

California State Archives
State Government Oral History Program

Oral History Interview

with

LOUIS H. HEILBRON

Department of Social Welfare, 1932
Department of Relief Administration, 1933-1940
Board of Economic Welfare, 1942-1943
California State Board of Education, 1959-1961
California Coordinating Council for Higher Education, 1961-1969
California State Colleges, 1960-1969

December 3, 1991
January 3, March 11, May 27, July 1, July 15, 1992
San Francisco, California

By Carole Hicke
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University of California, Berkeley

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None.

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PREFACE

On September 25, 1985, Governor George Deukmejian signed into law A.B. 2104 (Chapter 965 of the Statutes of 1985). This legislation established, under the administration of the California State Archives, a State Government Oral History Program "to provide through the use of oral history a continuing documentation of state policy development as reflected in California's legislative and executive history."

The following interview is one of a series of oral histories undertaken for inclusion in the state program. These interviews offer insights into the actual workings of both the legislative and executive processes and policy mechanisms. They also offer an increased understanding of the men and women who create legislation and implement state policy. Further, they provide an overview of issue development in California state government and of how both the legislative and executive branches of government deal with issues and problems facing the state.

Interviewees are chosen primarily on the basis of their contributions to and influence on the policy issues of the state of California. They include members of the legislative and executive branches of state government as well as legislative staff, advocates, members of the media, and other people who played significant roles in specific issue areas of major and continuing importance to California.

By authorizing the California State Archives to work cooperatively with oral history units at California colleges and universities to conduct interviews, this program is structured to take advantage of the resources and expertise in oral history available through California's several institutionally based programs.

Participating as cooperating institutions in the State Government Oral History Program are:

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The Bancroft Library
University of California, Berkeley

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University of California, Los Angeles

The establishment of the California State Archives State Government Oral History Program marks one of the most significant commitments made by any state toward the preservation and documentation of its governmental history. It supplements the often fragmentary historical written record by adding an organized primary source, enriching the historical information available on given topics and allowing for more thorough historical analysis. As such, the program, through the preservation and publication of interviews such as the one which follows, will be of lasting value to current and future generations of scholars, citizens, and leaders.

John F. Burns
State Archivist

July 27, 1988

TABLE OF CONTENTS

INTERVIEW HISTORY i

BIOGRAPHICAL SUMMARY iii

SESSION 3, December 3, 1991

[Tape 5, Side B] 1

 Employment at the California State Department of Social Welfare in
 the 1930s--Criteria for indigent aid--RFC assistance.

[Tape 6, Side A] 8

 Trips to Washington, D.C. and New York.

SESSION 4, January 3, 1992

[Tape 7, Side A] 13

 Conference with Governor Rolph on relief--Creating a state emergency
 relief office--Appointing its head--Passing the legislation--Work relief--
 Transient camps.

[Tape 7, Side B] 24

 Surveying the camps--Migratory workers--Beginning the relief
 program--Staying on as consultant--Self-help cooperatives.

[Tape 8, Side A] 34

 The Rural Rehabilitation Corporation--Officers of the RRC--
 Department of Social Welfare takes over relief program, 1940--Earl
 Warren--Changes in relief concepts.

[Tape 8, Side B] 43

 Residence requirements for relief aid--Dignity in relief programs--WPA
 projects--Treasure Island--Adoption laws.

SESSION 6, March 11, 1992

[Tape 12, Side A] 48

Appointment to State Board of Education in 1959--President of the board--Issues--Legislative changes--Textbooks.

[Tape 12, Side B] 54

More on textbooks--Roy Simpson--Creation of the State College Board.

SESSION 7, May 27, 1992

[Tape 13, Side A] 56

Master Plan for Education--Reform--Survey Committee--Recommendations for the state college system--Balancing the duties of the university system with the state college system--Master Plan enacted.

[Tape 13, Side B] 68

Location of central headquarters--Officers--Principles for expansion--Appointment of Chancellor Buell Gallegher--Education planning in other states--Gallegher's problems--Glenn Dumke appointed as chancellor--New campus sites.

[Tape 14, Side A] 78

Dominguez Hills State College--Other possibilities--Decision making--Headquarters vs. the field--A new headquarters building--Faculty.

[Tape 14, Side B] 89

Individual colleges' responsibilities--Drive for unionization--Allocation of funds--Meetings.

SESSION 8, July 1, 1992

[Tape 15, Side A] 96

San Francisco State student unrest--General campus unrest--Free Speech Movement in Berkeley--Background of the protest at San Francisco State.

[Tape 15, Side B]	104
Student sit-in--Problems of Summerskill--Smith takes over--President Hayakawa--Faculty positions.	
[Tape 16, Side A]	113
A black studies program--Bay Area trustees committee--The strike--The Teamsters' involvement--Drafting a letter of resolution--Reagan's views.	
[Tape 16, Side B]	121
Meeting of the trustees--A satisfactory outcome--Discussion of the role of violence--Participation of Clark Kerr.	
SESSION 9, July 15, 1992	
[Tape 17, Side A]	129
Coordinating Council for Higher Education--Composition of the council--Operations of the council--Monitoring the state educational system--Requests for new campuses.	
[Tape 17, Side B]	136
Teacher salaries--Student opportunities decline--Financial constrictions--Public education in California--Changes in the coordinating council--The Post-Secondary Commission--Funding.	
[Tape 18, Side A]	146
Success of the council in oversight of public education--Accreditation of universities--Accrediting agency functions--Role of state licensing agencies--Council of Post Secondary Accreditation--Accrediting process--Problems.	
[Tape 18, Side B]	155
Nontraditional programs--Private institutions--Evaluating the quality of education--Team review of institutions--Confidentiality issues.	

INTERVIEW HISTORY

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Interview Time and Place

December 3, 1991
Session of one hour
January 3, 1992
Session of two hours
March 11, 1992
Session of half an hour
May 27, 1992
Session of two hours
July 1, 1992
Session of two hours
July 15, 1992
Session of two hours

All sessions took place in Mr. Heilbron's office in San Francisco, California.

Editing

Hicke checked the verbatim manuscript of the interview against the original tape recordings; edited for punctuation, paragraphing, and spelling; verified proper names and prepared footnotes. Insertions by the editor are bracketed.

Mr. Heilbron reviewed the transcript and approved it with minor corrections.

The editor prepared the introductory materials.

Papers

Papers have not been deposited in any archive. Most are located in the interviewee's law office.

Tapes and Interview Records

The original tape recordings of the interviews are in The Bancroft Library, University of California at Berkeley. Records relating to the interview are at the Regional Oral History Office. Master tapes are deposited in the California State Archives.

BIOGRAPHICAL SUMMARY

Louis Henry Heilbron was born on May 12, 1907. He was educated in San Francisco public schools, obtained a B.A. from the University of California, Berkeley, in 1928, and graduated with a J.D. from Boalt Hall School of Law in 1931. He was employed by the state of California 1932-1941; practiced as an attorney with Heller, Ehrman, White & McAuliffe 1934-1978; and served in the United States Army 1943-1946. He was member and president of the California State Board of Education, 1959-1960; trustee, California State Colleges, 1960-1969; member, Human Rights Commission, 1970-1976.

Heilbron's civic and community activities have been many and varied; they include World Affairs Council of Northern California; California Historical Society; Jewish Community Center; Phi Beta Kappa Association of Northern California; International House, Berkeley; Golden Gate University Board Chairman; Secondary Education Commissions.

Authored two books: The College and University Trustee (1973); and From the Beginning (The California State University) (1983).

Authored the following articles: "Higher Education for the Millions in California, The Dynamic State," 1966; "A Look at Academic Freedom" (in Challenge to American Youth, 1963). Many other speeches printed as articles.

[Session 3, December 3, 1991]

[Begin Tape 5, Side B]¹

HEILBRON: Albert Rosenshime, who had been speaker of the [California State] Assembly and was then, I believe, counsel to the Superintendent of Banks. . .

HICKE: For the state?

HEILBRON: . . . for the state, took an interest in me and recommended that I make a start in state service rather than in private practice. He had just completed a term as a commissioner on the [California] State Department of Social Welfare Commission. He knew that they desired to bring the welfare laws of the state into cohesive form--the laws were scattered throughout the statutes for the most part--and thought that I would be interested in doing some of the work of coordination and revision. The result was that I was employed by the

1. This State Archives-sponsored oral history is a portion of a Regional Oral History Office oral history memoir with Louis Heilbron. Previous interviews cover Heilbron's family background, childhood and education, culminating in a law degree from Boalt Hall. Subsequent interviews not included here cover his military service, career with the law firm of Heller, Ehrman, White & McAuliffe, and community service.

[California] State Department of Social Welfare to do a survey of the indigent law and related provisions.

It was a little difficult politically, I suppose, because everyone in the department was a Republican, and I was the only Democrat. Somehow he sold me to the director, a woman by the name of Rheba Crawford Splivalo. She had and was having an interesting career. She was the daughter of a Salvation Army captain and had been doing charitable solicitation on the New York streets where she was known as the "Angel of Broadway." The trained professional social workers of the state were not so sure of her status as an angel, but suspected her as a political figure. However, I was promised a free hand in the way I conducted the study and the results.

HICKE: Did you interview with her before you started?

HEILBRON: Yes, I had a brief interview, but I believe the matter was fairly settled--the work seemed harmless enough to the political administration--and so I came aboard, was given a pleasant office in the state building, and went to work.

HICKE: Here in San Francisco?

HEILBRON: Here in San Francisco. The principal indigent law of the state went back to 1901, and respected some Elizabethan standards for indigent aid--a rather substantial period before a person could apply for aid, that is, a substantial period of residence, both in the state and the county, derived from the old English idea that people should stay in the county where they're born and shouldn't drift to another county that might have to support

them, and also, perhaps, there would be one less tenant farmer for the employer in the county that the worker left. The old English idea, during Elizabethan times, was that the population mainly should stay put. There were, of course, modifications to that historic principle. The law did stress the idea that family members should help each other so that the applicant need not apply for any charitable assistance anywhere.

HICKE: So in order to qualify you needed to show that you had tried, already, members of your family and members could not help.

HEILBRON: Yes, your spouse, your parent, and your adult child, but the procedures for enforcing responsibility were not very clear, and this was one of the matters to be corrected. Well, finally I developed a statute which was passed through the legislative counsel, pretty much intact, and was acted upon by the legislature in June of 1933, and signed by the governor shortly afterward.

The pressure to maintain a long period of residence in the state and county, or a relatively long period, was still present so that in order to qualify, an indigent had to be a resident of the state for three years and of the county for one year. It was a county responsibility to take care of it. We spelled out carefully the procedure by which the family support was to be obtained, if possible. The person might get emergency aid pending resort to family. A person also had to use his own property to the maximum before he became eligible, and even if he got aid, if he inherited some property after the receipt of the aid, the county had a claim for reimbursement against his property. The

official charged with the enforcement of claims for support was the district attorney, and if the district attorney obtained an order establishing the financial responsibility and ability to pay of family members, and they disregarded the order, they were committing a misdemeanor and he could take criminal action.

Well, this was all pretty harsh and technical, but we were well into the beginnings of a depression, and we tacked a little clause in the statute saying that the county may give such emergency relief as may be necessary to nonresidents. This gave the authority to meet the emergencies of the depression.

HICKE: That's not such a little clause. If somebody had looked at it . . .

HEILBRON: It was a little clause in length and width, but it was an important clause for administration. But the financial problems of the county still remained. It was made clear in the statute, as it always had been, that you couldn't apply for indigent aid if you could obtain aid from your family, as I noted, aid from friends, aid from private charities. Most assistance in the state of California, as, I suppose, throughout the United States, to the indigent population was given by private charities. If you were able-bodied, you were expected to work, you were expected to have a job. Why should you be an indigent? That was more or less the American ethic, and, at least during prosperous times, it was quite generally assumed, and the twenties were fairly prosperous times. Prior to the twenties, there had been the war--World War I--where everybody had a job, and before then it was a time of expansion, so that since the early 1900s it

was quite expected that there would be no serious problem of indigents--people who were destitute--that couldn't be taken care of by private charities.

HICKE: So it was not within the experience of people then to have all of these people out of work?

HEILBRON: That is correct. Now that didn't mean that the counties did not have some people on their indigent roles, because everybody, by the time of the early thirties did not have work, but as I say, it was the beginning of the Depression. As I went to the various counties to find out their problems as to whether there should be changes in the statute, they were most concerned that the private charities were losing their ability to take care of the new indigent unemployed. They tried to make a distinction between an indigent, who was regarded as somewhat disabled, ill, or perhaps unable to work because of old age, and the so-called able-bodied. They preferred to avoid the term indigent as applied to the able-bodied. There was a provision in our statute that the county could require work-relief¹, a somewhat new concept in the administration of relief. So at the very time that the new indigent act was being passed, there was a grave concern on the part of a number of counties that they wouldn't be able to discharge all of their obligations. More people were applying, the private charities were having difficulty in meeting their needs, I think that perhaps San Francisco was the last city of its size to apply for public assistance from the federal and

1. Work relief was defined as assistance to destitute persons by requiring labor as a condition for relief.

state governments because their Associated Charities were able to carry on for a longer period than most of the charities of the other communities.

HICKE: Were there funding provisions that went along with that?

HEILBRON: Well, there were no funding provisions outside of the county. The counties had the burden of trying to meet the needs of the new and able-bodied unemployed, and people who were coming to California in search of work, leaving other areas of economic difficulty and becoming transients. The counties were most concerned.

I think it was in September of 1932, Congress authorized one section of the Reconstruction Finance Corporation to give relief aid to states, counties, and municipalities on application by the state, and the governor of California and the attorney general were looking into this matter as I was completing my work with reference to the study I've described. It was quite obvious that certain counties were hoping that the emergency relief authority that they wanted would be financed by state or federal funding, and this new RFC authority. . . .I think there was \$300 million authorized for loans throughout the country. An RFC representative by the name of A. W. MacMillen made a quick survey in late December of 1932 and indicated to the governor that the state might be eligible to apply for a loan on behalf of certain of its counties. The Department of Social Welfare had some general information about the expenditures for the various aid programs of the state: aged aid, blind aid, children's aid, probationary matters, and county welfare

HEILBRON: assistance, so we had the beginnings of information with reference to the various counties.

Suddenly, in December, I was asked to receive an affidavit from the counties that were hard pressed in order to determine if the governor should apply to the RFC for assistance. The governor issued a--it was Governor Rolph, James Rolph--sent a letter to all of the counties of the state advising that the RFC had a fund available, that he did not want to apply for an RFC loan for these purposes unless it was absolutely, demonstrably necessary for a county, but that he would consider application for the benefit of a county if it could demonstrate need.

In the Department of Social Welfare, I soon became kind of a target for district attorneys on behalf of their boards of supervisors bringing in information or asking their social welfare departments for information showing this need. I recall that Los Angeles and Imperial counties were most active. By January of 1933, it appeared that there were seven counties that might qualify for assistance, most of them in the southern part of California. The governor had indicated that the Department of Social Welfare would be the agency to allocate and supervise expenditures if it was granted.

The RFC had a peculiar kind of lending system: that is, the state was obligated to repay the monies loaned only by a future withholding by the federal government of highway funds that otherwise might be granted to the state--federal highway funds that might otherwise be granted to the state for construction. Obviously, all you had to do was increase the

amount that would be given to the state and then make a deduction. It's much like some sales that occur where you raise the price and then reduce the price to a lower level so you really haven't lost very much.

HICKE: Was it up to the state to apply for this amount?

HEILBRON: They would apply for this amount and, theoretically, a tough future administration would actually penalize the borrower state by making a realistic deduction, but it never occurred--to my knowledge it never occurred.

A representative of the State Department of Finance by the name of [] Jamison and I were selected to go to Washington to . . .

[End Tape 5, Side B]

[Begin Tape 6, Side A]

HEILBRON: . . . discuss the needs of the seven counties that, thus far, had been shown to be the most needy. The department felt that a law research project was not an impressive enough title and promoted me to Secretary of the Social Welfare Commission, and that meant that I was going to get the great sum of \$225 a month.

HICKE: That was not all that bad at that time.

HEILBRON: The indigent assistance program offered an opportunity for me that was unexpected.

HICKE: I've heard of lawyers in that day and age who worked for nothing just to get experience.

HEILBRON: Well, this, of course, was to negotiate the terms of the loan rather than being strictly a legal matter. We went--of course, this is by train--and we were well received in Washington.

HICKE: How long was the trip?

HEILBRON: Five days.

HICKE: From California to Washington?

HEILBRON: Yes, and then five days on return. A man by the name of [] Croxton was in charge of this division of the RFC, and the Washington office explained that we would have to obtain detailed supporting data to justify any particular loan, because the loan, while it was made to the state and would be under the Department of Social Welfare, the RFC had to approve the allocation to each county. So we returned with a tentative agreement for the benefit of these counties, but it had to be supported before any monies were sent out.

Then began a hectic effort to obtain compliance by the counties, which had to show, for the year passed, what local governmental funds had been expended for indigent assistance, what the private contributions were, whether any state governmental funds were used, whether there was any funding from national agencies such as Red Cross, and any other source. The point was that any emergency relief monies had to be shown to be entirely extra to ordinary county expenditures, ordinary county expectations, and if there was a fall-off in private funds, you had to show what the fall-off amounted to.

HICKE: Oh great. So for each of these counties you had to compile this information?

- HEILBRON: Mr. MacMillen actually drew an application form that was used for a number of years.
- HICKE: Is that this form that you just handed me?
- HEILBRON: Yes.
- HICKE: Can we make a copy of this and include it?
- HEILBRON: I'll give you a copy of this.
- HICKE: Oh wonderful. Thank you. So this was sent out to each county in the state, or just to those seven that you wanted. . .
- HEILBRON: Well, to those counties and to any further ones that would apply, because it was expected that other counties would soon apply as well as the first seven.
- HICKE: This looks like it had to be filled out for each month. Is that right?
- HEILBRON: Yes. The estimates for each month of need. The original group of applications began flowing in and also applications from other counties. Within another month, we were asked by the RFC to bring the applications and additional data for review in Washington, and I was asked to do the work and the negotiation for the total amount of the loan.

