal government.

We'd have colleges and universities thinking about these matters and perhaps local school districts offering programs. I can even foresee a situation in which some of our funds might be used by a city superintendent to give training programs through the local teachers' union to thinking constructively about the welfare of the schools and how it fits with the militant teachers' organization. So we might get indirectly related, but you have to remember that the federal government doesn't run any schools.

M: Incidentally, did you have anything to do with the Fino affair in the House

of Representatives where a man criticized the President over busing?

H: Sure. Congressman Fino comes from the Bronx right across the Harlem River from Harlem. Harlem's black; the Bronx is predominantly white.

Back in the spring of 1966, or was it the spring of 1967--I've forgotten which--we were developing some preliminary thinking in the Office of Education about some possible new legislation. The nature of this legislation was to finance programs that might help local school districts and particularly cities to use federal funds to accomplish several purposes at the same time: to build buildings, to bring in new types of programs in instruction, and to do these with the view to breaking down the racial isolation that we were discussing earlier. Our idea was to offer a carrot in the form of needed funds to encourage but not require integration. Under the tentative plan we would say to local school districts, "Look, if you want this federal money for these purposes, you've got to be willing to go for this business of breaking down racial isolation; then you can get the money. But if you just want the money to perpetuate racial isolation, you can't have it."

This never became an administration proposal. It didn't even become a departmental proposal. It was drifting around the Office of Education. It had been discussed in the department, not with the Secretary but with some assistant secretarial people there, among them Ralph Huitt and Samuel Halperin. While this was cooking as an idea, the draft papers on which we had this proposal written somehow got in the hands of Congressman Fino. I don't know how they did, but anyway, there they were. And he issued a blast one day about this, about how the administration or the department was planning to legislate race balancing or something of the kind. It wouldn't have legislated race balancing, but it would certainly

have brought more Negroes out of racial isolation. There was no requirement that anybody take this money. It wasn't something that said, "You've got to do this;" it was, again, a carrot.

Unfortunately the materials that we had written up were written up in the form of a bill, so they looked awfully official. They looked really as if this thing had gone 'way up the line in policy planning. It hadn't gone that far. It had never been taken to the Bureau of the Budget or to the White House, but Fino did issue quite a blast on it. I remember the darned thing because I was over in Califano's office at the White House when it came over the ticker tape. And Califano read this thing and said to me, "You go out there where the reporters are and deny that." And I said, "Joe, I can't deny it. It's partly true."

We issued some kind of a statement about it, and Fino clubbed us over the head with it by printing the draft bill in the Congressional Record.

I still think there were some very good ideas in that tentative series of policies that we were developing. A similar line of thought was subsequently introduced by Teddy Kennedy in a bill that he was promoting and by Senator Brooke [Edward W. Brooke, R-Mass] in a bill that he has had in the past Congress. You'll find both Teddy Kennedy's bill and Senator Brooke's bill very similar to what I have since come to call "the Fino bill," but which is obviously not the Fino bill in terms of Mr. Fino's affection for it. He is, as you know, a fellow who can raise a great fuss about things, and he certainly did about this.

M: Did that upset the President?

H: I don't know. I never heard anything from the President about it. You have to remember that it came at a time when there were all these other excitements about civil rights and about the legality of the guidelines and

about whether the courts were going to support the guidelines; there was a tense atmosphere about all this. And then this revelation of Fino's was interpreted as "those guys are not only imposing these guidelines, but now they're plotting behind the scenes to force whites to go to school with Negroes everywhere." This was hot copy and made quite a splash.

M: To clear up a point, it might be interpreted that the enforcement of Title VI and discrimination in the schools is not so much an education policy as it is enforcement of a governmental policy--executive policy, rather--to end discrimination and your agency being used merely as a tool to achieve this. From what you have said, however, it would seem that you believe that discrimination is a very valid factor in education.

H: Absolutely.

M: So that the two are timed together, really.

H: Yes. There's no news about that. That's what the Supreme Court said in 1954 or 1955.

M: That's your position, too?

