

James Quigley Oral History Interview – JFK#2, 3/17/1967
Administrative Information

Creator: James Quigley

Interviewer: William McHugh

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Biographical Note

James Quigley (1918-2011) was a Pennsylvania representative from 1955 to 1957 and 1959 to 1961, administrative assistant to Senator Joseph Clark of Pennsylvania from 1957 to 1958, the Assistant Attorney General of Pennsylvania in 1958, and Assistant Secretary of the Department of Health, Education, and Welfare from 1961 to 1966. This interview focuses on the Kennedy administration's efforts to curb water and air pollution, states' reactions to these regulations, and the Department of Health, Education, and Welfare's efforts to desegregate hospitals, among other topics.

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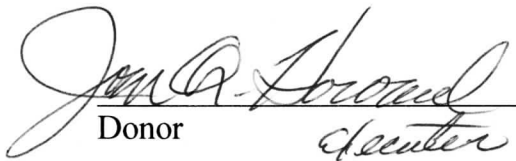
of James M. Quigley

Interviewed by: William McHugh

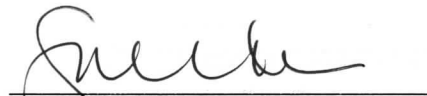
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James Quigley– JFK #2
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Second Oral History Interview

with

JAMES QUIGLEY

March 17, 1968
Washington, D.C.

By William McHugh

For the John F. Kennedy Library

McHugh: This is a continuation of the interview with Mr. James Quigley, the Commissioner of the Water Pollution Control Administration. The interview is taking place on March 17, in Mr. Quigley's office at 633 Indiana Avenue.

Mr. Quigley, at the time of the 1961 Water Pollution Control Amendment, water pollution control was taken out of the Public Health Service and put more directly under the Secretary. Can you say what the, give some background on that please?

QUIGLEY: Yes, the background, I think, briefly is this. The Federal Water Pollution Control Program got off to a very modest start. Legislation was passed in 1948. The '48 legislation was rather temporary and inadequate. And really in essence, I think, the Congress said not much more than that the Surgeon General of the United States ought to take a look at this and make some recommendations. The best thing that can be said about the '48 act is that it led eventually to the passage in 1956 of the basic legislation under which we are presently operating . . .

McHUGH: I see.

QUIGLEY: . . . the Federal Water Pollution Control Act of '56. I think what happened was that a lot of returning GI's came back from World War II, and were kind of shocked to see what had happened to the old swimming holes and the old fishing holes, and decided that the traditional approaches of the state to pollution control had not been adequate. I don't know whether that was a fair judgement to make against the state because quite frankly for the previous fifteen years we had a great depression followed by a great war. And quite frankly the conditions weren't exactly favorable for anybody to do much about pollution control in this country. The fact of the matter is we

hadn't done anywhere near enough whatever the extenuating circumstances might be. And I think beginning in '48 there was a slow start, the early beginnings of what now has become a growing, expanding federal program. In '56 the basic legislation went on the books which provided for the federal government to be involved in pollution control really for the first time. A research program, an enforcement program, and a construction grant whereby we made monies available to the states to help local communities which still needed treatment plants.

This program was expanded considerably by the Eighty-third Congress, but -- correction, by the Eighty-fourth Congress. Congress passed legislation expanding the Federal Water Pollution Control Program. President Eisenhower in 1960 vetoed this legislation on the grounds that this was still basically a fundamental, and fundamentally a state responsibility and not a proper area for federal activity.

In November, when Kennedy was elected, one of the things that he campaigned on, and in some areas of the country, was water pollution. And one of the early things sent forward to the Congress in 1961 with the Kennedy administration were the basic amendments that had been vetoed by President Eisenhower the year before with some changes and with some improvements.

Now one of the amendments that Congress wrote into the law in '61 was to transfer the administration of the program from the Public Health Service, from the Surgeon General of the United States to the Secretary of HEW [Department of Health, Education and Welfare]. Now this kept it within the same department of the government but shifted responsibility from the Surgeon General to the Secretary. I think this reflected two things. I think it reflected: one, the general philosophy of government that was embodied in the Hoover Commission reports that the man at the top ought to be given the responsibility and then let him delegate it out to whomever he saw fit, rather than to have someone lower down on the chain of command with basic program responsibilities. Even more accurately, however, it reflected the result of a conflict between what might be called the conservationist and the Public Health people in this country over who should control and who should run the pollution control program. In essence in '61, the Public Health Service lost, and I suppose, the conservationists scored a minor gain. Subsequently the fact that you're now talking to me as Commissioner of a new administration in the Department of the Interior in 1967 would indicate that the conservationists went on and quite frankly have pretty much won the battle. The program today, almost twenty years after it got started, is now in the Department of Interior rather than in the health agency of the government, and conservationists to a greater extent are playing a key role. Now all of this is a preamble to the fact that in '61 when the legislation passed I became involved in water pollution when the assignment was given

to the then Secretary Ribicoff [Abraham A. Ribicoff], and he in effect said, "Jim, here, take it and run with it." That's how I got involved.

MCHUGH: Well, up to that time water pollution control actually was scattered among a variety of agencies? For instance, Army engineers had certain responsibilities, the Coast Guard. . .

QUIGLEY: Well, yes. Of course, and to a limited extent this is still true. One of the things about democracy, I suppose, is that it isn't orderly. One of the things about the federal government such as ours is that it is not always logical. So that even today despite the fact that we have a new administration and it is in the Department of the Interior, there still are vestiges of activity in the Corps of Engineers, in the Coast Guard where they have some responsibility. But basically, the key responsibility for pollution control as distinguished from many other aspects of water -- water supply, water navigation, fish and wildlife -- the basic responsibility for pollution control was in the Public Health Service, and is now in the special administration that I'm in.

MCHUGH: Well, did this present any problems of coordination particularly? For instance, some people complained that the Army engineers, or the Coast Guard, or both, should have been responsible for the problems they had in Raritan Bay, and some people felt that very little was being done. And how there were two agencies involved there. And other people felt that your agency should have been responsible.

QUIGLEY: Well, I think that you not only have the conflict or the possible conflict between federal agencies, with different approaches and different attitudes and different sense of values. You also have the conflict which is run through the entire history of the federal water pollution control program over the last twenty years between the states and the federal government. As I pointed out earlier, President Eisenhower rejected the '60 amendments to the federal law on the philosophic grounds that this was properly a state responsibility. So I think there's been an evolution here. I think one agency, the one I head, has tended to perform an increasing role, and I suspect, it is likely to be the dominant role, but it sure isn't an exclusive assignment. If we're going to do the job that needs to be done, we're going to have to have the cooperation of the Corps and the Coast Guard and all of the states as well as many interstate agencies. As a matter of fact, there's a growing tendency in the thinking of a lot of knowledgeable people that eventually the solution to pollution in this country is going to have to be first a total job of efficient management of a river, from its head waters to the estuary, and that pollution control is only going to be part of a

total management operation. Now whether we can or will come to this in our society with its tradition of state and federal government, with geographical lines that make up the states that do violence to river basins, I don't know. There are a lot of challenges here. I think the engineering and the financial challenges are going to be minimum compared to some of the challenges we're going to face in the area of political science and practical politics.

MCHUGH: I see.

QUIGLEY: It'd be interesting to see how it finally does work out.

MCHUGH: Well, I gather then that even though legally you could, well, you were entitled to work with cities and states, apparently some of these jurisdictions were not -- presented, your activities in their areas.

QUIGLEY: Some were deeply resented. Some places we were welcome and some states deeply resisted the idea of the federal government coming in, and still do.

Though, I must say, that in the, what, six years, five years, six years, I guess, that I've been involved, I think I've witnessed a marked change in attitude to, on the part of the American people. In '48, '46, or '56, or even '61, the concern over water pollution control in this country was largely confined to the professional conservationist, to a few members of Congress, to a few civic groups like the League of Women Voters. Now water pollution can and does rate headlines in the front page of our newspapers, prime time on radio and television. So there is a general awareness and I think it's the attitude of the American people including American industrial leaders and most of the state's leaders, they've undergone a marked changeover. While everything isn't sweetness and light we still do have conflicts in philosophy approaches. I think there's been great progress made in developing a working relationship.

MCHUGH: Were these -- during the time of the Kennedy administration were these problems serious enough to involve the intervention of the White House in any great degree?

QUIGLEY: Well, of course, as I indicated earlier, the White House was very much aware of the presidential veto on the part of the previous Republican president. As a matter of fact, it came, as I recall, probably around September of 1960, right in the middle of the campaign. And it was, I won't say it was a dominant issue -- it didn't rank up there with public preoccupation with, say, Kennedy's religion -- but to those who were informed and concerned and knowledgeable about it, I would say that Mr. Eisenhower's veto did not make Mr. Nixon's

assignment any easier because it obviously annoyed and provoked and drew the wrath of many conservationists. So that the White House -- President Kennedy as a candidate was aware of this as an issue; if not a major issue, at least an important issue, or again not ranked as high as federal aid to education or Medicare, but still an important and a growing issue. Very early in his Administration legislation went forward to the Congress, came out of the White House, and the program got started.