So since I was going to be traveling, and it was close to the time of inauguration, the governor gave me and my wife the honor of representing the state of California at inauguration events, in addition to the job of obtaining RFC funds. We arrived in Washington at the end of February, and I was on the phone with Jamison from the Department of Finance and with representatives of the various counties to clarify figures and to obtain additional figures that were required by the RFC. I must

TABLE 6. Number of families and number of non-family persons receiving relief during each calendar month of 1931:

MONTH, 1931.	NUMBER RECEIVING RELIEF		
	Families	Non-family Persons	Transients
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			

TABLE 7. Summary statement of any Emergency action to provide relief funds which has been taken since January 1, 1931:

A. Through Governmental Funds:

1. Amount of additional funds from taxation _____
2. Amount made available by borrowing:
 - a. By long term borrowing (bond issues, etc.) _____
 - b. By short term borrowing _____
3. Amount diverted to relief from funds derived from all normal sources of revenue which are usually employed for other purposes: _____

B. Through private funds _____

NOTE: Indicate below this note any emergency action contemplated or which can be taken before April 30, 1933, to provide relief funds.

(Signed) _____

Title

have been on the phone several hours a day. And this proved to be necessary, because of the number of additional counties that wanted to be considered for further loans. The original group would be authorized to receive monies through January and February, because we had presented their general case before, and the new group was destined for April and May, and even later, so we applied for additional months of the year.

I finalized the loan agreement on March 4 [1933] in the middle of the morning and I picked up my wife in the hope of getting to the inauguration, but the traffic was so heavy that we were stuck, and we had to listen to the inauguration over the radio.

HICKE: This was President [Franklin D.] Roosevelt?

HEILBRON: This was President Roosevelt's inauguration. But we attended some other of the events, and so it was a rather thrilling period and privilege.

HICKE: So this was 1933.

HEILBRON: This was 1933. Some question of adequate supervision by the state was raised by the RFC, and the suggestion was made that I go to New York and talk to Harry Hopkins, who was the chair of the New York Relief Commission and who many expected would be part of the new administration, particularly in the social field. I did this and was somewhat disturbed by Mr. Hopkins' advice that an existing Department of Social Welfare should not be the administrative agency for the emergency relief program, but a completely new and separate agency be created

because of the difference in the emphasis in the kind of aid that should be given to able-bodied unemployed.

[End Tape 6, Side A]

[Session 4, January 3, 1992]

[Begin Tape 7, Side A]

HICKE: Well, I guess we just want to start this time with coming back from New York?

HEILBRON: Yes, I came back to Sacramento and, almost immediately, a big conference was called with respect to the relief problem, to be held in the governor's office. Through his secretary, I assume, he had called all of the cabinet officers and state officials who would be interested in various aspects of the relief problem, for example, the state controller, the director of finance, and, I believe, the director of agriculture, and he also called for a number of community leaders.

HICKE: This was Rolph?

HEILBRON: This was Governor Rolph. I was there, of course, and later, Wayne MacMillen flew in from Washington and participated in the discussions. I had obtained a commitment for some seven million dollars, but it was understood that the entire state would be involved--its various counties and cities--before very long, and that a much larger amount of money would be

applied for by the state for the benefit of its political subdivisions. So the importance of the matter was quite clear.

HICKE: This was for some specific counties--the first part?

HEILBRON: That's right. There were specific counties--seven counties--but, of course, there are fifty-eight counties in California, and most of them had given an indication that they were running out of monies for relief and that they wanted to participate in the program.

Governor Rolph had been mayor of San Francisco from 1912, I believe.

HICKE: "Sunny Jim."

HEILBRON: "Sunny Jim" was a colorful mayor, and he was good for San Francisco. Particularly at the time of the 1915 exposition, he cut quite a figure.

HICKE: But he also was responsible for at least improving the transportation system, and building the Opera House, and a lot of things like that.

HEILBRON: He did many fine things and was supported by the chief citizenry of San Francisco, but he did not have much of an idea of the governorship, and on hearing of these relief funds, he got on the telephone and from his office, while the discussion was going on, called most of his friends from San Francisco to ask them what he should do with respect to these monies which he anticipated coming in from the federal government.

HICKE: Are these friends in the way of cronies, would you say?

HEILBRON: No, they were substantial citizens who had helped him as mayor, and there really were two big conversations going on--

one by him over the phone and the other by the rest of us who were to determine what actually was to be achieved.

HICKE: Oh, that's a great picture.

HEILBRON: Finally, Judge Isadore Golden, who was his personal attorney and who talked to me about the recommendations of the federal government, got the governor's attention, and said, "Now, Governor, would you just pay attention for a few moments? Because your representative who has been to Washington can outline what they might expect of the state," and the governor said, "Who?" [Laughter]

HICKE: There you were.

HEILBRON: There I was, and the matter was clarified by his secretary-- "Don't you remember..."--that kind of thing, and so the governor listened to the fact that both the RFC representing the carry-over agency, and the new group that was expected to come in with Mr. Hopkins as the chief, namely through the creation of the Federal Emergency Relief Administration, believed that unemployment relief was a special category of aid and should have its own specific administration. That would mean that the Department of Social Welfare, that had accumulated the data and had reviewed the original application requests, would, at some point in the near future, transfer this commitment of administration to the new agency. The question was who should run such an operation?

HICKE: For the state?

HEILBRON: For the state. A state emergency relief administration had to be created, and Judge Golden and I went to the back of the room,

HEILBRON: as I indicated, and I drafted a sketch of a statute that seemed to comply with the federal requirements. Nevertheless, it did boil down to a question of what person should be truly responsible for the initiation and organization, and ultimately administration, of these funds. Temporarily, the Department of Social Welfare would continue, and I might say that the women social workers of the department did a tremendous job, outside of their ordinary work, in obtaining the data necessary for achieving the first grants made to the state. People borrowed from the adoption service, from the aid to the aged, from aid to the blind, from the probation department, all of these people pitched in on an emergency basis to gather the data and enable the state, through the governor, to apply for the necessary funds.

Well, about the new man. The governor turned to Mr. MacMillen, who was the field representative of the RFC, and asked if he were interested in the job, and MacMillen politely said that he wasn't, that he would probably not continue with the new administration, but intended to return to his professorship at the University of Chicago. And then the name of R. C. Branion was brought up. Mr. Branion was the director of emergency relief in Santa Barbara County, and I had met him in the course of gathering the initial material for the initial applications, and he struck me as being an excellent candidate. Mr. MacMillen approved him, but perhaps most in his favor was the fact that he had worked with Mr. Hopkins at an earlier time--I think it was with the state of Louisiana, I'm not positive

about that. Branion had come out to Santa Barbara to retire--his health was not the best--but when the emergency occurred in the relief field, he was called upon to serve and had been doing quite a respectable job.

So, Governor Rolph said, "Well, if that's the best man, I'll call him!"

HICKE: Right there on the spot?

HEILBRON: Right on the spot. So he called. Put in a call, got R. C. Branion on the phone and said, "Hello? This is Governor Rolph." And Branion, who, of course, had no idea that anything like this was coming up, said, "So's your old man!"

But Governor Rolph convinced him that it was indeed the governor, and would he come up on the Southern Pacific Lark to discuss the relief problem for the state? Of course, Branion consented and came up, and, in due course, an appointment was made--I believe first as a special assistant in the governor's office, because there had been no legislation. I do not remember the starting date because there was this intervening period where the Department of Social Welfare had to continue to supervise the expenditure of funds.

HICKE: Are you going to tell me what happened to this draft of the legislation?

HEILBRON: Yes, ultimately it was enacted, and an emergency relief administrator was created, and that position was occupied by Mr. Branion.

HICKE: I hope you're going to tell me that you wrote it on the back of an envelope or something equally interesting.

HEILBRON: No, no. I drafted a statute, and it had to go through the legislative counsel, but there was quite a story in connection with this legislation.

You may recall, when I said that under the Reconstruction Finance Corporation Act, the State of California was to borrow money from the federal government to be repaid by withholding, at some later year or years, amounts equal to the borrowings from the Federal Highway Appropriation Acts of those future years, so that the State of California as a whole was obligated for the benefits that were being derived by the counties, although, obviously, the counties were political subdivisions of the state. When the legislation creating the Emergency Relief Administration was proposed, the bulk of the initial monies was to go to southern California.¹ The San Francisco legislators were a little skeptical of the whole state borrowing for the benefit of their southern neighbors, and particularly at the time, the San Francisco legislative group were in control of the legislature--this is 1933--although not much later, the political control of the state was transferred to the south because of the population growth and so on. So the San Francisco people put up a question and a barrier. Well, at the same time, the San Francisco delegation wanted something for San Francisco, namely, the San Francisco-Oakland bridge required an appropriation to build the ramps and also to finance

1. S.B. 300, 1933 Reg. Sess., Cal. Stat., ch. 207.

any necessary condemnation necessary to obtain the property on which the ramps would be built.

HICKE: Was Mr. [Florence] McAuliffe involved here?

HEILBRON: No, not Mr. McAuliffe, but actually, in a way, Mr. [Lloyd] Dinkelspiel. Mr. Dinkelspiel was in Sacramento, representing the California Toll Bridge Authority that wanted those ramps very much. I was sitting in the gallery, hoping that the relief program would go through. So, on the basis of the exchange of the ramps for the state obligation for southern California, the bill sailed through. I don't recall too many references to the hungry or to the unemployed or to anything else. The political deal was made and the Emergency Relief Administration was established.

After the legislative session, we went back to work. A large number of additional counties had to be checked for the validity of their claims, and . . .

HICKE: Did that involve your going to visit the offices?

HEILBRON: Actually, they came up to see the department, and I attended a conference, I believe in southern California, when the representatives of the various counties came to request aid and file their applications.

One of the areas that the federal government was most interested in was work relief, particularly when Hopkins got into the picture as the head of the Federal Emergency Relief Administration.

HICKE: When you say work relief, do you mean working in. . .

- HEILBRON: Working as a condition for relief. This was a new kind of welfare applicant. These are able-bodied people who were thrown out of jobs and who were capable of work. The entire effort was to preserve the dignity of the individual, and that was to be supported by work. Now some of the counties in California had already small work relief programs. The problem was to prevent the political subdivisions from utilizing relief to replace deficiencies in their ordinary budgets. In other words, if they could get the Police Department running on relief funds, they could save local funds, or the Fire Department, or anything of the kind. One of the strict regulations of the new operations by the Emergency Relief Administration was that the funds must not be used to replace the normal operations of government, but it must be extra in the way of public works--supplementary.
- HICKE: Because that would then throw the regular firemen out of work?
- HEILBRON: Exactly, and furthermore it would be a subsidy to local government, which was not the intention. The intention had to be special work projects, deferred projects of the county that would otherwise not be undertaken if it weren't for the availability of the unemployed. On the other hand, it was also a clear policy of both the federal and the state governments that work that was made work--that was superficial and relatively nonproductive such as carrying bricks from one side of the road and returning the bricks to the other side of the road--that would not count as a work relief project. Actually, the federal government gave that as an example in one state as having

occurred. Much later on, you may remember, the federal Works Project Administration, WPA, which replaced relief programs to some substantial extent, was accused of having leaf-raking projects that were an excuse for work and did not really constitute work.

Well, there was no doubt about what the policy was and rather strenuous efforts were made to prevent the misuse of funds in that direction. However, there were undoubtedly some, let's say, miscarriages of policy. When the new mayor in Los Angeles was elected later on, after the WPA became established, Will Rogers, I believe, presided, and his opening remarks were, "Well, Mr. Mayor, here we all are, by the grace of God and the WPA." [The inference was that WPA workers had done campaign service.]

HICKE: Can I interrupt you again? I'm interested in the concept of preserving dignity. Was this again something new? The idea, you said, partly, of the work relief was to preserve the dignity of the people involved.

HEILBRON: I did not use the word dignity in the 1933 statute, but a phrase somewhat near that--requiring work as a condition of relief for the rehabilitation of the individual or something of that character--was used. That was purposeful. It was recognized that people were on the streets who had never been before, or thrown out of work on the farms on a scale not before known, and so work was quite important, and it is going to be repeated as a theme in some of these remarks that I'll make.

HICKE: And then, also, were women differentiated in any way? Was this equally applicable to men and women?

HEILBRON: Yes, women were treated equally with men as far as relief needs were concerned. Of course, in those days, a lot of the aid to women wasn't family aid. The family aid was relief for the husband as the working member of the family, so that the amount of benefits conferred was dependent upon the size of the family. So some person might receive two days of work, some person three, four, or five days of work, depending on the size of the family; in that way the woman was included. But when the woman was a single woman, for example, there were some problems. We had established in California law that the residence of the husband was the residence of the wife. In the case where the husband was in Texas and the separated woman was in California and she applied for assistance as a resident, she was not extended that assistance because her residence was properly Texas. One of the social workers said, "Cannot we get assistance to pay for her divorce costs?" and I had to rule no, that was not permitted, but she could receive aid as a nonresident. So at least that problem was overcome.

HICKE: So there were certain provisions for nonresidents separately?

HEILBRON: You may recall that the consensus among the welfare directors and district attorneys in the state--district attorneys were involved because they had to enforce relatives' responsibility, in other words, responsibility of kindred, so that the person would not go on relief--the consensus was a three-year state residence and a one-year county residence. There was, in the statute, a

provision that the county may extend relief to nonresidents. Now, the federal government's requirement for residence was only one year, and therefore, when the counties received the relief benefits, they applied a one-year and not the three-year provision. So the nonresidents came in, really, most of them, as transients. That is, as transients not fulfilling the one-year provision.

[Interruption]

Regarding transients, there is a rather interesting little story. In a few months. . . . let's see, we were holding this governor's meeting in March. Not long afterwards, the Emergency Relief Administration began, and I was transferred from the Department of Social Welfare to Mr. Branion's office and became one of his two assistants. For a period of time, I dealt with work relief questions and was asked to do something about making an application that would finance the support of transients, because the counties in some parts of the state had been establishing transient camps, but their numbers were swelling and they didn't have the money to maintain them. The question was, were these camps well operated, were people actually entitled to relief in these camps, or were they simply using them to their own advantage as they traveled up and down the state?

HICKE: Were these the so-called Hoover towns?

HEILBRON: No, the Hoover towns were more made up of families who were more or less semipermanently established in tin-roofed shacks in the outskirts of cities. These transient camps were in the

country, for the most part, and the unemployed rural farm workers and people from the cities . . .

[End Tape 7, Side A]

[Begin Tape 7, Side B]

HEILBRON: . . . went to them for sustenance and shelter, but how genuine were they? Well, I contacted Boalt Hall and asked to obtain six young law school students whom the dean was prepared to recommend as observant and imaginative and willing to take the risk of some adventure. I got the group together and told them that the idea was to have them go to these transient camps and, not do it statistically, but to mingle and get an idea of the kind of people who where there--was it a genuine operation? The statistics would come later, but what was their evaluation? But they had to live the life of a transient, too. They were given a dime to phone in case of an emergency and otherwise they were on their own. [Laughter]

So they did go to various camps--there were six of them--and they came in with their reports. One of them was Mel [Melvin] Belli, and I will say that his was the best report. Indeed, he wanted to publish it, and I had some problem with respect to that, but it was not published. In a way, these reports were attached to an application made to Washington--if not attached, they were summarized--and Washington was convinced sufficiently to make a million dollars available, so that a further, extensive, study would be made of the camps and the support and extension and operation of them.

This project was achieved in due course, and an extensive transient camp system was developed for the state of California for the relief of both single people and families. The camps for families, and even for the singles--and these were mostly single men--posed a problem for the federal government. As you know, California agriculture depends on migratory workers--seasonal workers who move from region to region after the crops are harvested. When the camps were established, some of these families thought they preferred to stay in the camps rather than move on to work in the next county or region. The state Emergency Relief Administration asked for extended support to cover these migratory workers, the idea of the division chief being that perhaps they could be induced to settle permanently and stop this migratory life. But the federal government took the position that the migratory workers were an agricultural/industrial problem for the state of California and its counties and would not be subsidized by the federal government. Only people who were truly in a transient status outside of the migratory worker situation would be eligible.

HICKE: Were you involved in that?

HEILBRON: I was involved in it because I prepared most of the applications that went forward to Washington. I think that Washington missed out on this issue, although it's a difficult one, I appreciate, to administer. There were bitter feelings involved in the situation.

HICKE: On the part of the officials?

HEILBRON: Well, yes, on the part of officials in adjoining counties. In one situation, at the end of the harvest season, the county was offering money to the migratory workers to leave their county--the harvest having been completed--and go to the next county. The next county said, "If you send them here, we'll meet them with shotguns." That's how bitter it was. I say that Washington did not see one point, and that is, they were probably correct in not wishing to subsidize the migratory agricultural worker system in the state of California--the ordinary, normal operations of harvesting the crops. But the family transient problem was brought on not by the usual migratory workers but by the great numbers who were coming to California from the Dust Bowl, who did not represent the usual migratory workers but an excess. And that excess, or surplus, was indeed a transient problem--indeed a federal problem. However, we did not succeed, as far as I recall, in obtaining a modification of the general federal rules.

The transient program was directed by an old-time social worker by the name of H. R. Carlton. I believe that he ultimately wound up, at the end of World War II, with UNRRA [United Nations Relief and Rehabilitation Administration] in Greece.

HICKE: How was it determined that these were people from Oklahoma and various other states rather than just the normal migratory farm workers? Did the law students determine that?

HEILBRON: The area of their reporting was pretty much up to them. Did these people seem to be generally in need, and what were their

stories, where did they come from? Yes, that's true--where did they come from and did they like it there? Did they want to remain there? Did they really want to work? How would they evaluate the people who were in the camp? Now naturally this was anything but a scholarly project, but, let's put it this way: it was kind of a journalistic project.

HICKE: And had certainly a lot of sociological content.

HEILBRON: And bright young men would be able to make fairly good judgments. At least it was recognized that there was a problem that had to be addressed, and that started it.

