

**Kathryn G. Heath Oral History Interview – JFK#3, 08/19/1971**  
Administrative Information

**Creator:** Kathryn G. Heath  
**Interviewer:** William W. Moss  
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**Biographical Note**

Heath was the Assistant for Special Studies in the Office of Education of the Department of Health, Education, and Welfare [HEW]. In this interview Heath discusses the Office of Education during the transition from President Dwight D. Eisenhower to President John F. Kennedy [JFK]; JFK's task force for education; problems when a new leader comes in; working with Congress; the National Defense Education Act and other education legislation; JFK and the Church-State issue in education; Abraham A. Ribicoff as Secretary of HEW; leadership within the Office of Education; Anthony J. Celebrezze as Secretary of HEW; Wilbur Cohen in HEW; reorganization of HEW; various education projects; new HEW programs under JFK and President Lyndon B. Johnson; the Civil Rights Act of 1964 and how it intersected with education programs; and the transformation in how Americans viewed education, among other issues.

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Third Oral History Interview

with

KATHRYN HEATH

August 19, 1971  
Washington, D.C.

By William W. Moss

For the John F. Kennedy Library

MOSS: We'll be talking today about the Office of Education and the federal education programs in the Kennedy and Johnson administrations. Let me ask you, Kay, to begin with what the response of the civil service in the Office of Education, the people who were there at the time that the administration changed, was to the influx of Democrats, to the coming of the Kennedy administration? What was the attitude? How did they look upon this new change in government?

HEATH: I think this was not a particularly difficult change as far as the bureaucracy was concerned. The really difficult one had been eight years before when there'd been the Democrats in for so many years, but they'd become thoroughly accustomed to having the government run by Democrats and didn't even think of anybody who might replace on the Republican side. This was not the problem when Kennedy came in nor was it the problem, for that matter, when the Republicans came back in.

MOSS: Do you recall any of the activity of briefing the new administration officials and so on? How was this handled?

HEATH: Oh my, yes, I do. We prepared a great many papers during the [Dwight D.] Eisenhower administration for

the Kennedy administration. I think I mentioned one on Killian the time before. Well, they were prepared on many subjects. In education, particularly, Kennedy had had his own task force, and one of the later commissioners was a member of that task force. So they had been developing their own education ideas just as happened again when the Republicans came back in and you had the Pifer Committee [President Nixon's Task Force on Education under A. Pifer], but certainly we were called on to produce an awful lot of material.

MOSS: How much did the task force get to the bureaucracy in preparing their paper? Was this done completely independent of the bureaucracy, or did they come into it?

HEATH: The main task force was pretty independent. There were some leaders there who were involved, but pretty independent. They tended more to go back to the old Democrats who had been in, you see.

MOSS: I noticed there were two really: [Paul A.] Samuelson was heading one which I suspect was for all of HEW, and then [Howard T.] Hovde did the . . .

HEATH: That's the man who did the education one.

MOSS: Right, right.

HEATH: Yes.

MOSS: Did you see much of him before the . . .

HEALTH: I never saw anything of him.

MOSS: Well, do you know if they came into the department and were nosing around?

HEATH: This I could not tell you, but I am sure some of the people that were there prepared some material for them.

MOSS: Do you know of any specific cases?

HEATH: No.

MOSS: What sort of expectations did the people in the office have as the Democrats were coming in? What were they expecting the Democrats to do, the Kennedy administration to do? What reaction did this cause amongst them, do you know?

HEATH: From the point of view of education, there had been

a real life in the Office of Education with the enactment of the national Defense Education Act of 1958, and we were still in that upsurge from that legislation. There had been a proposal for revamping the office in terms of the next ten years, and this, I think I have mentioned before, was done in such a way that whatever administration came in could use it without having the stamp of the previous administration. The report was given after the new administration came in. So I think there was a very wholesome, good feeling. As a matter of fact, I think you will find in general the bureaucracy is willing to open its arms to new leaders. Trouble comes after the new leaders get there, and they frequently do not know how to get below the exact top level of the agency.

MOSS: All right, will you expand on that a little bit--perhaps give an example or two--and what are the problems?

HEATH: I could cite an example from a later period if you don't mind.

MOSS: That's all right.

HEATH: Let's take it when [Sidney P.] Marland was coming in. That top group in the Office of Education were all feeding him papers, same sort of thing as happened before, but I never go so involved in it. Finally, he had had so much with so many different points of view that he asked to have somebody do a briefing book for him that would cut straight across what all these people thought and come up with what the situation was, the pros and cons, and I was the one who did that briefing book. It literally took knocking people's head together to come up with a sound point of view that took into account those who were in favor and those who were against a certain move, and let the new man know what the problems were that were facing him. In fact, in some cases when I would call. . . . I even went to this kind of a strategy: writing up one program the way I knew one office felt, taking it to the other one and saying, "Would this be a good briefing material to give to the new man?" And of course, he blew up, and he said, "I will write the paper!" I said, "Thank you very much. I will write the paper, but you are free to come and talk to me about it so that I can get it in a better perspective." Now I was deliberate about that because it was the only way I could break these two sides so that the new man would have a reasonably good presentation, and I came out with a good presentation, and I did that across the board on the controversial issues in the Office of Education. Well, now in every administration when you have a change, you have the people who are vying for power, and those are the tough people. The others are concerned too, but the

tough people are really vying for power.

MOSS: Now do you mean the political appointees or the top civil service people?

HEATH: Both.

MOSS: All right.

HEATH: There are political appointees who stay on when the administration changes, and those people are always wondering just where they stand, and so there is a big

move to. . . . In fact, I'm shocked at some of it that I have seen through the years at very high levels.

MOSS: What sort of things do they do?

HEATH: Presenting a point of view, going in, laying it out in very cogent fashion, and doing what they can to stop whatever else may come in.

MOSS: All right. Now how does one do that?

HEATH: My, I'd have to think about that one.

MOSS: Because this is the crux of it, isn't it: how is a man successful in doing that kind of thing, in cutting off his opposition, making sure that it doesn't reach the ear of the secretary? I've known of blatant cases in political campaigns where the opposition will even put in an infiltrator on the switch board, you know, so that all incoming calls from so-and-so will be diverted.

HEATH: I think one of the cleverest ways is through the Hill.

MOSS: All right. How does that operate?

HEATH: There are some people who, when they are determined on their position, and they work very hard to have good relations on the Hill, will immediately feed into the Hill and get appropriate people on specific committees to get in touch with the new man. The new man has already been fed this story, so he thinks, "Ah, here's something that's pretty reasonable," you see, and it's a shut-out of that sort that I've seen. I've seen it many times. I know that if I were to move into a political position that one thing I would most assuredly do would be to listen to this group and then ask to see certain people below it. I just would.

- MOSS: All right. You've given a generalization there. Now do you have any examples to back it up?
- HEATH: Well, I gave you one from the Marland illustration. I could give you some, but I would be involved in naming names, which I would almost rather not do.
- MOSS: I realize that you would rather not, and if it's going to be meaningful . . .
- HEATH: Well, let me describe one without calling the names, and somebody can do his own detective work to find out who this was.
- MOSS: Do you believe the detective work can be done . . .
- HEATH: Oh, yes, I do. Yes, I do.
- MOSS: . . .in what you're saying? All right. Fine. We'll let it go at that.
- HEATH: We had a person, an awfully nice Joe too--I liked the guy--who was what you might now call the assistant commissioner for administration, very effective relations on the Hill. He was a man with whom I fought on many occasions because his concept of budget building was to take last year's budget and stay within that framework and come up with the brand new ideas of things you wanted to do, and as far as I'm concerned, you don't start with the budget when you are planning a program. You start with what your needs are and how you're going to resolve it, and then you price it out, and then you get to the point of how you're going to finance it. So I'd had many arguments with this fellow, but he was always faced with the problem when our budget would get on the Hill. Now we had a report task force, a White House task force, that resulted in cleaning out that whole operation and a fresh start. Our friend always landed on his feet. He took over a major assignment in the office. Came another change in administration, and that was going to be changed, and he again turns up very effectively with a year's leave assignment and comes back in another top spot. Now this is a man who has done all of this through the Hill.
- MOSS: Simply by cultivating friendships on the Hill? Now where particularly, in the Appropriations Committees . . .
- HEATH: In part.
- MOSS: . . . or in the substantive committees?



HEATH: Both, both.

MOSS: Would you say primarily with the congressmen or with the staffs? Does it make a difference?

HEATH: Both.

MOSS: Again it has to be both.

HEATH: He's shrewd. I admire some of the things he's able to do, but substantively, there isn't very much there. That's as good an illustration as any I think I can give you.

MOSS: What kind of an impact do you think this kind of activity has on the substantive programs of the department?

HEATH: A very bad one.

MOSS: Is this a way of life or can it be changed? Is it something you can do anything about?

HEATH: I say this because I'm called by the Hill often. They ought to be calling the congressional liaison staff or our office of legislation, or they should be calling the HEW staff. What happens is that they may call and not find the right person who could answer, and since I'm the kind of a character who finds out who the right person is and bores down far enough until I get the answer, I have unfortunately built up a Hill clientele too, which I don't want. I make a stern practice that I will deal with them on all the procedural staff, but when it comes to the substantive, I force it in the hands of the program people who are dealing with it.