Now I would not want to create the impression that in the early days of the Kennedy administration this was a number one, a number two or maybe even number six on his list of priority items. It certainly, it was one of the things that he was conscious of, one of the things on which he had made a commitment in the campaign, and one of the things on which he delivered after he got elected.

McHUGH: Was there much opposition when this legislation was proposed from the National Association of Manufacturers and paper manufacturers and steel, so forth?

QUIGLEY: Well, quite frankly I think there was considerable resistance from both the states and from industry generally throughout the country to the idea of the federal government expanding its activities in this area. As I said, traditionally in this country, water pollution control has been a responsibility of the state, and as I indicated earlier, there was kind of a growing feeling among conservationists and some legislators that the states had defaulted on this responsibility, that there were the extenuating circumstances of the Depression and the war that prevented them from doing as good a job as they might. This was countered, however, with the criticism that, you know, even if the state wanted to do the job they couldn't do it because in most states the big polluters were invariably the big employers, the big taxpayers, and just incidentally in many instances, the big political contributors. So the argument was that this was such a formidable foe that no governor could really take them on and win. So that maybe the only solution to the problem would be to get the federal government involved. So that when an industry was faced with the necessity of spending large sums of money to clean up pollution, it couldn't say implicitly or explicitly to a governor, "Well, if that's the case, we're going to move out of the state." By getting the federal government into the act it would strengthen the governor's hand, and he could say, "Well, look, no matter where you go, the federal government is going to be there, and you're going to have to do this anyway."

But clearly the answer to your question, in '60 in the Eighty-sixth Congress, and again in '61 in the Eighty-seventh Congress, there was opposition, strenuous opposition to the legislation. But it was thrashed around in Congress, some compromises and

changes were made, and the bill went through. I don't recall the votes anymore, but I do recall that since then both, and when we got substantial amendments through in 1965 and again in 1966, that in both instances the votes in both Houses of Congress was unanimous. So I would say that maybe the last big fight over the role of the federal government in water pollution control was fought in 1961. And the Kennedy administration view prevailed, and from that point forward it hasn't been all downhill. There've been a few bumps, but it generally, the going's been pretty well.

McHUGH: Mr. Quigley, at the time the function was put more directly under the secretary some critics have said that the Public Health Service was not been pursuing enforcement with sufficient vigor. Is this one of the reasons that. . .

QUIGLEY: I think this was the basic criticism which was made against Public Health Service, and while, I think, as is often the case, this charge was overdrawn and overstated, I feel -- I'm of the view -- that there was some validity to this. Now, I think to understand what I'm saying is, I think you have to understand the Public Health Service and its history and its tradition. Basically the Public Health Service, which is one of the oldest administrations in the government, goes back to the [George] Washington administration, but the role of the Public Health Service in recent years has been exactly what its name implies. It was a health organization and it was a service organization. It existed largely to be of assistance, to be of service to the state. Now, in our lifetime, NIH [National Institutes of Health] and the great research effort, of course, added a whole new dimension. But historically the service existed to assist the state in promoting TB programs or VD control programs, that sort of thing. They were interested in promoting the public health. And they did it largely through service and assistance to the state.

Now the doctors who more or less dominated, not more or less, completely dominated the Public Health Service because the corps was made up largely of medical doctors had this tradition, had this orientation. And I think the trouble they had with the pollution control program was that while this was a service program up to a point, it also had teeth in it. It also had this enforcement aspect to it, the policeman aspect to it, the lawyer rather than the doctor phase of it. And I think it was at this point that the doctors, understandably I suppose, tended to shy away. And I've always felt that in their dealings with the state with their opposite numbers at the state health level, the pollution control program was a burr under their saddle. It was an annoyance. It was an incongruous situation because in all the other programs they sat down and they discussed how they could help the states do a better job. And yet when it came to the

pollution control program it invariably was a case of maybe hitting the states over the head for not doing as good a job.

So you had this conflict. So this criticism was made that the doctors were soft on enforcement, that they couldn't bring themselves to do it, to crack down on the states. And I think, as I said, it was overstated, but there nevertheless, in my judgement, was considerable validity to it. And this cry was taken up by the conservationists, and by a number of congressmen. I think particularly and especially Congressman Blatnick [John A. Blatnick] of Minnesota, Congressman Dingell [John D. Dingell] of Michigan, and Congressman Jones [Robert E. Jones] of Alabama, and in the end the program was taken away from the Public Health Service.

McHUGH: Was Luther Terry generally regarded as an effective administrator?

QUIGLEY: I think Luther Terry was an able administrator, if you make the necessary allowances. And I think the necessary allowances have to be made for the fact that Luther Terry was a good medical doctor, and from what I know, an excellent researcher. Now it's a rare combination of man who can be a good researcher and a good medical doctor and a good administrator. I'm not saying this about doctors generally. I think I can say the same thing about my own profession. There are relatively few good lawyers that I have found are good administrators. And I don't think Luther Terry was the best administrator I've ever known, but then I would say that Abe Ribicoff was the best administrator I ever knew either. So what I think I'm saying is basically Luther was a doctor, and basically Abe was a lawyer, and each of them were adequate administrators, but I don't think they were great administrators.

McHUGH: Was there much pressure put on the, on you to, not to enforce the law where it might prove costly?

QUIGLEY: No. I think there was always resistance to enforcement, always the concern that, you know, that this was going to get everybody mad and upset and disturbed. But I think this was just part of the game. You know, you can't have a bullfight without a little blood, and you can't have a boxing match without somebody getting hit. And I just don't think you can have enforcement actions without, you know, it costing somebody some money, some industry, some municipalities, and even the federal installations, you know, had to lay out more money and do a better job. So there was always a certain resistance to the idea, well, gee can't we sit down and work this out, or isn't there some easier way to do it. And of course, the answer was, in some instances there wasn't.

McHUGH: In some cases states and companies refused to give data

on pollutants or polluters. What could you do?

QUIGLEY: This is still a problem. This is still a problem. There is still a resistance on the part of some states, some industries to give, to make available the basic data that's needed. Now I think this is less of a problem today than it was three or five years ago, but there are still some instances where we get the resistance now. They do this on a variety of grounds, none of which I think are particularly valid. The most common one is that if they tell the federal government what's coming out of their sewage out-fall, this will become public knowledge because it's being given to a government agency, and supposedly their competitors would be able to get this knowledge and analyze their sewage waste and be able to figure out their trade secrets. Well now, I think this is a little far-fetched. I think Macy knows what Gimble is doing pretty well without going to this extreme. The basic reason, I think, why they resisted giving us this data is that they kind of had a feeling they were passing up their Fifth Amendment. That they were in effect testifying against themselves.

McHUGH: I see. Was that argument ever actually admitted?

QUIGLEY: No, no. It wasn't. But I think fundamental to the whole business is that, well, my God, we're supplying the Feds with the very ammunition they need to hit us.

McHUGH: I see. Did you subpoena any records of any companies or bring any suits through the Justice Department?

QUIGLEY: No. We never used the subpoena power, and in only one instance in the history to the program to date have we had to go to court. Now there is a procedure spelled out in the law for the conference technique. The conference technique strikes me, as a lawyer, as a rather strange proceeding. The only thing I can say in its defense is that by and large it worked. And I think [the reason] it has worked as well as it has is that we've insisted that the conferences would be open to the public, press and the news media. And as a consequence people who were polluters, whether they were industry or municipalities or even the federal government, couldn't very well come in and deny they were polluting when it was obvious that they were. So what you got generally was an admission that they were polluting, that they were conscious of the problem, and that they were doing something about it, and they were going to do much more. And in this way we have managed, I think, to make substantial headway without getting into court.

McHUGH: Although it has worked, the situation with the conference type approach, is that you could only make recommendations at that point?

QUIGLEY: Yes, basically the law provides that after the conferees meet, and the conferees are representative of both the state and the federal government, they make recommendations to the secretary. He either accepts or rejects, and invariably he accepts these recommendations, and adopts them as his own. Thereafter there is a six month period in which the recommendations are to be started or implementation is to begin. If this does not happen, the law provides that there can then be an administrative hearing, and this is a more formal proceeding than the conference. The representatives again from the state and federal government making up the hearing board. The hearing board hears testimony. There is a cross examination. They come up with findings of fact. Recommendations are again submitted to the secretary for his approval, for review and approval. Again after that six months is given to the polluter in which to begin to take the corrective action. If he fails to do it, the law provides that we could go into federal court.

In the history of this program to date we have only had to go to administrative hearings on four occasions and we've only ended up in court once. And all of these were in the early days, '55, '56, '57, when quite frankly, I think, the states and the industry were testing the program. . . to see if it was legal, constitutional, and whether we were serious about it. I think, having demonstrated that it was a sound program and that we did mean business, in the last seven or eight years we haven't found it necessary to go beyond the conference stage.

McHUGH: I see. I think at one point in the early, I think it was 1961, was it, you had a situation where the Massachusetts, the division of, State Division of Public Health refused to give you information on polluters. Can you tell me how that was resolved? There was an altercation with the representative from Washington and apparently there was a rather abusive argument and they refused to give data at that time. Do you recall that situation?