I think I mentioned work relief. I could make a reasonable evaluation of projects that appeared to be outside of the normal operations of a county, but I was not competent to evaluate the projects on the basis of their engineering value, and the costs, and requested that a work relief department be created to take care of the technicalities that were necessarily involved in a wide-ranging program.

HICKE: Was reporting required as to the value of the projects that were undertaken?

HEILBRON: Yes, the federal government got the report on the projects, but the state was given the authority and the duty to evaluate the projects before approving them for work relief status. In fairly quick time--and I'm referring to the year 1933 itself--decentralized offices of the Emergency Relief Administration were established in Los Angeles and in other areas, including San Francisco. San Francisco was among the last to come in for relief. It had been very proud that the Associated Charities

HEILBRON: were able to carry the new relief load for a number of years into the Depression, but then the county welfare department took over the relief program, and, as of July 1st of '33, San Francisco put in its application for funds so that before the end of 1933, the state was pretty well covered.

The program that had started with seven million dollars for all of the counties for two months developed into a fourteen- or fifteen-million-dollars-a-month request to the federal government during '34. Then California was required to come into the financing of a State Emergency Relief Administration in a much larger way than it originally contributed. I think that the original contribution was to establish the Emergency Relief Administration with \$200,000 a year beginning on July first of '33--there may have been an interim appropriation--but a large fund act was passed in 1935 with \$24 million of state contribution to the relief program. And by that time, the WPA had been established too, so that between the WPA and the state finance program, the California unemployment situation was reasonably well taken care of.

As I said, there were certain categories that were caught in between and had to be taken care of by the counties if they chose to do it. The Joad family [depicted in The Grapes of Wrath] was the kind of family that was caught in these legal circumstances which gave good cause for the John Steinbeck novel and for many of Paul Taylor's observations.

HICKE: But are you saying that it wasn't necessarily true, or maybe even typical of everyone who came to California? That many of them were taken care of?

HEILBRON: [My recollection is that the one sanitary, decent camp the Joads stayed in during their otherwise bitter California experience was in a government camp, self-governed by mostly out-of-state migrants. There were too few of such facilities in the state and often opposed by farming interests as supporting leftists and "reds" promoting fancy ideas of what living conditions farm migrants should be entitled to expect.]¹

HICKE: How did it compare with other states? Both the problem and the solution.

HEILBRON: [Unemployment relief, when given, was usually higher than in most states, but due to the somewhat ambiguous policy on migrants, out-of-state migrants were competing for agricultural jobs at low, sub-standard rates. I am referring to the mid-thirties particularly after the Okie "invasion" and after the federal transient program was well underway.]²

HICKE: How did Mr. Branion do?

HEILBRON: Mr. Branion, after not much more than a year and a half of service, was suspected by the political forces of William McAdoo of having ambitions to run either for the Senate or for the governorship--I think it was the Senate--and charges were

1. Mr. Heilbron added the preceding bracketed material during his review of the draft transcript.

2. Mr. Heilbron added the preceding bracketed material during his review of the draft transcript.

brought against him for misappropriation of federal funds. I don't know whether it was for wrongful use in work projects or some accusation for political purposes, but these were trumped up charges; all of us who had worked with him contributed to his defense fund, and the charges were ultimately dismissed. There never was a trial, but Branion left the position.

HICKE: It served to discredit him somewhat, probably.

HEILBRON: Well, he wound up by being General [Dwight D.] Eisenhower's deputy for welfare programs overseas, with a simulated rank of general, so he recovered his status, and he was a well-received consultant during the interim after he left. But it was a very unfair charge. And then he was succeeded by around nine to ten other administrators, one way or another.

HICKE: One after the other?

HEILBRON: True, they didn't last very long. A person by the name of Vernon Northrop--he had a financial background--administered aid for a while; Frank Y. McLaughlin was perhaps the most prestigious of the successor administrators. He headed both the Emergency Relief Administration and then the regional office of the WPA in California--certainly for northern California.

HICKE: Both at the same time?

HEILBRON: I think that he gave up, after a while, his work as Emergency Relief administrator and concentrated on his WPA responsibility.

Of course, by 1934, I had joined Heller, Ehrman, White & McAuliffe. I was offered the position in September of 1933 for commencement in January of the following year. I had had some heady experiences in government and had to make a

career choice, and I realized that, salary cut and all, it was the right thing to do to begin practicing the law, and maybe to start in with a few single probate proceedings rather than filing applications for millions of dollars of aid and so on.

HICKE: Why did you decide that?

HEILBRON: Well, because I felt that, after all, I was in an emergency relief program; that that was going to come to an end; that I would have to remain in the welfare field--I was interested in it, I thought it was important, but I couldn't see myself in a lifetime in that field without specialized training. Furthermore, I had been trained for the law and a good deal of my work in the relief program was based on the fact that I was a lawyer, and so that's the way I felt I should proceed. But it was helpful and certainly maintained my interest to be permitted by the firm to continue as a special consultant through the thirties, to the relief and welfare programs. So that's what I continued to do.

One further aspect of the work relief program: the other assistant to Mr. Branion, Aleta Brownlee, and I received a wire calling for an immediate reply while Mr. Branion was away from the central office. It was an order from Mr. Hopkins to place all California able-bodied relief personnel on work relief within thirty days. Miss Brownlee and I knew that this was an impossibility. We did confer with several of the project administrators in the state before answering, but we did answer to the effect that we could not accomplish this directive within the time required and pointed out that if we did attempt to do so, the result would be projects in violation of the federal policy

that the projects had to be worthwhile, substantial projects. This was, perhaps, an unusual reply for Mr. Hopkins, who used only to receive affirmative answers to his requests, but he accepted it, and I think that we took up to ninety days to fulfill the requirement.

HICKE: You think he sent that out to all of the states?

HEILBRON: Oh yes. It wasn't only in California. And I don't know how the others answered, but I do know what we did.

There were two other areas of considerable interest in the relief program: one had to do with self-help cooperatives. These were unemployed people who got together to produce for themselves . . .

HICKE: They organized themselves?

HEILBRON: . . . organized themselves. There were quite a few in California, even in the early part of the Depression. The federal government wanted to encourage the program, and actually, under one of the sections of the Federal Relief Act, were authorized to do so. The cooperative program was under the direction of Winslow Carlton, who was the son of the owner of the Postal Telegraph Company. I don't know whether he was a dollar-a-year man or not, but he was a fine young man and thoroughly dedicated to the program. The self-help cooperators were to produce for themselves, for example on a farm or cutting lumber or publishing, or whatever, and they would benefit by producing for themselves--let's say, take a farm, for example--and then trading the surplus with other cooperators.

HICKE: Barter?

HEILBRON: It was entirely a barter system. It was not outside of that system except for crafts; they could sell craft work, because that was regarded as generally noncompetitive with industry, but for the rest of it, it was a barter system. The federal people thought that maybe it could become a permanent part of the economy. There was one large cooperative in the Alameda County area that had a lumber project and a ranch and a publication division and was rather successful. I don't know how many families were self-sustaining in this fashion. In the early part of the cooperative movement, they claimed 24,000 families were assisted in Los Angeles alone in this way.

HICKE: Were assisted by whom?

HEILBRON: Well, in the beginning, they got donations, let's say of fuel from industrial companies, but then their operations got to be so substantial, and the costs of lending them equipment or donating equipment got so substantial that unless the government came in to subsidize their projects, they would not be able to continue.

HICKE: So they weren't exactly self-sustaining?

HEILBRON: Not entirely. They got the equipment--the initial subsidy of equipment--yes, that's true, from the government, mainly through federal funds channeled through the state, but once started, they were self-sustaining. Well, they got credits for so much work for the cooperative. If you worked two days, you got so many credits, and you cashed them in for your food or whatever the benefits were. If you worked three days or four days, you got more credits. Some of these families actually

continued to be on relief but reduced the amount of relief that they required by reason of their work in the cooperatives.

HICKE: So this was part of the work relief credit, is that what we're talking about?

HEILBRON: Well, it wasn't work relief. Work relief was on a public project. These were privately produced goods, for themselves; for exchange with other cooperatives.

HICKE: But what kind of credits did they get?

HEILBRON: The credits were within themselves. They earned so many credits, and if you had two hundred credits, you could turn them in for the ration coupons for whatever the cooperative had to offer. There's a large, formalized cooperative movement in California, of course, on a very large scale these days, but this kind of individual and family membership cooperative, which I think the federal government thought would become a permanent part of the economy, did not continue that way, because when we recovered economically, particularly when we got into wartime industry, the unemployment problem was more than resolved, and people came from all over the United States to the shipyards and defense installations, and it was an entirely different story.

[End Tape 7, Side B]

[Begin Tape 8, Side A]

HEILBRON: So during the years succeeding '33, when I was a consultant, I continued with the work on applications to the federal government and advice on work relief questions and on

cooperative questions, and also organized, under the authority of the federal and state governments, the Rural Rehabilitation Corporation. This corporation was formed with the idea of making loans to needy agricultural people. The state relief administration or some state agency would buy their crops and in that way take them off of the relief status. To some extent, this was successful.

HICKE: And then what did they do with the crops?

HEILBRON: The crops were sold in large part to the state. They could be distributed as surplus foods to other people on relief, in kind. There were county welfare departments that were dealing with disabled indigents. Additionally they had limited rights to sell, such as to public agencies, but the state would take a mortgage on their crops, and then they would repay out of the cash sales that were made.

HICKE: And how was this funded?

HEILBRON: This was funded mainly by federal money. I know that I drafted the various forms of instruments connected with the loan papers and the chattel mortgages and the leases and so on, but I did not participate in the administration, so I don't know quite how effective it all was. So much depended on the ability and integrity of the individuals involved that I always wondered about how successful this would be in the long run.

HICKE: How was the information gotten to people who needed these services? How would they find out about them? Through the county?

HEILBRON: There were emergency relief offices in almost every county.

HICKE: An open office that was staffed all the time?

HEILBRON: There were tremendous staffs--in Los Angeles, for example, in all of the major county seats, and relief was a newspaper item of considerable importance. The development even of a cooperative was newsworthy. The fact that there was such a thing as the Rural Rehabilitation Corporation, when it was authorized in a bill passed by the legislature, also struck the media.¹ And an Emergency Relief Commission was formed at an early stage to control policies on relief expenditures. In other words, the Emergency Relief director was guided by an Emergency Relief Commission.

HICKE: State agency?

HEILBRON: State agency. I'm not talking solely about the Rural Rehabilitation Corporation--that had its own board of directors that consisted mostly of state personnel--but I'm talking about a citizen commission that controlled all of the emergency relief expenditures in the state, and there were some very good people on that commission.

Archbishop [Edward J.] Hanna of the diocese in San Francisco was the first chairman, and when matters became heated and the discussion was almost ready to get out of hand, he would recess the meeting, count his beads, people became calm, and the meeting went on. Then there was Dwight Murphy from Santa Barbara who was a good chairman. Melvyn Douglas, the actor, was a very intelligent and compassionate

1. S.B. 328, 1935 Reg. Sess., Cal. Stat., ch. 14.

man. Some other names will come to me as we go on, but the commission was a politically disinterested one, whether they came from the Democratic or Republican side.

I might say their meetings were also forums of protest. The unemployed were not all simply meekly taking their benefits. Many felt that they weren't receiving enough; that the family budgets were too low. There was a good amount of leftist sentiments, too, in back of some of the protests--not all of them, but some of them. I think the Workers' Alliance was a name of one of the organizations, and they made efforts to increase appropriations just like any other group wants its interests advanced. So some of these meetings during the thirties were quite lively.

HICKE: Did you attend the commission meetings?

HEILBRON: I attended them, yes. That was one of my duties.

HICKE: Did you take an active part?

HEILBRON: No, I answered when my advice was called for. I remember in one case, the chairman was from San Diego--I can't remember his name right now--and he had a certain agenda in mind, which I didn't know about, and an answer appeared to be quite obvious to me on an issue that was being discussed, and I volunteered it. He didn't say anything until after the meeting, and after the meeting he told me that he appreciated my counsel, but he wanted to ask for it before it was given.

[Laughter]

HICKE: The meetings were here in San Francisco?

HEILBRON: No, they were all over the state. I remember meetings in Monterey, in Los Angeles, in San Francisco, and in other cities.

There was a Robert G. Hooker, who was also a commissioner, a very socially minded man of considerable means. Mrs. [] Treadwell, who ultimately took over the administration of the Federal Youth Program in the state. These were rather capable people, but they were selected, I guess, the way the Associated Charities would have selected their own board: they came from the well-to-do, well-meaning part of society who felt it to be both an honor and a duty to be part of the program, but not so much representative of people who had closer ties to the people whose needs were to be attended to.

May I continue with respect to the relief programs during the thirties. The relief administrators appointed pursuant to the 1935 Bond Act superseded the emergency relief administrator and succeeded to all of his powers. One of the notable administrators was Charles Schottland, whom I had appointed in one of the welfare relief programs in 1933. He became the relief administrator, subsequently the head of the State Department of Social Welfare. During the war, he was the Director for General Eisenhower of the Displaced Persons Program for Europe. Harold Pomeroy was another administrator who had an interesting history. And Charles Wollenberg, director of the San Francisco Welfare Department, became the Director of the Department of Social Welfare.

HEILBRON: Ideas changed as the economic conditions in the state changed. It was all unemployment relief, certainly through 1938, probably part of 1939. I remember that we had an appropriation in 1938. I believe it was \$48 million and that Governor [Frank] Merriam deleted several million dollars on a line-item veto basis. His partial veto caused me to bring an action in the [state] supreme court--a writ of mandate to compel the restoration of this item--and it was successful, and we obtained a complete appropriation. I might say that I had the benefit of a precedent that had been established by another case, and so it was a welcome victory, but not a great one.

HICKE: Well, line-item veto is permitted under California's system.

HEILBRON: In this particular case, the veto was regarded as out of the context of the governor's authority.

Subsequently, toward 1940 when the relief administration ceased to operate and its remaining functions were taken over by the Department of Social Welfare again, I continued to advise the department on different subjects.

HICKE: So you moved back to the Department of Social . . .

HEILBRON: I didn't move back in the same area, because I was a consultant to them particularly on matters that related to general welfare law.

Naturally, throughout all of this period--throughout the thirties--I had very close relationships with the Attorney General's Office. Of course, any litigation was still the province of the Attorney General's Office. Occasionally we had to have

our position bolstered by an opinion from the attorney general, so I had a very good relationship with that office.

HICKE: That was Earl Warren?

HEILBRON: Oh, there were various attorneys general. No, not during this period. But now that you mention Earl Warren, I do recall in the very earliest part of my work as an assistant administrator during 1933, Earl Warren, representing the county of Alameda, brought its application to our attention, and I was the person designated to receive it. Even at that early date, Warren was a well-known figure as district attorney of Alameda County, and I felt it a little bit embarrassing as a young man of around twenty-six receiving the application--it was an application, not a supplication, I can assure you--from Earl Warren [Laughter], but he treated me as though I were a judge and he was pleading his case. I always remembered that. It was many, many years later that I brought my children to see Earl Warren, and I'll tell you the story at that appropriate time.

With reference to the kinds of work for the Department of Social Welfare, it was in the adoption field, it was in connection with the licensing of life-care institutions, protecting individuals who had purchased life-care contracts from fraudulent or negligent institutions, and the remaining phases of relief. But as the defense industries grew in California and as recovery was taking place, the relief requirements greatly diminished.

HICKE: How many hours a week would you spend in the Department of Social Welfare?

HEILBRON: Well, not too many. It was not like the relief program days. In connection with the emergency relief program, it moved back from Sacramento to San Francisco, so I could be in close contact with problems very easily. The offices were at 49 4th Street. The Department of Social Welfare, of course, was located in Sacramento. It was more a question of correspondence. I did not attend all of the meetings of the Department of Social Welfare Commission; I would only if an issue involving me was raised. By 1941, I recognized that I should put all of my energies into the work at Heller, Ehrman, which, by that time, I practically was doing anyway. So, before I came back from the war, I resigned from the department completely.

HICKE: Well, you indicated that you might be willing to make some comparisons to how the work evolved and the programs evolved.

HEILBRON: There are a few concepts that have changed markedly over the years. Some of them changed pretty much in 1933. In the earlier days of this century, it was expected that one's kith and kin would help him in times of trouble, and you are dependent on your family, and that's the reason why private charity took care of practically all relief. An indigent was regarded as a pauper. You really thought of an indigent in terms of a pauper's grave. One old supervisor in San Francisco, who was the master of malapropisms, would say, "We owe a solemn duty to our indignant dead." [Laughter]

HEILBRON: The kindred who were responsible in law were the parent, the adult child, the sister, the brother, the grandchild. So to get to the county was a long process. And the person who enforced the kindred responsibility was not the general civil attorney for the county or city, it was the district attorney. You were confronted by the district attorney. In 1933 at least we cut down the kindred, realistically, to the parent and the adult child and the spouse.

Then, also, there were very strict rules about the person applying his own property to the point of destitution--to take care of himself before the public would take care of him. To retain an automobile in those early days, that was not a possibility. Of course, you had to borrow to the limits on your home, and if you got assistance and then you came into any kind of money or property, you had to pay it back. So all of these very strict rules were modified and relaxed during the period of the Depression when it was suddenly seen that a person could become needy and be just like every other person. So that the kindred liability was cut down and the enforcement provisions were cut down, and it was realized that in some situations a person had to have an automobile to get to work and still obtain some kind of relief. So that was one issue that changed a good deal.

Then there was this business of the three-year residence requirement for the state that actually was initiated, as I told you, in 1933 through a consensus of all of the counties involved, and the one-year residence in the county. The

population didn't have the mobility in the earlier days that the automobile made possible. Opportunities in other pastures could be more easily seen, and there was further growth in California during and toward the end of the Depression. . . . First there was the big invasion from the Dust Bowl and then, of course, the more positive invasion--or immigration, I guess is the proper word--to California because of the opportunities in defense industries. Yet the three-year residence requirement as an effort to protect against this very invasion continued until 1975. Then, I believe, a one-year provision was put in.

HICKE: This is state or county?