H: Yes, very much so. Of course, in the midst of all these excitements about discrimination and the guidelines, the Office of Education issued the survey called the Equal Educational Opportunity Survey which was required by the Congress in the Civil Rights Act of 1964. This was the largest scale social science study that had ever been done. We spent \$2,000,000 doing it. It was done under certain handicaps and summarized in a hurry. There's a turgid quality about its prose, particularly for the non-specialist in the methods of social science. And yet it was a clear statement on the basis, not of a court opinion or an administrative action, but on the basis of responsible study by an eminent sociologist, James Coleman of Johns Hopkins, with a considerable supporting staff, that

indeed there are disqualifications in segregated education for the people who are segregated in the minority group. That whole study has continued to be reevaluated; lots of people at universities have been reviewing it.

For the period 1966-68 on this issue of civil rights there's a record of the controversial aspects of it from one person's point of view--mine--in a series of speeches I gave. It might be useful to make that point here for the benefit of people studying the problem in the future. In speeches in the South--in Jackson, Mississippi, and in Atlanta and in other places--as well as New York and Chicago, I tried to give interpretation to and indeed to put a good deal of pressure on this whole matter of racial isolation and school desegregation. I think that the fact that I went on public record in this series of speeches contributed to the level of criticism, but I felt it was important to get something out from the Office of Education supporting the terribly frustrated people in the civil rights groups who, all through this period, were really in the vanguard of this business and were not getting any help from anybody in the federal government. They were really doing the leg work. They were the people who were going down South and talking to Johnny Jones' family and saying: "Look, you've got to exercise your free choice to send Johnny to a white school, and let him be kicked around and go through everything that he has to go through for a bigger principle than he'll ever live to get the benefit of; but it's important to get this started." The American Friends, the National Association for Advancement of Colored People, and other groups, I felt, needed and deserved on-the-record statements from federal officials who had some standing, the kind of backing that could be brought by making public statements of this kind.

M: Are these speeches collected any place?

H: Oh yes. They're in the historical record that we've sent to the President's Library.

M: Is this the administrative record that you're talking about or--?

H: We collected recently a stack of documents for the President's Library. These were included, I am sure. You could check with Lee Goodman

M: In all of this activity have you reflected any on the fact that your office is dealing directly with school superintendents in bypassing state structures and sometimes even municipal governments? This is almost a direct route from the President to the individual citizen.

H: That's right. There has been a lot of confusion around this point. First of all, I should make it clear that we've tried in every case to enlist the support and the knowledge and the active participation of chief state school officers in school desegregation affairs. For example I remember that before we issued the 1966 guidelines, Pete Labassi and Dave Seeley and I drove to Atlantic City, sat down with the chief state school officers who were assembled there in February, reviewed with them the policies we had in mind prior to their release, and sought their interest and support in making these policies move.

You have to remember that particularly in the Southern states, practically all the Southern states, the chief state school officers are publicly elected officials. They aren't appointed officials. And it took a lot of maneuvering for a chief state school officer to survive politically and be supportive of these policies, even if they were the law. So that it wasn't an easy thing for them. We were frequently criticized for not including them in this kind of direct relationship. It was stated, for instance in those hearings I cited earlier, that we ignored the chief state school officers. We endeavored always to keep them informed and involved.

We slipped on some occasions, no question about it. Also, it must be said that quite a few of them were quite happy to leave school desegregation to the federal officials.

Also, what you have here is a problem of the right of a citizen of the United States to the privileges of the law created by the United States and impinging on him within the school where he happens to be. When you have no support from the chief state school officer for the enforcement of that law or where you have a willingness to support it but an inability to do so--which has sometimes been the case--there is no way for the school chief to obtain his rights as a citizen without intervention of either the federal courts or HEW on his behalf. Consider, for example, the situation of the chief state school officer in Alabama. If he'd really got up on his hind legs and said, "I'm going to enforce the law in the schools and help the Commissioner of Education," he'd have been lacerated under both Governor Wallaces. Therefore, although we did get some help and support, it had to be carefully handled by the chief state school officers. Yet you can cite an example like Floyd Christian in Florida, the chief state school officer there, who said, "All right, this is the law of the land--let's go." And took a lot of bumps in the process. J. W. Edgar in Texas was helpful and supportive, having to walk a very careful line. And this is by no means an exhaustive list. There were others who took this kind of position.