QUIGLEY: No. I'm drawing a blank on that one. I really am. Now I knew we had an altercation with the state officials in Massachusetts, but the one that comes back to me was, the allegation was made that Public Health Service had in effect made some kind of a promise to the state people that we wouldn't convene an enforcement conference there. But I'm drawing a blank on the one you're suggesting here.

McHUGH: I see.

QUIGLEY: We had trouble in a couple of places, in the Delaware River Basin Commission we were accused of getting information on industrial waste in the Delaware and then that it was given to us by the states under a confidential arrangement and then we made the information available to a

congressional committee. My answer to that was that I was not aware of any promise that we would keep the information confidential, and quite frankly, even if there had been such a commitment made by somebody in the Public Health Service or anyplace else, I didn't consider it binding when a congressional committee asked for information. Maybe it's because I'm a former congressman, and maybe it's because I think it's part of our system. I think we have to make it available.

McHUGH: Did you make much progress on the Delaware River Basin at that time?

QUIGLEY: Well, I think we have made progress in the Delaware River Basin over the last five years since the creation of the Delaware Basin Commission, but I think we have a long way to go in the Delaware. I think we're rapidly approaching the moment of truth in the Delaware River Basin. I hope the Commission will prove its worth and it will prove to be an effective way of controlling pollution. But I'm not ready to say in 1967 that it's proven itself as yet. I've got my fingers crossed.

McHUGH: At the time that in Massachusetts they hoped to prevent you from calling an enforcement meeting there, what was the problem? Why did...

QUIGLEY: Well, I think this was a classic example of the old school ties, if I can use that expression, that existed between the state health people and the Public Health Service that they worked together, and that the basic problem that the Public Health Service was confronted with, that their good friends at the state level were going to be embarrassed if the federal government brought an enforcement action, and rather than embarrass their old friends, you know, human nature being what it is, I think, it was then an inevitable tendency to walk away and hope that the states would do something. And in some instances, I think the states did. They acted to keep the Feds out, which is alright with me because I'm interested in seeing pollution control. I don't care whether federal government does it or whether the states do it, or the cities do it, or industry does it. And I don't care what their motivation is.

McHUGH: At that time I believe, that the and before in fact, the Merrimack River was labeled as one of the worst polluted rivers in the country. . .

QUIGLEY: Still is.

McHUGH: . . . you didn't make much headway on it, I gather.

QUIGLEY: I think we have made some headway on the Merrimack, on the Nashua, on the Blackstone, on some other of the

more grossly polluted rivers that, I'm afraid, are characteristic of New England. I think we've made some headway in the sense that we have a public awareness. We have some steps being taken that eventually will lead to pollution control. But if you ask me, I'm afraid, there is as much pollution going into the Merrimack in 1967 as there was in 1961, maybe more.

MCHUGH: Is this from municipalities principally?

QUIGLEY: Well, from municipalities and industry. These are badly polluted rivers. I think New England in many respects is one of our most challenging parts of the country. This is largely because that historically there's been so much water there. Historically it's been the habit or custom to, you know, dump your waste in the nearest stream or the nearest river and let it go away. This gives you the kind of conservationist habits that can no longer be tolerated. We just have too many people and too little water to get away with this anymore. And I think New England is having more trouble learning this lesson than any part of the country. I think slowly, and I hope, surely New England is coming around, but it has been, it's died the hardest. Now, ironically in the West where from the very beginning water was in short supply, and therefore a very precious thing, they have been much more conscious in our western states of the need to conserve water and have better conservationist practices. This is not to say that everything is easy in the West. We've got some real problems out there with the salinity and the reclamation and the projects and the water laws in the West, that I think, are going to confront this nation with some real challenges as we move down the road. But from the point of view of correctable pollution to which there is a solution, New England is a perfect example where if they would just do a few of the things that are now doable, the qualities of the Merrimack and the Nashua and the Blackstone and the Connecticut could be improved substantially.

MCHUGH: Were these problems of pollution related to any one industry such as the paper industry which there seemed to be quite a bit of in New England?

QUIGLEY: Well, I think the pulp and paper industry generally has the challenging and difficult pollution problem. You just can't make paper without having some air and some water problems that are of considerable magnitude. This I think has been a particularly acute problem in New England because as I said, they not only assumed that it was perfectly alright to use streams for waste disposal but also because in New England you have many mills that are rather old and obsolete, and the cost of putting in the new, the needed pollution control measures would be, you know, more than the cost of the plant itself. So New England has some tough problems in this area, and foremost among them would be the pulp and paper industry.

MCHUGH: I see. How about municipalities? Have they been generally taken their responsibilities as far as treating raw sewage and. . .?

QUIGLEY: This varies. I think many of the states have done a commendable job in this regard. Some of them quite frankly haven't. I think the federal program in its ten years has been of some help. In the ten year period that this program has been operating, oh, I think the federal government has probably put in, well, something less than a billion dollars. We made grants to the states. This in turn has generated the expenditure of local dollars of probably three billion dollars. But this is spotty. In some states they've done a much better than in others as far as municipalities are concerned. There's still a big backlog; there's still a need for a great deal of structure, municipal plants in this country.

MCHUGH: I think it was in the Kennedy administration that the problem first came up of people finding large amounts of detergent in their drinking water. Was this a problem that you were involved in?

QUIGLEY: Yes. The problem of water pollution from detergents I guess first began to loom about 1962-63, somewhere in there. This is a situation where the detergents that were put on the market after World War II which replaced the soaps that your mother and my mother used to use, and now our wives all use detergents. They have a tremendous cleaning power that was far superior to soap, but they had a persistency when it came to disappearing in the streams or even when you put them through sewage treatment plants. In the language of the chemist or of the biologist, I guess they were non-biodegradable. That is, the little bacteria had trouble eating them up the way they did with soap. The result was that sometimes at a sewage plant out-fall or in a stream or river where they would be deposited, you would get tremendous foaming action, and, of course, they were particularly photogenic and these billows of suds would show up in the front pages of papers and in magazines and on people's television screens. Actually if I had to make a list of the major pollution problems facing this country in 1963, I think it would have been a pretty long list before I got to the listing of detergents. It was not a major pollution problem in my judgement, but it was one that the American people were conscious of, and...

MCHUGH: Why did they latch on to that one?

QUIGLEY: Well, as I said, because it was so obvious and so evident. And as someone said to me, "Look, when a housewife turns on her spigot on Staten Island and gets a glass of water with a head on it,

this is no time to reason with her. She's annoyed; she's provoked; she's mad. This is no time to tell her that she can drink it and it will not do her any harm, or there are no known adverse health affects." So there was great agitation to do something about this. Ironically it started in West Germany, The Bonn government, the West German government, passed a law, I think it was in '63, outlawing the use of hard detergents. These were the non-biodegradable ones. This was followed by the state of Wisconsin in this country passing a similar law. And of course, Governor Gaylord Nelson who was then the governor of Wisconsin, and he came to the Congress of the United States as a Senator and he immediately introduced legislation to outlaw the hard detergents in this country.

We had hearings on the bill. Secretary Celebrezze [Anthony J. Celebrezze], who was then the Secretary of HEW [Department of Health, Education and Welfare], and I was the Assistant Secretary, we testified against the bill. We testified against the bill on the grounds that basically and fundamentally it was a technical problem and that, like prohibition, you know, you just can't outlaw it. Passing the law was not the solution. It was a technical problem and we had assurances from the industry that they were working on it, that they were reasonably optimistic that they had made the breakthrough that was needed, and that if the law were not passed, that by, oh, I believe it was the middle of '65, that the hard detergents would be off the market and the soft detergents would be on it.

MCHUGH: Hmm, I see.

QUIGLEY: Gaylord Nelson argued, "Well, let's pass the law anyway, and if they say they're going to do what they're going to do, well, fine and we won't need the law, but we'll have it anyway."

Congress did not go along with this. The bill was not passed, and to the credit of the industry, and maybe a little luck, they met the deadline, and for the last year and a half or two years, your wife and mine have been using the so-called soft detergents without their being conscious of it.

MCHUGH: And they are biodegradable.

QUIGLEY: They are biodegradable. They do reduce the foam so that you're not going to get so many photographs anymore, but progress has sometimes been defined as solving one set of problems by creating a new set. I have to say that we already have some indication that the soft detergents, while they break down and disappear more quickly than their predecessor, that they are creating some problems in our sewage treatment plants that...

McHUGH: What sort?

QUIGLEY: Well, we're having trouble with the sludge that they produce. It doesn't ferment and decompose as quite the same way as it did before.

McHUGH: Does this mean that to a certain degree, it's not as biodegradable as you would desire? It's not as...

QUIGLEY: As they would say in the Food and Drug Administration, "It has some side effects that we hadn't anticipated." So what I guess I'm saying is, we have solved the foaming problem, but we're not sure that the soft detergent that are not on the market, that are now on the market, are not the complete solution. So we'll keep working and see what happens.

McHUGH: Let's see. You mentioned-- could you run through quickly possibly some of the things that you did consider major problems? You mentioned that this was far down on your list of major problems.