For instance, we recently had it on the guarantee loan program. Now the trouble was that they had called all over that place and hadn't found the person who knew. And finally, our HEW congressional relations staff called me and said, "You always know about these regulations. Will you help the man out?" It happened to be [Robert P.] Griffin of Michigan. I said, "That's a very complicated program involving the banks of America. I will get you in touch with the right people." We had three very able people on the program. Now I bet they'd made ten or fifteen calls trying to get the information. It was a question of . . .

MOSS: Now why is it difficult for them to get such information?

HEATH: Partly because there have been so many changes in

the staff, and we have an enormous program in that department. We have more than a hundred different kinds of programs in the Office of Education, and that's just one piece.

MOSS: And the office itself doesn't know where the pieces are?

HEATH: Well, they'd called the HEW office, and they're dealing with a lot more than a hundred programs because they have all the PHS [Public Health Service] programs. . . .

MOSS: Social Security and whatnot.

HEATH: So it is getting to the person who knows, and we have had a lot of people brought in who are among the dis-advantaged--this has gone on primarily in the Kennedy-Johnson eras when this really took hold--and lots of these people are not very well trained. I had the experience of a man from Wilmington, Delaware, the mayor up there, who'd formerly been one of our special assistants to the secretary . . .

MOSS: [Harry G., Jr.] Haskell?

HEATH: Yeah, and he knew me. So he called me about a New York City program one day, and I said I'd find out for him, and I called our bureau of research. The person answered the phone, and I asked where I could locate a certain man because they were moving, and she said, "I don't know. Don't nobody know down here. We're moving." Now suppose the congressman had gotten that office. You see? It is very difficult to cover all these spots when you're taking in people who are not adequately prepared. So I walked out of my office and went hunting among the furniture that was in the hall to find the man I wanted.

I've had other experiences when they've called in my office, in the international, and it was really intended to be a part of the domestic program. Knowing of new men, I can think of one in particular. A New Jersey senator had called me, and I said, "Let me call you back, Senator. I will get the information for you." Knowing this was a new man, I went up to see him, explained the thing, and he said, "Dr. Heath, do you know who you're talking to? You are talking to the village idiot on that subject. I don't know. I'm new." I said, "I will come and talk with you." So I went up and saw him. We worked out his whole answer, and then he called the senator back, and the senator was nice enough to call me and thank me very much. That man really knew. You see? Well, if you have some kind of spirit for making the place work, you

can do these things, but we have had so much change in personnel. The office had just about twenty--just about 20 percent have been there more than five years.

MOSS: All right. Again let me ask if this is in the nature of the beast or if it can be stabilized.

HEATH: I think it can be, but I think it takes time because particularly in the Office of Education we have had an enormous change beginning with the National Defense Education Act and then with the big expansion after 1961.

MOSS: All right. Talk a little bit about the character of that change if you will? What has it done? What have been the effects of it?

HEATH: Well, the NDEA Act gave us a basis for national policy in the field of education. It was the first time you had a national policy, and in the case of that act, the word "defense" was terribly important. That act would never have gotten through unless that word had been in there I am convinced, because there was a dead set feeling in the Congress that education was a part of state's rights. You go right back to one of the amendments to the Constitution for that.

MOSS: Reserve powers.

HEATH: Yes, yes. And it has been argued in any major break through. It was a problem in 1862; it was a problem in 1867; it was a problem when the vocational legislation was enacted in 1917 and so on. So, the base was set for a new look, and Kennedy's team, this little advisory group that he had, recognized very decidedly that there was a need for helping higher education, there was almost a greater need for helping elementary and secondary education, and in addition, something had to be done about poverty-stricken areas and the schools in those areas. That's the way they started. The Kennedy administration came up with a couple of bills. I've even forgotten about them because they got nowhere, but one of them did pass the Senate, and it ran into dreadful trouble in the House. That was the one on higher education, as I recall. That bill--I don't know whether the NEA scuttled it or not, but certainly the NEA did have telegrams that went around on the Hill, in the House--anyway, the bill was defeated.

So there had to be a fresh new look, and when the Kennedy bill which was called the National Educational Development Act of '63, I think was its title, when that came out it was an omnibus bill. Now I wasn't where I am now; I was still in

international work, and so I had had nothing to do with any of the development of that bill but when I saw it, I was stunned, and I took it home that night and read it. I realized afterwards I was stunned because I hadn't paid enough attention to the defeated bills. They weren't of any particular concern to me as long as they were defeated, you see. I operated in the international field on the theory that you had to know domestic education, but it wasn't necessary to know bills that didn't get anywhere. I operated from the point at which something was enacted into law. So my reaction to the Kennedy bill was "How in the world can this ever be gotten through the Congress? Because the committees on the Hill that normally would handle this are. . . . It's not just one committee; it's a whole bunch of committees. This is an omnibus bill that wouldn't go before one committee. What'll happen when they start tearing this thing apart?" And I wondered what had struck the new administration.

I am well aware now that probably what struck the new administration was the fact that the Kennedy administration had gone down to ignoble defeat on these first two bills, and there was a feeling "Let's break the back of this split between the higher education group and the elementary and secondary education group, present it, and the vocational group that's another one--put them all in one bill so that if they fight against each other, they're also fighting against themselves." Now I think maybe that was the theory although I wasn't involved in it at the time.

When that 1963 act went on the Hill, it didn't get anywhere. It got splintered up among a lot of committees, and nothing much happened although I think the vocational piece was coming along. And then Mr. Kennedy was assassinated. And almost as a memorial to him, there was a real push, and you had Johnson interested in being known as a man who supported education. I have always said of that man that when he was interested in something, he didn't push, he just plain shoved, and we had many evidences of it in our office. There were times when we'd get thirty or forty requests from that White House in a day, most of which could've taken two or three months to do a decent job on, and they wanted it yesterday and would wait until tomorrow. It was that kind of pressure, you see. So Kennedy was assassinated in November, November 22, 1963, wasn't it? By December 14 or 16 we had the first big bill out. I think the first one that came out was the Higher Education Facilities Act--yes, it was--of 1963 because that was Public Law 88-204. Now that act went further than the Kennedy administration had asked, and I think it's a rather ingenious, a good example of what the administration and the Hill can do when there is good spirit. Kennedy's bill in '63 had reckoned with the church-state issue, and to avoid the troubles which had previously happened, had provided for loans

for the construction of institutions of higher learning, classrooms and so on. I think Kennedy must have felt that he didn't want to have anybody think he was leading on the side of the Catholic church, and probably was a bigger problem to the Catholics than he would've been if he'd been a Protestant.

MOSS: He certainly wasn't popular with Cardinal Spellman in those days.

HEATH: He wasn't with a good many of them, that's true. So the Hill went considerably further with this legislation and felt that the time was ripe to make grants to institutions of higher learning whether they were Protestant or whether they were public or whether they were Catholic; it didn't make any difference. This legislation went through, but what they did that is a pattern that's been followed quite a bit since, to get away from the federal control aspect, they said, "There shall be a State Commission of Higher Education appointed by the governor or whoever is in proper authority in the state. And this commission shall be made up of all the interests in the field of higher education." So you had the public, big state universities, and you had the Catholic universities, and you had the community colleges, and the Protestant ones, the whole gamut. And they had to make the decision on how that money would be distributed among the institutions in their state with certain leeway for not giving too much in one state for example. I think this was an ingenious thing that helped us a great deal.

MOSS: Right. In addition to the parochial school problem, there was a question also of the allocations, the distribution among the several states.

HEATH: That's what I'm talking about.

MOSS: The big North-South split on this. The northern liberals were afraid that there was too much going to the South. The South needed more money than the North did. What do you recall of this? How were the formulae prepared?

HEATH: I've forgotten the details of that formula. I'd have to look them up.

MOSS: There were several that were proposed.

HEATH: Oh, my, there certainly were. There certainly were. And I wasn't myself involved with it at the time. So I became aware of it more from following the legislation than from having any responsibility for work on it. But I do recall that the state commissions had to decide how it would be spent in their own states. There was a

fraction, a percentage, that could be spent--no more than a certain percentage could be spent in any one state. Now the flexibility beyond that, I just don't remember. It was a very flexible law though.

MOSS: How did the people in the Office of Education respond to the fact that there was this difficulty on the Hill? Did they simply fall back and regroup and come back up with a new formula? Or was there a rationale that they were trying to push?

HEATH: Well, they had requests. No they had requests. They had requests, and we were pushing the rationale of the administration. What I remember more than that side is what happened after the law was enacted. I think one of the reasons that law was administered so well--and I do think it was administered well--was the fact that it took a long time to get the appropriation. The law was enacted in December of 1963, and the appropriation came about September of 1964. So there was almost a whole year in which it was possible to deal with the authorities of the states. They could get their commission set up; there could be discussions with them; there could be all kinds of activity going on. The regulation under which the law would be administered could be prepared; it could go out in the field. Everybody could have their opportunity to say what they wanted to say. There were conferences that were held in the field. So that when the money came, and they started to act, everybody was on board. This is so much more satisfactory than these rush jobs where the money comes much later than it should, and you're over the barrel. Is it better to get it out and get something going, or shall you drag your feet until you've got the refinements made and then come in for all the criticism for holding up the institutions throughout this country. And I think the Higher Education Facilities Act was a very fine act, beautifully administered. You can also count there. That's a lot easier than when you're dealing with disadvantaged--when you're dealing with people.