Major problems developed because in dealing with local school officials about how to obey the law, we'd find ourselves--I'd find my agents--having to make suggestions to them about how to operate their local school district; how to organize it; how to run very detailed aspects of it. And this seemed to be federal intrusion, as you suggest, into the affairs of the local

school districts. It actually depends on which way you want to look at it. On the one hand, as I said earlier, you can look at it as the federal government trying to give people their rights as citizens, or you can look at it the other way and say that's the federal government intruding in the affairs of the local school districts in an unreasonable way. And you had people who looked at it both ways. As for that you still do.

M: Apparently there has been some trouble between the Office of Education and Manpower Training and some conflicts in this program. Can you outline this for me?

H: I can't outline it in detail, but I can outline it in a broad way. I think basically what you have is a lack of clarity in the federal government about whose responsibility it is to do what in regard to the preparation of people for employment opportunities. HEW has a piece of the action, and the Labor department has a piece of the action. They are always making treaties back and forth between HEW and Labor as to who has got what piece of the action and both are always trying, in the process of making those treaties, to capture as much of the action as they think they can.

M: This is departmental rivalry then?

H: This is departmental rivalry, sure. Secretary Wirtz is pretty good at this game, and we aren't bad at it. So it kind of flutters along, and from time to time, it boils over. It exists in the context of manpower development training programs; it exists with relation to certain aspects of vocational educational legislation as to who ought to set policies and who ought to check them with whom and who ought to

check them with whom and who ought to have a sign off on new changes in policy--that kind of thing.

M: Every time when something comes up then, there's a conflict between the two departments?

H: Not every time, but a fair percentage. I guess to some degree you may find these two departments messing about on the Hill trying to gain allies for their viewpoints. I think there is a need for a Presidential decision about what are the proper responsibilities of HEW and of Labor in relation to preparation for work. I think there's a major role of the public schools in this, and I think HEW ought clearly to have it, as it clearly does in the vocational educational legislation. I think there are significant roles for Labor, but I think there has been a lack of clarity and therefore a back and forth rivalry. The Neighborhood Youth Corps operates in the schools and out of the schools; we have felt that in-school operation of the Neighborhood Youth Corps ought to be an Office of Education activity. Labor has taken it over.

M: Is the problem here a lack of clarity of the law, or is it a lack of clarity in the development of guidelines and standards?

H: I don't know if it's just a lack of clarity; it's probably a lack of clarity accompanied by a certain amount of bureaucratic vigor on the part of both departments in trying to capture a significant enterprise. There's a lot of this kind of stuff that goes on in the federal government all the time, you know. It's going on in relation to OEO now as various proposals are made to move its programs to other departments.

I remember sitting through a session over in the Bureau of the Budget one evening with Charlie Schultze and Secretary Wirtz and Wilbur Cohen and I've forgotten who else, over one detail of a new piece of vocational legislation we were going to propose. It had to do with relationships of the United States Employment Service to the schools and how this was to be worked out in the legislation. It was a very difficult and angry session. Eventually Wirtz got sore and left. I think that it might be possible to prevent that kind of thing with proper broad policy layouts, but I think if you were to ask the typical vocational educator in the United States (if he was a well-informed person as a vocational educator), he would in all likelihood say, "The Labor Department has won this war; they've moved in on HEW; they've captured a lot of programs that ought to be in HEW; and HEW has not been sufficiently vigorous about fighting for its rights," or something like that.

M: Is it the job of the President to prevent this sort of trouble?

H: I think it's the job of the President, speaking of the President as an institution, not of the president personally. I think that we have never achieved a really frank laying out of the issues about this particular problem by a group of really thoughtful, high-level people who are addressing themselves to what makes good public policy rather than how can you win a bureaucratic war. This has been a fairly high-level bureaucratic war and therefore you need a pretty prestigious group of people to address themselves to it. But I think it is a necessity.