QUIGLEY: Well I think that pollution from the pulp and paper industry is a major problem in most parts of this country. I think that the pollution from the steel industry, the so-called pickle liquor, that there is a problem in many areas of the country. I think the chemical industry presents us with some really challenging problems. The oil industry also has some major pollution problems. These I would list chemical, oil, pulp and paper, steel among our major industrial pollution problems to which we do not yet have a satisfactory solution.

Another industrial problem, if you want to use, define the term in the broadest sense of the word, is agricultural pollution.

McHUGH: You mean insecticides?

QUIGLEY: Pesticides, herbicides, insecticides as well as run off from feed lots, etcetera. I think what we've been doing in this country, and are still doing, is tending to concentrate on the control of pollution from point sources where you have sewage treatment out-fall, or an industrial out-fall, we tend to move in and do something about what is coming out of that pipe. But I think as we do a better job, and we're going to do a better job. We're controlling these point source pollution, pollutants, but as we do it we're going to find that our rivers are still dirty, they're still not as clean and useable as we want them to be. And when that happens, I think then and maybe only then are we going to start focusing on the pollution that comes from diverse sources -- land run-off, highway excavation, our farms and our shopping centers. So that we've got our work cut out for us and we're not going to solve

this thing over night. There isn't any such thing as instant abatement. We've got a long way to go and a big job to do.

McHUGH: I think in 1963, by 1963 there had been a number of fish kills which were attributed to these pesticides in the waters. Was this what brought the, this problem to the public attention?

QUIGLEY: Yes. I would say that there were some rather dramatic fish kills in the Gulf of Mexico for several years running that, quite frankly, had the people in Louisiana concerned and stumped, and the state administrator for the water pollution administration in Louisiana asked the federal government if we could be of some help or some assistance. And we ran a series of tests and samples. And quite frankly I think we made a breakthrough in detective work as far as pollution control. And we came to the conclusion that the unexplained fish kills were caused by pesticides in extremely small amounts per billion, and even parts per trillion were causing the death of these fish. Now these were amounts so small that by standards of measurement in operation just recently as five years ago we wouldn't have known they were there. It would have looked like zero concentration, but our techniques have improved to the point where we are now able to measure more accurately, and the indications are that we're going to have to, because some of these pesticides are so potent even in the most insignificant amounts, their presence over a period of time can have an adverse effect on fish life. This I think is one of the real breakthroughs that we've made in the pollution control program in the, I'll say the Kennedy years, though I suspect that the total result of this operation, you know, naturally did spill over into the Johnson administration.

McHUGH: Well, some people alleged, for instance, also that the amount of lead that farmers use in spraying apple trees, and it was apparently admitted by the Department of Agriculture was much higher than was safe, and that in fact, if you actually ingested it in the strength that was permissible, that it would be lethal.

QUIGLEY: Well, let me put it this way. I have already made some adverse comments about the bad conservation practices that developed in New England in the Colonial period and the period beyond, which unfortunately have persisted over into the twentieth century and have greatly degraded the water of New England. In a much narrower period of time, but in much the same way, I think the American farmer, generally, has been far too casual in his use of the tools that modern chemistry has given him. You know, they're great as far as getting rid of the pest and eliminating the previous hazards to fruit production and crop production, but I think we're only belatedly recognizing that again there can be some rather harrowing side effects if

we're not careful. I think the thrust of the whole book The Silent Spring, was some people would say an overstatement of the situation, but at least it was a warning, that we were to ignore at our own peril because these are tremendously potent. And you know, they say that just a drop of some of these pesticides would kill a bull in fifteen seconds, something like that. It's hard to imagine what their potency is. And the basic problem, of course, is not that they're so potent, which they are, but is that their life expectancy is so long. What we need I guess is a biodegradable pesticide with a half life of extremely short duration. So that it's strong enough to get rid of the pest, but does not linger in the soil, or does not linger in the waters, or does not linger in the atmosphere...

McHUGH: This is a tech...

QUIGLEY: ...for long periods.

McHUGH: This is a technical problem rather than a, say, responsible attitude on the part of the industry?

QUIGLEY: Well, I think the farmer of America has been so enthralled by the new tools that science has given him, and clearly, you know, our crop production in this country has increased tremendously in our life time for a number of reasons, and certainly one of them is part of the new herbicides and pesticides that we didn't have a generation ago. But these things are like a loaded gun, and I'm afraid that many of the American farmers do not appreciate the potency of the weapon they handle rather casually. As a matter of fact we have one case on record of an enormous fish kill that resulted from the farmers doing everything exactly the way...

McHUGH: The directions.

QUIGLEY: . . . the directions said he should do it. Everything. Completely in accordance with the directions. And when he was all finished, he went down to the creek that ran through his farm and washed off his equipment in the creek, and downstream there was an enormous fish kill. And it's this kind of thoughtlessness, carelessness, unawareness, I suppose, that can only be brought about through education alerting people to the fact that these are great because they poison the pests and they're gone, but that they can also poison people, and they can also poison fish.

McHUGH: How did you divide your time between, apportion your time between water pollution and problems of air pollution?

QUIGLEY: Well, it varied. I think that clearly the water pollution program was substantially ahead of the air pollution, at least in the days '62, '63. The Clean Air Act of 1963 was really the first basic legislation that was put on the books. The Clean Air Act of '63 was to air pollution what the '56 act was to water pollution. When it went on the books, it followed the same lead that we got in the '61 amendment, it made the Secretary of HEW responsible for the program. And here again, well, I guess by this time it was Secretary Celebrezze, designated me as the Assistant Secretary to have overall charge of it, though again, the actual day-to-day operations of the air pollution program was conducted by the Public Health Service. When the Clean Air Act passed I naturally devoted considerable amount of my time in the efforts to get the program implemented and moving. Probably the most important aspect of that effort was as chairman of the Government Industry Committee the '63 act set up to deal with the problem of automobile exhaust, and we had a long series of meetings with representatives of American auto industry, out of which eventually came the setting of emission standards on automobile exhausts that were to become effective with the 1968 automobiles, the ones that were to be in the dealers' show rooms this September.

MCHUGH: In other words, all of them will incorporate some equipment to reduce...

QUIGLEY: Yes. Basically and simply stated, the standards that have been in operation in California for the last year will go nationwide this fall, and the 1968 cars which are manufactured in this country or manufactured out of this country for sale here will have to meet California standards, basically the California standards. There are some slight changes and modifications and some improvements in the federal standards. They become operative with the new models of '68.

MCHUGH: How did industry accept the new laws?

QUIGLEY: Well, with mixed emotions I think. They were on the horns of a dilemma. They resisted rather strenuously the California laws initially. California, particularly Los Angeles, had done an excellent job with controlling air pollution from stationary sources -- the mills, the homes, the incinerators -- but still had a gross pollution problem which they finally traced to the automobile exhaust, and California put through the law, and it became operative, I guess, in 1965. Then the question began to be asked by Senator Muskie [Edmund S. Muskie] and others, "Well, why should we have a double standard? If this is good for California, why isn't it good for the rest of the nation?" At the same time states like New York and Pennsylvania began to

consider exhaust standards or legislation along this line, and industry was caught in the middle. They had to choose, and quite frankly. They were afraid that if it went on a state by state basis they would be faced with a chaotic condition where they'd have to manufacture cars to meet this set of standards in California, and a different set for Illinois, and a different set for Pennsylvania, and a different set for New York. So they came to the reluctant conclusion that in this instance it would be better off if the federal government set the standards because at least they would be uniform throughout the nation. And while there was the usual argument that we were setting them too high, or that the California standards were unrealistic, that we would be making a mistake, it finally worked itself out; that there was an agreement that if we would follow California standards and make them effective in '68 cars, that they could and would meet the deadline. Now whether any of the companies are having trouble meeting the deadline, I'm not aware of it. They may be having some production headaches right now.

MCHUGH: There was some evidence that these devices which were used in California had, got out of adjustment rather quickly. How do they expect to police these things?

QUIGLEY: Well, this was the problem. The California law said that if they passed the law-- as I recall they passed the law as early as '63 -- but the law said that it did not become effective until the state board certified at least two devices were capable of doing the job. Now the reason for that requirement of two devices is that the legislation didn't want to create a monopolistic situation where somebody might make a killing because he manufactured the only acceptable device. So they ran a whole series of severe tests in California for several years before they finally came up and certified two devices that would do the job. And the basic problem that California people had was that they had a number of devices that did an excellent job for short periods, but they were difficult to maintain at high efficiency. They required extensive and expensive servicing which they realistically concluded the average motorist would not be likely to give to it. So they, it took them a long time before they finally certified the devices and of course, immediately after they did this, the automobile industry publicly announced that the devices would not be necessary, that they were going to change the design and construction of their engines so that the California standards could be achieved without the devices. Needless to say there was much weeping and gnashing of teeth. The charge was made that this was something that the automobile industry could have done five or ten years earlier and they were holding back until they were forced to do it. But I won't comment on that except to say that's the way it came out. And of course, your '68 car is not going to have a device on it. It's

going to come out of Detroit with a design and construction of the motor and the standards will be met, hopefully without the attachment of any additional device.