HEILBRON: This is state. Well, actually, they knocked out the state provision because it was meaningless: if you had one year in the county, you were one year in the state. So that's what it amounted to. I believe that it was changed in '75 to a year, but I've noticed in the newspapers that in southern California, there's a movement to restore the three-year statute for practically the same reasons that occurred in 1933. Some still believe that you can stem immigration by such a law that would discourage people from coming in.

HICKE: It would be directed more against Hispanics and . . .

[End Tape 8, Side A]

[Begin Tape 8, Side B]

HEILBRON: And this proposal will be just as unrealistic, because when people are here, they're here. Isn't that the story of the homeless? In spite of all of civic complaints, we build shelters

for them, and it's become a legal issue again, but it's different as far as I can see; it's much different from the Depression in '33. The mentally ill were in institutions in 1933, they were not on the streets. There was a pride in 1933 by the people who were thrown out of work so that even when they were not assisted by public funds, they were selling apples or they were doing something that seemed to justify their being on the streets. Now, with so many white-collar people being thrown out of work, you may have something of the same kind of people needing aid before too long, and that part of it would be repeated, but the homeless on the scale that we have is something new as far as welfare assistance is concerned, it seems to me. The quality of it is different, I think.

HICKE: But what you were doing in the thirties was really reflecting a whole change in society's attitude, or maybe it was more a change of scale, but certainly nothing on this scale had been done, and one of the reasons I asked you about preserving dignity is because I think that's another thing that was new. I don't know how important that was say in the nineteenth century or to people when they were just being helped by charities.

HEILBRON: There was no dignity in nineteenth century programs as far as I can see them. Of course, I guess we get most of our ideas of charities from [Charles] Dickens, in the nineteenth century, but I think that a lot of it was repeated in this country. The idea was pretty much that the poor were responsible for their condition, and when you did take care of the poor, it was on a

Lady Bountiful basis and you were doing good work. So I think there was a big change in attitude.

I remember the most impressive, the most attended, the most entertaining program in the World's Fair of 1939 and '40 was the WPA theater over on Treasure Island, which played The Swing Mikado, or something of that kind. A black troupe did The Mikado, and it was the finest entertainment that they had at the fair. It was probably the most popular. Now that was a WPA project that certainly was a most dignified affair. I remember the WPA Writers' Project, where for every state in the United States, I think, travel guides were written by authors of considerable talent and ability. Of course, these are outstanding examples.

HICKE: I think a lot of oral histories were taken of blacks and slave families, too.

HEILBRON: There was a great deal of good. I'll tell you another example of a WPA project that was rather interesting, and that is when it was decided to build a San Francisco World's Fair in 1939-40, the question was, who was going to take the shallows outside of Yerba Buena Island and make a Treasure Island? It was determined that that could be done by a WPA project, and the federal WPA in Washington drew up a contract with the city of San Francisco for the development of Treasure Island. Washington WPA headquarters sent out a draft contract, and made a request that a local attorney review it from the California point of view, and I was the local attorney that the WPA depended on, so I was about to review it.

They advised that it had already been reviewed and approved by the city of San Francisco, and I found out that it was Mr. McAuliffe who had approved it for the city of San Francisco. So I said, "Perhaps I shouldn't be the person to review this, Mr. McLaughlin." He said, "I know all about that, and I've taken it up with the federal people, and everybody is aware of the fact." McAuliffe told me, "You take this contract and do whatever you want to with it. I'll never talk with you, and no matter how many errors you find in it, it will be all right. Don't worry about that, we are all aware of the situation." So with some reluctance, I reviewed the contract with a prayer that I wouldn't find anything that worried me.

But I did find one thing, and it was something that all parties seemed to be pleased that I found. In the contract it said that at the termination of the fair, Treasure Island would become San Francisco's International Airport. I didn't know anything about aviation, but the planes looked like they were getting bigger, and the island didn't look very big, and I wondered what the future of aviation was going to be. I said, "I think that 'shall become' should be changed to 'may become,'" and that was agreed to by all the parties. So no obstacle was put into developing the airport that we now know.

HICKE: Having not long ago landed at San Francisco International, I'm grateful to you.

HEILBRON: Well, another difference that occurs to me is in the adoption laws. When I advised the department, and there was an adoption, you sealed the adoption. The child never knew who

the natural parent was. The idea was you had a complete substitution and there would be no pressures on the adopting parents or the child subsequent to the adoption because of a natural parent's interest or contact. Now it's absolutely the other way. The matter is open, the natural parents identified, and maybe it's all for the better, because when the child knows that he or she is adopted, there will be a natural curiosity: where did I come from? and so on. When he or she is adopted, the relationship is legal and is final. So it does not change the legal relationship, although it can cause some problems, perhaps, when the child becomes a young adult and wants to know where his or her roots are, and the natural parent could suddenly become a figure in family relationships. Now it's interesting that there's been such a reversal of procedure.

When I started out with the Department of Social Welfare, aid to dependent children was a minor program. It was the occasional unwed mother who applied for aid for a dependent child. But the unwed mother is not an occasional status anymore, it's a huge program--it's a family program--there was one unwanted child perhaps, or even wanted child, who had caused the problem in these earlier days. That's not the case. This is now one out of every four, something like that; it's a big total and constitutes a completely new social welfare issue.

Maybe that can do for that subject.

HICKE: All right. I think we've gotten a lot of good information about the state relief and welfare program in the thirties.

HEILBRON: Well, I hope so, I hope so.

[End Tape 8, Side B]

[Session 6, March 11, 1992]

[Begin Tape 12, Side A]¹

HEILBRON: Now, returning to government activity in the period of 1959 in January. Governor [Edmund G. "Pat"] Brown had just been elected and he asked me to become a member of the State Board of Education.

HICKE: Do you know how that appointment came about?

HEILBRON: I had known the governor in high school, and his wife and I were in the same class at the university. Someone had conveyed my possible qualifications to him, derived, I think, from the Public Education Society work in San Francisco, and in any event, I received this call and accepted it. The department, for years, had been under the control of Roy Simpson, the Superintendent of Public Instruction, an educator who had come from the Gilroy public schools, and a board of very good but rather complacent people who had permitted Dr. Simpson to run the establishment pretty much as he chose.

1. There is a hiatus in the transcript; for tapes 9, 10, and 11, see Heilbron's oral history in The Bancroft Library.

HEILBRON: They were good people, though, and they were cooperative with the new administration when we became installed.

In addition to my appointment, we had Tom Braden, who was the editor of a newspaper in southern California and who was a syndicated columnist for many years and later became headquartered in Washington. He was a good friend of President [John F.] Kennedy, and his wife was a good friend of Jacqueline Kennedy. He was a very public-spirited and knowledgeable young man.

Another appointee was Warren Christopher, who later became the deputy secretary of state, also a judge in the state of California, also president of the Stanford Board of Trustees, also the head of O'Melveny & Myers (and now U.S. secretary of state). And a Mrs. [Talcott] Bates from Monterey, who had been quite active in the public school system down there.

With this kind of excellent support, I became the president of the board. I believe due to the expiration of terms, as early as March of 1959 the new order could become effective, and we certainly turned the place upside-down. It became an enquiring board. Just what was the situation in teacher training? We heard there was too much concentration on methodology and not as much on substance. What about the textbook procedure? The textbooks were all printed by the superintendent of documents from plates made available to them, but the state could not purchase any completed books. It was our understanding that the best textbooks for the schools

were published by general publishers who refused to lend their plates for publication by the superintendent.

HICKE: Where did their plates come from--California's plates?

HEILBRON: Well, they came from the book people who were willing to develop the book to the point of the plates but not do the actual printing of it.

HICKE: But they weren't the best?

HEILBRON: No, we didn't think they were the best. Once in a while they had a better book, but we were wondering about that situation.

We noted that there seemed to be a tremendous number of principals who came from the physical education departments, and we were curious as to why that should be and whether the academic structure wouldn't be better if more of the principals were drawn from the general teaching staff.

It appeared that teachers could be assigned to subjects with which they were not familiar. They weren't, many of them, teaching in the major that they had studied when they were in college.

Then one issue was thrust upon us which we didn't expect, although we wondered about what we were doing in the area of state colleges. There we had supervision as a matter of policy over the kindergarten through the state college system: all of the elementary schools, all of the secondary schools, all of the colleges--at that time I think there were thirteen of them--and what could we do? Even though we held three-day meetings for a month, what could we do adequately to cover all of this ground? Were we effective enough on

policy, particularly with respect to the colleges, selection of presidents and so on? Could we be, with all of the rest of the things we had to handle, could we be fair to our educational jurisdiction?

Well, these were all issues that we took very seriously, and I think in the press we were reported as starting something new and different in California. And we did wind up with legislation that did change many of the programs.

HICKE: Was this under the Master Plan?

HEILBRON: No, that's coming. The Fisher Bill, I can't give you the time; it was passed either in the '59 or '60 session, and it encompassed a number of the changes that we thought were necessary. That is, except under unusual and demanding circumstances, a teacher should be assigned to teach in his or her major in the high schools; the qualifications for principals were more academically spelled out.

HICKE: Did you ever determine why so many of them came from--

HEILBRON: Yes, because they got along with students. They touched students more than other people. They had some organizational experience with respect to the athletic program, which they could translate into organizational experience in the schools, but they could hardly ever be the source of academic inspiration.

HICKE: Was there some kind of administrative training required of principals?

HEILBRON: I think that one element of teacher training for the certificate involved administration, but I'm not sure that there was a great

deal of administrative training. And with respect to textbooks, we changed the procedure to competition. The Superintendent of Documents could print if the curriculum committee chose the book as being superior over the printed book, which they had then also the right to choose.

Now these books were mandatory in elementary schools. What the curriculum committee recommended, the board approved. After all, we couldn't read all of these books. We sampled a few of them and we thought, in a layman's view, they were bland and were not stimulating and were not what we felt would interest the children, but we couldn't exercise technical judgement. The curriculum committee was composed of experienced teachers who read the books, they were the people who could determine the books to be recommended in a fairly solid way. But number one, they should have some guidelines on policy from the board as to what we were interested in. Let's just take the subject of justice to minority contributions. That was, I think, one of the policies we adopted. And they should have the discretion to entertain reading of the printed publications as well as those that could be published from the plates.

HICKE: Was this a political problem?

HEILBRON: It was quite political, but the Superintendent of Documents was getting so overwhelmed by all of his printing responsibilities that I think he was slightly relieved that we relieved him of some of his function. The Department of Finance was also very suspicious that we were going to let publishing companies

exploit the biggest market in the United States with very high cost items, and price was one of the competitive aspects of choice which we had to be conscious of. But that was a notable departure from the past and we, I think, achieved a few things in the course of the two years, '59 and '60. Of course that continued when I transferred over to the newly created state colleges, and I'll get to that and the Master Plan shortly.

Tom Braden became chairman of the board and preferred to stay with the state board rather than transfer--we had to make our choices--and they continued a program that I think was pretty well started in those initial, fairly creative years. Warren Christopher also left the department, and he became the chairman of the new Coordinating Commission of Higher Education under the Master Plan, which coordinated the three public segments so that I think the Education Board was perhaps a little stronger in its first two years than it had been before and maybe for some time after. In spite of what I think we did accomplish, I believe many of the problems still remain.

HICKE: Well, you can always look at it as, what would they be now if you hadn't solved at least some of them at that point?

HEILBRON: I think we did contribute. There were two things that were perhaps uppermost in our experience, very important. The first one was an accident caused by a janitor in a warehouse of discarded textbooks. Because of his negligence, the whole warehouse burned down with all of the books. Well, book

burning has become a hateful symbol since the Nazis burned books in Berlin, and the very idea was distasteful.

HICKE: Not to mention Savonarola in Florence and a few others.

HEILBRON: That's right. Of course, these books had been by this time not used or not subject to use, and they were being stored for no understandable purpose, but they were books, and they could have their uses and they did have their uses. Roy Simpson, who was a conservative superintendent . . .

[End Tape 12, Side A]

[Begin Tape 12, Side B]

HEILBRON: . . . but who understood the concept of accountability, took the blame and said he was responsible. Now I can't recall the circumstances of why there was insufficient protection of these books, but there was an element that could have been corrected. A lot of people said Simpson should be recalled, and there were heated meetings as to how it came about, and finally we put a stop to it. I got in touch with the federal government--it was the Kennedy administration and the guy who handled education--and I said, "Look, we discard a lot of books. Aren't there people in African and other countries wanting to learn English who could even take discarded books and get some benefit from them?" And that's what then occurred, and we had a procedure for other books than those that were burned. I think some of the books went to the wrong places; I believe little books about little children, all nice, little, blond children in suburban gardens, went to

Nigeria. Maybe some things like that occurred, but in general it wasn't a bad idea.

HICKE: It sounds like a great idea.

[Interruption]

HEILBRON: And as long as we're talking about Roy Simpson, I'd like to say a further word: we put a stop to continuing to blame him publicly for all that had gone wrong with the books and turned to the business of operating the Department of Education. Roy Simpson was very interesting in his relationship to the new appointees on the board. He had had a long period of doing pretty much what he wanted to do with people who were interested in education but not prone to do a great deal of probing and inquiry, and here he was confronted with people who did nothing but ask questions and who were directly interested in policy formation, and he turned out to be quite cooperative. This was evident not only at times in somewhat reluctant changes with respect to teachers, but in his support of the Master Plan legislation when it was proposed, because, after all, the creation of the new State College Board meant a truncation of his department and his functions.

[End Tape 12, Side B]

[Session 7, May 27, 1992]

[Begin Tape 13, Side A]

HICKE: Last time we just were talking about the State Board of Education and we talked about Pat Brown calling on you to contribute to the work with the Master Plan. Perhaps we should talk a little bit about how that got started.

HEILBRON: Well, Governor Brown didn't ask me to work with the Master Plan. Actually, that came about because of a great call for the reform of higher education in the state of California. What was happening was that the legislature was getting too many requests for new state colleges. For a while it was an advantage for a legislator to bring a new state college to his district if he could, just as in earlier days if you brought a post office to your community, you could become a distinguished legislator. But I think that there were some twenty-three requests for new state colleges or studies for them by the time we are talking about--that is, around 1959--and it wasn't any fun anymore for the legislators. There was too much competition and it was too difficult to bring about the establishment of any one particular college. Furthermore, the

competition between the university and the state colleges for funds had become a matter of great concern.

Back in 1945, the university and the Department of Education had worked out a relationship through a liaison committee, so that when problems of jurisdiction or curriculum or personnel came up, they could meet together and try to solve them. But the state colleges were emerging as liberal arts institutions--they had formerly been teachers' colleges--and sought for a more expanded program. They wanted to be more like the university, and the university saw that there was a limited number of dollars, and at some point there had to be some kind of regulation between them.

I think that the university would have been content to continue with a liaison committee for a time, because they were certainly the senior institution in that relationship. But the legislature called for reform. They wanted higher education to be organized in a way that the competition for funds would be controlled.

HICKE: Would be controlled by whom?

HEILBRON: Would be controlled in this way: there would be a central headquarters for budgetary requests for the state colleges, instead of every state college individually coming with its own budget and the legislature having to decide specifically on that budget without any clearance, without any review, without any effort to have a rational relationship in budgetary matters as between the colleges.

So the legislature told higher education, in effect, to put its house in order or they would. They passed a concurrent resolution in June of 1959 and asked the higher education establishment, through the liaison committee, to come back with a program in about six months, and in that way gave the institutions the prior right to recommend their own future.

HICKE: To whom, specifically, was this addressed--the president of the university system?

HEILBRON: It was addressed to the liaison committee of the university and the Department of Education. A survey committee was organized under the authority of Arthur G. Coons, who was president of Occidental College. Advisory groups from the legislature and interested state departments, such as the State Department of Finance, and public (four-year and junior) and private colleges were assembled to investigate all aspects of the future of higher education in the state as they saw it. This meant demographic studies, it meant a deliberation about what function each segment of higher education should have and how the relationships should be controlled and how the whole operation should be organized.

As to administrative organization, the survey committee really reduced its investigation to three options. The first was to maintain the state colleges under a strengthened division of the Board of Education. The Board of Education had a loose, supervisory relationship for many, many years, and there were certain people who proposed that that relationship be strengthened and continue. The second option was to merge

the two institutions, to merge the segments--the University of California and the state colleges--into one system under the regents of the university, perhaps with some additional members.

HICKE: And make them all universities?

HEILBRON: No. There would be a division of state colleges.

The third option was to create an independent system with its own Board of Trustees, more or less patterned after the university. I don't think that the continuation with the Board of Education got too much attention. Nor did a proposal to create a superboard over both the university and the colleges. I think it was a question of merger or the creation of an independent college entity.

HICKE: Were these options thrown open to the legislature or were they debated within . . .

HEILBRON: They were debated within the survey committee, because the survey committee came out with a recommendation that proved to be the recommendation of the Master Plan.

The merger idea ran into this difficulty: many felt that a division or group of the colleges would become second-class citizens. On the other hand, if the university tried to spread equally all of its benefits and authority, it might undermine its quality as a great research institution and dilute the quality of its graduate programs. So it finally resulted in a Master Plan that contemplated the creation of a constitutional authority in the state college system patterned after the university, with

terms of trustees like the university's and its jurisdiction determined by constitutional amendment.

Now many in the state colleges liked this idea for one reason, and that is: with constitutional status, they would have far more control of finances than they ever would have under a statutory system.

HICKE: You mean they had far greater security about their finances?

HEILBRON: Well, they could allocate their funds in the way that the university does, with a freedom of action that legislative supervision and Department of Finance control doesn't permit. (Roy Simpson, superintendent of public instruction, was most understanding and helpful regarding the creation of a new agency, though it meant a curtailment of his own jurisdiction.)

On the other hand, the university liked the constitutional idea, because once they nailed down the jurisdiction, academically, of the state colleges, they didn't have to be concerned that the colleges would then become universities along the same lines as the University of California, wanting to have their own cyclotrons, their own extensive research facilities, and their own status as full-fledged research universities.

In short, the Master Plan asked to accomplish its main purposes constitutionally. But that was not to be the result. I'll tell you that story in a moment.

