INTERVIEW I

DATE: October 25, 1968

INTERVIEWEE: JAMES QUIGLEY

INTERVIEWER: DAVID McCOMB

PLACE: Executive Office Building, Washington, D.C.

Tape 1 of 2

M: To start off with your biography, according to my information, you were born in Pennsylvania at Mt. Carmel.

Q: Mt. Carmel in the hard coal regions, yes.

M: In 1918.

Q: Right.

M: Educated at Villanova. You got an A.B. degree there in 1939, and LL.B. from Dickinson School of Law In 1942.

Q: Right.

M: Then you must have gone into the Navy from 1943 to 1946?

Q: Correct.

M: In the Pacific theater?

Q: Right.

M: Then you came back, according to my outline, and worked as a lawyer in Harrisburg, Pennsylvania, from 1946 to 1954.

Q: Yes.

M: I assume this was just standard law work. Did you specialize in anything?

Q: It was general practice of law with probably a growing accent, as I practiced, in the field of labor relations, practically all of it on the management side of the bargaining table. And I might fill in just as a footnote, probably of no particular significance except for my evolution and growth, that I started life as a Republican and didn't really become a Democrat until about 1948 or 1949--a long process, but we won't go into that. It's significant. I became a Democrat, I believe, in 1949 and ran for Congress on the Democratic ticket in 1950, so I didn't waste too much time getting involved in party politics once I had made the decision.

M: Can you briefly tell me why you switched?

Q: I think maybe the war and all those mid-watches I stood out in the Pacific, when I had a lot of tine to just stand there and think and wonder how we got there and what I was doing there and what I would do if I got back. Being Irish, I suppose I have that fundamental weakness that many Irishmen have for politics. My father was always active in politics; he had been active as a Republican for the best part of his lifetime. But in the New Deal days, in the thirties, he became a Democrat. And as I thought my way through the process, I think I recognized for the first time that had I been a young man in my father's generation in Pennsylvania I, too, would have been a Republican, because in those days Pennsylvania was a one-party state. My father was pretty much a Gifford Pinchot-Teddy Roosevelt "Bull Moose" Republican, which is what I would have been. When the New Deal came along, like many other Bull-Moosers and Pinchot Republicans,

he became a Democrat.

I decided, when I would go back, I would be involved in politics simply because I was fascinated by it. For a brief period, 1946-1947-1948, I suppose was busy establishing my law practice and my family, and I stayed a Republican. But I finally decided that the options I had were to stay in the Republican Party as a dissident, fighting a rear-guard action against the Old Guard, or to get out and sort of join in a frontal attack. So, I did. I moved into a new house and a new county in 1949 and joined a new political party. As I said, within a year and a half, I was the Democratic Party's candidate for Congress.

This wasn't necessarily any great achievement because the district was overwhelmingly Republican, and they were mighty glad to have anybody who was willing to be the sacrificial lamb. But the fact that I did make the sacrifice in 1950, I suppose, was at least a factor in helping me get the nomination in 1954. In the meantime, of course, the districts had been redrafted on the basis of the 1950 census, and the new district was certainly not Democratic, but it wasn't overwhelmingly Republican; so I ended up with the nomination in 1954 and eventually, the election. And that's how I ended up as a member of the 84th Congress.

M: You served two different terms?

Q: I served two different terms. I was in the 84th Congress, and then one of the things that happened in my first term in Congress was that the then-president of the United States decided to buy a farm. Mr. Eisenhower selected Gettysburg as the site for his home and his farm, so he became my most distinguished constituent. This did not help my situation

in the 1956 election because, Democrat or Republican, there was no question that Ike was good for business, if for no other reason. Jim Hagerty and all the other newsmen came up to Gettysburg many, many weekends, and stayed long and, I suppose, spent well. And there was also an understandable amount of local pride involved. So this plus Ike's basic popularity, plus the Suez crisis pretty much caused me to end up on the short end of the tally when the votes were counted in 1956.

I stayed in Washington at that time at the request of Senator Joe Clark, who had just been elected to the Senate in 1956, the year I lost. He called me one day in desperation, I guess in December, saying that he was going to be sworn in as a senator the following week and he hadn't even begun to get a staff organized--would I stay on in Washington long enough to help him do it. So he said, "Stay for six weeks."

And I said, "Well, if I stay for six weeks I'll stay at least for six months until school ends and I can move my kids back to school."

And he said, "As far as I'm concerned, you can stay for six years, but please come." So I went, and I did stay with Joe and help get his office organized back in 1957. I stayed with him through the spring of 1958, at which time I left primarily for the purpose of again becoming a candidate for Congress, which I did in 1958, and I was elected again to the 86th Congress.

Come 1960, of course, I had a different handicap. This time it wasn't Ike and his farm; this time it was John F. Kennedy and his religion. I lived in a congressional district, the 19th district, in Pennsylvania where, in the 1960 election, probably everything that people feared might happen on the religious issue in the country, and which

fortunately didn't--it did happen in my district. I began making noises in early 1960 on behalf of John F. Kennedy simply because I had become convinced that he was the one candidate with whom the Democrats could win in 1960. Some of my friends came to me and said, "Jim, you must be out of your mind. Kennedy won't help you."

And I said, "Well, he won't help me, but let's look at it this way. I don't think Jack Kennedy can lose this district by as much as Adlai Stevenson did in 1956 even if he tried." And as I recall it, Adlai Stevenson lost the district in 1956 by about 33,000 votes. Well, Kennedy didn't try to lose it by more, but he succeeded. He lost it by 43,000, and I went down to defeat again. This time, of course, I think President Kennedy, feeling a certain responsibility for my defeat, offered me the spot as assistant secretary of Health, Education, and Welfare.

M: The religion was a major factor in that district?

Q: Definitely it was. Despite the fact that James Michael Quigley went to the same church as John Fitzgerald Kennedy, they didn't seem to mind having an Irish-Catholic as their congressman. But I must say that in that Pennsylvania-Dutch territory in 1960, the religious issue was still a very definite factor. I had Democratic committeemen who worked hard for me and who were good Democrats tell me quite honestly that they didn't think they could vote for Kennedy. As young men at the age of thirty in 1928, they had voted for Hoover instead of Al Smith, and as older men at the age of sixty or thereabouts, they weren't able to bring themselves to it. Now, I would think if I went back there now the situation would be different. Kennedy's election was great in that sense, because it proved all the old fears and all the old wives' tales didn't have much truth to them. Of

course, I think, taking nothing away from Kennedy himself, maybe the other John--Pope John--did more than anybody to change traditional attitudes in this country as far as Catholic-non-Catholic relations are concerned. But I do think that issue is pretty well behind us even in the 19th district of Pennsylvania.

M: While you were a congressman, according to the information I have, you were on the Committee on Science and Astronautics. Is that correct?

Q: Yes, that was one of the committees that I served on in the 86th Congress.

M: Did that committee have any reaction to Sputnik?

Q: Well, the committee came into being as a result of Sputnik. This was one of the post-Sputnik reactions that we got. We began teaching math and science in all our high schools and grade schools and even kindergartens, I suspect. We sort of hit the panic button, and there were all sorts of committees and commissions appointed by the President, and by the Speaker of the House, and, I suppose, by Lyndon Johnson who was then the majority leader in the Senate. The result was that in the 86th Congress, the Senate changed its rules to create the committee on space. The House took a somewhat different version. They called theirs the Committee on Science and Astronautics, but it was for all practical purposes the Space Committee. I don't know the workings on this. I know there were some staff recommendations that there should be created a joint committee on space, similar to the Joint Committee on Atomic Energy where the chairmanship would move back and forth--one year, you'd have a senator and the next year a House member as chairman. But this was rejected for reasons that I'm not familiar with or privy to, so we did come up with the traditional committees in the House and the

Senate for this new space program.