MOSS: Let me go back to the beginnings of the Kennedy administration again, and ask about the way particular individuals were taking over. You have [Abraham] Ribicoff coming in as secretary. What was the response to him and what was he doing in those days, do you recall?

HEATH: I have some reservations about having an opinion on this man for this reason: I was no longer in the Office of the Secretary, and it was my experience while I was in that Office of the Secretary that I always had a very different view of every secretary than the people who weren't there. I liked them all. I would be amazed at the

reactions I would hear throughout the department on these characters who were running the establishment, you see.

MOSS: All right. With the disclaimer that here you are looking from the point of view of the Office of Education . . .

HEATH: And so I'm looking from the point of view of somebody who didn't know him at all, and he was the only secretary that we have had that I did not know except to casually meet. And I had the same feeling that the people in the office had of him, and I began to wonder if my trouble was that I didn't know this man. I had the feeling that he didn't really want to be there. He wanted to be on the Hill as a United States senator.

MOSS: And how did this effect the operations of the department? What sort of effect did you see it having?

HEATH: The main effect that I saw was that nothing happened to speak of as far as legislation was concerned. There was something in the social security field, but that's not quite fair to say nothing happened, of course. One thing that happened that was very fine indeed was the Mutual Educational and Cultural Exchange Act of 1961. The Alliance for Progress came in there too. I think from the office's point of view that Mutual Educational and Cultural Exchange Act was the best of what happened. And that work represented a part of our office on which no commissioner is going to make his reputation because he's going to be concerned primarily with what goes on within the United States. On the other hand, that law which brought together bits and pieces from the old [J. William] Fulbright-[Brooks] Hays days and [A. Alexander] Smith-[Karl E.] Mundt acts did recognize a domestic side to the international program that was very helpful and, certainly, was advantageous as far as the language parts of the National Defense Education Act were concerned because we could bring in foreigners to help in our institutions in the training of people in the languages.

MOSS: All right. Briefly at the beginning of the administration, you have Wayne Reed acting as commissioner.

HEATH: Yes.

MOSS: Anything important there that is worth mentioning?

HEATH: Wayne Reed wanted to be commissioner; there's no doubt about it, and he had a goodly following out in Nebraska and certain other areas. His strength was

with the school superintendents of yesteryear, you would say now, rather than on the Hill. So that it was my view he would never have had a chance to be commissioner unless there was a great deal of pressure such as if we'd had had a Nebraska president, or something like that, you see.

MOSS: Did it effect the office at all to be lacking a commissioner for those first couple or three months?

HEATH: Yes, I think so.

MOSS: In what ways?

HEATH: You don't know how to move because people down the line didn't see the Kennedy report, the task force report.

MOSS: All right. There you are in the Office of Education not knowing which way to move, and in comes Sterling McMurrin. What happens then?

HEATH: I'd like to preface my remarks on Sterling McMurrin by saying I think he's probably one of the most--one of the least understood of the men we've had, and it's a shame because this man had. . . he's going to leave his imprint in a way that if the scholars are careful, they'll discover.

MOSS: All right. What are some of the clues to that imprint?

HEATH: When I read his vita, I remember saying to someone in the office next to mine, "Well, here's a man who won't stay with us long." And I was asked why, and I said, "Because historically philosophers and administrators don't mix very well, and this man is a philosopher." I would also add he was probably the intellectual of all the commissioners we've ever had. If you wanted to put the A++, you would give it to Sterling McMurrin. Now one of the most significant things is that the general aid facets of the legislation that came up were all drafted under his leadership.

MOSS: Why?

HEATH: This, I think, is not well-known.

MOSS: In what way did he exert that leadership?

HEATH: For example, when [Francis] Keppel came, it was in December of '62, and that big bill was presented in January of '63. Now this is not to say that Keppel



didn't have something to do with it. Keppel had even been on the original committee. So he had been involved. I'm not trying to take away from Keppel when I say this. I am simply trying to reckon that this man did have a great perception in the field of education.

He got into his troubles because he was not a political animal in any sense of the word, and he got in trouble with the elementary and secondary crowd. He was a higher education man. He had the same kinds of problems that [Earl J.] McGrath had with elementary and secondary, and there had been this '61-'62 split that developed, but this man did three things that stand out to me. Number one, he cut through all the foolishness that goes on in bureaucracies and stopped all publications. This was very wholesome then. There's a time when you have to have fresh air in on top which cuts through bad practices that have gone on for years. I felt very kindly toward the man because his own book on ministries of education was in the mill at the time, and his committee spent, I've forgotten, two or three months with nothing coming out. And then one thing came out, and it was my book, and they said, "Get this one printed and get it printed fast." One mistake they made was to say, "Can't you update it?" And this was involved with all the governments around the world, and one thing I couldn't do is update it. And there were some people in publications who said, "Well, can't we put a new date here?" Well, of course, this would've destroyed the whole business, and I really had to fight a battle until I finally insisted on it and got to McMurrin's special assistant who's now the vice president out at University of Utah. And this man immediately understood what I was talking about, and we finally washed out this request that I update this book, which everybody down the line was insisting be done.

This is the idiocy that develops in bureaucracies once in awhile when the top speaks. And I take the view that when the top speaks, you must prevent it from falling on its face because it doesn't realize some implication and you must explain. Well, this finally got explained. So the book came out. That's one thing he did. It cleaned up our publications, and we began to have better ones.

MOSS: All right. What was the second thing?

HEATH: The second thing he did, and this of much greater lasting value, was the input on the legislative proposals because he had a great sense of the need of education for financing. He made a faux pas on the Hill, which made them think he was a guy who wanted federal control of education. I've forgotten the exact way he did it, but I know he was in trouble right at the beginning with the Hill, but when it came to the drafting of that legislation, he could

see through the problems, and I think this is one of his really big contributions. And I think scholars-- I think Keppel would admit this. I am sure he would.

MOSS: Okay. And the third thing.

HEATH: Although the credit is always given to the person who's there when the law gets enacted.

MOSS: That's right. "It happened in my administration with"

HEATH: That's right, that's right. And as a member of the bureaucracy, I am very well aware of these puffs that every administration takes for itself. Well, let me skip McMurrin's third thing for the moment. I've forgotten it.

MOSS: All right. Okay.

HEATH: But it's there. I could probably fill it in.

MOSS: Okay. Let me ask this. You also have [Anthony] Celebrezze taking over.

HEATH: Oh, I'll tell you what the third thing is on McMurrin.

MOSS: All right. Go ahead.

HEATH: He introduced a series of really training programs for the top staff. They were magnificent. As a philosopher he saw across the board in ways that many people don't, and he felt that that staff needed some shots in the arms from outside, and so we had a series of meetings which would last about an hour and were in the auditorium, in which leaders in all kinds of things in the federal government, and some from outside, which impinged on education, or were in the field of education came and talked to us: [Alan T.] Waterman of the National Science Foundation, the head--who was it?--John Walker the head of the Gallery at the time, the National Gallery?

MOSS: I think so.

HEATH: All of these. Philip Coombs, who was then the Assistant Secretary for Educational and Cultural Affairs in the Department of State. People who were infinitely involved in things that were going on in Washington and which might touch on education. I know I felt abused the one that I had to miss. They were so good and did such a fine job of interweaving what we were trying to do and what the

other agencies were trying to do. This was a very fine thing that this many introduced and it carried over. It gave people a broader look in what they were trying to propose. Okay.

MOSS: Okay. You have Celebrezze coming in to replace Ribicoff.

HEATH: Yes.

MOSS: What do you remember of him?

HEATH: Well, I got acquainted with Celebrezze on a very personal basis. I was in Chicago, and a request happened to come in to Celebrezze's office asking if the department would be willing to lend my services on a reimbursable basis to the Business and Professional Women's Foundation because they wanted to launch a long range program relating to the status of women. I didn't know anything about this until a representative from Celebrezze's office arrived in my office bearing a copy of the paper that had just processed through to me, and he said he had come down to see me because Celebrezze had three views on this: number one, he would like very much to make Dr. Heath available to them if it was appropriate to do so; number two, he would like to be sure that it would in no way interfere with my civil service status; and number three, he would like to know whether or not I wanted to do it. Now this is a kind of a nice point of view, don't you think?

MOSS: It covers the ground, doesn't it?

HEATH: I thought it did. So I then saw him shortly afterwards at some kind of reception, and when I was introduced, he said, "Oh, you're the person that the national president of that organization came in and wanted to see." He remembered all this, you see, and greeted me almost like a long lost friend. So I had a warm feeling toward this man. I think he was this kind of an individual to people, much more than a person like [Eliot] Richardson who is well on top of all the programs. I think Celebrezze also had other interests than running a big bureaucracy. And I think probably some of the problems of the agency were a bit of a chore to Celebrezze, but he was an awfully cooperative person on anything that needed to be done.

MOSS: He's been accused of having a sort of municipal, parochial view of things and not being able to adapt to the big picture of the federal perspective. Is this fair?