Of course there are all sorts of proposals drifting around for a

cabinet department of education and manpower and that sort of thing, which might be one way to resolve the thing. You know, if you can't beat them, join them.

M: Sort of a separate department.

H: Yes. But--

M: Does this proposal have merit?

H: I really don't know that I would want to plug for a cabinet department of education and manpower as such because I really haven't thought it through. What your question leads me to is that there's a major need for reorganization of the education responsibility in the federal government. There is no question about that.

M: The trouble with Labor would point this up.

H: Yes, the trouble with Labor would point it up. Actually, it's more than that. There has been in just four or five years time a move from a relatively low-level of federal activity in programs for education to a very high-level, and most of them are in the Office of Education, although a lot of them are elsewhere. You've got NSF engaged in training, in school curriculum development; you've got the Humanities Endowment and the Arts Endowment engaged in a variety of exercises directly related with schools and colleges; you've got OEO and ourselves so engaged; and you have not really a good interlock between all these educationally related activities, particularly from the point of view of the school district or the higher education institutions. I think if we're going to serve those entities well, there needs to be a reorganization at this end. I think also at this end there needs to be more effective machinery for policy development. The commissioner is a relatively low-level person in the bureaucracy when you consider the breadth of his responsibility.

John Gardner, before he was Secretary, said he felt there ought to be a federal cabinet office of education, and when he became Secretary he said it ought to be an under secretaryship or something of that kind more on the Defense department model. Actually there wasn't any sense in the world in changing the thing while John Gardner was Secretary, because he was a man who had extraordinary breadth of perception and acquaintance with big policy problems in education and was in a position to make more contribution to that than anybody in the United States. To think about pulling the Office of Education out from under his umbrella would have been foolish. But in the long haul you're not going to have a John Gardner as Secretary of HEW all the time.

There's a very interesting paper on this by Rufus Miles, which sets forth all the arguments and statements about it, delivered to a meeting of the Public Administration Association or some such organization as that. I think we are heading for some kind of reorganization. Al Quie had a bill in the last Congress for setting up a Department of Education. It was a kind of quickly developed--hadn't really been thought about.

M: But the idea is in the air?

H: Very much in the air. I just can't believe it's not going to happen at some point. I suggested to Hubert Humphrey that he include it in his educational platform. As a matter of fact Hubert had an education task force to advise him. Frank Keppel chaired it; I was on it; Sam Halperin whom I mentioned to you; Tom Pettigrew, a professor at Harvard; Al Bowker, the president of City University in New York; a couple of other characters--I've forgotten who they were; Sid Marland, former superintendent of schools in Pittsburgh. And that group recommended to Hubert that he come out for a federal Department of Education, but he didn't buy it.

And in his policy statement, a couple of weeks ago he left this recommendation out. Most of the other things he had in there were things we recommended to him, so apparently his staff somewhere has thought about this and he has. I don't want to prejudge the answer, but it's clear that a major reorganization is necessary.

M: One last question. Do you have any reaction to being a misquoted man?

H: No, you get used to that around here. That whole silly business about quotations developed out of the civil rights business. Nixon picked it up and used it to get votes in the South during his campaign. Actually it was started by a columnist for a Richmond newspaper who put some words in my mouth that I had never said. It's a very interesting example of how you can never catch up with one of these things. It was denied by me, and denied by congressmen for me who placed their statements in the Congressional Record, but it continues to reappear. Of course the misquotation was also put in the Congressional Record by congressmen of other persuasion. That was two years ago, and now here it appears in the presidential campaign of 1968, same damned untrue story, you know. And so you have to just learn to live with those things, that's all.

(end of tape one)

INTERVIEWEE: HAROLD HOWE (Tape 2)

INTERVIEWER: DAVID G. McCOMB

(Continuation of first interview, October 29, 1968)

M: You were going to tell me about some of the other things that were neglected.