[The survey committee made its recommendations to the liaison committee, and they in turn recommended them to the regents and the State Board of Education, and these bodies, in

HEILBRON: a joint meeting, confirmed them in principle and referred them for action to the state legislature.

The substance of the recommendations was the Master Plan representing, among other matters, several important compromises between the two major parties--particularly in the area of expansion of campuses and the differentiation and definition of functions. But a viable state college system emerged from these recommendations with a structure comparable to the university's.

During the period of final consideration by the Board of Education, I was board chairman and a de facto member of the liaison committee. Before the final meeting of the university and Board of Education, Dr. [Clark] Kerr convened a meeting of university and board leadership in an effort to resolve still disputed positions (for instance, would the state colleges have any participation in a doctoral program), and Dr. Kerr proposed a compromise resolution (a joint grant under certain circumstances) which was accepted. I appreciated that the doctorate was deemed to be the crown jewel of the university's academic program and to merit proper protection. Though Dr. Kerr was not on the survey committee, his basic views as a liaison committee member were widely known, and he must be considered as the chief theoretician and creator of the Master Plan. The plan was presented and it was agreed upon, with certain modifications by the legislature.]¹

1. Mr. Heilbron added the preceding bracketed material during his review of the draft transcript.

The Master Plan has to be viewed on three levels. First of all, while the junior colleges were not specifically provided for as a separate entity in the Master Plan, they were quite definitely recognized as part of the higher education system. At that time, the junior colleges (more recently called community colleges) were mostly supported by their own districts, by their own taxes. They had state subsidy, but not to the extent that later developed when the state would finance practically all of the state junior college program.

HICKE: So there were community college districts that were supported by local taxes?

HEILBRON: Yes, close to a hundred of them.

HICKE: Just like a school district?

HEILBRON: Close to a hundred of them. But they were the open door to higher education. The whole idea was to give every student eighteen or over or a high school graduate the opportunity to go into higher education.

Then came the state colleges. They were to take from the upper third of the high school graduates. That is, the upper third who demonstrated academic ability. Then the University of California was to take from the upper 12½ percent so that all students seemed to be cared for by this plan. It was thought that the junior colleges would take most of the people in the lower division and that even the state colleges as well as the university would become more of an upper-division/graduate institution. This was believed to be a

procedure to reduce the costs of administering both university and state colleges.

HICKE: So that people would go to the junior college and then transfer?

HEILBRON: That was the idea that in a short time, as many as fifty thousand students would be diverted to the "junior" colleges. They were close to home, the transfers were thought to be feasible, and an interesting part of these percentages that I just indicated to you is that they were part of the Master Plan that was never enacted into statute or put into any constitutional form. Yet they were so embedded in the academic structure of the plan that they have been followed diligently since 1960, when the plan became effective.

Interestingly enough, with the budget crisis as it is in the state of California at the present time (1992-93), the fact that they have not been written into statute or the constitution may make some adjustments in these percentages possible, and are being talked about. But that's the present and the future, not the past, with which we are dealing at the moment.

In general, the Master Plan called for the major research facility to be vested in the university, and the state colleges would be able to perform research only incident to instruction. A teacher, after all, had to keep up with his field, so he was expected to do a certain amount of research, but as I mentioned before, the cyclotron, heavy scientific equipment, the emphasis on the time and scope of research, would remain with the university.

HICKE: This was a bit of a bone of contention, wasn't it, for a while between the colleges and the university?

HEILBRON: Oh yes. The colleges always wanted to get more for research, and the teacher in the state colleges was expected to teach twelve units and they wanted to teach less units if possible, which would give them more time for independent research.

HICKE: Was it a compromise that was worked out?

HEILBRON: No, there was no compromise worked out on that issue. There has always been, in the state colleges, a certain amount of release time available for counseling of students, for committee work, for participating in the various senates of the state colleges, and for some research projects. But the assumptions of the number of state college faculty needed to meet projections seemed to be based on existing (twelve unit) teaching loads.

In the projection for campuses, it was indicated that the largest university campuses should be limited to about 27,000--that was for Berkeley and UCLA--and the limit in the state colleges was to be about 20,000. I believe because San Francisco State [College] was built on about ninety-nine acres that it was to have a limitation of around 15,000. All of these projections have been set aside due to the pressure of students. I think that San Francisco State accommodates somewhere close to 24,000 students, and the University of California has around 31,000 or 32,000. But that's due to the pressure of the students.

HEILBRON: Well, I talked about the issue of whether the Master Plan should be embedded in the constitution or go by way of statute. The legislature saw this new group of institutions as somewhat experimental, untried. Why put them in the constitution before their time? The university and board were disappointed in this, and we had, you might call it, a summit conference in the governor's office. I remember Senator George Miller was there, Assembly Speaker [Jesse] Unruh, the governor himself, President Kerr, Jesse [Steinhardt] and Gerald Hagar from the regents, maybe Hale Champion, the Director of Finance--I'm not certain about that--and myself. Senator Miller and Unruh made it quite clear that if the functional aspects of the Master Plan were to be enacted, it would have to be by statute, or else they would scrap the plan and have their own education committees determine what should be done irrespective of what the program might be or of what had been recommended from the survey committee.

So the governor asked, after all the work that had been done, that we consider the legislative proposals pretty seriously. For the state colleges, I conceded and said that it's better to have it by statute than not to have it at all. The university was not enthusiastic (because of the emotional issue), but the handwriting was on the wall, and so it was agreed that the Master Plan (except for organizational structure) should be the subject of a statute.

Most of what the Master Plan committee recommended was embodied in the statute (the Donahoe Act).¹ The research was limited in the state colleges to research incident to instruction. All agreed that the top administrative staff at the headquarters of the new state college system should be exempt from civil service. It was agreed that the trustee organization of twenty-one persons consist--as the regents--of sixteen appointees by the governor and five ex-officio members from the governmental structure; that included the lieutenant governor, the superintendent of public instruction, and the governor himself, and two others. The terms of the appointees, however, were to be eight years instead of the sixteen years of the regents. The legislative people felt that the sixteen-year term in the constitution was too long and that there should be more of a turnover, as so many people now believe there should be in the legislature. The organizational structure of the trustees was to be protected by constitutional amendment.

A transition period was provided of one year for the state colleges for planning, to get the operation started.

HICKE: Where did Governor Brown stand on these issues, and what was the part that he played?

HEILBRON: Governor Brown, at the point where there was a rather awkward silence, said let's simply decide that it's going to be by statute. He definitely took that stand and was quite

1. S.B. 33, 1961 Reg. Sess., Cal. Stat., ch. 391.

persuasive. He was anxious that higher education define its own program.

HICKE: Swung the vote?

HEILBRON: At least he eliminated any further argument on the question of statute versus constitution.

During this planning period, the Department of Education still operated in a general supervisory capacity over the state colleges. A planning chief was appointed to provide the outlines of the new college system, Don Leiffer from the political science department of San Diego State [College]. He was a dedicated planner. (Trustees had considerable input.) I think he had some reservations. He liked the idea of a merger more than the idea he was implementing, but he never let that personal bias interfere with his planning. I continued as chairman of the Board of Education and was elected first president of the Board of Trustees for the state colleges. The belief was that this joint status would make the transition easier. So I had quite a bit to do during this year.

HICKE: Just as a guess, how much time did you spend on this, say weekly or monthly?

HEILBRON: Well, we had two-day meetings of the State Board of Education and one-day-plus meetings of the state college trustees per month, so that was three days. Then there was the usual matter of communication and preparation. But I talked with the office about this and they said for me to proceed.

HICKE: Heller, Ehrman?

HEILBRON: Heller, Ehrman did, just as they did when I had the first question of accepting the Board of Education membership. My job, as chairman of the trustees, was really to help implement the Master Plan and its principal newly created agency.

In the planning, certain questions immediately arose: where should the central headquarters be? The legislature preferred them, wanted them, to be in Sacramento, just where the Board of Education was.

[End Tape 13, Side A]

[Begin Tape 13, Side B]

HEILBRON: The legislature could keep a better eye on developments. This, of course, was not the popular idea of the colleges or even the trustees. And actually, there was a very good reason for the headquarters to be moved to the southern part of the state. The University of California was headquartered in the northern part of the state. The population growth, the demographic projections, the new campuses in number, were to be in the southern part of the state. There was a very solid reason for the headquarters to be in the southern part of the state. One of the benefits, however, of that arrangement, was that we would not be in Sacramento under the very close supervision of the legislature.

HICKE: So where were the headquarters?

HEILBRON: They were established in the Los Angeles area. I don't think that this occurred until close to the beginning of our operations, because we were operating pretty much out of

HEILBRON: Sacramento during the planning period, but the first headquarters were established in Los Angeles off the Imperial Highway not far from the Los Angeles airport. Later they were moved to Los Angeles city itself, on Wilshire Boulevard, and finally they were given land and the headquarters were built in Long Beach, where they still are.

There was the matter of structure. What would the headquarters top level consist of? It was decided to begin modestly and not have a slew of vice presidents. There would be an executive vice chancellor, a vice chancellor for academic affairs, and a vice chancellor for finance, and then operations would be subordinated to those divisions.

There was the question of faculty participation in governance, which the planning group did not determine but identified as a matter to be considered and taken care of at an early point in the operations.

There was the question of what the principle would be for expansion, because no sooner had we been organized than we knew that there would be other colleges. On what principle would expansion take place? It was agreed that need was the first criterion: demographically, was it necessary to establish a campus in a given area? But second, when a college was established, it would be decided what would the program be, and then what the supporting funds would have to be, rather than to establish an appropriation and then try to fill it with a program.

HICKE: Were those twenty-three proposed sites still on the table? Had some of them been built?

HEILBRON: There were two that had been authorized before we began. One was in Sonoma and one was down in Turlock. They were to be built.

HICKE: The rest of them were still proposals, or had they been withdrawn?

HEILBRON: Hayward was pretty well underway, and we approved that implementation when we got into the operating stage. I'll talk more about that later. First, we had to have a head. This led to a search committee.

The search committee was appointed. Three of us--Tom Braden, Ted Merriam, and myself--went on an eastern tour after receiving a number of applications and recommendations and suggestions. We relied quite a bit on John Gardner for suggestions and evaluations. And practically all of the people that we met for consideration after the resumes had been screened were good people. We had reduced it to four or five before we left on this tour. One we had to take care of for political reasons. (A number of impressive recommendations had been received.) We had to go to Washington, DC, to interview an admiral, and while we were doubtful about his qualifications, we had to do this job.

HICKE: Do you want to say who?

HEILBRON: No. As a matter of fact, I can't give you his name; I can't remember it. We met him at one of the principal clubs in Washington, and his attitude was that the navy had given him

a great deal and he wanted to give something back to the community, to the public, and he thought that education was the right channel for his efforts. But when we found out that he didn't know what an FTE meant, we decided that we probably wouldn't put him on the final list.

We met with a person who was president of the University of Nebraska, a very competent man, who became a cabinet minister, maybe secretary of the Interior, in the [President Gerald] Ford administration. We met with a man who later on became president of the University of Wisconsin. And we met with Buell Gallagher of the City College of New York, who impressed us immediately. He was a broad-gauged man, he had faculty problems similar to those we expected to have in California, he was a very eloquent and articulate speaker, and he was very much supported by his faculty and trustees and was able to make peace with the students, many of whom had their protests as we later had in California. So when we came back, we recommended the appointment of Chancellor Gallagher, and he was duly appointed.

HICKE: As president?

HEILBRON: As chancellor of the state colleges. We had the opposite nomenclature of the university. The chancellor was the head instead of the president.

HICKE: No wonder I'm confused.

HEILBRON: And the presidents were in the place of the chancellors. Whether this was to distinguish the two segments, I don't know, but that's the way it happened. I don't know whether

Leiffer was responsible for this identification, but that's what we did.

HICKE: I have another interrupting question.

HEILBRON: Oh, you should.

HICKE: Were there any other states that had been looked at that had anything like this Master Plan that you could use as a gauge?

HEILBRON: No, this was home grown and home developed. And there were people who did not believe that this was the right way to go. We knew, for example, that the State of New York had all education of every kind--kindergarten, elementary schools, high schools, private universities, public universities--all under the aegis of the regents of the State of New York; they handled all educational matters. But they could only handle that, we felt, through massive delegations, and we did not think that was the way to go.

I once met an official from one of the universities, I don't know whether it was Virginia or North Carolina, but she thought that we ought to have one state system of higher education and that the Master Plan arrangement was not a good one, that higher education should be centralized. But it was a smaller state compared with the State of California, and the real test, I think, is that the Master Plan has been reviewed several times. I was on a review committee, I think it was in 1973, and the basic Master Plan has remained and it still seems to be the solution for the State of California.

HICKE: It worked.

HEILBRON: It worked. And there are plenty of people who have evaluated it and have found it sound. Some changes have been made widening flexibility in administering state college financial affairs, providing a state representative board for junior (community) colleges and for transforming the coordinating council into a public membership board, but the essential Master Plan framework remains.

Well, Chancellor Gallegher had some troubles. The conservative members of the legislature and many conservative organizations thought that he was too soft on leftist activity. One of the big questions that arose, and I don't know specifically how it arose, was: should a communist be able to teach on a faculty? Now the University of California permitted this with Herbert Marcuse, who was a communist to the point of advocating violence, I believe. Of course, he did it all in theory, but that's the way the university handled it. There was concern that Chancellor Gallegher would be too soft on this program. He felt, as we all did, that if there was a communist--when I say all, I mean the trustees were persuaded that if a communist taught mathematics without somehow making it a communist matter of ideology, that was teaching, and his personal political commitment was what it could be in the United States of America.

Well, Gallegher actually got a military award for his services during World War II, and it hadn't been presented to him; now Gallegher thought this was the time to get the award. [Laughter] We went down to San Jose State [College]

and had a great deal of marching back and forth and flags flying and so on to quiet all of this concern. The matter was finally left to the individual colleges to determine, so that Gallegher said, "You do as you see fit."

The faculty had had practically no part in the appointment of Gallegher. It was a trustee appointment. But after his appointment, resolutions came in from almost every college faculty approving and supporting his appointment. This will be interesting later, because when they had some participation but didn't think that it was enough, in the case of Gallegher's successor, many expressed their discontent; so it seemed to depend largely on the personality of the person involved.

HICKE: Was this after they had met him, or did they just know about him?

HEILBRON: After they had met him. The first thing he did was to visit every college.

Gallegher appointed Glenn Dumke, with the trustees' consent, as his vice chancellor for academic affairs. Dumke had been president of San Francisco State, and he had some opponents on the liberal side at San Francisco State, and they were not completely happy with Gallegher's appointment of him, but Gallegher made it to stabilize the internal operations of the new state colleges.

Before the year was up--and in the meantime Gallegher had made his mark with reference to endorsing a liberal curriculum and implementing, to begin with, part of the

HEILBRON: planning program that we had established before he arrived--he ran into two problems that were never completely understood. One was, before appointment, when he came he asked about his pension. We told him what the pension was in California, but we also told him that he had better check with the Department of Finance on whether his credits in New York were transferrable out here, and he said he would do this. He told us he had, and I think he believed that he had probably done so, but evidently he had misunderstood something very substantial, because they were not transferable.

His wife did not like California at all compared with New York. In New York they had been given a presidential house, and we didn't have any such house in California. Yet we thought we could solve that problem. I had about raised \$100,000 toward that objective when Gallagher said that he had to go East to a conference. He did go East to a conference, and he wired back that he was resigning.

He had had some difficulty, more than some difficulty, with conservative organizations, and I think he was not certain that he would last long enough to get the full benefits of even a California retirement plan without considering the transferability of credits. As he told me, he had a true and important family problem. I told him several months before he left that he should do what he had to do for himself and his family and that we would meet the problem, if we got a problem, when it occurred. Well, it occurred, and we had to meet the problem.

So we decided that although we had gone abroad, gone outside the State of California, for our first chancellor, among twenty-five million or so people in the State of California, we should be able to locate a person who could run our colleges. We had one who was extremely familiar with our operations. He was Gallegher's choice for vice chancellor of academic affairs, and we indicated our choice of Glenn Dumke, a Republican, and we were all Democrats except for one on the board. Ted Merriam was the only Republican.

We did so because we felt that was the right thing for the state college system. We found that once you had some kind of security of term in education and you were selected because the governor had thought that you would put educational interests first, that we would choose the person that we felt would do the job.

We had some faculty reaction. They had been involved, but not to any great extent, in the selection. The governor, Brown, said, "You know, I'm getting a lot of flak on this situation. Before you confirm this appointment, do further looking in thirty days, and if you finally decide to confirm that appointment"--he said that he would be satisfied, but he asked us to do this.

- HICKE: Who was the other vice chancellor, the one for business?
HEILBRON: John Richards.
HICKE: But apparently he was not considered?

HEILBRON: Oh, no. He had no academic experience whatever. We did consider Don Leiffer and Malcolm Love, who was the president of San Diego State, with respect to other state people.

And we did locate and interview two or three more candidates out of state with faculty participation during that thirty-day period, and poor Mr. Dumke was having a very rough time during this waiting period. But when it was through, we confirmed the appointment.

HICKE: The objections were because he was on the conservative side?

HEILBRON: Yes. Of course, we extracted a commitment from him that he would engage in no political activity whatever. He had been somewhat active in the Republican Party in Los Angeles, but he lived up to that commitment to his last day, and we made an appointment that seemed to be a little bit controversial at the time but lasted for twenty years.

Well, I mentioned something about new campus sites and the problems we had for expansion. We knew that the valley needed another campus, that Fresno State [College] was getting overcrowded. We determined on Bakersfield. We knew that Los Angeles did not have sufficient attention. There was the Los Angeles State College on the eastern edge of the city, there was Northridge, in the San Fernando Valley, but the big expanding area outside of Central or South Los Angeles was not covered. We thought that the best place for expansion would be just south of the airport, but that was investigated and abandoned. Then we thought that we had a chance for a beautiful section of land on the Pacific Palisades, overlooking

HEILBRON: the Pacific Ocean, ideal for Princeton/Yale/Harvard/Berkeley/Stanford, but I think we got saved from ourselves by events. We had agreed to purchase the land at a certain price, and the legislature had appropriated for some campus in Southern California, and we had the jurisdiction to select the campus site.