MCHUGH: I believe that in the hearings at that time, I believe Dr. Kehoe of the Sloan-Kettering Institute gave extensive testimony that to the effect that lead was not a real danger and it existed only in very small amounts, but I'm not sure that the government took that position. How did they react to it?

QUIGLEY: Well, I can't challenge a man with his background and competency on the technical field. All I can say is I don't share his lack of concern. I think lead in gasoline, I think lead in the atmosphere is a growing problem in our urban society, and I would make a flat prediction that whether we continue to operate with gasoline automobiles or long into the future I'm not going to say. I'm not too sure we are. I think the electric automobile or something else is likely to become commonplace with the next generation in America. But I think where we do stay with the combustion engines I am almost certain that lead as an additive in gasoline has a limited future. I just think that as a safety precaution this is one thing that can be taken out of gasoline, and I would flatly predict that it will be a relatively short period. It's going to be more expensive. It's going to cost the refiner more, and it's going to cost the motorist more for his gasoline. But it isn't going to cost that much more. So I think that lead in gasoline has a limited future.

BEGIN TAPE II, SIDE II

MCHUGH: This is a continuation of our interview with Mr. Quigley on March 17, 1967. Could you say what your relationship was to Gordon McCallum and Vernon MacKenzie?

QUIGLEY: Well, yes. I was Assistant Secretary for the Department of Health, Education and Welfare. I was the man, as I indicated, that had overall policy responsibility for the water pollution control and the air pollution control program. And Gordon McCallum was the Assistant Surgeon General who had the operating responsibility for the water pollution control program, and at the time Vernon MacKenzie occupied a somewhat similar position as an officer in the Public Health Service who had day-to-day operating responsibility of the air pollution program.

MCHUGH: I see.

QUIGLEY: So they were the commanders in the field, and I guess I was the fellow back in the

Pentagon.

MCHUGH: I see. Could you say what, say on an average day, what the flow of problems over your desk would be?

QUIGLEY: Oh, again, this is very, you know, there were, there were no, I won't say there were no, but there were very, very few quiet days, but the crises, their nature and their duration varied. There would be some days when the entire day or an entire period of two or three days would be devoted to trying to get something unstuck, or get something resolved, and there'd be other days when you'd just have a whole dog's breakfast as far as problems. They'd pop up from every direction.

MCHUGH: Were there certain factors that might have allowed greater success during that period?

QUIGLEY: Well, I think if there were two retarding factors at that time in connection with water pollution control program-- this was a program which in my judgement was too long retarded or delayed by the kind of fratricidal warfare that was going on between the Public Health Service supporters and the conservationists. This was, I suppose, one of those inevitable conflicts that result when you have different philosophies of approach to a program. This, I'm afraid, took up the time and effort and energy and talent of too many people a lot longer than it should. It would have been better if it could've been resolved completely in a lot shorter time. Secondly, in both air and in water in the early days of the Kennedy administration I think what we did was we made the breakthrough, the acceptance of the fact that the federal government did have a proper role in pollution control, did have a responsibility. As I pointed out earlier, the '61 amendments to the Water Pollution Act were quite controversial, and the '63 Clean Air Act went through, I don't recall whether it went through unanimously, but it, you know, it was not that controversial. The '65 and the '66 amendments to the Water Pollution Act passed both houses of Congress unanimously. So I think what you had in the early period of the sixties during the Kennedy years was the establishment of the beachhead, but maybe we didn't move forward as quickly as we might have, or as far as we should because you had that inevitable business that you had to get the second and the third wave of recruits on board, you had to get geared up, you had to get your ammunition in to keep the guns firing. So that in both programs the important thing was that the beachhead was clearly established, and I think we had some lost time, particularly in the water pollution, because of this distracting side fight that was going on over who was going to be, over who was going to be the commanding general, whether it was going to be a conservationist-oriented person, or

a Public Health Services one.

Of course, you always have the inevitable problem in any administration all the time that, you know, there were not, there were never was, and I suppose there never will be, as many dollars as the program people would like to have.

McHUGH: That's something that I would like to ask you. Did you feel your budget and staff were adequate?

QUIGLEY: Well, if I said yes, I would have to qualify it. If I said no, I would have to qualify it. To me-- to a fellow who grows up with the political realities of life, to a person whose approach to pollution control is a little bit like his approach to politics - - pollution control, like politics, is the art of the possible. There were setbacks; there were disappointments. Generally I felt that we were getting our fair share of the federal dollar.

McHUGH: One of the, probably the commonest, criticism of regulatory agencies is that they over a period of time tend to end up on the side of the industries or agencies that they're supposed to regulate. Do you feel you've been able to resist this pressure?

QUIGLEY: I think so far so good. I think frankly this was one of the criticisms directed to the Public Health Service. The problem was that the Public Health Service had become too understanding of the problems of the state administrators, and that the state administrators had in turn been brainwashed to the point where they were too understanding and sympathetic to the problems of the polluters. So, you know-- and there is an historic picture which shows that the agency that starts out to be the regulator of industry, or, you know, ends up through osmosis or some other technique over a period of a generation or so becoming the protector and the defender and the promoter of the industry they're supposed to be regulating. I think with the new start that this program has had with the new agency, I hope that we're not un-understanding and unappreciative of some of the problems that pollution control imposes upon industry, upon the municipalities of this country, but at the same token I hope we're not so understanding that we're in danger of rendering ourselves impotent to face up to our responsibilities. Now I'm not going to predict that this isn't going to happen and this isn't because, you know, Jim Quigley is here now and therefore it hasn't happened. I think it hasn't happened in our agency to date because we're still new and fresh. Given a period of time, I suppose the charge will invariably be made that the trouble with the Federal Water Pollution Control Administration is that it's too understanding and too sympathetic with polluters. And

unless we run counter to history when that charge is made, it may very well be true.

McHUGH: Well, I think Donald Carr made the, in Death of the Sweet Waters, said that the more rationally Mr. Quigley tried to enforce the law, the more irrational the response would be.

QUIGLEY: Well, I suppose that there is wisdom and sagacity in that observation because I have thought one of the peculiar characteristics of this total conflict over water pollution is that the states have resisted the federal government efforts in this. And when I say the states, I mean specifically the state administrators. Now there are exceptions, but by and large the state administrators have resented and resisted the federal program, and I suppose if you were to analyze why, basically and fundamentally, the merest suggestion of a federal program, certainly the existence of a federal program has been construed by the state administrators as a criticism of them. The fact that there is a federal program must mean that the states have not done their job. And I think this is true, but this is not personal. I think the states have not done their job for a lot of good and sufficient reasons, none of which go to the integrity of the administrators as such. There was a major depression. When we were, were so glad to have an industry throwing smoke out of its stack that we didn't dare suggest that, you know, they ought to do something about it, because the smoke coming out meant that there were people working there, and we were grateful for that. There was a great [?] when the industrial output of America was absolutely essential to the victory over Hitler and the Japanese. And at a time like that it would have been almost unpatriotic to go up to an industry and say, you know, "We don't care how good you're doing with the war effort," you know, "Knock off that smoke." And as I pointed out earlier, the polluters were a potent force in any state, and it was extremely difficult for the state administrators to do the kind of job that I am sure every one of them would have loved to have done. I fought the administrators at the state level for not using the federal program. I think if I were a state administrator in 1960 or 1963 or even in 1967, I'd walk into my governor and say, "Governor, if we don't do the job here the Feds are going to come in, and then they're going to do it and they're going to embarrass all of us." And I would use this threat to get the kind of budget I'd need, the people I need, and go in and do the job. Instead of that I've been bothered that too many of the administrators at the state level, instead of using our existence to their advantage, have not only resented but fought our existence. I think this has been extremely short sighted, and I think that there is some evidence that this is changing, but it hasn't changed as much as it should. I think that there are some that are going to go to their graves dying hard on this score.

McHUGH: Is there much difference between the north and the south on this?

QUIGLEY: No. As a matter of fact, I think I've probably run into more resentment in New England as I do in the south. And I run into as much resentment in the west as I do in the east. There are a few exceptions, but by and large these people have been reared in an anti-federal tradition, and I suppose at this stage of the game they're not going to change.

McHUGH: But there's been some attempt to sweeten the bait, so to speak, with money. Why haven't the states been more willing to take advantage of that?

QUIGLEY: Oh, I think by and large the states have not trouble with this. I think the attitude of many of the states, you know, just send money and stay in Washington, we'll spend it. So they have no trouble with the federal dollar. It's the federal enforcement or the federal standards, you know, this.... If they want.... If I can be quite frank, they're not unlike the rest of us; they'd like to have their cake and eat it too.

McHUGH: To conclude, I think, on air and water pollution do you have any other comments that you would like to make?