H: I just wanted to observe that there are some other significant issues and problems that so far in this conversation haven't been recognized and that need a look, if you're going to understand the federal function in education, the federal role in education. The business of race and civil rights attracts so much attention that it throws other important matters out of perspective.

One issue that has been awakened by the many pieces of education legislation of the Johnson years is intergovernmental relationships. That is, relationships between the federal government, state governments, and local governments in regards to education. The tendency is for federal officials to gloss the problems over by going around and making speeches on "creative federalism" or something like that. There's a kind of line of patter of federal officials, and I've said it as much as anybody else that goes this way: "Everything is all right, and we're a junior partner in the governmental enterprise in education, and we're not trying to control education; we're just trying to help you fellows in the states and local areas."

You have to look at feelings as realities to some extent in this business, just as you must in the racial area. Feelings are realities when you have to deal with them politically; they cause things to happen politically. And clearly there is a feeling of concern among local and state officials about the energy and vigor of the new federal partner in

the educational enterprise. They feel a little bit pushed around by him. He is saying, "here is some money to do certain things with, things that the federal government thinks needs to be done in the schools and colleges." In fact, the large thrust of the federal role in the last three or four years has been a thrust that says: "We have identified certain priorities that the federal government ought to support in education, and we're going to set up programs and appropriate monies that will move toward those priorities that will help to solve what we in the federal government regard as the priority problems. The monies we give you will be used only for these purposes."

Within the priorities the federal government sets it says to states and local school districts, "You can decide exactly how you're going to use this money; we're not saying who you ought to hire or what curriculum you ought to teach or how you ought to go about teaching or anything else of that kind; or how you ought to organize even, except as far as the Negro-white thing goes, you can't organize to discriminate." But states and local school districts think that this represents some subtle form of control and they are concerned about it. Building over these past several years has been a relatively strong viewpoint that schools and colleges would much prefer to have some federal money they could do absolutely anything they wanted to with, rather than to carry out the broad purposes that are set forth by Congress in legislation. This is a feeling that has been gathering some momentum. If there is any real difference between the Democratic party and the Republican party on education in this election, it's around that feeling.

But what you now have in the Congress, it seems to me, is a good deal of unanimity about education, bipartisan support, that is. Take the two major education bills that we got through the last session of the

90th Congress: the Higher Education Amendments of 1968 and the Vocational Amendments of 1968, two very significant bills that actually got very little public attention considering their importance largely because there was so much fluff about the presidential election that no one was going to talk about these matters. But they were voted through by substantial majorities of both parties. The Voc. Ed. Amendments got a unanimous vote in the House, 389 to nothing or something like that, and also got a unanimous bipartisanship breaks down to some degree, at least in views of the presidential candidates, appears to be around this issue of whether the federal government should provide what, for want of a better phrase, we call "categorical aids" to education. That is what the Democrats by and large support. Or whether the federal government should provide what people call generally and what Nixon is calling in his statements "bloc grants." I'm personally convinced that the categorical aids route is a route the federal government has to take, that this idea of having certain national priorities, or identification of significant problems that need to be solved by the Congress and investment of money in them, is philosophically the sensible thing to do for good public policy. Still this doesn't deny the feeling that an awful lot of people in education in the states and the higher education institutions and in the local school districts have that they would prefer to select the problems they want to solve rather than having the government select them. Also there are strong views about a certain heavy-handedness in the federal activity.

What we have done in the last five years is to solve the issue of "shall there be significant federal aid to education?" I think that's

settled for all time. That used to be the argument back even in the late 1950's, even with NDEA, the National Defense Education Act of 1958. President Eisenhower spoke of the National Defense Education Act as a measure which would be on the books for a year or two, and then could be erased so that we could get back to a healthy situation in which the federal government was not tampering with education. But of course the NDEA has grown and enlarged and been amended and is now an extremely significant piece of legislation. We settled the question, therefore, of whether there shall be federal participation in a major way in the affairs of education. But we haven't settled the question about what the nature of federal aid shall be, and it's around that question that this debate I'm alluding to is taking place. I think we're going to be in that debate for a considerable period of time.