I moved onto it, frankly, for two very pragmatic reasons: one, in the 84th Congress, I had served on the Judiciary Committee. While I enjoyed that work as a lawyer, I also was enough of a politician to look around me and note that the House Judiciary Committee seemed to be made up of lawyers from the South who couldn't be defeated and lawyers from the North who wouldn't die. And the progression, particularly on the Democratic side, was very, very slow. I think I was twenty-first in seniority which is way down, and I figured I'd have to be around for about seventy years before I could even hope maybe for the chairmanship of a subcommittee. So when the new committee in space was created in the 86th Congress, and I was coming in and had no committee assignments to give up, I put in a bid, and immediately jumped--I think I was the seventh ranking committee member on this new committee. So I sensed the value of seniority and the value of getting a subcommittee chairmanship was a big factor in my decision.

The second one was I sensed that we were moving into the space age, and if one were to start one's new career in Congress and stay with it, maybe we'd grow together. The space program has grown. The only trouble is that, as I've already indicated, I was bumped off the next flight in the election of 1960. Now, my interest in space is that of an informed citizen. Most of the information I have about space I got as a member of the committee. It was a very interesting assignment.

M: Do you have any feelings or thoughts about the leadership of Sam Rayburn?

Q: I can't speak about him, I suppose, without getting somewhat emotional. I came to Congress as a young man. At least I thought I was young--I was in my mid-thirties,

thirty-four, I guess, or something like that. And my approach to Mr. Sam was one of deep respect and almost reverence, and I suppose even love. He was a tremendous human being! He loved politics; he particularly loved the House. Taking nothing away from the Senate of the United States, I think I'm a House-type. I like the House, and I couldn't think of any finer career than to have the kind of a career that Sam Rayburn had--to devote your life to it. And I would have loved to have been so fortunate, but the voters decided otherwise. You can't have a successful career in the Congress of the United States without seniority, and you can't acquire seniority without continuity of service. My swing district was not the place from which to build this career that I dreamed of, so at the ripe old age of forty-two, I sort of hung up the gloves and decided I'd better do otherwise. But I have nothing but the fondest memories and the greatest respect for Mr. Sam. He was a tremendous American.

M: Did he help you?

Q: He helped me in many ways. He was a very practical politician of high principle. I remember many things that he said, and one was, "You know, I've never asked a man to vote against his conscience. I've never asked a man to vote against a commitment that he has made. If, in the course of his campaign, he said that when he came to Congress he was going to do something, I will never ask him to do otherwise."

M: Did he stick to that?

Q: He did stick to that, and there were times when he needed a vote or two in a closely divided Congress. We had several in the 84th and in the 86th, I went to Sam, or I went to Carl Albert, who was then the whip, and said, "Look, politically it's to my advantage to

vote against the Speaker's position and the party's position, because I do come from a marginal district. I want to vote that way, and I will vote that way, but if you need my vote just let me know." I think this was appreciated, and I think this is the way the game should be played. Sam Rayburn is sort of the epitome, in my personal experience and my lifetime to date, of just about the best there is--the best that American politics has produced.

I respect politicians. I think that as a group they're pretty unappreciated. Alben Barkley was another old favorite of mine. But I'm afraid too many Americans have an unfortunately negative attitude about politics and politicians, my own mother probably being the best example. I used to tell the story that my mother has two sons. She's very proud of one, and she's a little ashamed of the other. I happen to be both of them. The one she was very proud of was a member of the United States Congress. And quite frankly, my mother was proud that she had a son who was elected to the Congress. She just sort of thought, however, that it was a shame that he had to go into politics to do this. (Laughter) So, you've got that schizophrenic attitude on the part of many good Americans who just think that politics is a dirty business, and you ought to stay away from it. Yet at the same time, of course, they demand of politicians a standard that quite frankly is not met in many other businesses or professions.

M: Did you ever have an opportunity to see Lyndon Johnson and Sam Rayburn working together?

Q: Well, I had a little incident, a sort of a by-play in which I got a glimpse as to how they worked. In the 84th Congress when I was a freshman congressman, as I indicated, I

ended up on the House Judiciary Committee. There was a special subcommittee that had been created by Mr. Manny [Emanuel] Celler, who was then the chairman of that committee. He was one of those Northerners who wouldn't die, not that I wish him dead. He is another great man whom I respect and admire. But Sam was also chairman of a subcommittee, and it was one of the strangest committees that has ever been put together in the Congress of the United States. The committee consisted of Manny Celler, the chairman, Democrat from New York; Congressman [Sidney] Fine, a Democrat from New York; and Congressman [Peter] Rodino, Democrat from New Jersey. And on the minority side, you had Kenneth Keating, congressman from New York, a Republican, and Hugh Scott, Republican, congressman from Pennsylvania. Now, here you had a committee that was made up of three New Yorkers, one from New Jersey, and one from Pennsylvania. And it was looking at the problems of the CAB [Civil Aeronautics Board?] and the problems of the airlines. It was looking into the problems of the Federal Communications Commission--some of the networks. It was a very interesting investigating committee, which was really what it was.

We had a series of very exciting hearings. I say we because I ended up as a member of this rather unique subcommittee as a freshman. Congressman Fine from New York was elected to a judgeship in the State of New York and resigned from Congress, leaving a vacancy on the committee. One day Manny Celler called me and I went over, and he said, "Jim, would you be interested in serving on this committee?" And of course, the answer was obviously yes, because it was a pretty exclusive committee, and it's sort of the cream of the crop of the members of the Judiciary Committee.

A couple of days later, I stepped on the elevator and Jack Brooks, a congressman from Texas, was on it. Jack and I had served on the committee, but we really hadn't gotten to know each other that well. And he looked at me, and he said, "Jim, what in the hell influence do you have around here?"

And I said, "Jack, what are you talking about?"

He said, "You know what I'm talking about."

I said, "What?"

He said, "How did you get on Subcommittee 5?"

I said, "Frankly, Jack, I don't know," and I told him the story--that Manny had called me and asked me if I would be interested in serving, and I said yes.

He said, "That's all there is to it?"

I said, "That's all there is to it."

He said, "Well, would you believe it if I told you that I had been to see the Speaker half a dozen times on this? I've been over to see Lyndon, and Lyndon and Mr. Sam have been putting all sorts of pressure on Manny to appoint me to that committee. For some reason or other, Manny wouldn't budge, and he insisted that it had to be you."

And I said, "Well this is a strange story. You know, Jack, I didn't campaign for it. I had no pressure. It came out of the blue as far as I was concerned, but let me check on it, and see what I can find out."

Well, I went to one or two committee sessions, and it was obvious what the situation was. Manny had sized me up enough to decide that I was a Northern-Eastern-Democratic liberal, and that while he didn't know Jim Quigley that well, he was pretty

sure that my views and my attitudes on most of these issues would be pretty close to his. In the case of Jack, I think while he respected Jack, he wasn't quite so sure that when the chips were down on some of the issues--Jack, while not an illiberal, which he wasn't and isn't, but on some issues he just might come out a little more conservative and a little more Southern. If that happened, Manny would have been in the potentially embarrassing position as chairman of the subcommittee to have to write the minority report. So it was for that reason that I got on this subcommittee, and it was a wonderful assignment.

