

6-11-05 draft

The Civil Rights Battle

Largely a spectator to the wrenching battle waged by our black Americans during the 20th century, several episodes over the years did bring me to the fringes of that great struggle.

My first awareness of this sad, yet stirring, chapter in our history occurred when I was a boy of ten or eleven. On the way back from a trip to Des Moines in the early evening, Dad drove our Model T off the highway to a nearby field, where over Mother's objections he entered a field where the Ku Klux Klan was holding a cross burning rally. Cloaked in their garb and hideous peaked hats and masks, they had just set afire a huge cross that flamed into the night sky where it could be seen for a considerable distance. As we stepped out of the car, their chanting unnerved me, and I found the whole scene to be menacing. I tried to hide the fact that I was very frightened by the event, but was not totally successful, and Mother kept saying we must go. Dad delayed because he wanted to be sure I gained a vivid impression of the Klan as a bigoted, evil group that was to be despised. He succeeded. That image has remained with me all these years.

Before long, Dad was trying to awaken South Township to the evils of Hitler's brownshirts and blackshirts as they revealed their initial rearmament ambitions and began their discriminatory actions against the Jews. Few people were interested, and none, including Dad, had any clue to the inhuman genocide the Nazis eventually adopted. But Dad had already seen enough to be concerned about where a strong German militaristic leader might take a nation embittered after World War I. Otherwise not an organizer, in this particular area he was a surprising activist who got the local chapter of the Veterans of Foreign Wars sensitized very early to the Nazi threat. I was proud of him.

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CIVIL RIGHTS IN THE SOUTH DURING THE 1950s

The Assistant Director for Administration in the AEC Savannah River Operations Office, Art Tackman, was a very energetic and creative person whose responsibilities include community relations. This work was particularly important in an atomic energy installation because of the sensitivity of the subject. The Boy Scouts were a part of his community outreach. As the Georgia-Carolina regional commissioner for the Boy Scouts, he enlisted me to be assistant commissioner for organizing Scout troops and Cub packs, a task I thoroughly enjoyed.

Unlike my Washington experience, in the field we generally worked a normal 48 hour week, leaving me time on Saturdays and some evenings to visit communities in hopes of organizing new troops and packs as well as reenergizing those that were weak.

This gave me an excellent opportunity to learn about community and family life in the South.

Each year Tackman held a regional meeting for scouting leadership during which he tried to build greater enthusiasm in the scouting community and foster some cross fertilization among troops and packs. This included engaging both black and white groups in the same meeting, a very sensitive matter in those days and one that had to be handled with extreme care. As part of Art's incentive efforts, we decided it would be appropriate for me to give non-monetary recognition to scoutmasters and den mothers who had provided particularly effective leadership in organizing or increasing memberships in their troops and packs.

Among those awardees was a very impressive young black scoutmaster from western South Carolina (I do not remember which community) who had been very creative in stimulating interest in scouting among boys and in developing support from the black community. Going home that night I felt rather good about our having made a small effort to blur the color line. I assumed that this was in no way the first such award to a black scout leader, and did not expect the event to send any signal on behalf of civil rights.

However, my action apparently sent an unwelcome signal to the young man's community in which some white residents deeply resented any progress of black people. About a week after the ceremony, I was stunned to learn that this young man had been "lynched"! I was told that he had been shot rather than hung in the usual style of lynching mobs, but that distinction did nothing to reduce our chagrin and anger upon hearing the tragic news. Apparently, the very type of initiative for which we had honored him in his scouting work had generated considerable negative attention among the rednecks in the white community over a period of several years. The scouting award was not the cause of the hostility toward him that had been growing for some time, but its visibility was the final straw that triggered his being killed.

Naïve about the status of blacks in the South, I tried to use his death to generate some concern among several South Carolina political leaders about such murders still being committed with little notice from the public and very little law enforcement effort to apprehend those responsible. I failed totally.