M: When you say "What the nature of it shall be"--

H: Whether it's going to be categorical aid or whether it shall be more general forms of aid. When you get into this debate, you find some things that have already happened that point it up a little bit. For example: it was in the Congress that met for the first time in January of 1967 that Al Quie of Minnesota introduced his amendments to the Elementary and Secondary Education Act. There was a knockdown, drag-out fight between the administration and most of the Democrats on the one hand and a few conservative Democrats and the Republicans on the other. Essentially it was a party fight as to whether the Quie amendments to the Elementary and Secondary Education Act should pass. The Quie amendments were designed to create block grants to the schools, which would not have the same sort of accompanying federal priorities to the same degree that we'd had them in the Elementary and Secondary Education Act up until that time.

There was another element in that Congress. This was the first session of the 90th, which shows something about this intergovernmental relationship. And that was the squabble we got into over the amendment of Title III of the Elementary and Secondary Education Act. Title III was originally conceived as a kind of foundation-like program to promote innovations in the schools with direct grants from the federal government to local school districts, the states being involved to the extent that they were informed about these and made recommendations about them. But they did not have the authority to veto them or to control them according to the original elementary-secondary legislation in 1965. In 1967 the administration defeated the Quie amendments, maintaining the general position that there shall be categorical aid. But got licked on the Title III controversy and Title III was turned into a state grant program in which the money goes to the states for their decision about its use.

Actually a compromise was reached in which the federal government kept 25 percent of the money in the first year, and then it went to a 100 percent state grant--state plan arrangement. There were lots of details about this, but the broad picture of it is that this was the Congress saying, "Whereas we're willing to continue the categorical aid system, we don't want this direct relationship from the federal government to the local school district. We regard the states as the agencies that run education and we want this administered by the states."

I think that one of the reasons for that change in Title III was the hang-over of resentments and feelings that came from a matter we were discussing earlier--the whole civil rights issue in the schools. Because as you quite correctly pointed out, this was regarded by some people as an interference

with the affairs of local school districts and they saw in the amendment of Title III a chance to prevent any such interference. I don't think there was any really logical connection, but there was a real connection in feelings.

So the administration got licked on its Title III proposals in 1967. There's an interesting story on that that hasn't been told. In January of 1967 I proposed to the Secretary, and he and I together proposed over in the White House, that we make a compromise in our new legislation that year, and that we seek state participation in Title III. What we wanted was a system under which the states would phase into a responsibility for growing percentages of these funds over a period of three years or something of that kind. We wanted to keep some federal component of the funds but to develop gradually a major state component. I don't know if the President ever got involved in this, but the combination of the White House staff and the Bureau of the Budget said, "No, let's go for Title III as it has been. This will be the President's program."

And so we fought for it up on the Hill and we got licked. I think that if we had been able to go with our compromise program, we would have so spiked their guns by showing a willingness to compromise that we would have come out with a much better balanced kind of situation in the new elementary-secondary legislation that year. But all I'm trying to do here is illustrate some of the back and forth that has taken place about the new federal role and how the institutions and local school districts feel about it. In the higher education realm, you've had less--what will I say--controversy about this in an overt way, but you have a very definite feeling on the part of higher educational institutions. For instance, in the American Association of Universities, which represents the most prestigious, powerful

universities of the country, you have a very definite feeling on these matters. What the university presidents want is not just student-aid money, research money, and a package of programs to accomplish categorical purposes, they also want from the federal government direct grants of operations funds for whatever they want to use them for.

M: Would you say that in this period of the 1960's there has been an attempt to identify the role of the federal government in education?

H: Yes, there has been an attempt to do it partly by standing off and looking at it and putting it down on paper. Perhaps more importantly by just going ahead with a disorderly process of developing legislation and getting it enacted and thereby defining the role.

M: In all of this problem of intergovernment relations, does the relationship of private industry have any effect? Is there an attempt to relate to private industry?