HEATH: I think maybe this is fair, yes. After all, he'd been in a big city, and he had other interests, but

I think most of the people over there kind of liked the man because he was warm. And he would move if you presented a proposal and presented a case well enough he would move.

MOSS: What distinctive contributions do you think that he made outside of his warmth?

HEATH: I don't think I'm the one to judge that. I really don't.

MOSS: Okay, okay. Let me ask you about . . .

HEATH: Because by that time I was in the Office of Education.

MOSS: Let me ask you about another fellow who I sort of feel is the acting secretary perhaps sometimes. I get the feeling that he is in the Ribicoff -Celebrezze era where both of them had their interests essentially elsewhere, and that's Wilbur Cohen. I get the feeling that he really moves behind the scenes.

HEATH: He does. Oh my, yes. I think you would have to credit that Eisenhower bill, which was a Republican bill on the medical affairs, to Wilbur Cohen. He always worked behind the scenes. He was called in as an advisor. He had enormous background--[Robert S.] Kerr-[Wilbur D.] Mills bill--I think you would have to say that this was Wilbur's fine hand because Wilbur was a fellow who had developed priorities, and if the one at the bottom all of a sudden had a chance to go through, it suddenly reached the top, and Wilbur moved that way. Well, when the Kerr-Mills bill was up--gee, I don't remember much of anything about that Kerr-Mills bill--but when it was up . . .

MOSS: It started out as what, the Kennedy-[Irving McN.] Ives bill, hadn't it?

HEATH: I guess so. I just don't know.

MOSS: And Kerr-Mills was a substitute.

HEATH: Yeah, I just don't remember these details because it wasn't something that I was particularly following, but I have talked to Wilbur about this and said, "Where was your fine hand in this?" And so I do know that he was called in and helped with the drafting because here was a place to get something a little further ahead even if it wasn't what the Democrats wanted, you see. I think he's always operated this way, and I think he's always been dedicated.

MOSS: I've had the feeling that he was sort of the cement that held the department together during that Ribicoff-Celebrezze period. Is that fair?

HEATH: Yes. Yes, I think it is.

MOSS: In what ways does he operate? What sort of things does he do?

HEATH: Wilbur, I had first known in the Social Security Administration when we were both on interdepartmental committees, and he was the one I used to call on when there was some social security matter or something to go with me to the interdepartmental meetings. And he was an incisive mind; he knew that social security program from the beginning right through. When he landed in the Office of the Secretary, he was--I think he came in first as an Assistant Secretary for Legislation. He already was thoroughly versed on one program and on its infinite relationships with the other programs: foreign social security, maternal-child health, which may have come under another part of the department, you see. So he had a very fine grounding on the department, probably the least on education, which he got busy and learned fast, and learned it well.

MOSS: Evidently. He's now dean of the education school out at Michigan.

HEATH: Oh, yes. He's been in a little trouble out there on account of the ladies, as you may have heard in the papers. I wouldn't want to give a false impression on that--I mean on status of women in pay and this sort of thing, and the sixty-six to nine million dollars that was held up on them. This would not be Wilbur's personal feelings. He recognized women. He recognized anybody who had a good mind I think. And he knew how to get down underneath in the bureaucracy, and this is partly because he came from the bureaucracy. And there was a very warm feeling when he was made secretary, very warm.

MOSS: Finally, at the very end.

HEATH: Yes. And he hated to leave it, and he said so.

MOSS: Yes. Yes, I can imagine.

HEATH: I think he would've liked it well enough that he'd even been willing to be a Republican to stay on for awhile longer, but he did have this knack of moving at the moment the time was right to advance some cause that might have been the twenty-first on the list of priorities.

MOSS: What about the relationship between the assistants to the secretary and the assistants to the various assistant secretaries and commissioner and so on with the bureaucracy? These people usually come in from the outside with the man, and sometimes there are tensions. Sometimes a man takes hold very well; other times not.

HEATH: I knew much more about that when I worked in the Office of the Secretary. May I give you one illustration?

MOSS: Sure.

HEATH: Our public Health Service had been working very, very hard to get a leader in an international program which related in some way to nursing education. I've forgotten the details. This was a technical job. It had nothing to do with politics whatsoever. And this they finally after a long hard time of recruiting found a person. And the papers went in and they were held up, and they were held up, and they were held up. This is the political clearance that goes on whenever the administration --well, when there're high enough level jobs. And finally the fellow in the Public Health Service called me up and just blew up about it. I said, "Why didn't you call me first? I'll walk down the hall and see what's the matter." And so I walked down to see the man who was handling all this stuff who was a new fellow on the staff. And of course, the papers were stacked a mile high because it was the early stages of the administration that this recruitment just happened to come to fruition. And I said, "You've got the papers on a person, and I know for a fact they've spent a year trying to recruit and now they're being held up. And if they lose this person, we're in serious trouble. Why are you holding it up? It is not political." And he said, "I didn't even know we had it. Let's hunt for it." And we found the papers, and it went through that day. There was no desire to hold it up. I think in general that's the case. If you can get to the new person and let him know what's a problem, but you have to know how to get to them. This fellow could have called me a month earlier, and I would have gotten the same action, you see, because their concern was with the policy jobs in the transition from one administration to another of a different party. I don't think most of them are So-and-so's.

MOSS: Do you remember any of them in particular. Jon Newman, for instance, in the Ribicoff days.

HEATH: No. I wasn't up there in Ribicoff days, so I don't remember those.

MOSS: I was wondering if there was any contact between,

say, the office and [unintelligible].

HEATH: Oh, I'm sure there was, but it wasn't with me.

MOSS: Okay. Okay, what about people who came in with the commission? Were there many, or did the civil service. . .

HEATH: We had very few. My golly, when Keppel came, we could have one. This was kind of pathetic. And McMurrin could have one, and he brought the man from the University of Utah.

MOSS: Okay. Let's talk about Keppel a bit. When he came in, you say in December of '62, what was his impact as he came in?

HEATH: I've told you that I think all of them come in with an enormous amount of good will built up for them. He came in in December, and he had a session in our auditorium with the employees. The one thing I remember about that session--because I made some kind of a crack about it at the time--he said number one, he had come to stay. Now this I liked. He wasn't going to be on a year's leave from Harvard. He was going to stay as long as he was needed.

MOSS: This was, of course, because McMurrin was so sure.

HEATH: In part, yes. Secondly, he said he did not come to reorganize, and the most bruising reorganization we ever had was in his administration. But when he made this statement, I didn't know about this reorganization that was going to come up three years later. But I did say that I wanted to see. I simply didn't believe this. I think he said it with good meaning, but I'm just too old a bureaucrat to accept this. And he made a very fine impression. He is an extremely articulate man; he is a very bright man. I consider him a very shy man. I credit many. . . He was not well liked by the bureaucracy, let's face it. It wasn't very long before he was not liked. However, I think it was because he was too far away from his bureaucracy, and it was not very long after he'd gotten there before he decided the bureaucracy wasn't any good anyway. If he had gotten down underneath, he would have found out some of it was good. And his own men who surrounded him, I think, helped to do him in. For example, if he would make a flip comment, and we all make them. Here's one that is credited to him. I don't know whether he made it or not, but I do know that the day he allegedly made it, I had already heard it from one of his men. And that was when Regina was appointed. And he said Keppel had commented, "Well, I've killed two birds with one stone. I have a woman and I've got a black one." Well, you can see

that that would not set well in the bureaucracy. He may never have made it. I don't know. But he's credited with it.

He was credited later when he was frustrated at needing some material and someone said, "Let's get it from Ken Simons, who's one of our very able man in the statistical field." Keppel has allegedly said there wasn't anybody in the bureaucracy was any good. And his staff said, "Ah, but Frank, if you don't listen to this man, you won't have any material on the Hill. He's the one who can really supply the statistical data that we need so badly." And Keppel is alleged to have said, "Well, if so, he's the only one in the bureaucracy who's any good."

Now I don't know whether Keppel said any of this stuff or not, but this is well spread around. And so it doesn't matter so much whether it's true or not. It's how people feel that really counts, and he did not have his bureaucracy with him very well. And that's too bad because he had lots of good ideas, and I liked some of his bright ideas. I think the only thing I ever quarreled with him was when he was on a TV broadcast, and maybe if I'd been on it, I would've done the same thing in a hurry-up moment. He almost pooh-poohed the National Defense Education Act because all it touched was a little stuff on languages, science and mathematics, when actually, of course that was the great breakthrough which Wilbur Cohen would be the first to admit, you see. It's the thing that made it possible to do other things.

MOSS: I'd like for you to talk a little bit about this bruising reorganization of his. You said it was the most bruising one you've been through. What made it so?

HEATH: Yes. You'd have to go pretty far back in history to see the development. When Studebaker was there he had had a reorganization. He had worked very closely with Franklin Roosevelt. This was a nice relationship between the White House and the Office of Education. And he had gotten Roosevelt to agree to propose an expansion of the Office of Education, and he came up with the system for how you would expand it, how you would reorganize it. That reorganization took place about 1947, I guess, when it finally went into effect. And the focus, because the legislation in those days was on the basis of being a research office that gathered information and spread it around far and wide, the focus was on specialists in all these fields. And that probably was quite appropriate at that stage in our history. And the office was very small then, you see. By the time of the NDEA, you had the move "This won't do; we've got to have much more than this." And so you had an entirely different kind of reorganization.