During this period of 1953 and 1954, as part of the growing civil rights movement, there was strong pressure to do something about the failure of the "separate but equal" school policy of the nation to provide decent education for black children. Civil rights leaders were pressing for school integration, a proposal that was anathema to most white community leaders at the time. However, the death of the scoutmaster sensitized me to the importance of the issue of race discrimination, and I began to support an idea that some blacks had earlier proposed of integrating only the first grade to begin with, and the following year integrating the first and second grades, and so on until all grades were integrated. In talking with a few of the Aiken and state leaders, I encountered only hostility with one exception. Strom Thurmond thought the concept had some possibility

of working though he was not inclined to speak publicly in support. (This is an example of why, though today we think of Thurmond as being bedrock conservative, the Democratic Party of the 1950s regarded him as too liberal to be their nominee for Senator.)

In any event, the civil rights leaders no longer had patience for such a slow process of integration and withdrew support for the concept, so we will never know whether it would have worked. Looking back, it is surprising that a nation founded on such noble principles as the United States, tolerated slavery for so long and then followed slavery for several generations with such an oppressive environment for those who had become free.

Education, at the Cutting Edge of the Fight

The long fight for civil rights during the 20th century has featured many acts of courage such as the back-of-the-bus stand by Rosa Parks and the tragic Selma march. Education has been at the heart of many battles for civil rights and equal opportunities. The landmark supreme court decisions and the Eisenhower sending of troops to the Little Rock school stand out in our minds. As President, Johnson regarded education as at the cutting edge of his efforts to advance the rights and opportunities of the black population. I had a brief opportunity to participate.

One evening in late April, 1965, I had just returned from two weeks inspecting nuclear custodial arrangements in NATO overseas bases, when I had a call from Douglass Cater in the White House before I even had a chance to sit down to dinner. He said that the President wanted me to chair a White House Task Force on Education to modernize the Office of Education (OE). Caught completely by surprise, I thought there must be some mistake.¹

When I protested that the President should appoint an experienced educator, Doug said that was the type of person Lyndon did not want. Those people, according to Johnson, were all dominated by the National Education Association, arguably the most powerful lobby in Washington that was often accused of being more interested

¹ Having been overseas looking at NATO nuclear facilities in Germany and Turkey, I was not aware that in his April 13 reception for Members of Congress where he announced his April 11 signing of the Elementary and Secondary Education Act of 1965, he had announced that he would name a study group to recommend ways to improve the organization and operation of the Office of Education. On April 15 Douglass Cater sent a memorandum to Secretary Celebrezze advising him of the Task Force and the members designated by the President. When a copy finally reached me several weeks later, I was astonished to see that we were given only 30 to 60 days, not the promised 60 days to finish our work.

in their own lobbying status than the welfare of students in our schools.² He went on to explain that the funding for OE had increased many-fold in several years, was overwhelmed by the issues of school integration and busing, and was near collapse. It needed a complete and immediate overhaul to be equipped to handle the new responsibilities of the about to be passed Elementary and Secondary Education Act.³ He stressed Johnson's view that the Office was to be a key figure in advancing his civil rights agenda, mentioning the importance of enforcing Title VI of the Civil Rights Act⁴. He stressed that Johnson did not have in mind the typical box shuffling exercise that gave the impression of change without really making a difference, but a totally new way in which to plan and develop the federal education programs.

When I again demurred, Cater explained I really had no choice since the announcement of my appointment had just been released by the White House! Requests from Johnson were never really requests, they were orders.

More bad news. I was to have only 60 days in which to provide the President with a plan for a total reorganization in which the agency was to be turned upside down and hauled into the 20th century. Most ambitious reorganizations involving a whole agency take one or two months to just get organized, plan the analyses, and begin the interviews. Protesting this timetable, Cater said that Johnson believed that my Alaskan rebuilding performance demonstrated that I could take action very rapidly. Surrendering to the inevitable, I said that if I was to head a task force with a nearly impossible deadline, I wanted the smallest group that could be called a task force, namely three including me. I wanted the best management person the Bureau of the Budget (BOB) had and the best person in the Civil Service Commission (CSC). He said that would be arranged.