QUIGLEY: No, except that I really think that these last few years, the period of the sixties, have been characterized by a number of accomplishments, and I feel fortunate as an individual that through the happenstance of my being defeated for Congress in 1960, and the president of the United States feeling a personal responsibility for that defeat, and further happenstances, that of all the agencies of the government that I might have gone into that I ended up in HEW, and through the happenstance again of the '61 amendments to the Water Pollution Act, I ended up in water pollution, and I ended up in '63 in the air pollution program. That I have had the privilege of being involved in the formative years of what I consider to be one of the important social developments of our times. I'm convinced that looking back twenty or forty years from now people are going to say, "Well, the key steps that were taken in the sixties in the field of pollution control in America were absolutely essential, that this was the start of a new conservation era." And I think many of the things that we're doing now will seem extremely modest by about what I anticipate will be the future programs in these areas. But I think they will recognize these were the important beginnings and I feel privileged to have been in on the ground

floor, and to have had a hand in their formation.

MCHUGH: One other question on this area. The government has spent a great deal of money in trying to work out an economic method of desalinating water. Would it be cheaper actually to take fresh water that has been used and purify it?

QUIGLEY: Yes, yes. I don't think there is any question, and of course, I may be reflecting a personal prejudice here, but I hope not -
- but I don't think there's any question that it is ultimately going to be much cheaper and much more practical to reuse water than it is to convert water from the sea. Now this is not to suggest that I am in any way negative on the saline water conversion program. I wish them full speed ahead and all the dollars they can get from the Congress, because my attitude is that whatever they do in the saline water conversion program, whatever breakthroughs they can, and I hope, will make can be adapted to what I call the process of deliberate water reuse. The reason is simple when you're dealing with sea water you're dealing with thousands of parts of salt; when you're dealing with sewage as it comes out of a modern efficiency treatment plant, you're dealing with hundreds of parts. Now, admittedly, this hundreds of parts are the tough ones, you know, like making yardage within the five-yard line. This is a hard yardage to make. But I think we can take out the remaining impurities in our sewage effluent, to the point where that water is completely reusable, far cheaper in most instances than we can convert sea water. We're already doing this in a number of places on an experimental basis. In Lebanon, Ohio, on this very day we are turning out a higher quality of water from the sewage treatment plants we're operating there than the city water supply...

MCHUGH: Fresh water.

QUIGLEY: ...fresh water supply. It's a higher quality water. And the only question is economics, and I think we can do this much cheaper than you're going to be able to convert sea water. Even more important than this is even if you can get sea water conversion down to the point where it is extremely cheap-- and we're a long way from that-- this may be the answer in San Diego, but it isn't likely to be the answer in Phoenix, because you've got this tremendous transportation of seawater to our inland cities. You can't talk about waste water reuse without having already water, you know, you've got it. So I think over the long haul the solution, one of the solutions, to our ever expanding need for water is to develop economic techniques for using our water once, cleaning it up, using it again, cleaning it up and using it again. Now I recognize the psychological hazards here that we have to overcome. There's something, you know, somewhat

repellant about the idea of swimming in sewage, but I think this can, and I think this will, be overcome. It's already happening again on an experimental basis in San Jose, California, where they're taking their sewage and treating it, and using it for a variety of recreational purposes, including fishing water and swimming waters. Quite frankly, a state like California cannot conceivably pay the price that they're paying for Colorado River water and use it only once. It's too expensive. They're going to have to use it two and three and four and five times, and down the road apiece, so are many other areas of this country. So waste water reuse as far as I'm concerned is--it isn't a question of, will it be done in the future, absolutely. I think the only question is how soon in the future, and to what extent.

MCHUGH: Well, I guess we can move on to the area of civil rights. I believe you were involved in desegregating some of these hospitals in-- You said this might be some of the most fascinating things you got into in the Kennedy administration. Why did you say that?

QUIGLEY: Well, I indicated earlier that I felt privilege to have been involved in some of the basic groundwork and getting started what I hope will be pollution control program that will have its impact over this nation for the next generation and longer. This is a hope on my part, that this is the future of pollution control and we've gotten off to a good start. There's no question in my mind that I was extremely privileged to have been part of the national administration in the Department of Health, Education and Welfare in the '61, '62, '63, '64, and to have been involved as much as I was in what has been clearly the social challenge of our times, the whole civil rights issue and the integration of our schools and our hospitals. And I was very much involved in that. Kind of like to hope to think that maybe I made a substantial contribution there as well.

MCHUGH: How were you most directly involved?

QUIGLEY: Well, I think the way that I was most directly involved was almost in the beginning when the Kennedy administration took over and Abe Ribicoff became secretary of the department. There were, of course, the career civil service who were there, had been there from the previous administrations, Democrats and Republicans. One of them was Rufus Miles, who was then the administrative assistant secretary to the department, who is the highest career civil servant in the department. And Rufus was an able and dedicated public servant, and he more or less outlined to us newcomers, political appointees, the background and history of the department as well as pointed out some of its faults and its shortcomings, and I guess, some of the hopes and dreams as far as he as a career man was concerned. One of the things that he

proposed at the very outset was that maybe the time had come, or maybe the time had long since come, when the department ought to have a man at a high policy level who would be concerned about the problems of civil rights, job opportunities for Negroes and members of minority groups within the department, and under the many programs that the department subsidized, also equal opportunity in education, in health benefits, and so on and so forth. I've always had a deep and abiding interest in civil liberties, in civil rights, and despite my training in the Navy and otherwise about not volunteering, I did, and ended up very early in the game, very early in the game, almost immediately as a matter of fact, as the, well, first, the equal employment officer for the department, and eventually the total sweep of civil rights, and it really swept through that department in those years. I guess it was in April of '61, that President Kennedy issued his executive order on equal employment opportunity to see that the Negroes and Mexican-Americans and other members of minority groups got a fair shake in their dealings with the government, both in getting jobs in the first place and getting promotions and advancements after they were on board. This, of course, in turn led to a whole series of activities at the White House level. There was at that time a group called the Sub-Cabinet Group on Civil Rights, and I'm sure that you've been exposed to it if you've interviewed many people who were part and parcel of the Kennedy administration. This is a group that was set up in the White House. It was chaired initially by. . .

MCHUGH: [unintelligible]

QUIGLEY: No, no. It was chaired initially by the man who had been Pat Brown's [Edmund G. Brown] administrative assistant in California; he came here as a White House staff man; he then became Assistant Secretary of State for. . .

MCHUGH: Fred Dutton? [Frederick G. Dutton]

QUIGLEY: Fred Dutton was the chairman. I believe the basic idea, however, for the sub-cabinet group was-- Harrison Wofford. . .

MCHUGH: Harris Wofford.

QUIGLEY: Harris Wofford who had been involved in the Kennedy campaign, and I guess was the guy who was given credit for having the idea of Senator Kennedy call Martin Luther King's wife when he was in prison. So Harris I think proposed this, and the idea was to bring together people at a policy level from each of the departments to sort of take an inventory of just where we were and how we were doing in the various programs of the federal

government in the civil rights field. It was a very informal group despite the fact that we did meet in the cabinet room, and in a variety of little, subtle ways I suppose we nudged each other to do better because periodically we would meet, perhaps once every six weeks, or once every two months, and we would report on problems we had, answers we would find, so on and so forth. So in a way we made some small progress, but we did generate activity. I know we generated activity in HEW. And it was often a big help to come back and dictate a memorandum and say, "I just attended a meeting at the White House and--." This was a way of nudging the bureaucracy to a little more activity in this area.

McHUGH: Do you know why Fred Dutton was chosen to...

QUIGLEY: Now I don't know particularly why Fred was chosen to do this job. He did it effectively and well. And then I suppose eventually both Fred went on to the State Department, and Harris went on to the Peace Corps, and Lee White took over. And Lee White, I guess, chaired it continually from that time on, certainly 'til I left HEW as Assistant Secretary. And I guess about the same time Lee left to go on, what, the Power Commission? So I have to be honest with you, I don't know whether remnants of it are still operating or functioning or not. But it did continue through both the Kennedy and Johnson administrations. And I would say it was a catalyst; it was an irritant; it was a, well, it's kind of like going to church regularly-- you were reminded of your obligations and responsibilities.

McHUGH: Did the role of the sub-cabinet group change after Birmingham?