There was a task force on mission in the office, sometimes called the Babbidge report, Homer Babbidge now at the University of Connecticut. And this looked toward an entirely different way of meeting our needs, running programs, administering programs, research, and so on. And so there were three bureaus established: one, let's see, BIERD, B-I-E--I don't know whether I can--one was on research, and the other one was on international education. The second one was on international education. And the third one was related to the school systems around the country. I could fill in what those meant at another time. And this was a sound organization. It had its flaws, and when the people saw the proposal, they all kind of looked at it in terms of "What does this do to me?" which is a very unfortunate thing, but people do this, and so there were some spots in it that were a little peculiar. Then when Keppel came and the legislation started to go through as it did very quickly after he came in. He was, what, there on maybe the 6th of December, and the first legislation was on the 24th of December, or something like that. No, no.

MOSS: No. A year.

HEATH: No, there was a year. I'm sorry; I'm off base on that. There was some legislation, but not anything significant. That's true. I'm off base there. But when the legislation did start to go through, Keppel, who had spent his first six months, I would say, working on the Hill, not inside the office, not only on the Hill, but with the organizations: the Catholic organizations, with rebuilding the relationships with the NEA because they had gotten in bad shape as a result of the failure of the bills on the Hill. And Keppel came from the higher education crowd too, and therefore, he had a strike against him and it was extremely important that he rebuild that relationship.

So the bureaucracy did what bureaucracies do, as each piece of legislation went through, they went back to the old pattern which the McMurrin reorganization had sought to prevent. "We have a new piece of legislation on libraries. Okay, let's set up a division of libraries". You see? Whereas the McMurrin reorganization really wasn't his, it was done in his administration. He did what he could short of legislation on the Hill. So this flexible machinery that had been set up in the McMurrin era got skewed all out of shape as the heads of the different units wanted to upgrade their particular little outfits. And I have gone through every piece of correspondence that's in there on this, and in many ways have related it to what Keppel was up against at the time, which the general public never knows, you know. And so Keppel, who would have to act pretty fast on some of that stuff, would say yes. By the time the elementary and secondary education act

was enacted, that place was all out of shape organizationally. And it was not really the fault of the office as he found it when he came in.

I'm not entirely blaming him for what happened. I know something of the pressures that were under him, particularly with Johnson as President and being interested in promoting this legislation. And then you must realize that before the reorganization took place, before the elementary and . . . See, the Elementary and Secondary Education Act was what I call the third side of a triangle in legislation that got enacted. And we were under enormous pressure. Civil Rights had been enacted in July of 1964. I myself look at the Civil Rights Act, which, I guess, came first--Yes, Civil Rights Act must've been 352. . . . Yeah, Civil Rights Act came first, and right after it came the Economic Opportunity Act--Now I see the Civil Rights Act as the political look at this whole business, the Economic Opportunity act as the economic side, and the Elementary and Secondary as being, along with the Higher Education Act and so forth, as being the other side of this triangle to provide us for the first time with what could be an integrated political, economic, and social slant on education. This had been needed for a very long time, but I don't think educators had done much thinking in those terms, nor for that matter, had the economists, nor for that matter, had the politicians. But this was a conception that I see in this era of the administration that I liked enormously.

MOSS: The only trouble was who was minding the store while Keppel was on the Hill?

HEATH: Yes, yes. And I think that things did go to pot. I could have wished he'd gotten into his bureaucracy enough to have seen a character like me, because, believe me, some of it wouldn't have happened. I was horrified to see it happening, and it was a mistake that it happened.

MOSS: Was there anything that you felt you could do at the time to prevent its happening?

HEATH: It was in 1965 from there on when I had moved out of the international and really was operating across the board, that I had more of a chance. Before then, while I was keeping up with what was going on across the board, after the fact rather than in the planning stages because I thought it was critical for the things I was doing internationally, I didn't take the initiative, except on one thing in the McMurrin era. There'd been a meeting with Edwin R. Murrow.

MOSS: Edward.

HEATH: Edward R. Murrow.

MOSS: Right.

HEATH: What did I say, Edwin?

MOSS: Edwin.

HEATH: Edward, yes. And the secretary of state and the secretary of HEW who were recognizing they needed some material abroad in the field of education. And so a really cock-eyed proposal came over to the commissioner who turned it over to the international guy who just went off the deep end. But these were. . . .

MOSS: We've got to turn this off for a moment.

BEGIN SIDE II TAPE I

MOSS: All right, we're on side 2. Will you continue?

HEATH: Well, this proposal came in from really top side to try to prepare material on education in the United States and the new developments that were occurring to get them scattered around our embassies abroad because they. . . . Well, they didn't even know how to go out and make speeches in this field, and there was a great deal of demand for it in the embassies around the world.

And so the head of our international seeing all these big names, we just had to get on this. It was a proposal that maybe there could be a review of all the magazines and literature in the field and that could be sent. I was horrified at the proposal because I have been to many of the embassies abroad, and I know perfectly well they don't have time to go through that kind of reams of stuff. So I fought the project, but I finally said I will do you a trial run on it, and I will prove to you that this is not a good idea. Well, I did a very conscientious job with the help of all of our people in all of our programs, it was a beautiful looking document, but I sent it through with "You see, this proves this isn't a good idea for these reasons." Instead, my boss thought it was a wonderful thing, that we should do it regularly. So it was necessary to do something to prevent us from spending all kinds of hours of time on something that the people throughout the country couldn't possibly. . . . throughout the world couldn't possibly use. They wouldn't have time, and it wouldn't be enough. It just wouldn't be adequate for their purposes.

So I made a proposal, and someone in the commissioner's office saw it and said, "This is a sensible proposal. Let's find out

who this character is. Is it one of the new people?" So I was called up and it happened to be this man who was McMurrin's special assistant. He wanted to know in more depth what kind of a proposal I had in mind. I said I thought we could do a loose leaf book, and we could put every one of these new programs that developed on a page, which really gave the story. And those could so easily be sent around the country, and if they had to make a speech in the elementary and secondary field they could look up this Elementary and Secondary Education Act. It would also be possible to amend it regularly. And of course, it wouldn't have been a bad idea to have had it in the United States. But anyway, they were interested in that study. And I said "I will develop it if I'm given enough time. I'll outline the program." Well, before I had it finished, there was a call for me to come up for a meeting, and I went up, and they wanted it explained in five minutes. And I just got up and said, "Ladies. . . . No, "Gentlemen"--I don't think there were any women there-- "Gentlemen, there isn't any point to my talking to you if you want it in five minutes. The whole trouble is you don't have enough background, and I can't explain why this really is critical that we do it on this kind of a broad basis instead of the one you've got because you don't know enough about the international program." Oh, they tried to convince me to do it. And I said, "No. You give me twenty minutes and I'll talk to you." So they decided they had twenty minutes. And I did. And some of those men are still around who said the first time they ever had any understanding of what our problem was at the international was that presentation. You see, nobody had ever stopped long enough because that wasn't a field of particular interest to them. It was just a nuisance value field that they had to feed in some domestic information to.

And so we scrapped the magazine project, and at the same time I had been saying, "We are not getting our material out either to the embassies or the ministries, the world. We are still living in the Dark Ages when commissioners of education wrote to ministers of education. We have a lot of people here who think that's the way to do it, but the world has changed since the cessation of hostilities and the establishment of the United Nations and UNESCO (United Nations Educational, Scientific and Cultural Organization) and so on." And our head of publications was there. He said, "Oh, yes. These do go. They are all on our keys." And I said, "I hate to tell you that they just don't go because we have a U.S. system which says at the end of one year a circular arrives 'Have you gotten the publication? Do you still want it?' And the foreign governments don't answer that truck on behalf of the United States. They have no responsibility to do it. And therefore, the governments are actually not getting the material that you're talking about." And they were very

insistent, and I was very insistent 'cause I'd been down to look at the mailing keys. And that interested this fellow enough that he, after the meeting, which had gotten very tense because I was insistent I was right, had gone down and checked those, and he checked the Alliance for Progress countries. What are there? Twenty republics? One of them was still getting the material. All the rest had little flags so nothing went out to them. And he was so dumbfounded when he discovered this that it did get our change. I was insistent we work through the Department of State, through AID (Agency for International Development). That's when we began building up our plan with AID for distribution of our publications because they could see that the publications got delivered to the appropriate person, and it was foolishness to send them to the minister of education in the Kingdom of Nepal. Arrived in the mail room, they wouldn't even know what it said.

MOSS: Let me ask you if there were any other people who were recognizing the difficulties that were beginning to come about with these new programs that were being grafted on haphazardly.

HEATH: You don't mean international now. You mean anywhere.

MOSS: No, generally in the office. Was there anybody else who was concerned about this who was expressing their concern at the time, trying to reach Keppel and say, "Hey, look, we've got to do something about this."

HEATH: Yes. I think there were many people trying to look, to reach him, but one of the problems was with the splintered organization, we didn't have enough generalists at the top.

MOSS: And he only had one assistant.