Monday morning Herb Jasper from the BOB reported and I had a call from the CSC Chairman that their Deputy Executive Director, Nick Oganovic, would report the next day. Herb Jasper was a life-saver, an extremely able person and the hardest worker with whom I have ever had the privilege of being closely associated.⁵ Nick was never able to extricate himself sufficiently from his CSC duties to be very effective, so that much of the time the Task Force was basically a two-person

² In July of 1961 the *Washington Post* noted that "the office as now constituted has been frequently characterized as simply a federal mouthpiece for the NEA...." Their power was particularly evident when Herb and I attempted to respond to initial pleas from the heads of several state departments of education to decentralize some operational activities. As our interest in their suggestions became known, the NEA activity increased, and these department heads became hesitant to continue their support for decentralization. It appeared to us that the NEA headquarters officials were concerned that their lobbying strength would be diluted as state departments increased their role as the result of decentralization. We lost that battle, but the lobbyists were not able to undermine our recommendations for an overhaul of agency headquarters.

³ Shortly signed into law by President Johnson on April 11.

⁴ Essentially, Title VI prohibited any Federal financial assistance to any dual or segregated system of schools based on race, color, or national origin, a major tool to advance civil rights at the time.

⁵ I have known, and worked with Herb from time to time, ever since. He is a prime example of the career professional that provides invaluable service to the country decade after decade without public recognition or an understanding of the contribution these men and women make to our country.

operation that I supplemented by organizing a number of short-term sub-groups designated from various agencies around such subjects as budget and planning.⁶ Most of these mini-task forces we called Study Groups had a duration of only two weeks, admittedly a very short time in which to study the problems that are usually more complex than a cursory glance suggests, and then develop useful recommendations. The quality of their work varied, as one might expect, but the suggestions from the Study Groups were very helpful in developing our conclusions and recommendations.

I had learned from the Alaskan experience that short assignments could be very productive if one knew how to pick highly qualified people with the right experience. Agencies are willing to release their best people for two to four weeks, but resist multi-month assignments. Equally important, the most valuable people often welcome the challenge of a short-term assignment that does not jeopardize their home agency work or status. In fact, as I began to develop a reputation for management success over the years, I found people eager for such assignments, a fact that was later to be of great value when I headed the government management initiatives for President Nixon.

Established back in 1867, by 1965 the times had passed by OE. Herb and I were confronted with an archaic organization that had been thrust in the forefront of the social convulsions of the 1960s, social turmoil that Johnson tried to address with his Great Society programs such as those involving education. Although increasing the capacity of OE to handle the new Elementary and Secondary legislation was the reason most talked about for establishing our Task Force, civil rights problems were really even more urgent, an urgency that never fully surfaced in the press.

Just before noon the first day, I ventured out to the Mall where two tents had been erected for Office of Education personnel who were trying to deal with school representatives from across the country. I was alarmed at what I found. Some people were frustrated in their efforts to seek clarification of new procedures that required major changes in their schools if they were to get federal funding, especially. Others were loudly protesting new policies and regulations. Many were yelling epithets at each other and the besieged OE personnel, especially those related to the Civil Rights Act. Some were threatening violence as they milled around the tents. Because the crowd included both people labeled as rednecks dead set against school integration and those who were civil rights activists, the situation was volatile. Inside I found several beleaguered employees in a near state of panic as angry people pressed upon them. They had received minimal guidance as to how to address a host of sensitive questions regarding the new OE responsibilities. I looked at a series of pink slips on two desks with unanswered phone messages piled high on spindles. They included calls from state school superintendents, mayors, and members of Congress, some several weeks old. Things were out of control. I could understand why Cater had stressed on Friday evening that I had to begin Monday

⁶ CSC eventually replaced Oganovic with Gil Schulkind who was able to devote more time to the Task Force.

morning without delay. That HEW had permitted things to deteriorate so badly was a good illustration of why a president cannot assume that departmental officials will provide the leadership necessary to properly manage the department. Some will, others will not. Here was a typical case of a department laboring mightily to help a president develop important policies while failing to address the means by which those policies could be implemented.

I was pleasantly surprised at how easily the chaos in the tent area was largely ended through some basic management changes I was able to install at once. Confusion over procedures continued, but I was at least able to develop ways to cope with the basic problems that reduced delays and tensions. I was thankful to have someone as able as Jasper inside the building laying groundwork for proceeding on the fast-track with our analyses while I was spending so much time the first two days defusing the potential blow-up around the outside tents.

We were fortunate in the fact that the Office was headed by a very able agency head, Commissioner Francis Keppel, the person who had persuaded the President to order our study.⁷ He and his deputy, Henry Loomis, gave us all the support we could have asked for.⁸ Otherwise, the timeframe would have been truly impossible.