I told this story one time to a political science professor and he said, "And the things I keep telling my students about how the seniority system works! It really doesn't work that way."

I said, "Well, let's say the seniority system works when they want it to work, but there are instances where a guy without seniority can get assignments if there are other factors."

I just cited this as a very long answer to your question. You know, that I did know as a freshman congressman from Pennsylvania that Mr. Sam and Lyndon Johnson did check with each other constantly. They did do, quite frankly, an admirable job as far as Texas is concerned, and the Texas delegates.

For example, there still is, I'm sure although I haven't been up in the House dining room in awhile, I'm sure there's still the Texas table. Now, the Texas table started I don't know when, but Mr. Sam sort of presided over it at lunch. There was a standing rule that everybody from Texas who was eating came and sat there, but other people did, too. In

contrast, the Pennsylvania Democrats never got together; we never caucused. We didn't have the same kind of fraternal spirit that definitely runs through, I'm sure to this day, the Texas delegation.

M: Did you have anything to do with the 1960 Democratic convention?

Q: Only as a delegate. That was in Los Angeles, and it was not my favorite convention. I don't want to get into that, having recently been in Chicago and still not having gotten over that traumatic week. But I didn't find the Los Angeles convention as a particularly exciting one.

M: Were you in favor of Kennedy?

Q: Yes, I was in favor of Kennedy going in, as I indicated to you. I had made noises for Kennedy as early as January or February, simply because I was convinced that he had this touch--this charisma--that the party needed. I think what made me a little sad about the Los Angeles convention was that I thought Adlai Stevenson came upon particularly poor times there. I thought--not Gene McCarthy's speech, which I think happened to be one of the highlights of that convention and one of the great political speeches of our times, but some of the demonstrators, some of what we now call "hippies" that were out parading in support of Adlai's candidacy--Adlai deserved better than that.

As far as the Johnson activities are concerned, quite frankly I was not involved in them. I have to level with you and say that I was not a Johnson man going into the 1960 convention. I was a Kennedy man. And I think if you dig out some tapes from some radio stations--I was interviewed on the convention floor after Kennedy was nominated--I was asked what did I think of the rumor that Lyndon Johnson might be selected as his

running mate and I said, "Well, I've got an easy answer to that. It's preposterous! (Laughter) I said, "Lyndon Johnson is the second most powerful man in the country today as majority leader in the Senate during the Eisenhower Administration," and he clearly was. "Why would he give up the Senate majority leadership to seek the office of the vice presidency when I'm sure he is as familiar as anybody with John Nance Garner's classical description of what it was worth. I don't know whether it will be offered to him. It might be done as a political gesture or as an effort to bring about harmony in the party, but whether it is or not," I said, "clearly it will not be a Kennedy-Johnson ticket!" That might give you some clue as to why I've lost as many elections as I have. I really didn't think that he would.

M: You were doubtlessly surprised then?

Q: I was quite surprised, one, that it was offered, and even more, that it was accepted! And quite frankly, I'm a sufficient amateur student of history that I would love to go to the library that I'm now making a small contribution to some day and sit down and hear and read some of the comments of the people who were on the inside. You know, I've read stories about the role that Mr. Sam played in that; the role that Dave Lawrence, mayor of Pittsburgh and then governor of Pennsylvania, and of course "Mr. Democrat" in my state of Pennsylvania for forty years. But I'd be curious to know that story, particularly what entered into Lyndon Johnson's decision to say, "Yes."

I think I understand the practical politics of Kennedy offering it better than I could understand the practical political decisions that would cause Lyndon Johnson to say yes. Whatever the restrictions are on this effort, I hope they're not so tight that an ex-

congressman couldn't come by the University when he's retired from earning a living and study out this facet of a very crucial decision in American history. What would we have had--the Symington administration or President "Scoop" Jackson? You know, these are the kinds of decisions that are made in the heat of battle, and the exhaustion of conventions, the middle of the night, that changed the course of a world.

M: Well, now, to carry the story a little bit further, did John Kennedy then as President play a role in getting your appointment?

Q: Yes. As I indicated, after I was defeated in the November election--I ran way ahead of Kennedy, as I had run way ahead of Stevenson, but in each instance they had run so poorly in my area that my defeat was dictated. Kennedy, as I said, felt a certain responsibility for my defeat, and I was contacted by one or two people on his staff. They said, "Don't be discouraged. You know, Washington is going to be an exciting place, and you don't want to leave now." At this particular point, I was kind of beaten, the second-time around, and ready to quit and go back to the practice of law, and a little saner and more balanced living. But eventually, I was called by Ralph Dungan, and he said, "Jim, why don't you go up to Hartford? Abe Ribicoff is going to be the Secretary of HEW, and I seriously recommended that he consider you as one of the assistant secretaries, if you're interested."

I was interested enough to go up and meet with Abe in the governor's office. John Bailey, who was then the national chairman, was there. And we talked and seemed to get along. It turned out a little later on, I suppose, that the two fellows who knew least about the department that we were going into were Abe and myself. As a matter of fact, there

were times when Abe would start a meeting and look around and say, "Now, with the possible exception of Jim Quigley, I'm sure there's nobody in this room who knows less about this department than I do." We had both served in Congress, but our committee assignments had not brought us into contact with any of the programs in the department. As many programs as it had, we had not been involved in them. There was only one thing in my record that was a little better than Abe's. Abe had the dubious distinction, as a congressman, of having voted against the creation of the Department of Health, Education, and Welfare. But we had had no particular contact, and maybe, in a sense, if we had, we both would have been interested in some other department, or maybe not getting into government at all.

I found it, however, an interesting department, a challenging one, a frustrating one in many ways, but also a very satisfying one. I think Abe's reaction was quite different. I think when Abe saw what the department was, and the headaches that it had, day-in-day-out, he was ready to run for the Senate or do something almost immediately.

M: At the time he took over, the department apparently had a reputation of being rather unwieldy.

Q: It did, and I think it's probably still true. In connection with that, one of the stories I've heard and I'll repeat that really goes back is the story--I suppose it was when Paul McNutt, who was the commissioner of the Social Security Administration as it was then called, which was the father of one of the agencies--grandfather I suppose, of what eventually became the Department of Health, Education, and Welfare. While he was being succeeded by Oscar Ewing, and I guess this would have been in the Truman days,

they met before the swearing-in ceremonies. They sat around and talked, as people do on those occasions, about family and friends and so on and so forth. And it got to be time for the swearing-in ceremonies and Paul McNutt is reported to have said to Oscar, "Well, Oscar, we've sat here talking about everything, and I haven't had the chance to tell you anything about the job you're about to take. All I have time for, all I can tell you, is that this administration was created about ten years ago when they brought together about half a dozen independent agencies. And I can tell you, they're still pretty independent."

And I can tell you that ten years later that administration, having evolved into the Department of Health, Education, and Welfare, the agencies were still very independent. The Public Health Service thought of itself separately, and so did the Office of Education. The Food and Drug Administration--they were all pretty independent agencies. And I suppose Wilbur Cohen is still confronted with this basic problem.

M: That's a major problem in the department then?

Q: It really is. Independence and spirit can be a good thing, but you have a great deal of trouble developing a cohesive, coordinated approach. You've got the splintering, the division which unfortunately mars too much of all government, particularly the federal government, not limited to just this department.

M: Apparently, Ribicoff was happy to leave.

Q: Yes, I would say that this was a happy decision for him to make. Abe was a man of some competence and some ability, but Abe was not, in my judgment, a great administrator. He wanted to be in on policy decisions; he liked to discuss alternate approaches and to make or to help make the big decisions. But after that, he didn't want to be bothered with

the nitty-gritty, day-to-day details. HEW was a department where somebody had to be.