H: This raises another area of controversy. I guess I've been as much a spokesman as anybody in the federal government for the view that there was a need to build a bridge from education very broadly conceived to private industry. Private industry produces the curricular materials that are used in the schools; they're the people who employ the products of the education system; they're the people who make the first and most effective use of the new communications possibilities and from whom education might learn; they're the people who have sophisticated management capabilities, and education certainly does not; and therefore I've felt that it's awfully important to have a bridge back and forth.

Now, we have proposed in several pieces of legislation that private industry be eligible grantees for programs so that there might be ways to

bring them in. There's a great suspicion of this on the part of the National Education Association, which feels exactly the opposite. They feel that these are profit-making people, that their motives are suspect, and that somehow the educators are going to get "took" by them. I think that by and large I have been unsuccessful in advancing this view that there ought to be a stronger relationship between private industry and education. The only place we've had any success with that at all is in the new Voc. Ed. Bill, where there remain some possibilities.

But we're watched very carefully on this question. Mrs. [Edith] Green, a very powerful Congresswoman [Democrat] from Oregon, feels very strongly on this question. She doesn't think that private industry ought to be directly involved. Although it ought to be said that in all the programs we have, if monies go to states or local school districts or higher education institutions, they are free to subcontract with private industry to provide services or expertise or whatever and to make contributions that way. It's only around the direct grant from the federal government to industry that there has been this sort of controversy. But there still remains a whole area of suspicion on the part of the educational establishment about, "What is private industry doing running around in our ball park? We stay out of theirs, and they should stay out of ours." I claim that these people are right in the same ball park.

M: In this period where the Office of Education is becoming a major policy factor in government and there's a definition of the role of the federal government in education, has there been any task force operation or any attempt to define what the quality of the education should be that the government promotes?

H: There hasn't been a task force operation about that particularly. That

reminds me--we probably ought to say something here about task forces in relating to educational policy planning. But there has been a lot of interest within the Office of Education about promoting some kind of evaluation that would relate to the quality of the output of education. Typically states, colleges, local school districts, and the federal government have regarded the measurement of their efforts on behalf of education as something that you measure by input. That is, you buy so many more books for the library, we have such and such and such smaller classes, you have fewer pupils per teachers, etc., etc. And as you make those kinds of inputs, it has been assumed that you were getting better education. Well, nobody has ever really been willing to spend much time looking at the question of what are people learning as a result of those things? Educators typically don't do that. There has been the assumption that if you spend more money it would be a better enterprise.

Now, we've just made the first halting steps at trying to raise the question of what are we getting out of these inputs? What are the outputs in terms of human learnings, in terms of human attitudes, in terms of a variety of things that might be thought of as the result of education for the individual? This is a tricky business because education isn't just an enterprise that has a product like making Tootsie Rolls or something. At least it has a very complex product that is the whole mix of individual skills and learnings and feelings and attitudes and human relationships. So this is a tricky one, but we've tried to push in this direction a little bit as we've tried to bring about evaluation of programs.

M: Moreover, if you're going to measure quality in education, you've got to have in mind what you want. Has that been defined?

H: No. No one has ever sufficiently defined that. Everybody has been talking about that ever since Plato. As they will continue to talk about it. And redefine it in every age, you know.

M: Well, this gets into the realm of philosophy.

H: For instance, in terms of major policy moves in American education, the NDEA of 1958 expressed the policy vierpoint or the philosophy that the important thing for the federal government to do in education was to reach for higher quality enterprises for the most gifted pupils. It talked about math and science, chemistry and foreign language and so forth. And the NDEA as initially conceived really reached for the college-going population and for the upper portion of that.

The Johnson revolution in education has turned the whole thing over. It has said, "The important role of the federal government is somehow to do something for the people who are down and out. And that's where its major energy in education ought to go." And indeed it has. It's a complete turnover. Nobody really knows how either has succeeded. It's too early to tell abut the Johnson revolution. The main thing that Johnson has done and it is important to get this on this record--the main thing that Johnson has done is to make a totally different assumption about education than any previous President has made. As a historian, go back and look for what I would call the last great period of using the initiatives of the federal government to get at the problems of people, and you'll jump to the Roosevelt years. Look at the programs that the Roosevelt years produced. They were designed primarily to put money in the pockets of the down and out by social security system, by the WPA. There were some programs that had a slight educational loading--the National Youth Administration, the CCC. Basically, however, there wasn't really much of a thrust in education at all. It was all economic.