Secretary Celebrezze exhibited no interest in our work that I could see, but that was not a problem. Soon after our report, John Gardner replaced him as Secretary, a significant improvement.⁹

One of our findings that particularly disturbed us was the disgraceful way in which grant decisions for universities were handled. Totally contrary to our view of proper grant administration, the professional staff people were not permitted to recommend which applications were to be approved. Instead, members of an OE advisory committee made the decision without professional advice. Apart from the loss of this valuable input, an even more worrisome aspect was the fact that the advisory members generally came from institutions that were themselves applicants. True, a member would reclude him/herself from voting on that person's application, but remained in the room. Not surprisingly, none of such applications we reviewed had been turned down. I regarded this system as just plain corrupt, and one to which we recommended an end.¹⁰

⁷ Keppel was supported in this request by BOB which had an important management arm that no longer exists.

⁸ Loomis had also urged an outside review, and was more involved in our reorganization review than Keppel. Unfortunately, he was also a controversial figure, limiting the effectiveness of his support.

⁹ After taking office, Gardner asked me to join the Department as Assistant Secretary for Administration. I declined, but formed a strong relationship with this great man who contribute so much to our country.

¹⁰ In our report we stated, "No matter how important and expert the advice received from an advisory group, the Office of Education --not the advisory group --is accountable to the Congress and the public for the expenditure of Federal funds...the relationship of panels and staff should be clarified to ensure that panels and readers are understood clearly to be in an advisory position. Responsibility for final decisions must rest with the Office of Education." When I became head of the anti-poverty agency, the Community Services Administration, in 1981, I discovered the same practice on a much broader scale, a corrupt practice that had not been flagged by either the inspector general or the GAO.

Midway through our work, Cater gave us the news that our deadline was moved up. Johnson wanted our recommendations earlier so that he could review and approve or reject them by the 60 day target date. If that was not enough, with only three weeks to go, Johnson advanced our deadline still further by instructing us to provide time to implement the recommendations by the end of 60 days. I protested this vigorously, believing that overnight implementation of reorganizations provide too little time for people to understand the reorganization, much less have time to participate sufficiently to gain a sense of ownership that would enhance likelihood of success. The President would not budge.

Cater later explained that the reason for the short deadline in the first place was that a key House Congressman, Adam Clayton Powell, Chairman of the House Committee on Education and Labor, had supported the proposed reorganization in part because he believed this would provide him with an opportunity to get more of his people in whatever new positions might emerge from the changes. Johnson knew the Congressman would be spending several months in the Bahamas, and wanted to have the reorganization a done deal by the time Powell returned from vacationing. When Johnson learned that Powell planned to return early, he shortened our already very short timetable.

In any event, we met the truncated deadline, and Johnson approved the recommendations contained in our 41 page report. In fact, he read it the first evening after our submission, marking it up extensively with favorable comments. Despite strong pressure from education advocates, and my expectation that Johnson wanted to do so, we did not recommend elevating OE to a cabinet department. Cater later said that Johnson was pleased we had not done so because he thought such an action would shift more of the special interest pressures to the White House without the buffer provided by its location in a cabinet department. Although this factor had entered into our thinking, a more important view on my part was a reluctance to take a step toward moving more responsibility, and accountability, for education from state and local hands to Washington. In our view, it would increase the vulnerability of our education becoming embroiled in national politics. As instructed by the President, despite the early deadline we went far beyond the reshuffling set of changes in the organization chart. In fact, organization structure was only one of seven major sets of recommendations we advanced.¹¹

Immediately after presidential approval, Keppel assembled all the interest groups where I explained to them and the press the changes that would take place. Although everyone knew the President had asked us to recommend major change, few interest groups expected the extent or our proposals. Most were astonished that we had received presidential approval overnight. This was just not the way Washington functioned. Many objections were raised. Most of all, the NEA

¹¹ The seven areas were: Personnel Administration, Financial Administration, Planning and Evaluation, Management Reporting and Information Systems, Contract and Construction, Evaluating Contract and Grant Proposals, and Organization.

objected to the extent of reorganization, no doubt concerned about how the new arrangements might affect the ties they had carefully forged with key people in the Office they largely controlled. I felt somewhat sorry for the rather quiet Library Association that complained we had eliminated "their only employee" in the agency while the NEA had a number left that would continue to advance its agenda.¹² On June 18, only two months after our Task Force was announced, Secretary Celebrezze announced that our recommendations were being implemented. Johnson had headed off Powell's meddling in the OE reorganization.