Now, in contrast, I served under Tony [Anthony] Celebrezze as Secretary. Tony wanted to be involved in the day-to-day operations of the department. He didn't care whether the President decided to be for federal aid to public schools, or federal aid to parochial schools, or federal aid to any kind of schools. All Tony asked was that the President call the play, and then Tony would try his best to run it. So, Abe and Tony's approaches to the job were entirely different. But I think Tony would have to admit that for all his effort to get involved in the day-to-day administration that he too had trouble putting a saddle on it and riding the horse.

M: At the time of Celebrezze's appointment, there was a great deal of talk that this was merely a political move by the Kennedy Administration to balance his Cabinet. Do you have any comment about that?

Q: Well, I think it's completely accurate. Taking nothing away from Tony as a man, or as the mayor of Cleveland, or the job that he did as Secretary, I think quite frankly John Kennedy and the administration were sensitive to the oft-repeated complaint, particularly I'd say in the Sons of Italy gatherings, and the minority language press, that he had put his Cabinet together without any Italians, or without any Poles, without any Negroes. So I think quite frankly when the vacancy occurred, taking nothing away from Tony Celebrezze, the fact that his name was Tony Celebrezze, I think definitely must have been a key factor in the President deciding to call him and offer him the job.

Let me say in all fairness to Tony that what happened to him, I don't think should happen to anybody. He had been a mayor of Cleveland for nine years; he had been

involved in politics, but his total exposure had been at the state and particularly at the local level. To throw him into the lion's den, that is, Washington, in a job as complicated and as tough as that one is--it's almost cruel and unusual punishment. Tony was so conscious that he lacked the background and the experience, and he tried so hard. You know, he was conscious of the fact that a John Fogarty or a Senator Lister Hill had been working with these problems for years, and they knew them like they knew the backs of their hands. And yet, he had to go up and defend, and explain, and justify programs they knew so well. And it was an unfair competition, but this is the way our government runs, or doesn't run.

Let me say again, I'm not disparaging President Kennedy or his memory, but one of the things that bothered me about the Kennedy Administration was what I considered to be a failure to grasp the significance or the potential of the Department of Health, Education, and Welfare. Now, I've never been president, so I can't say--there are only so many hours in the day, you can only listen to so many advisers, you can only read so many reports. And I suppose in the age in which we live, concentration and priority must be on international and military considerations. But there were times when I thought President Kennedy badly underestimated both the political potential, and the potential for impact on the growth and the development and the direction of this country that I think is inherent in the programs for which the Department of Health, Education, and Welfare have the basic responsibility.

M: Can you give me any specific examples?

Q: I'll give you a specific example. I think John F. Kennedy proposed Medicare sincerely,

but I don't really think that he ever took off the gloves and went to work to get it through. But then again, I suppose if I were to fault the Kennedy Administration on any one thing, it was the way it did not accomplish what it set out to do legislatively. In all due respect to the accomplishments of the Kennedy Administration, of which I was a part and was proud to be a part, I think any objective look at where the administration was as it went towards the end of its third year in office [would show] that it was in trouble. Its bold promises were not being lived up to. We weren't getting anywhere on federal aid to education; we weren't getting anywhere on our Medicare program; we weren't getting anywhere in the civil rights field. We were in trouble on many scores.

Giving credit where credit's due, if Lyndon Johnson is to have a golden year in his total lifetime, I would think in many respects it would have to be the year 1964, when he took hold of this new administration under extremely adverse circumstances. I think the legislative accomplishments of that first year of the Johnson Administration, climaxed of course by his tremendous election victory in November of that year, have to be one of the high points in his whole career.

M: Why could Lyndon Johnson get his measures passed and John Kennedy could not, even though the measures were quite similar?

Q: My analysis of that, and this is on the basis of my experience in Congress and my year on the Senate side, was that, until the day he died, John F. Kennedy still approached the Senate of the United States not as the President of the United States, but more as the junior Senator from Massachusetts. I've already referred to my attitude *vis-a-vis* Speaker Sam Rayburn. It was one of respect; it was one of deference; it was one of almost awe.

And I have a sneaking feeling that for all his achievements and urbanity and wit and everything else, John F. Kennedy as president still approached men like Lister Hill and Carl Hayden and Dick Russell with the respect that a young man should give to older people whom he, in fact, respects. In contrast--and I'm not suggesting Lyndon Johnson disrespected them--Lyndon Johnson's approach as president of the United States to the Senate of the United States was always that of the majority leader. He dealt with them as their leader.

M: Is this a question of the use of power, the prestige of the presidency?

Q: I think so. I would say that if I had to fault the Kennedy Administration, recognizing the great contribution that I think Kennedy made as president in tone and style, or what have you, the contribution that I think he made in just getting elected and putting behind us the question of Catholicism or any other religion as a fatal bar--I think the Achilles heel of the administration had to be his ineffective dealing with the Congress. And for all of the faults or the shortcomings that might be pointed to in connection with the Johnson Administration, I think the outstanding accomplishment of President Johnson's years in the White House has to be his legislative accomplishments. I am sure that when historians analyze the legislative accomplishments of the Johnson Administration, it will have to rank with any period in history including even the New Deal. We put some really basic legislation on the books that will direct this country for generations.

M: Since you were in the upper echelon of HEW at the time of Kennedy's death and the transition to Lyndon Johnson, can you make any comment on how Johnson was able to make this transition so smoothly and successfully?

Q: Well, I think the one thing that he had going for him, of course, was after the shock, he had a tremendous sympathy. I tell you, quite frankly, when I took my assignment in the Kennedy Administration in 1961, I very, very seriously thought that, "Alright, come 1962, I'll go after that House seat again." Now, for a number of reasons, I finally decided that I couldn't, or I shouldn't. It was a very wise decision. I would have been beaten very badly in 1962. That was not a good year for Democrats in Pennsylvania, and I would have been roundly defeated. So it was a smart decision that I made with great reluctance and with great difficulty.

However, by the time 1964 rolled around, I know that I was beginning to think as we were moving through 1963, "Alright, now what do you do in 1964? Are you going to run again, or are you not? And if you're not, isn't the time coming where maybe now you should decide what it is you're going to be? Are you going to strive to become a federal judge; are you going to go back to the practice of law; are you going to go into business; or what are you going to do? You obviously can't stay Assistant Secretary of Health, Education, and Welfare for the rest of your life." So, I think one thing that happened with the assassination in November of 1963 was that people like me, almost to a man, put on the shelf any thought or any idea that they had about bowing out, or quitting, or moving on. I think we just said, "Well, we'll just postpone those decisions."

M: This is a responsibility to your job, to the country, to the new President.

Q: Right, to the new President. You just can't walk out under these horrendous circumstances. So I think this was a very definite factor that the Johnson Administration had going for it. You know, it's the old one, the Knute Rockne one, "Win this one for the

Gipper" among dedicated Kennedy people and, believe me, there were some really dedicated Kennedy people. Now, I can't say that I was one of them. I admired John F. Kennedy, and I was for him very early in the game, but mine was not one of devotion or personal friendship. It was a pragmatic political decision. He struck me as the most electable candidate that we had on the horizon in 1960, and this was why I was for him. But there were many people in the administration who were much more emotionally involved. Everybody has people who feel that way. Adlai Stevenson, I think to this day, has many people, particularly women, that just think the sun rose and set on the man. And there were people in the Kennedy Administration who felt very deeply about the man. And I think they turned to--and everybody just tried a little bit harder. And I think Lyndon Johnson, to his credit, sensed the mood of the country, the mood of the Congress. He moved in and, as I say, I think wrote the most fantastic record of legislative accomplishments maybe ever in our history.