HEATH: At first, yes. And the civil rights, for example. We asked for additional help on civil rights and were turned down at the department and Bureau of the Budget on the grounds that if for the compliance title, which is Title VI of the Civil Rights Act, we got special help, then think what all the other departments would want, and this would be astronomical, but certainly the education picture was a very different one. And there was a very good justification for having it. We actually got assistance for running that program by borrowing from here, there, and the other place, you see. And also there was a Title IV in that Act which provided for technical assistance. In effect, those people had to double in brass.

I think the Civil Rights Act is probably the most important piece of legislation, even in the field of education in this whole era. It's not educational legislation, obviously, but it has some very significant pieces of which Titles IV, VI, and VII are very significant. And I think one of our real problems came from Title VII. We have reason to rue some problems there which relate to the women. I had warned on this one, Title VII, because it has a section 702 in it which is a nasty little section on exemptions from the entire Title VII which is on equal employment opportunity. And it has two or three reasonable things in it and one unreasonable thing. The reasonable one is that the Title didn't apply as far as aliens were concerned. It wouldn't apply as far as people who are in religious work in religious institutions. In other words, the Catholic Church doesn't have to have a Methodist priest, you know, this sort of thing.

MOSS: Or, it doesn't have to have a female priest.

HEATH: That's right, that's right. But the other thing that was a meany in there is that educational institutions and those who were in an educational capacity in such institutions are exempt from the Civil Rights Act of 1964. I called attention to this at the time when proposals to change it, to change Title VII, were coming through. And I'd stopped to see our head of legislation and said we ought to cover these meetings. And he said, "Oh, Kay, that comes up through the labor committee. That's not our responsibility." And I said, "But it's a very critical issue in the field of education, and we are going to hear more and more and more about it as the activist groups of women start bringing their pressure." I remember writing to Commissioner Allen about this too. I'd done it all the way along the line after I read the act, after it was enacted. I hadn't followed it while it was going through the process, but it was one of the first things I marked in that legislation.

Later on, I was to find out why, and I don't know--if I'm sure you've gotten into great detail that I think the general public has no conception of how that title really got into the Act. As you well know, it was not there in the Kennedy proposal. As a matter of fact, the first pronouncement by Kennedy in 1963, in February of '63, that he was going to make a proposal in the field of civil rights was based on race. By the time his proposal was submitted in June of '63, it had become elaborated and it covered all the field, race, creed, color, national origin, so on. Not sex. The bill went to the Hill and in the House it was referred to a Committee on the Judiciary, [Emmanuel] Celler's committee, and from there to Committee 5. And Committee 5 produced an amendment in the nature of a substitute to the Kennedy bill. It then went to the House committee on the Judiciary, and the House committee

produced another amendment in the nature of a substitute for the one that the subcommittee 5 had. That then went on the floor of the House, and I think there were something--I wouldn't want to swear this was the right number--something like eighty-five amendments, of which about eighteen of them were on Title VII. It was there, I guess, that VI got introduced. Yes, by [Howard W.] Smith of Virginia as a joke to kill the bill, partly to kill Title VII and hopefully to kill all of the Civil Rights Act.

And I think he might have been successful except for the ladies on the Hill who did point out that if sex were not added as one of the areas in which there should be nondiscrimination, there would, in effect, be protection for every black woman in the South, but for no white women. And this did it. This brought around support for including the idea of sex in there. And the only one of the women who didn't support it was Edith Green who was very much concerned that this might kill the legislation, and she was very anxious to get the Civil Rights Act through. I think Edith Green has had to explain that an awful lot of times, but perhaps that accounted for her very strong support and her hearings in this field later on.

Anyway, the bill went over to the Senate where there was known to be strong opposition in the Senate Judiciary Committee, and so there was a move to have it handled--put right on the Senate calendar. And it took a long time to get it on there. Let's see, I think the House finished it in February of '64. The House didn't debate too long on it, from the end of January to sometime in February. But it took awhile to get it on the Senate calendar. That meant it did not go to the committee. There were some three hundred-odd amendments proposed.

About at this time some. . . . this was one of the examples I think of [Everett M.] Dirksen's statesmanship. After he fought everything, then he would finally come through and be something of a catalyst, because four men met in rump sessions. I guess that final bill was drafter on that Dirksen desk. The four men were [Mike] Mansfield of Montana and [Hubert H.] Humphrey of Minnesota on the Democratic side; Dirksen of Illinois and [Thomas H.] Kuchel of California on the Republican side. They came up with an amendment in the nature of a substitute to the House bill. That got a lot of proposed amendments too. And they withdrew that proposal and came up with another amendment in the nature of a substitute, and it was that one that finally passed.

Before they got through on the Senate, there had been some five hundred proposed amendments to that law. It was one of the most difficult to get through of any piece of legislation

that I know of. The general public has no concept of what went through. By the time that Birch Bayh said he would hold hearings on the equal rights amendment (he said that at a legislative conference held by the National Federation of Business and Professional Women's Clubs in February), and from that moment on I began getting calls in my place for all kinds of information. "How did section 702 get in the Civil Rights Act?" There was no decent legislative history in the sense of having a committee report in the Senate Judiciary Committee, you see. Finally, I had so many requests that I finally told one of the international--one of the national groups, "I'll go in and get our legislative people to let me use their files on this, and I will stay at night and see what I can turn up for you."

I had no idea what a problem this was going to be, but I went through the whole process. I started with our own civil rights people, who, of course, weren't there when the law was enacted, so they didn't have the history. They referred me to [Edwin H.] Ed Yourman, whom I had known for years who handled civil rights at the department level, and he said, "Kay, I have to admit we goofed on Title VII. That was the Labor Department's problem, and what we followed were Titles IV and VI." And I'd known that's all the Office of Education had filed because I'd been through it all for the [Lyndon B.] Johnson Library. So I started by calling the Justice Department for a legislative history and got one that's very difficult to use. You must look up every citation to see if it fits your purpose. By this time I was getting the frustrated calls from around the country. People who had called our department. "Why was that in there?" They didn't know; they didn't follow it; it was the Labor Department that did. They called the Department of Labor. Well, that was an Education matter. They didn't know. Or, "Well, the law was administered by the Office of Equal--the Equal Employment Opportunity Office." So then they would call the Equal Employment Opportunity Office. "Well, we don't know. We were founded as a result of that Act. We didn't have anything to do with the development of it." And people on the outside get pretty sick and tired of government when it reacts this way. That's why I decided I would do my noble duty, and besides, I was curious anyway, and I would research this out.

Well, it took me from February until almost the time for those hearings to get down to what really had happened because you really had to go to the debate, you see. And there were five or six hundred hours of debate. It just went on and on and on. And I finally had to do it by inference because it isn't said, but I was quite sure I was right when I got through. The Civil Rights Act exempted states and their political subdivisions from coverage by Title VII in the Act. They, therefore, almost had to put in something on exempting the



educational institutions because you would have been exempting all the public institutions, but none of the private ones, you see. So this is obviously the reason why that got in there.

Later on, as there were efforts to take it out, I recall very well Elizabeth Cook, who was a friend of mine who was a commissioner over at the Equal Employment Opportunity Commission, having sent me a speech one day and asking me if it would be of any use to me and also asking what I thought of the speech she had given. She'd already given it, so it wasn't a question of changing the speech. And she had called me afterwards, and I said I thought the speech was fine, except your proposal on making states and their political subdivisions come under Title VII wasn't going to solve anything as far as we were concerned because there was an overriding exemption in the law. And she said, "Oh, no." I said, "Yes, there is. In section 702." She said, "I'll get our general counsel on it right away." The next thing I heard was I received her correspondence, copies of her correspondence sent to [Harrison A.] Williams [Jr.] of New Jersey, who was chairman of that Labor Committee, and [Jacob K.] Javits, who was the ranking minority person, calling attention to this. Well, Williams didn't answer, but Javits did, and said, "When this comes through, I will do something about this in the proposed legislation."

Well, of course, it hasn't been changed yet, but it is one of the issues that's up. And that has been a great problem to us, and I saw it all the way through in the administration and put my own oars in as task forces were named, all men. And they didn't pay any attention to me with my statements that "You better believe it. The time is soon to come when the black problem won't be anything like the fury that you're going to get from women unless something is done. In effect, this little joker in Title VII of the Civil Rights Act means that all the school and colleges and universities throughout the country can say, 'We don't have to pay any attention to you on the Civil Rights Act.'" And don't think it hasn't been done. And of course, it is on that very issue that all the charges were made by the activists groups against the universities. We didn't need to be in this trouble. We really didn't. I saw it in so many occasions. There was. . . . [Lyndon] Johnson liked to keep things close to his chest, and he liked to maintain his options, I think was a good way they had of putting it. So he would name task forces that nobody knew anything about. This wasn't quite true. There were people who knew about them. The one on higher education--no, not the one on higher reeducation--the one on education as a whole in 1947--'67, which had William [C.] Friday of the University of North Carolina and thirteen other men on it. I'll bet there weren't fifty people in that place who even knew who was on that committee. And I remember speaking to

my boss and saying, "You better tell them to get a little input from some women. You better tell them not just to always put this caveat on race in and never say anything about women."