Then people heard all about this plan, and some property increased in value around there, and our own tentative purchase price, approved by the Department of Finance, was no longer sufficient. I think because of a differential of a considerable amount, we had to abandon the Pacific Palisades. Now, that turned out, as I say, to be a blessing, because our function was to take care of the industrial area south of Los Angeles, a great minority population, and what would have happened if we had to depend on transportation to go from the Valley up to the Palisades and back, on a single day, a commuter college up on the top of that hill? The people didn't want it that way.

I thought, actually, it would be a lovely idea. Why not bring everybody up from the Valley to enjoy this site? But there was a great deal of opposition to it among the people living there on the Palisades and in the Valley itself. The feeling in the Valley area, Compton and those valley cities, was . . .

[End Tape 13, Side B]

[Begin Tape 14, Side A]

- HEILBRON: . . . that they wanted the college closer to them. Eventually we purchased the land that became Dominguez Hills [State College] in or near Carson.
- HICKE: Wasn't this a problem that occurred frequently, that as soon as somebody heard that there was going to be a state school the property values would go up?
- HEILBRON: Oh, yes. Absolutely. And that's why we tried to get gifts of the land. We got a magnificent piece of property in Contra Costa County, where I still think we should have gone. If Sonoma State [College] had not been built, Contra Costa was the place for that area. And even with Sonoma State, the projection for Contra Costa County supported the idea of a college there. We got a two-hundred acre transfer of property from a charitable foundation (Cowell) for our college. The Contra Costa college was never built. Finally the state sold the property for a considerable profit, but I thought that ultimately it was not profitable to sell that land, because we are confronted with population demands now that could have been largely met by that institution that we had planned for Contra Costa County.

Dominguez Hills was intended to draw from a somewhat blue-collar and disadvantaged population. There are a lot of minorities in that area, and it has been performing its function pretty well. It started out with an emphasis on liberal arts--it had what was called a college-within-a-college--and it would have been an excellent idea for another institution in our system. But this "little college" did not draw the interest of the

people in the area, who wanted a more practical-oriented program. Not that liberal arts aren't still required in the core curriculum, but the upper division and the balance of the program was one that had to appeal to the people in the area for whom the college was being built.

HICKE: So more accounting or secretarial type skills?

HEILBRON: Not secretarial. I'll give you a little rundown on that curriculum at our next meeting. I've been down there. They've had excellent presidents at Dominguez Hills. Leo Cain was the first president. He concentrated on special education programs and was an authority in that field. He was followed by Don Garth, who is now president of Sacramento State [University]. Dominguez Hills, I think, has been an answer to the needs of that area.

We also had property that we could have purchased in San Mateo, a beautiful piece of property, and perhaps that should have been confirmed, because we could have obtained it from the City and County of San Francisco that owned this particular property in the San Mateo area. But it was regarded as not necessary because of San Francisco State on the one side and Hayward State on the other and San Jose State in the middle. Maybe it would have been superfluous. In any event, we never did acquire the property, so apart from the expense of investigation, not much was lost.

HICKE: Was this routinely part of your job, or were there special members of the board who were . . .

HEILBRON: No, the chairman of the campus facilities committee was Charles Luckman. Luckman had been the executive at Lever Bros. in England. After he left there, he became the head of his own nationally known architectural firm, and he was the chairman of that committee. Another chairman was Victor Palmieri, who has had a very extensive Washington career since he left our board and the state. These people knew land.

What we had to deal with in architecture for the new campuses was the fact that the division of architecture for the state did all of the designing for our campuses. They had a style known as San Quentin Modern [Laughter]. Actually, they took some of the plans for jails and converted them into dormitories down in San Luis Obispo. We all wanted, and Luckman certainly led in this effort, to make the architectural program a competitive one. Let architects from the outside of the Division of Architecture bid, and choose the best design. If the architectural division had it, let them have the award, but we should not automatically hand over this important matter to the state agency. Somewhat similar to the textbook situation which I mentioned with regard to the Department of Education. It produced like results; perhaps even better results. The new campuses became livelier and more attractive institutions, although they continued to make some errors. In the haste of getting that Hayward campus established, they took plans from a Northridge building, and they simply reversed the building. So what should have been the front of the building overlooking the bay and an inspiring scene became more or less the front

that overlooked other buildings and not nearly as interesting a scene.

Maybe that brings us to a discussion of the sixties.

HICKE: Let me just ask another question.

HEILBRON: Yes, I'd like you to.

HICKE: In the discussions on these campuses and everything else, how were the decisions taken?

HEILBRON: Almost at the start, we had a rules committee that developed a committee system. We had an educational policy committee, we had a faculty and staff affairs committee, a committee on rules, a committee on facilities and campus planning. They would hold meetings and hear witnesses in depth; they consulted with administration, of course, with faculty--the recommendations had to come from the administration (Chancellor Dumke) to begin with. We had an excellent person dealing with the architectural program: Harry Harmon. He was most valuable in seeing to it that we had the benefit of experts in that field. Of course, in educational policy, and I'll come to that when I deal with some of the problems we met in the sixties, we had the benefit of the academic senate committee as well as the chancellor's recommendations through his vice chancellor of academic affairs, so that no matter was considered by the board that had not been fully considered and reported upon by the appropriate committee.

HICKE: And then it was voted on?

HEILBRON: And then it was voted on in the usual fashion.

- HICKE: And were all of the members of the board appointed by Governor Brown?
- HEILBRON: Governor Brown, yes, initially appointed all of the members of the board (except the ex officio members).
- HICKE: You said initially. Then what happened?
- HEILBRON: Well, ultimately other governors appointed their successors.
- HICKE: Oh, okay. But they were all appointed by the governor.
- HEILBRON: We drew straws for our terms, because we wanted to establish staggered terms so that all of us didn't leave at once. I drew a one year term, but I got reappointed by Governor Brown.
- HICKE: Were there any other people on the board who stand out in your mind? You don't have to do a whole list, but some of them that stand out.
- HEILBRON: Oh yes, I'll give you some of the names that occur to me immediately. I mentioned Charles Luckman. There was Ted Merriam, who was a department store executive from Chico. He had also been mayor of Chico, and he had been president of the League of California Cities, so that he had had considerable experience with government. There was Albert Ruffo, who was the mayor of San Jose. There was [William] Bill Coblentz, who became a regent of the University of California later. We had the head of the CIO [Congress of Industrial Organizations], Thomas Pitts. We had Don Hart, who had been mayor of Bakersfield. We had Phoebe Conley, who was a community leader in Fresno and in the whole valley. Her sons were the editors of the Sacramento Bee.
- HICKE: So there was a diversity geographically?

HEILBRON: Oh yes. There was a person by the name of [] Sutherland who was the chairman of our finance committee, from San Diego. He was a banker, I believe. And the Ridders--Hanson and subsequently his son, Stanley Ridder, of Long Beach, owners of a respected newspaper chain. Also there was Simon Ramo, a well-known scientist. You can see that this was quite a responsible group.

HICKE: Lots of good experience and skills.

HEILBRON: Experience and skills, and in spite of the fact that as I read their names to you it sounds as though they had not much experience in education, and to a certain extent that may have been true, they were a pretty open-minded group, and they were by-and-large used to administration and government. That was necessary at this early period. The expertise was primarily a matter of the staff. However, we did lack representatives of minority groups and had one lone woman fending for herself.

When we became operational, it was a little bit like the time when I was in Austria. The planning period was over, we stepped into operation, and we didn't recognize that there was too much difference. We knew what the program was to be, but we didn't anticipate, by any means, all of the problems.

The first problem, really, was typical of all large, central institutions: the headquarters wanted to be certain of its control, certain that the quality was evenly spread among all of its institutions. The field or the colleges wanted their independence. They had all been independent duchies before;

all they wanted from the headquarters was to give them an allocation of money [Laughter], and the more we got from the legislature, the better. Beyond that, they didn't want us to do very much. They didn't want us to do much master planning or to approve the procedure of master planning. I didn't mention in the architectural program that we insisted that every college have a master plan for both its curriculum and for its facilities and their views were part of the deliberative process. We had something to do with the kind of personnel that occupied these committees. We, of course, selected the presidents of these institutions, and established local advisory committees for each campus, the statute authorized us to do this, so that there were advisory boards for us in every institution. Sometimes the advisory board took the color of their administrative staff, and they wanted to be independent. In fact, some would have preferred not to be advisory but to be the board running that particular institution. The presidents nominated members to be appointed to the advisory committees.

So that was always an undercurrent that had to be resolved.

HICKE: How did you deal with it?

HEILBRON: Well, we tried to make general policies that pertained to all. We wanted to go through the masters degree, but we wanted a process in each institution that assured that they had the personnel and the equipment to give the masters in that particular subject. In other words, there was a matter of

HEILBRON: oversight of the process. Then again, we recognized our colleges were to be regional institutions; to a large degree that was an advantage, economically, to the people living in the area, but in most of the situations, we also wanted them to have a statewide concentration or emphasis so that they didn't repeat each other. For example, in Humboldt [State College], we had an excellent forestry department, but we couldn't see much reason to establish a forestry department in Los Angeles. We had an excellent creative arts department in San Francisco; many well-known writers were part of that department. It would not be easy to repeat that kind of arrangement in every college. San Diego State had a first-rate political science department, and we wanted to maintain that emphasis. Indeed, we wanted Sacramento State to become much more involved in the training of people for state government, and our trustees didn't succeed in doing that, but I believe that since President Don Garth has taken over they have become much more involved in that area.

So we wanted some attraction statewide. Chico had long had a dormitory system and it was a live-in college. There weren't enough people in Chico to fill the college, and people had come to Chico from all over the state and elsewhere. Some people have said that they had too good a time out at Chico, but I never was able to verify that.
[Laughter]

San Jose State had some dormitories, we authorized a dormitory there.

HICKE: There is one at San Francisco, too.

HEILBRON: True. At San Jose State, we had what may have been the first mixed dormitory, coeducational, in the state for either system. We had one floor for men and a second floor for women all the way to the top.

HICKE: Was that a challenge?

HEILBRON: That was regarded as almost tearing down the moral fabric of the country.

So we did provide for these concentrations, or tried to. Then one of the most important areas was to bring everybody into the system for appropriate discussion before the trustees made a decision on an important matter of policy. We created a program where a state faculty senate, representing all of the colleges, had a place at the table, where the staff had a place, and where the students had a representation.

When we finally got a new [headquarters] building, down in Long Beach, the new building's table space was so arranged that functionally it accommodated these three areas, and there was also a place for the presidents to come and be part of the operational family. I don't think that there is any other place in the United States that has physically evidenced its interest in having these groups thus brought together for discussion of policy.

- HICKE: Can you tell me exactly how you set this up? Were there offices for each of these groups?
- HEILBRON: No, there were a number of seats.
- HICKE: Oh, at the table.
- HEILBRON: There were a number of seats in a large area so constructed that the trustees were accommodated in one place and the three operative groups were accommodated separately. That is, besides the trustees, there were places for the chancellor and his staff, members of the academic senate, and possibly for the students, if I remember correctly. The presidents were close by but not at the table.
- HICKE: All in the same room?
- HEILBRON: In the same room. Then, of course, there was a gallery for the public to witness whatever was being done, because higher education in California operates in a goldfish bowl and everybody has his look-in.
- HICKE: There is media presence?
- HEILBRON: Media presence, certainly. So I think that was a contribution of the system.

Now, about the faculty. They had very little to say, very little representation during the period when the Board of Education had its more or less loose relationship with the colleges. I say "loose" in the sense of the board, but it wasn't so loose in the sense of Superintendent Simpson, who appointed all of the presidents. Once he appointed them, he felt that he had sufficient control.

HICKE: How many state colleges were there?

HEILBRON: There were thirteen operative when we came in, and I think when I left there were nineteen.

We, the trustees, had representatives from the faculties of the different colleges (selected by them) come to establish the state senate. We not only encouraged but required that every one of the separate colleges have its own senate with . . .

[End Tape 14, Side A]

[Begin Tape 14, Side B]

HEILBRON: . . . with appropriate control over curriculum and appointments, promotions and tenure, the usual area of a faculty operation. Any important policy affecting curriculum or program would be reviewed by the senate and recommendations made to the chancellor, and then, if the senate wished to speak further upon the matter after the chancellor had made his recommendation, that was permitted and encouraged, so that the faculty did have a voice. However, we did not do what the regents had done, that is, delegate fully to the faculty its areas of control. They made recommendations, and the recommendations were rather persuasive. You don't say no arbitrarily to a faculty recommendation where the expertise should lie. But we still had some reserved area where, if there was a serious curriculum program, and I'll refer to this later, we had the right to make the final determination.

HICKE: Is this a decision of the board either to reserve this or not to delegate it specifically?

HEILBRON: It was a board decision; ultimate responsibility was on the board.

Additionally, the presidents of all of the colleges formed their own council, and they had a voice, a strong voice, in connection with matters of policy. All of the senates were concerned with matters of academic freedom, and that was certainly their province as it was for the system. But there were people on the faculty who felt that, particularly on the economic side, the faculty did not have enough authority, and a drive for unionization began in the sixties. I don't think any problem was more studied than that. The first reaction of the academic senates was to oppose the idea, because the faculty felt their professional status differentiated them from the usual union situation. The board initially felt that unionization was not the better course, because it could not commit the state to a contract until it got the money, and so it didn't feel that it was in the position of an industrial employer. It wasn't even in the position of a local school district that could levy its own taxes and respond in that way to contracts which it had negotiated.

HICKE: It's hard to bargain if you don't have any authority for the financial position.

HEILBRON: Well, yes. You could bargain on the basis that if you got the money, this is the contract. But that's not what any legislature would want you to do.

HICKE: It wouldn't be satisfactory to the union, either.

HEILBRON: And ultimately, the faculties did vote for unionization. Selection of the single union negotiator was a problem that had to be resolved between five faculty groups: the American Federation of Teachers (the AFT), which was an off-shoot of the CIO, then the Association of California Professors, which was home grown, then the State Employees Association, and two others. Finally the state did enact a collective bargaining statute, after my time. That put the legislature into the picture and made everything subject to legislative appropriation, made fact-finding the basis of legislative action, the fact-finding being done before the matters went to the legislature. Ultimately, the legislature does have control.

Of course, in our day it was a sellers' market. We needed more faculty. We had expansion and everything of that kind. Today, it's not the same situation, and the legislative control over appropriations is such that all of the people in higher education are very much concerned and worried.

I mentioned previously that the state college trustees did not have the flexibility that the regents have regarding the allocation of monies and the transferability of funds between one section or center of operation to another. The result of

HEILBRON: this lack of authority produced the situation I'm about to describe.

An appropriation was made that allowed for a certain percentage of increase for all faculty to be distributed in accordance with the trustees' authority. This was done, and the distribution was accepted and recognized by all of the faculty as being a fair distribution. Unfortunately, in doing the mathematics, our fiscal section, our finance department, gave more of a raise than had been appropriated. In other words, it would have taken a larger appropriation to accommodate the error that our fiscal people made, but our fiscal people had reported everything to the Department of Finance, and they had reviewed it and approved it. On top of all of this, we had plenty of money in several accounts where, if we could have transferred it, we would have been perfectly at ease. I think also there is some general rule of the Department of Finance that you will always hold back a percentage of whatever appropriation you have. You never spend your whole appropriation, but there's always that hold-back for contingency. So there was money to answer this question. Well, this fiscal error was discovered in January of a fiscal year ending in June, and there was no other way of correcting it except cutting 1.8 percent on salaries for the rest of the year

since the legislature was not prepared to give special authority to make any transfer of funds.

Now this meant that the faculty was getting all of the money that had been appropriated, anyway. They were not losing any money from the appropriation because we had paid an excess of benefit.

HICKE: Overpaid?

HEILBRON: Overpaid. 'But, of course, family budgets had been prepared on the basis of what the salary appeared to be, and the faculty was furious. I remember that we met down on the Northridge campus. We went for a while from campus to campus, and I'll tell you about that too--the whole board would meet at different campuses on our monthly meetings instead of just meeting in one place such as Sacramento or Los Angeles or San Francisco, We met at Northridge, and a professor of English pointed his finger at us, and he said what we were doing was absolutely immoral, to make this cut. He said if we wanted to prove ourselves to the faculty as being really for higher education, we would go to jail to prove our point. We simply told him that that was carrying the excess too far and we wouldn't do this. [Laughter] But it's an illustration of what can happen when there is a total lack of authority to make a transfer of funds.

HICKE: And also the lack of control by those responding.

HEILBRON: That's right.

I said that we had gone from campus to campus to hold our meetings, and that was true, but we found that this was not an efficient way to do our business. We would arrive in the evening at the campus, and they always gave us a very pleasant dinner; then they had their band play, then they had the school choir, and they had a welcoming address from the president. So we were pretty tired when we got to bed. Then the next morning there were other introductions of the staff and talk of what people were doing in the community. We found that our working time was seriously cut. So we decided that we would meet alternately in San Francisco and Los Angeles, where people could come rather easily to an airport meeting or even when we established our own headquarters, to the headquarters. I believe at least once a year we met in Sacramento. That proved to be a good practice.

HICKE: More efficient?

HEILBRON: More efficient, yes.

HICKE: Although there probably was some value in meeting these people.

HEILBRON: There was a great deal of value. We really owed it to ourselves and to the college to make these initial visits. It may be that one college at a special time is still visited by a board or a committee. I don't know. But with the headquarters

established for business in Long Beach, I assume that that is where practically all of the meetings are held.

HICKE: Okay. So this is a good place to stop for today.