M: This gets us to the point of what did you, in your capacity as assistant director, have to do with this new legislation?

Q: My involvements were primarily, I think, in two areas. One was in the area of pollution. There began to emerge in the Kennedy days, and then even more so as the Johnson Administration moved along, a growing awareness of the importance of the problem of pollution--water pollution, air pollution, particularly. These programs were being expanded and enlarged. They were assigned to the Public Health Service initially as part of the evolution and involvement. They were upgraded, I suppose, by taking it away from a constituent agency and putting the responsibility at the secretary's level. Ribicoff,

after the 1961 amendments passed, when he was given the responsibility, said, "Jim, you're going to have to bird-dog this. Then in 1963 when the Clean Air Act passed, this was the time when Tony Celebrezze was there, so he said, "You pursue the air pollution control as well." So I was involved in these programs as they emerged and evolved.

M: Did you have anything to do with writing the Clean Air Act?

Q: Writing it in the sense that the drafts that were first put together at the Public Health Service, you know, came to me for review. I would be in on sessions at the Bureau of the Budget in the sense that I served on innumerable interagency committees that had comments and criticisms and inputs to make. So, yes, I spent many an hour involved in this kind of thing--what do you do; what should the provisions be; what amendments should be made; what changes?

M: Did you play the same kind of role in water pollution control also?

Q: I played a lesser in this sense. When I first came to the department in January of 1961, President Eisenhower had vetoed legislation that the Congress had passed in 1960. As a matter of fact, it was right during the election campaign when he vetoed the bill. He vetoed it on the grounds that, fundamentally, water pollution was the responsibility of the states, and the federal government ought not to expand its role in it; as a matter of fact, maybe it ought to get out entirely. This is despite the fact that many of the people in the Public Health Service, many of the people in the Department of Health, Education, and Welfare when [Arthur] Flemming was the Republican secretary, had had a hand in at least framing some aspects of the bill. So what happened was that in January a new administration came in. Ribicoff, on the advice of the career people, just pretty much

took the bill that had been vetoed the previous September and that went back in as a Kennedy recommendation. Now, there were some changes in the process. And there was some input from the Kennedy Administration, but basically the 1961 act was a slight expansion of the bill that had been vetoed in 1960. My involvement in water pollution came after the 1961 act passed.

M: Then you, as an assistant secretary, specialized in pollution problems and what else?

Q: I think the two areas of specialization that I got involved in by happenstance was pollution in both air and water, and in civil rights.

M: You had some role in writing the 1964 Civil Rights Act?

Q: Yes, and I had a large role in writing the 1965 amendments to the Water Pollution Act. But in the civil rights field, I think what happened was--and as I think about it, it was unbelievably naïve--but in all frankness, I think the attitude of the Kennedy Administration when they came into power in 1961 was that you really didn't need any more civil rights legislation. There was enough civil rights legislation on the books. All you needed was more vigorous, more imaginative implementation.

And we went along with this notion in the first two-and-a-half years of the Kennedy Administration. Now, this was not all had. President Kennedy issued his executive order on civil rights, I think it was in April of 1961. Many changes were brought about internally within the government to improve job opportunities and the chance of promotion for Negroes and Mexican-Americans. And I suppose this was the area where I had my biggest and most consistent exposure to Lyndon Johnson, because under the terms of the Kennedy executive order, the Vice President served as chairman of

the committee to carry it out with Arthur Goldberg, and then later Willard Wirtz, secretaries of labor, as the co-chairman. So we had an interdepartmental meeting at the undersecretary or assistant secretary level which was chaired by the Vice President, and I was the HEW representative.

(Interruption)

Well, as I think I indicated, my most consistent exposure to the presence of Lyndon Johnson was in the civil rights area, largely when he was the vice president and did have the responsibility for implementing the executive order on civil rights. Quite frankly, I was impressed. I think it's always interesting to observe growth and development, whether it's in your child, or your grandchild, or in a friend, or in a grown human being. And I think it was interesting for me as a liberal Yankee to watch the evolution and the growth of Lyndon Johnson in the civil rights area. Because I think anybody who knows his early record as a Texas congressman and then as a senator, it was pretty much a reflection of the folkways and the mores that were prevalent in the South in the thirties, the forties, the fifties.

But he evolved, and of course, the most dramatic evidence of his growth and evolution came with the passage of the 1957 Civil Rights Act. And in that capacity, my observation then was as an administrative assistant to Senator Clark who was an outspoken liberal from the North, who, quite frankly, had many, many differences public and private with his majority leader. But it was interesting to see that the first meaningful civil rights legislation since the Civil War got on the statute books largely because of the efforts of Lyndon Johnson as majority leader back in 1957, and then to see him, as I had a

chance to observe his work in the civil rights area in 1961 and 1962 and 1963.

There wasn't any question in my mind that this man was completely sincere and completely devoted to the job he had to do. Now, this is not to suggest that he was starry-eyed or a radical in this whole area, but I think it came through to anybody who had any dealings with him that he was sincere, and that he wanted action, and he recognized the need for change, and clearly recognized that it was the responsibility of the federal government to get its own house in order. And I think much of the progress that has been made in the equal employment opportunity field, so-called, in the federal government in the last seven or eight years can be traced to the basic work that was done in 1961 and 1962 and 1963 under the committee that Vice President Johnson chaired.

In the history of civil rights, of course, as far as I am concerned, there are two periods--certainly, there were two periods in the Kennedy Administration. One was before Birmingham and the other was A.B.--after Birmingham. The dogs and the water hoses and what have you on the American television screen shook a lot of people, including the President of the United States. Because if you check back on the record, I think it was in January or February of 1963, a full two years after the Kennedy Administration had been going, that the Kennedy Administration finally sent forward to Congress its recommendations on civil rights. And I think if you check back, you'll find that they consisted of nothing more than some changes in the voter registration laws--very minor, very miniscule changes in the existing law.

I can recall being in Cleveland visiting my brother on the thirtieth of May weekend in 1963 when I got a frantic call to come back to Washington. I came back, I

think it was on Sunday of that weekend, and there was a session in the Cabinet Room--Secretary Celebrezze was there and I was there--

M: Was it Celebrezze that called you back?

Q: Yes, Celebrezze called me back. The President was there, and the Vice President, and the Attorney General Bobby Kennedy, Ted Sorensen. And the basic question then was, "What else can we do; what additional things should we recommend?" The end result was that some ideas such as the equal employment opportunity provisions which are now in the law. We now have a commission--this had been one of the proposals that we had sent over from the Department of HEW. I think it came over from the Department of Labor earlier and had been rejected out of hand as too radical and going too far. So there was a complete flip-flop. I think if you check the difference between the Kennedy Administration legislative recommendations of January for 1963 and compare them with the recommendations of June of 1963, they are radically different.

But the great contribution, I think, that President Johnson made in this area was not that he was in on this decision-making meeting that led to these extensive recommendations, but that ultimately a year later when the responsibility of the presidency was his, he pushed and pushed real hard to get them enacted into law. I still can't believe it to this day that Title VI of the Civil Rights Act ever passed. I think Lisle Carter, who was my deputy, and I sort of put that in almost as a joke. We just said, "If the federal government really is sincere about doing something about integration, they should just say as a matter of principle the federal dollar can't be spent to support a sustained segregation." Nobody ever really expected it to stay in.