QUIGLEY: Everything changed after Birmingham. Looking back, if I were to fault the Kennedy administration, even the president of the United States personally, I think I would have to say that John F. Kennedy came into the presidency of the United States with an extremely rosy and optimistic, and maybe even in retrospect, naive approach to the problem of civil rights in this country. The purpose of the sub-cabinet group really, the premise on which it was based, was the initial, what we now know was completely wrong, false assumption, but nevertheless a firm assumption on the part of the Kennedy administration, that we had already had all the civil rights legislation on the books that we needed. The basic legislation was there from the Civil War, post-Civil War period. There had been a Civil Rights Act of 1957, and that really they didn't need any more legislation. What you needed was more vigorous implementation. And in effect, the purpose of the sub-cabinet group was to generate this more vigorous implementation of the laws on the books. Now I don't know how much of this was deep and honest conviction. I assume a good bit

of it was exactly that on the part of the president and his most immediate advisors in this area, and I suppose his most immediate advisor in this area would have been his brother, the attorney general. I'm not really sure, however, subconsciously whether, you know, there might not have been a little rationalization, you know, that civil rights is a tough, difficult, controversial issue. Let's get on with what we can get on with in the way of medicare, and federal aid to education, and let's not stir up all this fuss, in the early days of the administration. In any event, whether there was some rationalization, or whether it was pure, honest conviction, it's interesting to note that the Kennedy administration stuck with this position until, for two years, until January of 1963. It was only then that the Kennedy administration sent forward to the Congress its first civil rights proposal, and as far as I recall it was not a particularly dramatic piece of legislation. I think it was the basic initial proposal that had to do with voter registration of the Negroes, particularly in the south, the theory being that if you could assure the Negro the right to vote, everything else that was needed or was being denied would automatically flow from it. Well, again looking back, this was viewing the thing through rosier glasses, I guess, than was justified. In any event, Birmingham happened. And I date everything within the Kennedy administration as far as civil rights is concerned, and I suppose to a certain extent everything within the nation, as B.B. and A.B., before Birmingham and after Birmingham things were different. Because it's interesting to note that while the original Kennedy proposal went forward for civil rights legislation in January of '63, the second, much tougher, far more sweeping civil rights bill went through in June or July of '63, and in between, of course, had been the dogs and the fire hoses and everything else at Birmingham. So this really shook the American people, and quite frankly, I think it shook their president. I think Jack Kennedy was shook up by what happened in Birmingham, and I'm sure that Robert was because he went down there. And this had a tremendous impact on them as it did on almost everybody. So that you've got in the middle of '63, two and a half years after the Kennedy administration was in office, really, a complete reversal. Where in January in '61, they were saying "We have all the civil rights legislation we need. All we need to do is do a more conscientious job of implementing it." Two and a half years later you had going toward to the Congress, of course, the most sweeping legislation that had ever been proposed or passed. And included in it, of course, was Title Six, which was the one that eventually got me so deeply involved in the integration of hospitals and schools and nursing homes and what have you. Now Title Six was a sleeper when I first saw it in the administration's proposal. I couldn't really believe that it was in there, and never assumed that it would stay. I thought this was one of those things that you put in a bill knowing that it's going to be knocked out, but just part of the price you pay to get the bill through. Yet surprisingly as the debates went

on, it was Mrs. Murphy's boarding house and the barber shops and the hotels that seemed to, you know, where the fire seemed to concentrate. And even people like Barry Goldwater, who eventually voted against the bill, said nice things about Title Six. And all Title Six said in essence was that the federal government should not subsidize segregation, and if you had a federal program where the federal dollars were going to build schools or hospitals or welfare programs that all Americans were benefitting from, the program should benefit on an equal basis. And of course, this is what got me very much involved in the whole integration of the schools in the south, the original guide lines for the southern school districts which since have become quite controversial.

MCHUGH: Did you meet with any Negro leaders, or did you know what their opinion of the president was?

QUIGLEY: Yes. I've been, you know, I've met innumerable times with Negro leaders, been at the White House at various times with various groups. I think generally speaking there was a, you know, conviction that this was a good man, that this a, you know, this was a guy who understood their hopes and their dreams. I think at times, they probably felt that, you know, maybe having been born in Boston and having been born to riches that he didn't fully appreciate the injustices and the humiliations that the average Negro might have to live with. No. I think quite frankly in that particular period of time it was the vice president who was more or less under the gun. John Kennedy was a Boston Irishman, and while I...

MCHUGH: Do you think Johnson accepted or enjoyed that role?

QUIGLEY: Well, let me say that I had a chance to work closely with the vice president and with then Secretary of Labor Arthur Goldberg on the equal employment committee which was also set up -- this was set up at the cabinet level as distinguished from the sub-cabinet group that didn't have any visibility and was kind of operating behind the scenes. The group that the vice president headed was a cabinet group, but, here again, I usually sat in representing the department whether it was Secretary Ribicoff or Secretary Celebrezze, and I have to say that Lyndon Johnson was, I think, quite conscious of the fact as the senator from Texas he could and did have a position on this issue which was highly emotional and controversial, but that as vice president he was in a different position than as the senator from Texas. And while I'm sure he felt that he had demonstrated to the Negro leadership of this country by his leadership in getting the '56 act through -- and this was an historic accomplishment -- I think he was quite

mindful of the fact that as a southerner, as a Texan, you know, there was...

MCHUGH: He was suspect.

QUIGLEY: He was suspect, that's right. And while there were those that were willing to concede that he had done an extraordinary job of getting the legislation through in '57, there was that, well, you know, "What have you done for me lately?" attitude that we joke about in American politics. So that, in effect, as John F. Kennedy in this instance didn't have to win his spurs, it was assumed that as a northerner from Massachusetts that, you know, he was in the abolitionist tradition, whereas Lyndon was coming out of the south. But quite frankly, I thought that this was one of the places where the rights that had been performed admirably and well, and with extraordinary effectiveness, and I don't think anybody that could have participated in these sessions, you know, could have been anything but persuaded that Lyndon Johnson in 1961, '62, '63 was completely committed to equality, that this is what the Constitution required, and this is what was the responsibility of the administration in order to see that it was achieved. So that whatever his views might have been as the young man, or as the young Congressman, or as the senator from Texas, there's no question in my mind that when I was exposed to the vice president in his role heading the equal employment committee, he was fully dedicated to the achievement of this end.

MCHUGH: Did you feel that you were more effective in the equal employment end of your work, or in the area of desegregating the hospitals?

QUIGLEY: I think looking back several years later, we accomplished more under Title Six in a year and a half than we have accomplished in the equal employment opportunity in government. This is not to say that there hasn't been a marked change in attitude and effort to give Negroes and members of minority groups a better break in government opportunity. I think the attitude is entirely different than it was six years ago, but the result is still something less than spectacular.

MCHUGH: How did you bring about this change? How was it brought about?

QUIGLEY: In attitude?

MCHUGH: Well, for instance in desegregating the hospitals.

QUIGLEY: Well, I think that you just took the hard line. We said, "Congress has passed this

law..." See the dilemma we were faced with was this: take the Hill-Burton statute, which is the one under which the federal government subsidizes the construction of community hospitals. The Hill-Burton law was put on the books in 1946. It contains the most unequivocal, most clear-cut anti-segregation provision you can find in any statute books ever written at any time, anywhere. But having said all these beautiful things about there'll be no discrimination and segregation, etcetera, etcetera, it then throws in a "provided however" and of course, goes on to say that separate but equal facilities will suffice. Now this was 1946 when this went on the books. Now interestingly enough, despite the fact that there was a separate but equal provision in the Hill-Burton statute, only a handful of segregated hospitals have been built in this country under the Hill-Burton program, and this was simply because of the economics. Raising enough money to build a hospital in a community, any community, large or small, north or south, is a real challenge. Hospitals are expensive and they cost money. And if you go out, public subscription is hard work to make that quota. Now it's doubly hard for a community to go out and say we're going to build two hospitals, one for the whites, and one for the Negroes. So facing the economic realities of life, very, very few communities in the south attempted to build segregated hospitals. What they did was they took the pledge and said that they would make the facilities available to all persons who needed health care in the area.

McHUGH: Were the facilities that were separate, were they actually equal?

QUIGLEY: Well, what actually happened, of course, was -- and this is where I had many a go-round with our Public Health Service people and some of our lawyers in HEW -- the previous administrations had given an extremely narrow interpretation to the requirement of the law that all persons regardless of race, creed, or color must be admitted to a hospital constructed by Hill-Burton funds. The Public Health Service people and some of the people in the general counsel's office of HEW stressed the word admitted, that as long as a hospital would admit a Negro, that thereafter what they did with that Negro patient was a matter of internal management and not a matter of proper concern for the federal government. So that if they stuck the Negro down in the boiler room, or stuck him up in the attic, we were not supposedly to be concerned about that. I thought this was an outrageous, utterly indefensible position...

McHUGH: Did you ever change it?

QUIGLEY: The fact of the matter is that, you know, this was the practice and not only was this the practice, but it had the approval of the

federal government. So it was extremely difficult to change this until Title Six came along. Now it was different. In the new programs that were put on the statute books during the Kennedy administration, I took the position that, "Alright, we're not going to be stuck with the regulations that were drafted in 1935 or 1946. We'll draft regulations for this program in '61 or '62, and we will make certain that they are operated on a completely desegregated basis from the start." So that we were beginning to make some headway in the new programs. But we couldn't get at the old programs effectively until Title Six came along, and then I could say to the people within the department, "Your regulations are now meaningless. They have been repealed by the Congress of the United States. The Congress of the United States says it will not give money to a facility that segregates..."

MCHUGH: Did this work pretty much?

QUIGLEY: Yes. They were as amazed as I was that Title Six stayed in the bill, stayed in the law when it was signed, but we had some internal struggles. Again, old habits die hard. This is not to say, you know, these were...

MCHUGH: Which department had the most difficulty?

QUIGLEY: ...these were bigoted people, it was just that, you know, they were bureaucrats. This is the way they had been doing it, and it's always difficult to change.

Which agency within HEW? Well, all of them had problems, you know. Education had some extremely difficult problems. See, the Office of Education went through the whole period of the Eisenhower years when the official policy of the administration was that integration of schools was a legal problem. It was in the hands of the courts under the Brown decision, and therefore, it was not a responsibility of the Office of Education. It was not an educational problem, it was a legal one.