[End Tape 14, Side B]

[Session 8, July 1, 1992]

[Begin Tape 15, Side A]

- HICKE: Well, last time we got pretty well into the sixties, actually through the middle sixties and towards the end, and covered a lot of the problems and impact of the state college system. I know that San Francisco State was one of the major issues that came up.
- HEILBRON: That's true, and it had quite a substantial history during the last few years of the sixties. You can't understand San Francisco State without relating it to the student protests and unrest throughout the country. Perhaps the best analysis of that protest problem was stated in the government commission report of William W. Scranton, who gave the report on campus unrest in 1970. In general, the protest was composed of a number of parts. It derived partly from the civil rights movement . . .
- HICKE: Can I just interrupt to ask if you are talking about San Francisco or the general countrywide . . .
- HEILBRON: I'm talking about throughout the country, because San Francisco State was just part of the scene. As I say, it derived

HEILBRON: from the civil rights movement, and it was accelerated by the assassinations of Martin Luther King [Jr.] and [Attorney General] Robert [F.] Kennedy. It moved onto the campus as a student expression of anxiety, of the determination to achieve social justice, and produced the black studies demands that were familiar in most of the universities and colleges. There was also the anti-Vietnam war sentiment, deeply held by many students who felt that the war was unjust and that we were violating our moral code and principles. And there was a feeling that the university was somehow responsible for allowing all of these things to occur; that if the universities assumed leadership of the country and the university was reconstituted as a political instrument of social reform, some of these terrible problems would be answered. In the end, you had a kind of combination of these resentments, so that the protest was against the "system": it all should go; something should take its place that was much better.

Various universities throughout the country had to deal with the students and their problems. There was also some view, I think particularly enunciated by the SDS [Students for a Democratic Society] that what was at issue was a rebellion against the conformity of the fifties, a rebellion against materialism and cold war prosperity. There were other considerations of much greater value to them and to society. But in the end, as I indicated, it turns out that many students regarded the university administration as part of the oppressors. They were the establishment, and no matter how you attacked

HEILBRON: the establishment, it was in a good cause. They weren't particularly interested in any particular issue; so long as the issue served the protest, the protest was desirable.

It all began, however, in Berkeley, like so many things have, with the Free Speech Movement in 1964 at Berkeley. Originally it was simply a protest there, as I understand it, of a change in a university rule that was amended to prohibit political organization and activities on campus. It started with a nonthreatening protest around Sproul Plaza. Then when the rule was not changed, there was a sit-in in the administration building, and the sit-in occurred over a couple of days, and the governor sent--this was Governor Pat Brown--sent in the police to remove the students who were sitting in.

Well, violence erupted when one of the students was arrested and placed in a car, in an automobile, and was to be taken down to the jail. Students surrounded the car, and the car couldn't move. The pushing and the shoving was reported in the newspapers and on television, and pretty soon we had the beginnings of the protest movement in Berkeley. Now other colleges, as I indicated, followed suit. Perhaps Columbia [University] was the most violent. There were five or six buildings [that] were occupied, and a great deal of damage was done and injuries sustained.

These protests came relatively late to the state colleges, to the campuses in California, perhaps because many were located in more or less rural areas where students reflected a more conservative environment. But in varying degrees the

protests took place, in Los Angeles State [College], in Northridge at San Fernando, at San Jose State [College], Fresno State [College], and at San Francisco State, where the heavy action took place.

HICKE: Is that chronologically?

HEILBRON: No, that isn't chronological.

HICKE: It doesn't matter.

HEILBRON: I don't think it matters. I think that the Los Angeles State and San Francisco State were more or less contemporaneous.

I would say that it began at San Francisco State during the tenure of Stanley Paulsen as acting president. He was also a candidate to be permanent president, but the faculty and the trustees search committees determined to bring someone from the East who had had some experience in minority problems. Professor John Summerskill was a professor of clinical psychology, but he had been vice president at Cornell [University], and his many activities there in the community brought him into contact with urban problems.

That this college was going to be in trouble was evidenced on the day of his inauguration--President Summerskill's inauguration--in May, I believe, of 1967. Colorful ceremonies were held in the stadium. A platform had been built on the stadium grounds, the trustees were there and many dignitaries, the usual customary academic parade and platform representatives.

HICKE: You were there?

HEILBRON: I was there, yes. I was one of the trustees at the time. But it was beyond my chairmanship.

Before the actual ceremony began, an unusual incident occurred. A hippie-clad young man, a rather thin person but with a puckish demeanor, danced his way around the platform and then onto the platform, went to the microphone, and turned around and pretended to be taking notes on the trustees and the dignitaries, then danced up and down the platform, and he thumbed his nose at the trustees and the dignitaries and then at all of the surrounding audience of students and faculty and friends. Chancellor Dumke hissed to Summerskill, "Do something!" Summerskill got up and whispered something into the ear of this young man, who suddenly, as quickly as he appeared, disappeared, ran out of the stadium, ran off the grounds, and never was heard from again, as far as I know. Summerskill, who wrote a book about his stay at San Francisco State, said that what he whispered to the young man was, "You are about to be arrested." [Laughter]

Well, that accomplished the exclusion of this young fellow from the proceedings, but not the disturbance. The SDS had picketed and boycotted the cafeteria before the inaugural event, because the cafeteria had raised its prices.

HICKE: When you say "boycotted it" you mean prevent . . .

HEILBRON: They prevented students from going to the cafeteria and stopped the operations of the cafeteria. Of course, they had an antiwar policy, which specifically asked that whether or not students wanted their grades sent to their draft boards, the

university should not comply with the draft regulations and the students' requests to send their grades to the draft boards. The university refused, Summerskill refused, to honor that request in accordance with the policy of the entire system.

Well, in front of the platform and facing the trustees and the dignitaries were about two dozen students, or perhaps student invitees, carrying signs, protests with respect to the war and the draft. These students were noisy throughout the ceremony, throughout Summerskill's inaugural address. He tried to ignore them, but after a plea for some kind of fairness, there was enough quiet so that at least a good part of his address was heard by those who had come to the inauguration. After this melancholy event was terminated and the trustees and dignitaries left the platform, they were followed and annoyed by students who walked along side and ran alongside and in one or two cases did a little shoving. Of course the trustees were very unhappy. Well, that was the inauguration.

Shortly afterward, there were two other areas of activity that came to the attention of the college, the headquarters, the trustees, and the legislature. A paper was published called Open Process that had a columnist who advocated all kinds of activities that offended many students and citizens.

HICKE: Was this a weekly publication or a one-time thing?

HEILBRON: No, I think it was published from time to time, but not regularly. It advocated nude bathing and more. It supported the use of marijuana, recommended free love, was anti-Vietnam war. Just the kinds of things that could be expected to irritate

a great many people in the state. Copies were sent to the trustees and to members of the legislature by a couple of students who were tied into some kind of conservative political program and somehow were financed to the point where they could reproduce the photos, the paper, and so on. The president did suspend this paper for the kind of publication it was and established a board to provide regulations with reference to the student press that faculty and students contributed their ideas to, so that there were some guidelines that could be referred to. Now the real student newspaper, published by the students association, was called The Gator, and they had an editor.

HICKE: As in alligator?

HEILBRON: As in alligator. They had a staff of about ten students, all white, and the black students had found their policy, in their opinion, to be racist. Apparently they had not reported black news as the black students felt they should, they failed to publish a photo of a black candidate for campus beauty queen, and a number of blacks felt that this was a white-run newspaper not recognizing an important minority in the midst of the campus. Close to ten of them went into the Gator offices and ransacked the offices, and also went into the office where the editor sat and took hold of him and beat him up. The students were tried in a college disciplinary proceeding according to college due process, and four of them were suspended and I believe five of them put on warning. In

addition, the student editor filed complaints with the police, and there were arrests of the four who had attacked the editor.

In view of commitments and promises, the Open Process paper was permitted to resume publication, but the columnist who had promised that he would reform revoked his promise and said to the paper that he had decided to do that. He was immediately suspended by the president, but the general counsel for the state system had to advise Summerskill that the suspension was a penalty imposed before any process had been followed and so, for purposes of a hearing, he had to revoke his suspension.

"Well," said the blacks, "If you can revoke the suspension of a white person, you should revoke all of the suspensions of the students who had attacked the student editor."

HICKE: But they had had a hearing?

HEILBRON: But they had had a hearing. Nevertheless, that was the stance of the black students. And they stirred up the entire campus as to the question of justice to blacks. Overlooking for a moment the clear violation implicit in the assault, what were the circumstances that drove black students to do these things? A big protest was promised for some day in the early winter; I guess it was now close to December of 1967.

HICKE: Let me interrupt. Were there arguments back and forth among the students, or was this all one big protest?

HEILBRON: I think that at this point a great number of students were indifferent, and the more radical and liberal elements were minded to protest. Later on, there was a group of about eighty

committed conservative students who opposed the radical students in a very clear-cut fashion, but at this stage I would say that it started out with the December protest to be some students highly motivated and willing to sit in, and most of them attending classes and wanting to escape the problem.

In any event, the administration building was broken into. There was a window open, and one of the professors who was quite sympathetic to the students went in the open window and led part of the charge. However, the students milled around in the hallways and in the offices and did not do much damage. They were there, they were obstacles to any kind of office operation, they sat in, but they were not violent. Summerskill had made arrangements with the police so that the principal police crowd control officer was at his side to advise him, because . . .

[End Tape 15, Side A]

[Begin Tape 15, Side B]

HEILBRON: The expert on crowd control from the police was at Summerskill's side and told him that it would be his decision as to when to call in the police, whose attack force was close by, a few minutes away. But he didn't feel that the situation had gotten out of control.

HICKE: Summerskill didn't or the police?

HEILBRON: The police advisor. So Summerskill did not, in spite of the sit-in and the milling around in the administration building, call the police. Finally the students got tired and drifted away.

This situation was pretty much repeated the next day. One of the newspapers applauded Summerskill's restraint.

HICKE: One of San Francisco's?

HEILBRON: Yes. And the other one criticized it and said that when there is any kind of trespass, or equivalent in their opinion to a violent taking, that the police should be called.

Now the reason that the police were not called by most presidents of most campuses until sometimes the issue was too well drawn was that the presence of police usually escalated the violence, because the police started arresting, the students protested and resisted the arresting, there were struggles and sticks were used and people dragged out, and there was an escalation of violence. So in a special meeting of the trustees called in Los Angeles, there was sufficient concern about what was happening in San Francisco State, we asked for a review of what was happening.

HICKE: Let me ask how closely you were following all of this. Were reports getting to you? Did you see it as a problem?

HEILBRON: Well, the San Francisco trustees were more familiar with the situation there than other trustees, because some administrative officer or faculty member might call them up and indicate what the problems were.

HICKE: So somebody actually called you?

HEILBRON: I believe that we had some notification. As a matter of fact, I think it was the other way. If we saw it in the newspaper, we called the president to see what was happening.

HEILBRON:

But the governor, who was by this time of course Governor [Ronald] Reagan, was very much upset, and a meeting was called in Los Angeles, and the two star performers would be the president of San Francisco State and the president of Los Angeles State. I haven't gone into the Los Angeles State situation, but the Dow Chemical Company was there recruiting for employment on that campus, and someone threw a stink bomb into the van that they traveled in to the campus. That caused a good deal of protest. So President [] Greenleigh of Los Angeles State was also called to appear.

For three hours on this Saturday, the trustees and administrators and, of course, the political ex-officio trustees, questioned these two men, Summerskill taking much more questioning than the president of Los Angeles State. Irrespective of how the situation came out, some of the trustees asked Summerskill why he hadn't called the police. It was his decision. There could have been grave damage instead of minor damage to the administration building, there could have been injuries, hurt. Max Rafferty, at that time superintendent of public instruction, was particularly sharp and hostile in his questioning. Everyone had a little bit of a say. I think in the course of the discussion, I pointed out that once at Oxford [University], a great many years ago, the mayor had called out assistants to quell a disturbance on the campus at Oxford, and for five hundred years since, annually, he had come to apologize to the university. [Laughter] This was a light moment in our discussion.

HICKE: Trust you to provide that!

HEILBRON: In the end, when it appeared that most people seemed to agree that Summerskill had handled the matter quite effectively, Lieutenant Governor [Robert] Finch, I believe, proposed that a committee of the trustees investigate the stewardship of President Summerskill. This action, of course, enraged many people on campus and seemed, under the circumstances, to be unfair and certainly undermined the president's authority.

HICKE: Did the trustees have to agree to that?

HEILBRON: Oh, the trustees approved the authorization. There was a vote for and against and the majority won. I know I voted against the resolution, as did Albert Ruffo and a number of others. The vote was reasonably close, but I think all of the ex-officio members voted for the authorization.

I don't know how many months after, or whether it was the next meeting of the trustees or the second meeting after, the trustees vindicated Summerskill by unanimous vote, although nobody told him about it, and the way he learned about it was when I asked him, "Aren't you pleased with what happened today?"

HICKE: Let me ask one other thing: on this committee, was there anybody who had voted against the original . . .

HEILBRON: I can't remember who was on the committee.

HICKE: I wondered if they made an effort to balance it.

HEILBRON: I would think that it was a balanced committee, and I can't even remember whether I was on it. But after all of this discussion, he got their support. In a book he wrote, he said

that Dumke phoned him and congratulated him and he got a favorable telephone call from Governor Reagan.

However, the troubles of this campus continued. A Third World Liberation Front, which was Hispanic-led, took over the antiracist program, and this front included, of course, the black students union. They demanded the admission of hundreds of minority students irrespective of qualification and wanted a black studies program set up under student control, student direction, employing the administrator or director of that project.

HICKE: Sort of the medieval concept of a university where the students hired the professors?

HEILBRON: That's right. That happened in Bologna at a very early stage. Bologna is an old university, 800 years old or more, and the students then, of course, hired the professors. But they ran out of money and they had to go to whomever was the mayor or prefect or the head of the city to restore the professors and the professors' jobs. So this issue has been pending for some time.

Summerskill felt that his authority had been diminished, and in fact he had also faced the trouble with his faculty. One of the leaders of the student front was a faculty member and Summerskill fired him for his action. I can't recall precisely what the action was, but I think the behavior warranted discipline. But it hadn't gone through the faculty due process, and the faculty were enraged by that. So he was getting it from all sides. He resigned, but he was going to stay on for a while until a new person was procured. But a person who

resigns under these circumstances loses authority and soon finds that he isn't governing. One fine evening, when things looked pretty bleak for another campus outburst, he took off for Ethiopia. [Laughter]

Now this is not quite as far-fetched as it appears. He was looking for another position. The Ford Foundation offered him this position as an advisor to Emperor Haile Selassie for Haile Selassie University, and he had a rather brief period when he had to accept or refuse, and unless he accepted, he may not have had any office to look to. But it was a sudden departure, and the campus was not only ungovernable but ungoverned.

So another acting president comes into play, Robert Smith, who had great support from the faculty and whom a great many students respected. He had a long experience with the university. I believe he was dean of the School of Education. I have to check that, but I'm pretty sure that was his status at the time. He, in effect, answered the call to do what he could to deal with a much-wounded college. I'll give you a few comments about his administration, although I'd like to reserve the right to put in some insert when I get to some material that may help me recall the incidents of this administration.

HICKE: That would be fine.

HEILBRON: He felt that if there were enough discussions with all parties and they had their talk-outs and teach-ins--maybe I should say talk-ins--that in the end reason would prevail and that order would be restored, but that the militants would have to have

HEILBRON: their day in court, and I don't mean judicial court, but their day in the sun rather than just in the administration building.

Problems and protests still continued. He was a target of protest, notwithstanding his liberal attitudes and perspectives. He felt that he could not continue and keep the university under control unless he was assured of the support, the clear support, of the trustees. The trustees were still divided on many protest issues. That is, there was the law-and-order group, who felt that you had to be firm, you had to call the police, you had to show who was in authority, and you could not appear to be weak under pressure. There was a minority--well, I don't know whether it even was a minority--there was the other side, who recognized that you could not dictate conduct from headquarters in Los Angeles, that each college was an institution on its own, that it had its particular problems, that all of them weren't the same, that some of them could be dealt with in one way and others in another way, that there were differences in demeanor--it was different when a senior protested and did more than protest, got into some kind of violent conduct, than when a freshman whose hero was a senior was also involved because of being brought into the fray. So there were questions of why the behavior was brought about, what motivated the person, and there were adjustments that had to be made in the structure of the colleges to accommodate, for example, the black studies program. So the difference was really one of giving the college presidents some flexibility in meeting their particular problems

or having automatic responses more or less dictated from the top.

Well, Smith resigned because he could not get the support that he felt that he deserved or had to have, and the new acting president was Sam [S. I.] Hayakawa. Now Hayakawa had been pretty much the representative of that part of the faculty that was conservative, more or less establishment, more or less of the older group on the campus that wanted a quiet campus where studies could be pursued, and he wanted to get rid of all of these protest problems. He had declared himself to be for law and order and had, I believe, written statements that had been circulated on the campus, stating that if there were going to be illegal acts, they had to be punished, and the proper people to come on the campus to do it were the police. But he said that he felt that he could speak to the students. He was, of course, a well-known semanticist, and he thought that if the proper words were used, the proper results would follow and he would try to go softly at first. Softly meant that he distributed flower petals all over the campus to show that there was a soft side to the campus and that people should more or less feel that there was going to be a spring renaissance, a resurgence of civility. That didn't last very long. All of the protests for the same reasons continued.

HICKE: Are we in the midst of 1968 now?

HEILBRON: We are in the midst of 1968 and the latter part of 1968. The demonstrations took a very. . . . Well, they went to a pattern. The campus was absolutely quiet until close to noon. The

television cameras would be set up around noon and the students appeared. [Laughter] And many of the faculty now appeared in support of the students and particularly in support of the black studies program.

Now the faculty here were quite divided. Some supported the idea that there had to be a pretty independent black studies school or department. Others said that the curriculum of such a program, its administration, would have to go through the same deliberation for quality as any other curriculum program. The trustees had agreed to this black studies program provided the procedure that I just outlined for quality control, let's call it, was followed. That didn't satisfy many of the others of the faculty, and as I indicated, there was this feeling that when the problems arose at San Francisco State, they would be going to headquarters 450 miles away for solution, that the system was wrong. Smith, actually, had risen to prominence administratively quite a long time before he became acting president, maybe a year or two before that, when he led a protest calling for decentralization of operations.

HICKE: In the system?