Whatever the various reactions, there was no doubt that this reorganization was a major overhaul, not the usual tinkering cloaked in glowing public affairs rhetoric about alleged reform. In its September 1965 publication the Phi Delta Kappan headline read, "THE SHAKEOUT IN USOE", with a sub-headline that read, "This Time It's for Real". The reporter then said, "Old hands in the Office of Education have seen administrative reorganizations come and go. This time, they all agree, the overhaul is more than just a reshuffling of functions or a realignment of the pecking order."¹³

The fact that Herb had worked hard to involve supervisors in our organization options and recommendations as we developed them, minimized the in-house opposition to our changes. Several key officials gave us strong support. But there had been no time to involve lower level employees, and not enough time for anyone to fully absorb the reasoning behind many of the changes or work out in advance how they could be implemented effectively. On top of all this, Commissioner Keppel resigned almost immediately, as did Loomis after a short twelve-month tenure, making the transition unnecessarily full of uncertainties. Stephen Bailey, Dean of the Maxwell School described the ensuing confusion as traumatic, but wrote that "if they were witnessing the wrecking of an old house, they also saw the creation of the foundation for a new one...in spite of these qualifications and conditions, the reorganization of 1965 was profound and effective."¹⁴ Our client, the President, was pleased. In speaking of the "exceptional job" we did, Johnson emphasized, "how successful were your efforts and those of your colleagues."¹⁵

Most outside observers commented quite favorably on our changes, and despite transition problems due in part to Johnson precluding us from devoting anything like the time we needed for implementation, I believe there is little doubt that the Office emerged in better shape to meet the civil rights and other challenges it faced from the greatly enhanced role given it by Johnson and the Congress. The project is

¹² We were well aware of the extent to which interest groups felt they "owned" certain OE employees, but had no idea who belonged to whom. At the same time, I would stress that there were a number of key OE men and women who were not bought by these interest groups and deeply resented their influence.

¹³ In the January, 1966 issue of the Library Journal, John Berry said the Ink report, "hit the US Office of Education like a Russian ICBM...and some of the refugees from the Ink attack are still wandering the halls looking for shelter or erecting protective armor..."

¹⁴ The Office of Education and the Education Act, p. 14, Stephen Bailey, Inter-University Case Program #100, 1966.

¹⁵ Letter from Johnson to Ink, dated June 18, 1965.

also an example of my strong preference to pursue changes that truly make a significant difference, rather than undertake so-called reforms that pronounce great plans for reform but in fact produce only minor adjustments that result in no improvement in performing an agency's mission that can be discerned by those served by the agency.

In making changes that truly make a difference, the OE reorganization demonstrates how quickly a president can move when (1) willing to ignore pleadings for special treatment by interest groups and seek professional management advice instead, (2) relying heavily on highly qualified career leadership¹⁶ that (2) is treated by the political leadership as partners rather than viewed with limited trust as entrenched bureaucrats without initiative or an understanding of the public needs,¹⁷ and (3) the agents of major change are permitted to look at the whole picture, in this case the entire agency, rather than be limited to limited areas that often have more interaction with other areas than might be apparent. Finally, it is important to note that a President no longer has the cadre of top career people, such as were utilized in this task force to throw quickly into a difficult management problem any place in the government. In particular, the OMB can no longer provide the President with a highly qualified management resource such as Herb Jasper from BOB did in this case.

¹⁶ Leadership of the Work Groups, as well as the Task Force, were all experienced career people known for creativity and competence. No political appointees edited, or in any way changed, the recommendations that went to Kappel and the President.

¹⁷ Douglass Cater, a political appointee in the White House and Ink, the career chair of the Task Force, functioned as a team. Cater made sure the agencies knew the importance Johnson attached to this project and supported the needs of the Task Force with information and detailees. Yet in no instance did Cater impose positions on the Task Force. In fact, neither Ink nor Jasper had any inkling of White House views as to what specific changes should be made, if any such views existed.