In the Johnson years--the whole thing has been turned over, and what he seems to me to have said is, instead of trying to put money directly into people's pockets in the Roosevelt style, we will build into people the capacity to solve their problems by giving them the opportunity for education. And if you'll look across the board--look at the Labor department programs, the NDEA, look at the OEO programs, Job Corps, Headstart, Adult Literacy--all of those. Look at all our programs. Everything that's new in this administration, even the Model Cities program, has a big education component. He has really bet his money on the force of education in solving the problems of the individual. Solving the employability problems, solving the citizenship problems, solving the equal quality of opportunity problems, and this, I think, is a major shift. Now I sense some disillusionment around the country about the possible success of this approach--feeling that "it ain't all that easy" and that education can't solve these problems.

M: You mean that education perhaps is not the answer, or that it takes longer?

H: I myself think the latter; others think the programs not only have failed but will never succeed. I have a great deal of faith in what LBJ tried to do and is trying to do. But it's clear that it's not a simple matter. And it's clear also that, as John Gardner has said so much better than anybody else, we're involved in the problem of institutional change in doing this. And institutional change is a slow thing. As I've said lots of times, it's easier to change the churches than it is the schools. The schools have a tremendous momentum in the status quo, and so do the colleges. Johnson has said we're going to use the schools to solve the problems of the people, many of whose problems were made by the shortcomings of the schools. These kids that we're trying to reach now in the schools are people who were either unsuccessful in school or the schools were unsuccessful with

them, and I'm inclined to think the latter. Now, we're using the institution that wasn't able to do the job to do the job, which means we have to change the institution.

Few people foresaw in the early enthusiastic days of the passage of LBJ's education legislation the difficulties of this job. And now the frustrations have set in because the job is difficult. I think that there is a necessary lack of rapport between what you have to do to get programs like this launched politically and what you can do in practice with the programs in terms of delivering the goods that the political policies are made for.

President Johnson really had to go all out to get this great legislative program through and so say, "We're going to solve this problem and this problem and this problem through education." And then two and a half or three years later, the problem still exists. Halting efforts have been made to solve them, I think with inadequate amounts of money. The politicians are all ready to get disillusioned with the legislation. Now that's understandable. The politicians have to go back and get reelected every two years if they're in the House of Representatives and they made these promises, too, you know. "We're going to educate the children in the ghetto even though we've never educated them before."

But somehow we've got to keep in the administration of these programs a perspective on how hard the job is and how long it takes and the fact that it involves continual reformulation of the programs in order to use the ways that they seem to be working and to learn from mistakes. This is the kind of posture we're in now. We're having frustrations that come from going through the first phase. I think there are some Congressmen who have this perspective. I think there are an awful lot who don't, and I

think we run the danger of new simplistic solutions to these problems.

Bobby Kennedy, before he died, was questioning me up on the Hill in a hearing one day about all this, and he said approximately the following: "Well, Commissioner, I think we ought to repeal this legislation and get some new legislation that will work." This was in the fall of 1966 after the Elementary-Secondary Education Act had been operative less than a year.

And I said to him, "Senator, you remind me of a guy who plants a tree and then you pull it up every six months to see how it's coming along. You're just not going to be able to work it that way."

There's a useful analogy there. There's a terribly important issue of continuity about these programs. There's a terribly important issue, also, of having the bureaucrats like myself who are responsible for them, adequately checked on so they just don't run around in the same old circles, but so that they're willing to make changes in the way they're administering them as they find possible avenues to success. I think that the Congress can help to perform that function but should avoid pulling programs up by the roots until they've had a fair chance. I don't think that the administration itself can alone provide all the needed evolution of education efforts because an administration automatically get defensive about these things. "We're doing it, so it's right."

M: Well, I think it is, and I wish to thank you.

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By Harold Howe II

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