We have inherited a lot of problems from that because not one thing was done in any of the legislation to have equal treatment as far as the women was concerned. This was a mistake. And there was one task force after another like that: one on the gifted, one on the disadvantaged, one on the . . . I don't know how many. Then after the 1947 one, '67--why am I saying '47?--after the 1967 one, there was another one which [S. Douglass, Jr.] Cater and [Joseph A., Jr.] Califano--I don't remember which one of them at the time --asked to have set up which would be an interdepartmental one to pick up all the pieces that have been left out as a result of the 1967 one. Again, because they were taking from the top, it was a bunch of men. We paid for that. I think we paid a lot more than some of our men realized, in agitation, because there were so many good things that came out of this.

The legislation was magnificently conceived as far as education was concerned. I would have to say it's a mess as far as law is concerned and have made proposals to get some changes. What happened was that any piece of legislation that was coming on there would be tacked onto it some piece to fix up something that was missing so that we have such queer things as disaster legislation carrying two sentences on education of the handicapped in state institutions. But people throughout the country can't follow this kind of stuff. This is much too complex.

We have other things which represent the typical patterns of political parties to take credit, which some of us in the bureaucracy kind of stick our nose up at because of the problems we recognize that it will create. And I will cite one that I think has been a serious one in the era we're talking about. It also is coming up right now in another administration, and that is Title IV of the Elementary and Secondary Education Act of 1965. Title IV is simply an amendment to a 1954 law. The 1954 law was the one that started our Cooperative Research Act which was promoted by Brownell. He got the credit, although there's no doubt about it the drafting had happened in an earlier era. This was a McGrath idea as a matter of fact. Title IV greatly expanded the cooperative research program and labelled it in the act cooperative research. Everybody talked about that as the Title IV program. The whole trouble with that is when it is amended, you don't amend the amendment unless you're doing very cockeyed legislative drafting--it happens once in awhile--you amend the original act. So you keep talking about the Title IV act and people look it up, and they have a piece of a

law and they don't even have what's current, you see. Now this was done because it was a desire to have political credit for it. I understand this perfectly. I just think it's too bad that it keeps happening. And it does keep happening. So we are constantly taking people down the primrose path on what the legislation is because they never get far enough in to look at the real legislation, or if they do, they're horrified because they haven't got what they need, you see.

MOSS:       What attempts have there been made to build a compendium kind of thing?

HEATH:       The first one that came out was in July of 1965, and it was great pressure to bring it out for the White House conference, and it is dreadful. As a matter of fact, there had been enough time, and I was involved in this. I didn't know anything about it originally, but one day the head of international called on me and said, "We have to have all the legislation that relates to education compiled. And we just have four days to do it." And I said to him, "You cannot be serious." He said, "Oh, yes. The Congress wants it, and they got to have it in four days." And I said, "The Congress would never ask us for that in four days. That's more like a three or four month assignment that they would give us to prepare." Oh, no. This is the way it is." "Well, let me see what the Congress wants," 'cause he wanted me to do it. Well, he didn't have anything. It was just a request. Well, I wasn't born yesterday, so I went. . . . And he wanted me to do it, and I said, "I will do what I can do for you. I'm going to be going out of town come Tuesday. I'll do what I can get done up until then. That'd be all the weekend."

I went back to my desk and called on the Hill to find out what they wanted. And I found out there had been correspondence. It was in the commissioner's office, and had been there for four months. So I got the correspondence to see what was involved. And I discovered that our office had had it for four months and they had submitted stuff twice which had been rejected. Now all of a sudden it was needed, and I was told that kind of a story. I mean you can't kid people who've been around. They know how these things work. So I gave them what I could on it in the length of time, and it's. . . . Even so, it's one of the better parts of that compendium because what they had done was to pass it around to program people who aren't used to dealing with the law and our vocational stuff in there is dreadful. After that we have had two that have come since, and the Office of Legislation has ridden herd on it, which is the way it ought to be done, and they may come around . . .

MOSS:       Office of Legislation or the Legislative Council?

HEATH: No. The Office of Legislation in our Office of Education. Not the General Counsel's Office. And each one has improved. My quarrel with it today-- and I think it is a by and large an excellent compendium--is that it shows the amendments by citation at the bottom, but our program people have a tendency to use it not realizing that if they happen to be talking about 1960, the law wasn't this way at all, do you see? And so when they will prepare materials and use it instead of using the original legislation, they will get way off base, even in the coverage of a law, which for some of the older laws may have been forty-eight states, you see. But these compendiums are much better. I think the second one omitted a lot of the odd little things that are tucked off in cracks that may be the commissioner's responsibilities such as on the Board of License here in the District of Columbia. Well, nobody in the program offices work with it, so they forget things like that, but now I think it is a very creditable compendium, and there will a new issue out very shortly.

MOSS: Let me bring you back to the Keppel reorganization. We got well off it. What did he try to do in that reorganization? How did he go about it?

HEATH This story is not entirely on the record, and there are a couple little gaps in what I know, but I hope to find out. Keppel finally realized with the Elementary and Secondary Education Act coming along that there was going to have to be some changes in this hodge podge organization that we now had after all these little pieces had been tacked on here and there to the structure. And so he put somebody to work, Russ Wood, one of the bright young fellows in our place, to work on a new reorganization. And that reorganization didn't set well with the Bureau of the Budget, and so they were redrafting, and I believe Keppel had actually signed off on it when something happened. And I don't know exactly what--that's where my gap is. I don't know whether the Bureau of the Budget definitely said, "We can't accept that," or what the problem was. But what happened was the Celebrezze and Keppel are alleged to have asked the president for a task force. I don't know whether they asked him or that was the way around a difficult situation. I have several times written this up and I have been very careful of how I have written it because it isn't on the record, and one day I shall ask these men exactly what did happen.

A task force was set up, and it was headed by Dwight Ink. I rather think that if Ink had known that he was only going to have two months to do it, he might've begged off if he could have. Ink was on it; and there's a fellow by the name of Jasper, and I've forgotten the rest, and they had help from Civil Service Commission. And they came over and did a study.

I'll tell you one thing it showed. It showed some about grade thirteen men working a grade five and seven levels, but it didn't show any grade--any women who were working way below their level. That was a very interesting thing to me.

It also pointed up our almost archaic way of planning and budgeting. I've mentioned this before. It showed up our archaic accounting systems. We simply hadn't gotten with it in computerized mechanism. It showed up the fact that our whole system of gathering statistics had to be updated. We were way too late in getting material. Who wants to work on what the figures were for 1960 if it's 1965 or '66, you see. It pointed up weaknesses in top leadership.

What isn't well known about that report is that the task force report itself is unclassified. There were also corresponding to every one of these sections of this report a classified piece which gives the background. I think perhaps this is one of the things that took Stephen [K.] Bailey down the primrose path--Stephen Bailey of Syracuse University who wrote up the story on this. It's a story that I call fantasy, fact, and fiction because it is a combination of the whole business. And he may never have seen the other part of this report which has never been made public. The whole report has never been printed, not for any reason to hide it, but it just never got printed. At the time, certainly nobody wanted to issue it.

Well, this Ink report came up with a proposed organization. Keppel was interested in having a mechanism that would make it possible for him to effectively and efficiently distribute the vast sums of money that were going to be coming in under the new programs and were already starting come in for that matter. And we had specialists. As a civil servant looking at it, I consider that in order to transform our place into what you might call a general research corporation foundation--I mean into a foundation, but not a general research corporation type--we lost our expertise, and there was a lot of it in the specialties. And he needed generalists. Goodness knows he did, and I couldn't have been more sympathetic to him in his need to reorganize the place, but there shouldn't have been a complete slaughtering of that technical talent, and there was. A lot of them left; others grumbled; the morale hit its worst depth. He had a meeting on. . . . what he decided he'd have to do would be to accept this reorganization as it was, not even make any changes that he might consider well. He would accept what Dwight Ink did because if he doctored it up here and there, then it would create even more problems within the bureaucracy. So he called a meeting in the middle of June of '65, 16th or 18th of June of the top staff in the auditorium, all the heads of all these outfits in the office. I remember a humorous thing in that because he announced that he'd made all the arrangements

with the General Service Administration to have overtime work, and over the Fourth of July they would do it, and everything would be done by the end of the holiday. And I was sitting well back in the auditorium and let out a loud guffaw. I remember it so well because everybody turned around and looked to see where this noise came from, and of course, we didn't have the work done in December of that year. And anybody who'd been around government--and Keppel had not had much experience with the bureaucracy. This was perfectly true. So I was a marked creature for quite awhile after that for that loud guffaw, the only person who reacted in the auditorium out loud.

Anyway, Keppel did say that this would be an enormous shift in terms of this new concept. He was taking what the White House task force had come up with. He had Ink there to explain anything that might need to be explained, and he asked for the cooperation of everybody. By this time the bureaucracy wasn't much on his side I think. I don't think Keppel ever quite realized how much against him the bureaucracy became. And by the time of the reorganization, that sort of did it.

This was too bad because if you talk to Keppel personally, this was an extremely gracious man. I'm sure he was. . . . I didn't come in for his impatience, but I am sure anybody as articulate and as bright as he was must have gotten dreadfully impatient with some of the big, long papers that people expected him to read when he was swamped with problems on economic opportunity, on Civil Rights Act, and now with this one program which had one piece of the Elementary and Secondary Education Act, had more money involved in than the entire Office of Education program had had before, you see. That program had ran about nine hundred and fifty-seven million dollars the first year, and is well over a billion today, for the education of the disadvantaged.