M: Where did you get this idea to write into the draft?

Q: Oh, I think if I had to give credit to anybody, it would have been Lisle Carter who was my deputy.

M: Did you two work together in drawing up the draft of the--

Q: Not the draft so much as ideas. I think the actual draftsmanship probably fell into the hands of people like Burke Marshall or John Doar or somebody like that in the Justice department. But we were asked to come up with ideas. I don't know whether this idea of Title VI came only from us, but it certainly did come from us. I know the idea on the equal employment opportunity came from us, but I would be equally sure that probably some people in the Labor Department would have made a comparable recommendation.

M: In writing this Civil Rights Bill of 1964, did the President ask for ideas from the various departments involved, and this is where you came in in submitting the ideas from HEW?

Q: Right. And the basic purpose behind this meeting over the holiday was, in essence, that President Kennedy had gotten all of these ideas, and quite frankly, they didn't go far enough. I'll tell you who else was at that meeting. It might be interesting to have his thoughts and views as part of this record--Louis Martin, who for years now has been the representative to minority groups at the Democratic National Committee, and a very able guy. He sat down there, and he talked about education, and he talked about job opportunity, and he talked about housing. We were, in effect, saying for two and a half years, "Take it easy. We don't need anything new or different. All we need to do is do a better job with what we already have." Then after Birmingham, you had the complete reversal, that "We're not doing enough, and when we ask for ideas, the ideas that come in

aren't radical enough; they don't go far enough." So it was a complete flip-flop.

M: How far had this planning gone by the time of Kennedy's death?

Q: Well, the basic bills had gone forward to the Congress.

M: But they were stuck?

Q: They were not in good shape, let's put it that way, but then they were not alone in this respect. I think clearly John F. Kennedy was not doing well in the 88th Congress.

M: Before we go on, Title VI is so controversial and was such a subject of debate, and you say you put this in here, I suppose not exactly as a joke, but certainly with no hopes that it would go through. Why did you put it in there?

Q: We put it in only under the kind of circumstances that had developed. You know, the message we got from the White House--and the White House is a funny term. It means all sorts of things to all sorts of people. But the word we got from the White House was, "Don't hold back on anything. If anybody has any ideas, put them in here. Let's run them up the flagpole and see what happens." This was an idea that, I think, a number of us in our bull sessions and in our many meetings pointed out the inconsistency that the federal government says to the states and to the local communities and to private enterprise, you know, "You ought not to discriminate. It's unconstitutional; it's inhumane; it's undignified; it's everything; it's un-Christian; it's immoral. You ought not to discriminate." But at the same time the federal government kept sending monies to build hospitals that discriminated, they kept sending the federal dollar to build schools that discriminated. The Supreme Court has spoken, but the executive branch of the federal government acted as if the Brown decision had no applicability to them; it only applied to

the local school district. And I suppose from a technical lawyer's argument, you could make out a case. But what some of us were saying was that Uncle Sam, the executive branch of the federal government, just can't sidestep. They just can't stand by and say, "This is a local responsibility. All we do is give the money." The credibility gap, you know. If we don't really do more than we're now doing to see that the federal dollar is spent not to sustain or to subsidize segregation, you're going to have trouble convincing the Negroes that you're really serious when you say you are.

So, frankly, we were pleasantly surprised when Title VI emerged as part of the legislative recommendation, and unbelievably amazed when it stayed in. We thought certainly that this was one of the things that the administration had put into the bill, recognizing that in the legislative process there is a certain amount of give and take, and we just assumed that Title VI was put in there as a "give." This was something that could and would be sacrificed at the appropriate moment.

But then to our amazement Barry Goldwater made some kind of a statement on the floor that he thought this was a sound idea, that the federal government ought not to spend its dollars except in a manner that would promote and sustain the law. So nobody ever really got around to attacking it very hard. There was a lot of debate on it, some serious questions asked. Our now-Vice President Mr. Humphrey made a couple of speeches on the floor that I wished he hadn't made because I was never quite sure what he meant, or how he said it. But the important thing was that it did stay in. When people look back, this is really what is going to bring about the kind of integration that I think has to occur in this country faster than almost anything. The Brown decision was a

historic decision, but in many respects it was just a legal document. It was not self-implementing and the passage of time demonstrated this sad fact.

M: Did you have to work with Congress on this issue while the bill was in process? Were you asked to contact congressmen?

Q: Well, only in a sense that these number of sessions that we would have from time to time involving assistant secretaries and congressional liaison officers--we would have them over here at the White House in the Fish Room with Larry O'Brien usually in charge. They were for the purposes of discussing the administration's overall legislative program, where it was, where it wasn't, and which bills they were having trouble with, and which bills were coming up. So, it was kind of an attempt at coordination so that the Department of Agriculture wouldn't just fight its legislative battles alone, and HEW its legislative battles alone, and the Treasury Department its legislative battles alone. So there was a certain amount of, "Now, this bill is coming up, and any of you people who have any friends or connections, let's get to work." So there were many times when I would pick up the phone and call an old colleague on an agricultural bill that was of no particular concern of mine and the Department of HEW except it was an administration measure. The actual responsibility for legislative contact in the department at that time belonged to Wilbur Cohen who was the other assistant secretary. Have you interviewed Wilbur as yet?

M: No. But he's on the list.

Q: Wilbur would be a man who I would think could make a fantastic contribution to the kind of document you want to put together, because Wilbur has had a long working

relationship with Lyndon Johnson going back to the days in the Senate.

M: What did Johnson do to get that civil rights bill passed? Was it just a matter of the times that were ready for it, or did Lyndon Johnson actually do something himself to put it through?

Q: I think he did provide leadership, I really do. I think he sincerely went to bat on it. I think it's one of the real examples of our times where the President did provide the leadership that the country needed at a given time on a given issue. Taking nothing away, of course, from Everett Dirksen's paraphrase of who was it? Alexandre Dumas? "The power of an idea whose time has arrived?" This was, I suppose, an idea whose time had arrived, but it didn't just happen; it didn't just happen in Birmingham. It happened in Birmingham. As I said, the President of the United States as educated, as sophisticated, as John F. Kennedy was, was kind of living in a dream world as far as civil rights was concerned, I'd say, in 1961 and 1962.

M: Was there any change in tactics between Johnson and Kennedy in the passage of this bill?

Q: I'd say in the passage of every bill, as I think I've indicated earlier, I think Lyndon Johnson approached the Senate of the United States and the Congress of the United States as if he was their leader--I can almost say master, which in many respects he was. He knew the Senate; he liked the Senate. I think the Senate knew him; I think the Senate liked him. And when he said something, they listened because they knew Lyndon and his reputation. If this was what he wanted, you could be pretty sure that he was going to get it or know the reason why. As President, he has had his defeats, I suppose the Abe Fortas one being those most recent and most devastating. But I would say overall that he

has had a remarkable batting average.

M: Did you have anything to do with the task forces in 1964 that Johnson appointed? There were fourteen of them, and he appointed these in 1964 to map out a program.

Q: To distill the program, yes. I was involved in both the ones on pollution control and on civil rights, but I have to be honest with you. I was involved in so many different meetings and so many different groups that I can't say that we distilled anything that comes back to me now that would be particularly memorable. I think the dead hand of the federal government, as I remember it, is the interminable number of interagency meetings.

M: Your other major endeavor was in pollution, so maybe we should probe that a bit.