Well, this, of course, was just utter nonsense as far as I was concerned. This had been the policy of the previous administration. So the Office of Education had some real problems in this regard.

The Public Health Service had some very difficult problems particularly in regard to the hospitals. But quite frankly the agency with HEW that had the most difficult problems, or the least ability to face up to them was the Welfare Administration.

MCHUGH: Why did they have the least ability?

QUIGLEY: Well, I don't know. A variety of reasons,

again, not the least of which, of course, is that, like I described earlier with the Public Health Service, they had kind of a traditional relationship with the states where all they did was send money and it was entirely up to the states to decide, you know, how this welfare money would be dispensed with and dispersed. And many of these people, as I say, I'm not accusing them of racial prejudice, I'm just accusing them of having a philosophy of government that I frankly don't share. We had a member of the general counsel's staff in the department who was an extremely competent and able lawyer. But he felt very deeply that it was immoral if not illegal, and I'm sure he thought both, for the force, and thrust, and power of the federal government to be used to force what he would call social change. He took a very narrow interpretation of the federal-state arrangement, and that it was for the states and not for the federal government. Well, I don't know whether I'm a starry-eyed "New Dealer," or a semi-socialist, or what, but I just think it's.... To me it's unthinkable...

MCHUGH: Did you have any...

QUIGLEY: ...that the federal government would pour millions of dollars into a program, into a state, or into anywhere and not have as one of the basic ground rules for the spending of that money that the Constitution of the United States be lived up to.

MCHUGH: Was there any feeling that this had an impact in foreign countries, what was happening here?

QUIGLEY: Oh, I don't think there is any question that it did, although we did not get much of that in HEW because ours was basically and fundamentally, you know, a domestic department. It had domestic programs. But, you know, I don't think there's any question that the Birmingham situation had as much of an impact around the world as it did around the nation. This was a real shaker as far as America was concerned.

MCHUGH: How did you actually go about integrating these hospitals? Did you visit them to find out how many Negro personnel and doctors they hired, and on what spaces the Negro was confined to?

QUIGLEY: We got down to very specifics and very detailed. Now some of these I handled personally, but more often I managed to recruit a staff or to get people from the Public Health Service who finally took the bit in their teeth and went out and said, "Look. This is the law. This is what you're going to have to do, if you want to continue to qualify for federal funds."

MCHUGH: Who did you work with mostly?

QUIGLEY: Well, I think my strong right arm at that particular time was Sherry Arnstein, who is now with the Poverty Program, no, she's now with HUD [Department of Housing and Urban Development] in the new Demonstration Cities Program, and...

MCHUGH: She went out and talked to these people?

QUIGLEY: Yes, very much. And probably before Sherry, Elizabeth Bamberger. She was kind of in with me. She had formerly been with the AFL-CIO [American Federation of Labor and the Congress of Industrial Organizations], came with me on a consultancy basis and she was a big hand in helping me draft, you know, the basic regulations for the implementation of Title Six. She's now with the office, the poverty program. And of course, absolutely the key guy in the whole thing as far as I was concerned was my deputy, Lisle Carter [Lisle C. Carter, Jr.], who came with me from the practice of law in the city of New York, private practice, but before that had been Counsel for the Urban League in Washington. And Lisle is now an assistant secretary in the Department of HEW, and left as my deputy to go over with Sargent Shriver when the poverty program started about a year ago came back to HEW as an assistant secretary. So Lisle was a really, pillar of strength at this time.

I take real pride in the fact that in the TIME cover story on John Gardner of two months or so ago that it quoted Gardner as saying that in his judgement the most important accomplishment that had been made in the Department in his brief period as Secretary was the progress that had been made in the integration of the school. Now Connor Howe has gotten much of the flak on this and so has Dave Seely, but more than frankly they deserve because the basic spade work, taking nothing away from them because they are the guys that carried the ball over the line, but I think the basic spade work that permitted them to do this was put together in '63, '64, '65. And I'm happy to feel that I had an important part in putting it together. And so, incidentally, did Dave Seely. Dave did a tremendous job. There were a lot of people involved. These were just some of the names of the people.

MCHUGH: Did you work also with rest homes?

QUIGLEY: By the time I left, which was now well over a year ago, the nursing home situation had not yet come into sharp focus, largely because, and of course, one of the real questions on the integration of hospitals was the subsequent passage of medicare. There were a lot of hospitals which were quite frankly ready to give us the back of their hand. They had

gotten their Hill-Burton money in 1958 or 1962. They were constructed. They hadn't any idea of coming back and asking for more construction money at any time in the foreseeable future. And, you know, they took the attitude, you know, "What are you going to do if we don't integrate? You're not going to sue us and get the money back. And if you are it's going to take forever." But then medicare passed and it suddenly dawned on these hospital administrators that this was federal funds and they wouldn't qualify for medicare payments if they didn't integrate.

McHUGH: Did welfare payments to hospitals also come in?

QUIGLEY: Well, welfare payments did, but here again the thing got fuzzy because the welfare payments didn't go directly from the federal government the way medicare payments do, it went through the states. And the thing got fuzzed up.

To answer your question. The hospitals the nursing home provision of the medicare act came into operation, what, just this January. So that by the time I was out of HEW the nursing home issue on integration had not come into focus. I'm suspecting that it did focus now, and I suspect it's difficult because, quite frankly, I would think that integrating the nursing home would be two or three or five times more difficult than integrating hospitals. Older people set in their ways, older people who really are not well, they're really not that sick. So when you're really sick and you're going to the hospital with a broken leg or an emergency appendicitis, you know, you don't have time for prejudice. You're scared and you want to get there, and you want to get well, and you don't care about the color or the doctor or the nurse or your roommate, or anything else. But when you've recovered and you know you're going to live, then you can revert to your usual normal self, and if your usual normal self involves a few prejudices well then the racial question can loom. And this is very often the situation in the nursing home. It's a very difficult one.

McHUGH: During the Kennedy period did you make any headway in having Negro members hired as staff, I mean Negro people hired as staff members?

QUIGLEY: Yes, I think there was headway made. Now let's face it, we couldn't in all fairness claim credit for our administration, for our department, or the President. The ground decision for, you know, was followed by a series of other court decisions, the National Dental Association, and the National Medical Association representing Negro staff doctors and dentists, you know, brought suit. So there were some court decisions which came along in the early sixties which also strengthened the hand. There is still. . . . And this is a

sticky one because, you know, truly the competency of a hospital staff is something that cannot be determined by some bureaucrat in Washington. This was a judgement that had to be made. . .

McHUGH: Was this the basic issue?

QUIGLEY: Yes. This was a judgement that has to be made by a man's peers. And if fellow doctors exclude a guy you might say they're doing this for prejudice reasons, you know, because of his race. You might say that to yourself, but it's extremely difficult to prove particularly when, you know, if you challenge the race issue they can say "We've done it on the basis of his lack of professional competency." Actually to raise the issue you might in fact be doing the Negro doctor more harm than good. It's a very delicate issue.

McHUGH: How much progress could you say, could you estimate has been made on the problem of desegregating the hospitals? Was more of your time spent on schools than hospitals?

QUIGLEY: Oh, overall I've probably spent more time on schools. I think the hospital thing when it moved, it moved rather rapidly. It came late, and it came really it was a combination of Title Six plus medicare. This is what strengthened our hand for relatively quick moves. And of course, with hospitals too was this: you didn't have to deal with elected school officials, elected hospital officials. They were, you know, appointees. And while they were usually members of the establishment in a community, many of these were not men of prejudice. They were lawyers and bankers that recognized the realities of life. In addition most of the hospital administrators in the south recognized that operating on a segregated basis, you know, even segregated wings and segregated operating room, segregated recovery rooms, is a most inefficient and uneconomical way of running a hospital. And hospital costs are high enough. So quite frankly a lot of these administrators and a lot of these hospital boards welcomed the opportunity to get this problem behind them. Now they blamed it on the Feds, but hell, we understood this. This was, you know, we were in Washington and our shoulders were broad, and if by blaming us the purpose could be accomplished this was a small price to pay. I can say the same thing about many of the school administrators. Many of the school administrators in the south and many of the school board members in the south that I dealt with in this period would have loved to have gotten this problem behind them and they welcomed the chance to do it if they could blame it on the Feds, 'cause they recognized that it was an inefficient and expensive way of trying to run a school system. Now there were exceptions. There were diehards but quite frankly I found them to be the exception rather than the rule. Now elected school board members, however, were still acting like elected officials

and they were very chary of, you know, taking the bull by the horns and doing it.

MCHUGH: Can you make any summary comments?

QUIGLEY: No, they were very interesting, very exciting years, and I'll be grateful for as long as I live. My defeat in the '60 election gave me the opportunity of being part of first the Kennedy and then the Johnson Administration. And I don't know how much longer I will continue in government. One of these days I might decide for financial or other reasons I better return to private life. But I found it an extremely exciting and very rewarding experience.

MCHUGH: Thank you very much Mr. Quigley.

QUIGLEY: Thank you.

END TAPE II (b)