But I think the bureaucracy was not fair to Keppel. I also think Keppel didn't know how to get at it and use his bureaucracy, and it didn't take long for the bureaucracy to start talking about the fact that he had torn up Harvard University. He came here, and of course, after he left and went to the General Learning Corporation, he tore that one up. So the bureaucracy reaffirmed their feelings toward him. And I think this is too bad. That man made a contribution.

MOSS: You also have at about the same time the impact of the PPBS. Did you get into much of that?

HEATH: Oh, Program Plan, oh . . .

MOSS: Program Planning and Budgeting System.

- HEATH: Oh, Yes. I was . . .
- MOSS: Because this is pertinent to the reorganization.
- HEATH: Of course it is. And when that stuff first came around I was delighted with it because it was my view that you started with what you needed. I'm a public administration person. It was natural that I would look at it this way. There was a lot of dissatisfaction in a department like ours. In fact, we didn't come through the way some of the other departments did. On the old theory, when you're dealing with people it's different. It isn't all that different. There are adjustments that you have to make. I was the only one who cared enough about those meetings who used to go to the ASPA sessions when they were talking. I'm a member of ASPA, and I wanted to keep up with what they were up to because I was sure it would eventually hit us in various ways. Well, it's true Keppel had this problem too.
- MOSS: Let me ask you about one more thing quickly here because we're going to have to close off in a minute. In the middle of the Johnson administration [James M.] Quigley . . .
- HEATH: Civil rights.
- MOSS: . . . went after the. . . . No, I'm talking about the Public Health Service at the moment. He went after them. . .
- HEATH: Ah, yes.
- MOSS: . . . and changed them from the little professional satrapy that they had over there to an integral part of the department. How was this viewed by the rest of the department?
- HEATH: "That's number one. We'll be two probably." This kind of a reaction.
- MOSS: Well, that is why I wondered.
- HEATH: Yes, I think of Quigley much more in the civil rights field that I do in that. As a matter of fact, I think you will find Wilbur Cohen well behind this . . .
- MOSS: Yes, I think so.
- HEATH: . . . other move. Yes, I think so. It probably had to happen, and it was well illustrated back in Mrs. [Oveta Culp] Hobby's day when the Salk vaccine

troubles developed and the Hill blasted her so for things that weren't within her responsibility legally, you see. And if you're going to have a department, you must have some kind of control up there at the top level. I think one thing we haven't mentioned, and it saddens me, is the [Harold II] Howe regime.

MOSS: I was going to come to that.

HEATH: Oh, go ahead.

MOSS: Let me ask you about Commissioner Howe.

HEATH: Well, the main thing I would like to say about Commissioner Howe is I think he probably could've gone down in history as the greatest commissioner we had if he hadn't been so saddled with the civil rights. Now, make no mistake about it, he wanted to be, and I think Keppel did too. I was horrified when the Civil Rights Act came out and they were going to put the enforcement in the Office of Education because to me this was just opening up the whole area of federal control. You cannot hold the purse strings and then not have some control. But both Keppel, because of his commitment to this idea, and Howe, because of his commitment and his terrible interest in it, really welcomed this. And I don't think the administration had any concept of how enormous this problem was going to be in the field of education. There tends to be a look, "Well, a law is passed. We obey it." There are few people who don't, but by and large we obey it. This was not going to be true with the Civil Rights Act, and it is well in evidence that it was not true. This was a whole different thing you had to look at.

MOSS: Not only the question of obedience, but the question of interpretation, and so on, was a very tangled one.

HEATH: Yes, very. And our people in the Keppel era we had to do a regulation. It had to be approved right up to the White House level because of the way that law has been. It took till December to get the enforcement one out, and it took until the following April to get the other one out. And as a matter of fact, the guidelines were first issued unofficially by a fellow from the University of where--Wisconsin I think it was--who had been working in this field and was called in. And I think it was a deal, if I recall, with the Saturday Review. I think the things were published first in there and used as handouts, which finally made people say, "Yes, we'd like to have the government come out with such a . . ."

MOSS: What was the fellow's name, do you recall?



HEATH: No, but I've got his name in my files. I can certainly . . .

MOSS: It wasn't Bob Lampart, was it?

HEATH: No, no. I've got his name and can easily fill it in for you. You see here was a split between the department level and the office level. The department and Quigley was involved in this, Assistant Secretary Quigley. His view was that you get out guidelines, and that's the lowest common denominator, and we will have less compliance. The office was on the firing line with the superintendents of schools, state superintendents of schools, the county ones, and the colleges and universities. "What does this mean? How far do we have to go?" And the feeling that the faculty aren't involved. "Desegregation of faculty, no, that isn't entered in here because of a little paragraph that happens to be in Title VI of the Civil Rights Act, which says. . . ." It sort of eliminates the employer, you know. And there was a general feeling around government that every program would take care of their own problem. Oh, this was a much bigger issue than that.

Now when Howe came into office, the fat had been in the fire. The Chicago episode, which had practically unseated Keppel, had occurred, I think. It was a bungle, yes, but I think he was pretty outrageously treated. I really do. Keppel would admit that he made a mistake in the pressure of everything, and I doubt that many of the things the press said happened, did happen. I once went over all of Keppel's telephone calls in the office. I followed that pretty well. I don't even think the president said what he was alleged to have said. I rather imagine the President, knowing how Johnson works, said, "Get this solved!" And I don't think he could've cared how it was solved. "Just get it solved. It's a political hot potato."

When Howe came all this trouble had happened, and there were plenty of people throughout the country who thought, "Well, the way to not carry out the Civil Rights Act is to squawk loud." Howe took a tremendous beating on the Hill. There were some hearings held by the Rules Committee--funny place to have it--which was a subterfuge on whether they would let something come up on the calendar. And that eventually was changed over to the substantive committees, and then the hearings got a little nicer, but Howe was just outrageously treated in those hearings, and he was an unflappable man. It hurt, but he was able to rise about it certainly.

Then there was a move on the Hill to take the enforcement out of the Office of Education. That, as I recall, came up through the Appropriations Committee one year. And Gardner

was our secretary. He dragged his feet on this with certainly the support of the commissioner. And a year later the Hill just about demanded that that change be made, and so the enforcement function was put on at the secretary's level, which is a much better place for it in my personal judgment, but it got treated by many as a downgrading of the commissioners, which it certainly was not.

Howe had all kinds of ideas. He worked magnificently with the 1967 Friday Committee. He fed in ideas; he helped them get other task forces established: he made good presentations on the Hill. And who else would've gone on the Hill and had a cigar explode right in the middle of his presentation. He thought Lou Houseman over in our place had done it to him, and actually it was his son. But he was the kind of a fellow that everybody liked. He also wrote one thing in connection with the Friday Committee across a piece of paper, "Do you realize all the work on this was done by women and not be any of the. . . ." It was the first time Heath (?) had ever hit him. And many of those women who were working on these things didn't know what they were really working on, which was too bad.

But Howe was a very personable guy. He was extremely well liked by the bureaucracy. He too didn't get down far enough, but he did come around and talk to the different bureaus and staff offices. There was a much closer feeling by the bureaucracy toward him than there was toward Keppel. This makes it a lot easier for him to function. When the crisis comes, and you need something today for the Hill, and six things are hitting all at once, people will work their heads off if they're dealing with a guy that they think cares about them. Keppel cared too, but he didn't get credit for it. Maybe I've said too much about it, but that's my view.

MOSS: Let me ask as a final question, a real curve ball, and ask you to look back over all the years we've been talking about now and summarize. What is the sum of it all?

HEATH: The great sum of it all to me is the transformation as far as the people of America are concerned in the way they look at the need for education, the way to make it possible for people to get an education, and the reevaluation of it went off base as it has in recent years. I think we have a much more sophisticated America about education today than we did when I first went. There is a realization that this partnership of federal, state, and local must not be a layered partnership, but must be an infinitely interrelated partnership and that it must extend far beyond education and get into the total social milieu of the nation, the political, the economic, the social, the role of people,

including, I might add, the role of women. Have to throw in that little plug now, don't I?

MOSS: I don't think anybody could mistake you at this point.

HEATH: I don't think anybody could, no. Well, it's been a good fight. I'm glad I have fought this. I look back to all kinds of things I've said along the way that everybody paid no attention to, but they've dragged them out since then. They've all used them. So I think we're on the upturn and not the downturn. Maybe that's because I'm an optimist and I tend to see the good things in each of these moves forward. But this. . . . I could hit the high spots of 1862, 1867, 1890, 1896, 1917, 1936, '46--I'm talking about legislative now, highlights--1954. This was a significant one as far as libraries around the country were concerned and also research. 1958. I've skipped '50 with the National Science Foundation. It's not really our legislation. And 1961, '2, '3, '4, '5, '6, '7, and 8, and then you skip to 1970, and now we're pretty close to something in '71. What I feel sad about is the hodgepodge our legislation is in because too hard. . . . It's too hard for some of our own people to say nothing of people throughout the country who are a long way from how it all happened.

MOSS: Okay, fine. Thank you very much, Kay. I think I'll cut it off here.

HEATH: You're welcome.