Q: I think I've given you some history on it. It was a matter of involvement, or evolving. As a member of Congress back in 1956, I voted for the first pollution control legislation, the first permanent legislation that we put on the books. I have to be honest with you--I was not particularly conscious of the fact that I was voting for it, and I suppose if I had been and knew what the future held, I might have voted against it. But I stumbled into the assignment because, as I said, when the 1961 amendments passed, they transferred the responsibility from the Surgeon General to the Secretary of Health, and Abe Ribicoff gave me the assignment. So from that point forward in 1961 I had sort of the overall policy responsibility for the program in the Department of HEW, but the day-to-day operation of the program still remained in the Public Health Service where they had the technicians, the engineers, *et cetera*, to do it. In much the same way, I then became involved with the evolving air pollution program. When the Clean Air Act passed in

1963, I had the same role within the department, sort of overall policy responsibility with the administrative detail in the Public Health Service. Then in 1965, further steps were taken with the passage of the 1965 act.

M: This is the water quality?

Q: This is the Water Quality Act of 1965. Of course, in the intervening period what had happened was the original proponents or spokesmen for water pollution control in the Congress had been Congressman John Blatnik in the House and Senator Kerr from Oklahoma. When Senator Bob Kerr died, Senator Edwin Muskie succeeded to the mantle. Muskie, of course, grabbed it and ran with it. He emerged pretty much as the spokesman in the whole area, and he had a lot to do with the Clean Air Act of 1963 and a great deal to do with the final form of the Water Quality Act of 1965.

The important thing with the 1965 act, as far as I was concerned, was the Congress made the further decision that the water pollution control program should be set up in a separate administration of its own. You could see how this evolved. First, they took it out of the Public Health Service. Now, they wanted to set up a separate administration of its own in the Department of Health, Education, and Welfare.

M: Let me interrupt you a minute here. Did you have anything to do with the writing, or the formulating of the Water Quality Act?

Q: The Water Quality Act of 1965, I had a great deal to do with that. I was in on most of the considerations of the administration's bill. Now, let me say that the administration's bill that went forward to the Congress and the bill that finally emerged were not the same thing. Again, there were a lot of forces at work, the most persistent and persuasive, I

suppose, being Ed Muskie. But yes, I was in on the nitty-gritty details of working out the details of much of that legislation.

M: Did President Johnson support you in this?

Q: Yes, I must say he did generally, but if I were to be critical of the Johnson Administration in this particular, I would have to make something of the same criticism that I made earlier about the Kennedy Administration and its attitude towards the Department of Health, Education, and Welfare. I got the feeling that President Johnson had so many things on his mind that when he thought about pollution, whether it was water or air, all of his thoughts were good and wonderful, but he had so little time to think about it. He designated Joe Califano as the White House staff man who had responsibility in this area, but Joe had responsibilities in so many other areas that there were times that Joe, for all his brilliance, I felt, as a guy who was working with these problems on a day-to-day basis, that Joe was making decisions and agreeing to things without really knowing for sure what he was agreeing with. Charlie Schultze, the Director of the Bureau of the Budget, in my judgment, in many respects had the best grasp of what was involved in the pollution control field of anybody in the Executive--certainly, anybody identified at the White House level.

I'll go back a little bit. When the 1965 act passed, creating the Water Pollution Control Administration in the Department of HEW, about the same time President Johnson decided that this new administration should be transferred from the Department of HEW to Interior.

M: Why was that?

Q: Well, that's the question that I think a lot of people have asked. And if this kind of study can help come up with the answer, I think it will make a small contribution to the understanding of history. Certainly, one of the reasons would have to be Stew Udall. As secretary of interior, I think Stew sensed there were a couple of things wrong with his department. One is that it was basically a western state department. It had no particular programs in the rest of the country except basically the seventeen western states. Stew had a sincere interest in pollution problems. Stew made innumerable speeches. As a matter of fact, I would say if you check back over the record in 1962, 1963, 1964 and you listen to the public speeches and the appearances on television, "Meet the Press," and the like, of the Secretary of the Interior, you couldn't help but assume that the programs for pollution control were already in the Department of Interior. Stew was talking pollution and beautification constantly and all the time.

In contrast, the Secretary of HEW had many other things to talk about--the Food and Drug Administration, Medicare, federal aid to education, civil rights. In his testimony before the committees of the Congress on the executive reorganization which transferred the program to Interior, Secretary Udall testified that if the program came to his department, he would personally devote at least a third of his time to it. Some wag said, "Hell, he's giving more time to it now than that. I don't know why he would cut back the program when it came to Interior."

But I think Stew's eagerness, his anxiousness to have a program that he was sincerely interested in that would give the Department of Interior a nationwide program and his constant involvement in it--he did succeed, I think, in doing one thing. I think he

created in the mind of the President of the United States an identification. And, frankly, I think it got to the point where when Lyndon Johnson thought about pollution control, he just automatically thought of Stew Udall. I think this more than any one thing finally led to the point where the President said to Califano or to Charlie Schultze, "Why don't you work this thing out? John Gardner has got enough to do."

John Gardner had become the Secretary of HEW at about that time, and who could say that he didn't? There are so many programs in HEW. John was new at the game; he'd just come onboard. Stew was an old-timer. Stew made his move at the right time about August or September of 1965. In fairness to John, I think he had so many other things to do, and if this is what the President wanted, maybe the better part of valor was to acquiesce. So he did, and the program was transferred to Interior. I guess the transfer finally occurred about May of 1966.

M: Was this wholly illogical, this transfer?

Q: No. It's not wholly illogical. I think any division of the work of government at a certain point becomes arbitrary. You can draw up your table of organization and have so many boxes, but eventually you've got to say, "Well, it could go here or it could go here, but let's put it here." So it's not illogical. You could make a rationalization for it being in the Public Health Service when it was there, for it being in the Department of HEW when it was there, and certainly you can make a good case for it being in the Department of Interior now that that's where it is. I suppose if at some future date the President or the Congress in its wisdom should decide to set up a separate agency or department for environmental control or pollution control, it could go there.

I think there are no absolutes in this area. You had in one case a secretary who wanted the program, who campaigned to get it, and campaigned hard to get it. In the other instance, you had a secretary who didn't want to give it up, but who, I suspect, didn't have any good retort when the President of the United States says, "John, you've got enough to do without worrying about this," which I think is a pretty accurate description of the life of any secretary of HEW, whether it's Ribicoff, Cohen, Celebrezze, or Gardner.

Q: I think, as I indicated, in 1965 in the Water Quality Act the Congress created the Federal Water Pollution Control Administration. As enacted by the Congress, this new agency was to exist in the Department of Health, Education and Welfare. But along about the time the act was passed, Stew Udall made his move and persuaded the President that this was the logical time to transfer this new agency to the Department of Interior. This was in balance. It was being debated back and forth within the administration. This would have been November and December of 1965.

I had finally reached the point after five years as assistant secretary of the Department of HEW that the time had come when I was definitely going to get out of government. I had not run for Congress in 1962. I had shelved my decision to leave after Kennedy's assassination in November of 1963. 1 wasn't even seriously tempted to run for Congress in 1964. But I'll be honest with you, I did have some thought, some notion, that maybe the Democrats would need a candidate for governor of Pennsylvania in 1966, and that if I made my move at the right time, the parts might all fall together, and I would emerge as the candidate. I was working on this in October, November and December of

1965 sort of behind the scenes. John Gardner was aware that I was going to bow out. I had sort of one last assignment, and that was to find a commissioner for the new administration. One day, I guess it was in January of 1966, John Gardner called me in and said, "Jim, you can stop looking for a commissioner." I said, "Good! You found one?" And he said, "Yes, you!" I said, "Well, now, how did this come about?" He said, "Well, you know that the President proposed that this agency be transferred to Interior. I've gotten together with Stew Udall, and we recognize that the proposal is going to go forward to the Congress, but the Congress has at least sixty days in which to veto it if that's what they decide to do. So it's going to be some time--some two or three months at least, until we know whether it's going to be in Interior or whether it's going to stay here. We think that the administration would be subject to criticism if we delay selecting a commissioner for that length of period, because, after all, the President signed this bill into law back in November. So, we're agreed that if the program goes to Interior, Stew can work with you. You're an old colleague of his; you came to the Congress together. And if it stays here, I can work with you. So, you're going to be the commissioner."

I said, "Well, let me make one more trip to Pennsylvania to see how the political winds are blowing up there." So, I did. And I decided that the only way I could possibly get the nomination for governor was after a long and bloody and expensive primary fight. And I hadn't any particular stomach for that kind of a fight, and I didn't have the prospects of money for that kind of a fight.

So I came back and became the first commissioner of the Federal Water Pollution Control Administration, and then in May the agency was transferred to the Department of

Interior. I spent from then until I finally left the federal service in January of 1968, this year.

That's kind of the story of my life and hard times in the legislative and executive branches of the federal government.

M: As commissioner of the Water Board, was your main problem in establishing standards?

Q: Well, I think the basic work of the new administration was the establishment of water quality standards. And this is because the two things that the 1965 act did was to create the Federal Water Pollution Control Administration as a separate agency, and it mandated the setting of water quality standards for our interstate and coastal waters. Now, I think viewed historically, the latter is a far more important decision than the creation of the agency. The big jobs that we had in 1966 and 1967 were at one and the same time to get ourselves organized, to get a new agency established in the federal government, and to work with the states in setting water quality standards. It took us longer than we hoped it would. In many respects it was more difficult in doing than we thought it might be. But overall, considering the scope of the job and how ill-prepared many of the states were, how understaffed many of them were, I think a fair beginning has at least been made.

M: How significant was the debate over degrading streams? As I recall, Udall came under some criticism for that.

Q: Well, I think it was serious. I'm getting into an issue in which I was deeply involved intellectually and emotionally. Frank DiLuzio, who was the assistant secretary in the Department of Interior in this period, and I just simply didn't see eye-to-eye on the provision of the law. And the Secretary, of course, was in the unenviable spot of having

his commissioner and his assistant secretary in disagreement. So he attempted to resolve the issue.

The basic problem, of course, was that the language of the statute kept talking about abating pollution and operating water. Well, I think when the Congress was talking this way and writing this way, they were thinking of water that was already polluted and steps that ought to be taken in setting standards that would improve the quality of this water--make it better water.

The nondegradation issue came into focus when states came in that had some waters that were of extremely high quality. Suppose you had a mountain stream with six or seven or eight parts of dissolved oxygen, just a bubbly mountain stream, and they set a water quality standard for fishlife. Suppose they suggested five parts of oxygen. Well, five parts of oxygen is all the oxygen that any trout or any fish would need to sustain its life and to prosper and to grow and to reproduce. But if the state set a standard of five parts of oxygen for that particular stream, and it already had seven parts of oxygen, query: wasn't this, in effect, a license to pollute? In other words, you can pollute this stream. You can reduce the oxygen to six or to five-and-a-half or down to five. You could degrade this water. This is certainly not desirable. Our conservationist friends protested it and said, "The Secretary can't approve this standard of five parts or four parts, or whatever the case would be. Because in doing it, the Secretary is in effect granting a license to pollute, a limited license, but nevertheless a license."

I said, "This may be so, and this may be undesirable, but I don't really believe that the Secretary has any choice. I think the statute as it was passed--Congress gave to the

states the right to set the standards and the right for the Secretary to review and approve those standards. Now, I think the Secretary can either do one or two things. He can either approve the standards that the states submitted, or he can disapprove then. And if he disapproves them, he can attempt to set standards of his own. But the problem with this is the technicians, the aquatic biologists, tell us that you can't honestly come up with a standard that says you have to have five, or six, or seven, or eight parts of oxygen to sustain fishlife. Fishlife can be sustained very well at four or five. We're in a bind because there isn't any use that I can think of that we can say to the states--designated to this use that will require this much oxygen."

So, we got into one of those hassles and Frank DiLuzio insisted that the conservationists were right, and I got into the position where I said, "I'm not saying the conservationists are wrong. I'm with them in principle, but I really honestly don't believe that the Secretary has any authority but to say to the states either, 'Yes, I approve,' or, 'No, I don't approve.'" Well, the thing went round and round, of course. In the meantime, both Frank and I had, independent of this controversy, made our decisions to leave the government and enter private business. But unfortunately, the controversy didn't get resolved, and we each came to the point where he was departing in December and I was departing in January--he was going out in December of 1967, and I was planning to leave in early January. And I'm sure you're never going to convince an awful lot of people that both of us didn't leave because we had gotten involved in a big wrangle and so on and so forth. The issue is still not completely or satisfactorily resolved. I think it's one of those things that only time will work its way out.

M: For the record then, your decision to leave was not based on that controversy?

Q: No. As a matter of fact, I'll be quite honest with you. I already indicated that I was ready to leave again in October, November, December of 1965, this time with the thought in mind that maybe I'd take a crack at the governorship and if I didn't get it, I'd settle down to the practice of law in Philadelphia, or Harrisburg, or somewhere in my native state of Pennsylvania.

When that washed out and I stayed on and became the Commissioner, I was firmly resolved that I was not going to be in a position where I was going to get committed through the 1968 election. I had set for myself, quite frankly, October of 1967 as the time when I wanted to be out of the federal government. Why did I pick 1967? Well, because in Pennsylvania we have municipal elections in the off-years, and we had an election for mayor in the city of Philadelphia. I didn't know whether a Democrat would be reelected or what would happen. I wanted to make my public announcement that I was leaving government before that election because I didn't want, if a Republican was elected the mayor in Philadelphia, for Quigley to then announce that he was leaving the administration. At that point I think everybody's thinking was that Lyndon Johnson would be a candidate for the election in November of 1968, and I wanted to get out so that it would not have any possible adverse impact that I was abandoning the ship.

I didn't get out until January for a number of reasons. The controversy over nondegradation, I suppose, somewhat delayed it, but actually, I was hoping that we could have the water quality standards pretty well behind us by the first of this year. Making these comments in October, ten months later, and having just been over to my old

administration and finding out that they're still struggling with about three states, I guess I was overly optimistic. Of course, I got out in January, my decision to leave having been made much earlier. And then, of course, all sorts of things happened, not the least of which was the President's decision not to be a candidate.

Let me say quite clearly--my leaving as commissioner had nothing to do with the so-called nondegradation controversy, it was just one more flap you get into in government. And in this instance unfortunately, I think, the timing of both Frank DiLuzio's departure and Jim Quigley's departure was such that some people said, "Boy, there really must have been a brawl that both of them--"

M: And then from here you went on to U.S. Plywood and Champion Paper Corporation?

Q: Yes. In December of last year, I was elected a vice president of the U.S. Plywood and Champion Paper, and I've been with them ever since.

M: That brings us to the present time. Right.

Q: Right.

M: I wish to thank you for the interview.

Q: Thank you, sir, and the best of luck with the total effort. It's a fascinating way to record history, although much of what I've put down, I'm sure, is trivia and unimportant. But much of everyday life is trivia and unimportant; yet out of it history is made.

M: Thank you.

[End of Tape 2 of 2 and Interview I]

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