HEILBRON: Of the colleges in the system. Of course, there were answers to that from the system point of view, but I'll not go into those answers at this time. It was the whole idea of getting a system together and of being able to finance the system and being able to support the very colleges. They wanted all of the money but none of the controls, but that's a separate question. The system meant not only the system, but the college; it meant the

system in the country, it meant the social system, it meant the justice system, it meant the . . .

[End Tape 15, Side B]

[Begin Tape 16, Side A]

HICKE: You just said it meant the racial relationships?

HEILBRON: Yes, and the faculty were joining the students in their protests--the white students who had all of these social issues, the black students and minorities who wanted the minority programs and admissions almost uncontrolled. And we had, by the time of the so-called strike in San Francisco, close to 300 faculty supporting the students.

HICKE: It sounds like the original Pandora's Box.

HEILBRON: So in the meantime, the trustees in some effort at relating to the college but recognizing the fact that it was located many miles away from headquarters, appointed a regional committee of trustees from the bay area to relate and work with the college administration and faculty if necessary to bring about some kind of peace. It was recognized that if we could solve the faculty problem, the student problem would be solved with it.

HICKE: Did you head that committee?

HEILBRON: I headed the committee relating to the faculty. There was a community committee that was dealing with the students. The students, however, were getting tired of the struggle. Now I am referring to a period of time somewhat, I believe, around November of '68 through January of '69. Our committee met

with the leaders of organized labor in San Francisco whose children were attending San Francisco State, and with some of the administrative and faculty leadership, to determine what could be done. The faculty dissidents had employed a labor attorney by the name of [Victor] Van Borg to represent them, and we had to meet with him from time to time.

There was no authority in the statutes for negotiating with faculty. There was only a requirement that we meet and confer. Now if you meet and confer with a person and have a discussion with him, sooner or later you will find that you are in agreement with some of the things that he says or in disagreement with some of these things. The exchange of views in themselves may produce results, but these results would have to be unilateral and declared and could not be the results, so it appeared, from negotiation. So it was a narrow line that we had to walk. And a good deal of sympathy was developing, for various reasons, for the students.

As they protested and demonstrated, Hayakawa did call in the police, the tactical squad, and he regarded the way that they circled around the students and narrowed the grip on student protests and finally made their specific arrests as a beautiful ceremony! [Laughter] But it didn't help provide peace to the campus. We met mostly off-campus, although we had a couple of meetings on-campus with faculty and wound up with midnight meetings at my house with faculty.

HICKE: Were there some members of the faculty that you met with particularly, or how did that work?

HEILBRON: I know that there was a [] Pentony, and I know we met with the deputy of Hayakawa, and we met with representatives of the academic senate, I think a man by the name of [] Axon, and there were others. We met with a group selected by the faculty that we had nothing to do with choosing. But we met with other people as well, in an effort to work out a solution, because a good many people were being arrested.

Counsel for the system had obtained an injunction against the so-called strike and against threatening picketing, in other words not picketing for information and communication but what can be termed "violent picketing." No arrests were ever made under that injunction. I had grave concerns about it.

HICKE: From a legal . . .

HEILBRON: From a legal standpoint. The injunction was obtained on the theory that a strike against any part of the state was illegal. Now there was a [United States] Supreme Court case with a dictum to that effect--not a decision, but what's called a "dictum," or kind of an insert of an opinion--and there was a very much of a lower California court case which indicated that any such strike would be illegal. But to make arrests of faculty on a criminal contempt charge of the injunction, the publicity that would bring. . . . Without discussing it, I had my own estimation of what the liberal Supreme Court of that time would do if the case ever got up to it, and what the damages could be to the state in back pay and everything; there was also a question as to whether there was a strike. Many of the

picketers were teachers who would go to teach their class and then come back on the picket line! So was there a strike or wasn't there? There was a statute, however, that was a kind of absentee statute that conservative people, and I believe the governor, wanted to rely on. It stated that any employee of the state who left his position without consent and remained absent without any kind of reporting . . .

HICKE: No notification?

HEILBRON: . . . no notification, would automatically be deemed to have resigned in five days. So the question was, for many of these professors, some of whom really did not go to class, were they under that statute? Had they resigned? There was a provision in the statute that allowed them to apply for reinstatement for cause, and that turned out to be a very important escape hatch.

Meanwhile, Hayakawa had cancelled the college period before the end of the term, he abbreviated the term by one week, with the intention of putting that week later on on an extended term, in the hope that a longer vacation would quiet things down. But when the students came back and the faculty came back in January, it was to the same old places, although we had made considerable effort to try to bring about peace.

Through some kind of faculty organization and, I believe, the labor people in San Francisco, they brought out a man from Wayne State University by the name of Ronald Haughton, and he became a facilitator of discussion. The committee consisted of Albert Ruffo, James Thacher--Thacher was from San Francisco, Ruffo had been mayor of San Jose and had been

chairman of the board--George Hart, also from San Francisco, Karl Wentte, from Alameda County, and me.

HICKE: Wasn't he with the Bank of America?

HEILBRON: No, this is the younger Karl Wentte. Hart was an extremely conservative member of the board. He hardly participated in any discussion whatever, but he took copious notes on what we were doing and where these notes went, I don't know. I suspect. Wentte was an appointee of governor Reagan. He was a very honest, receptive person who wanted to be of help to the committee and to the board, but he finally was persuaded by the governor to resign the committee because he would be doing things contrary to the governor's wishes. So the active committee was down to three of the five.

HICKE: I take it not all of you were appointed by the governor?

HEILBRON: We were all appointed by the governor. I was appointed by Governor Brown.

HICKE: Oh, the previous. I guess I was thinking he was appointed to this committee, but you meant he was appointed as a trustee?

HEILBRON: He was appointed as trustee by [Reagan]. Yes.

HICKE: And then he had to resign as a trustee?

HEILBRON: No, no. Just from the committee, because I guess the assumption was he would be embarrassing the governor's position.

HICKE: Okay. Thank you. So you were down to three active . . .

HEILBRON: Did I mention that the Teamsters were really involved in this? Because the Teamsters were potentially much involved in the situation. If they stopped deliveries in support of the strike,

the party was over. We had to have the Teamsters remain neutral.

HICKE: And who was the head of the local Teamsters?

HEILBRON: I don't remember the head of the local Teamsters, but I do remember that the secretary of the San Francisco Labor Federation, [] Johns, was one of the people we dealt with, and he was able to convince the Teamsters to remain outside of the fray.

HICKE: And you were able to convince him?

HEILBRON: Well, we worked with him. Haughton was greatly responsible. Haughton became a member of the federal commission handling all labor problems within the civil service of the United States for President Johnson. So he was a first-class person.

With these almost-daily demonstrations and arrests, the community was getting pretty tired of San Francisco State, the students themselves were getting tired, and the faculty were shouting at each other. Classrooms were disrupted. John Bunzel, who became president of San Jose State, was then the chairman of the political science department, and when he appeared in his classes, students in the front row stamped their feet so that neither he could be heard nor the other students who wanted to listen. He dismissed the class. His tires were slashed; his automobile was damaged. So matters were physical and occasionally brutal.

Finally, I worked out what I thought would be a plan of action in the form of a letter. First, we'd give amnesty to the

faculty protesters. Second, we would recognize that a black studies program in line with faculty traditions was operative and was to be encouraged at San Francisco State. Third, that the faculty members who had been absent from their classes and had participated in the so-called strike would be expected to file with the state Personnel Board an application for reinstatement, and fourth that a new grievance procedure, which had been approved by the state senate and was up for consideration by the trustees, would be recommended by us as individuals. Indeed, this whole letter was by three of us as individuals, the three that were named.

HICKE: You and Mr. Thacher?

HEILBRON: And Ruffo. But this draft of communication was not to be the act of the committee, it was to be agreed to by the San Francisco State College. I got the deputy of Hayakawa, who was authorized by Hayakawa to sign for the college, and I got hold of Van Borg, who had just come back from vacation in Hawaii, I got hold of him, and he came to our house close to midnight, and he approved the letter, or was satisfied by the letter, let's put it that way. It wasn't a question of whether he would agree to the letter as a kind of a contract or not, this was what the college was willing to do. Would he advise his people to act accordingly? That was all that could be involved. The faculty accepted this idea.

Of course, in the meantime, the governor was against any kind of transaction involving the faculty. They should either come back or quit, and any kind of implied recognition

of their interests was not acceptable. You will recall that the same pattern was followed with the air traffic controllers when the governor [Reagan] became president. In that situation, however, there was unquestionably a statute which made action against the government of the United States--the strike--illegal. So he did have that legal position, but there was the same question as to whether that action was in the best interests of the United States. There are divided opinions on that. In any event, he had the same position regarding the teachers. He also felt, for some reason, that we had no authority to deal in the way we did with the faculty and the other people who were involved in the effort to settle the dispute.

HICKE: As trustees?

HEILBRON: As trustees, that we were a regional committee to be somewhat advisory to the trustees but had no real authority to discuss as we had, or confer as we had, and try to work out a solution as we had.

Ted Merriam was the board chairman at the time . . .

HICKE: Chairman?

HEILBRON: Chairman of the trustees. He was a Republican. He confirmed that we had the authority that we claimed we had.

Well, we came to a meeting in Los Angeles . . .

HICKE: Of the trustees?

HEILBRON: . . . of the trustees, and the question then was, would all of this effort at settlement be rejected? It was obvious that the trustees were not giving anything except for permitting the faculty to resume their positions and their livelihood on

application to a neutral agency, that what had been done had been done by trustee and college action with the exception of our individual recommendations for the grievance procedure. That was the story. This came as somewhat of a surprise to the governor. I believe he was advised by all of the people that he later brought to Washington, including [Edwin] Meese. But the question then was raised, since the deputy under Hayakawa had signed the letter . . .

[End Tape 16, Side A]

[Begin Tape 16, Side B]

HEILBRON: . . . and Hayakawa was in the room, he was asked, "What is your position, President Hayakawa?" I was very much interested in his answer. His answer was, "I think Mr. Heilbron is right, and I think that this matter should be resolved in the way that this letter states."

HICKE: Oh, terrific. What a relief.

HEILBRON: That was a relief, and then I got a standing ovation. Then the governor, of course, did not reappoint me. [Laughter]

Now, there is possibly a little postscript to this. J. Hart Clinton, the publisher of the San Mateo Times and an attorney in San Francisco and perhaps at that time the leading negotiator for management in labor relations in town, had written a letter advising the governor to reappoint me. He had also written Caspar Weinberger, who was then the governor's director of finance, to ask the governor to reappoint me. Both newspapers in San Francisco had asked the same. We know

how the governor finally acted, that he felt that I had participated in a situation where we didn't have authority. Mr. Clinton, after hearing from Mr. Weinberger's explanation of the governor's failure to reappoint, said that he still felt the governor made a mistake, and here is what he said: "In fact, although the governor's position on the handling of the college problem is undoubtedly popular and is gaining him many votes, I still feel that Louis Heilbron and I have as much dedication to law and order, and we dislike rioting and activism fully as much as the governor. However, the situation is not going to be settled by complete polarization of viewpoints, and if it were not for people like Heilbron, who stuck out his neck in order to bring the San Francisco State situation to an acceptable conclusion, the governor would not be in as comfortable position as he is today. He looks good because he gives everybody the impression that he took a tough position and won, but it was Louis Heilbron who did much to bring the matter to a successful conclusion, and yet he not only fails to get the credit, but ends up by losing a job. All of which means to me that the governor has profited greatly and good people like Heilbron have ended up as sacrificial goats in the process."

HICKE: Wow, that's pretty strong. That is truly significant. That accomplishment of yours is really a major one, and it's unfortunate that it was so unappreciated by Governor Reagan, though not by everybody else.

HEILBRON: Well, the letters I got were sure approving.

- HICKE: You have a file there that looks like it's an inch and a half thick.
- HEILBRON: And they were all letters. And they came from people like Kerr and Dumke, a beautiful letter from Dumke, and [Norman L.] Epstein, who was general counsel but who has become a justice in the [state] court of appeal. They were very good letters. I didn't know whether to bring this thing out or not, because it is self-serving.
- HICKE: But I'm glad you did, because it really indicates the support that you actually did have.
- HEILBRON: Oh, I had a great deal of support. Much of it is not evident here [indicates file]. There were communications sent that I never saw.
- HICKE: When you were actually negotiating, or not negotiating, conferring, what kind of support were you getting?
- HEILBRON: Well, the community was anxious that the affair be settled, and it's a good question. I don't know what the papers then actually said. I think that the papers were quite supportive. I'd have to check and look that up. I haven't got any of the papers at the time, but there was one interesting thing, and that is that Van Borg went down to Joseph [L.] Alioto, who was then mayor [of San Francisco] and told him that the whole thing was settled and that it was a great victory for labor.
- HICKE: Oh really?
- HEILBRON: I was invited to go down, and I didn't, because I regarded this as something San Francisco State was settling, and I was not going to be a principal in that affair. Alioto had wanted an

end to the turmoil, and he had sympathy for many of the professors, and of course he was a political opponent of Governor Reagan. That introduced a kind of an amusing note. However, it really was extraneous to the settlement.

HICKE: What was Hayakawa doing all of this time?

HEILBRON: Hayakawa had done one very important and symbolic thing in all of this situation of student protest and strike. The students, before the noon gatherings, had a truck, and on top of that truck a loudspeaker to call the faithful to action. At a somewhat early point in his career after the flower drum song didn't work, he went up to where this truck was, and he climbed up that truck, and he disconnected the wires himself. The mouthpiece was silenced. That twenty-five seconds earned him the senate position in the United States. There was practically no other thing that he had ever done that warranted his elevation. But it so captured the imagination of the people, it so did what the community-at-large wanted to do to the violence of students, that he sailed in with little of a campaign.

HICKE: And of course what he was doing was cutting communications.
[Laughter]

HEILBRON: That's right. He cut communications in order to have the greatest communication, I guess, in political senate history.

For much of the time that we were sweating out the situation with the deputy, he was examining the clippings about this very important act in disconnecting the student megaphone. He didn't participate in much of the discussion, either with faculty or with us. From time to time, I called him

and kept him aware of what we were doing, and I'm sure that the faculty and senate tried to do the same thing, but he had done his job and that was it.

HICKE: Resting on his laurels?

HEILBRON: He rested on his laurels. But there are two pieces of importance. One of them was what he did with that loudspeaker and the other was what he did at that meeting.

HICKE: Supporting it?

HEILBRON: That's right. And for my part, the rest of it can be forgotten. [Laughter] That was critical; he backed his deputy. That was it.

You might be interested in some of the things that then the committee talked about and what its viewpoints were during our discussions. We stressed that violence was an unacceptable route for a university with the traditions of American and English universities.

HICKE: Was that with the idea of not calling in the police any more than necessary?

HEILBRON: Well, the calling in of police was not our prerogative. It was definitely the prerogative of the president of the university. But we wanted to make clear that we were not supporting violence in any form by student or faculty or anybody else; that the university was a place for reason, and if the university couldn't solve its problems, the society-at-large was lost, too. We agreed on the basic right to protest, to dissent, but not to disrupt. We pointed out again and again that most of the concerns that the faculty had had already been answered; they

didn't realize that. We went over these items. We recognized legitimate complaints, such as the fact that the college should have more flexibility in financial and in other areas, but much of this program was controlled by statute. I told you before, I think, that we didn't have line item authority to transfer between items. You could protest about it, but the place of protest should be the legislature. I indicated that we recognized that the faculty needed a grievance procedure that they felt protected their proper interests, that there had to be due process but not endless process. It was important that the campus be kept open, that it should not be shut down. It was not right that an institution that should be open to discussion and reason and argument should be shut down.

And I will add that we paved the way for an administrative conference between the faculty and the representatives of the administration with Chancellor Dumke. They came within a very short distance of resolving the conflict after we had prepared the way, but at the last minute they simply could not bridge the gap.

HICKE: Well, I thank you for going through your files and your careful preparation. That really makes it a full account.

HEILBRON: Well, actually I have a number of files that I haven't consulted, but my main file in this area, as in others I think I told you, got lost when we moved to this apartment. I had written out the whole situation and would have saved you all of this valuable time, if I had taken it with me. Why I had only one copy, I don't know, but that's all I had.

HICKE: Now we have it.

Let's just switch gears here for a minute and back up to Clark Kerr's part in the original Master Plan planning.

HEILBRON: Well, President Kerr had a great deal to do with the formation and the implementation of the Master Plan. Of course, he represented the university along with two of the regents in most of the discussions with the other segments, but beyond the procedural, he drafted much of what was agreed to and when the issue arose as to whether the university would find the compromises acceptable, he called a large meeting and it was agreed to support the plan from the university's standpoint. This included the constitutional position of the new board of trustees for the state colleges. President Kerr was reluctant to permit it to decline into a statute, as we discussed before. And then he supported the idea of a board of trustees modeled after the regents; he wanted that board to have broad fiscal authority that was denied in the legislation finally passed. He was quite supportive during the operation of the plan to give the college administration as much leeway and authority as the university had, provided that it kept within the confines of the legislation and did not aspire to turn itself into a competitive research institution. Does that do it?

HICKE: Yes, thank you. But what about President Dumke?

[HEILBRON: Let me quote what I said at the dedication of the CSU Archives: I said, "I pay tribute to Chancellor Dumke, an extraordinary public servant by any standards, who has given direction to this system over almost its entire life and whose

imprint will last far beyond the two decades of history that we are celebrating this evening. His survival in his post is already a legend in the annals of American higher education--at times it reads like an account of the Perils of Pauline or even of the Raiders of the Lost Ark, but actually survival is not the mark of his administration.

"Rather his persistent efforts to achieve quality education throughout the CSUC, to provide new approaches in educational methods, and to maintain this segment's commitment under the Master Plan of which he was a principal architect--these are among the contributions that will mark his era."

I think that this was a fair assessment.]¹

[End Tape 16, Side B]

1. Mr. Heilbron added the preceding bracketed material during his review of the draft transcript.

[Session 9, July 15, 1992]

[Begin Tape 17, Side A]

HICKE: What I had in mind today was to start off with the coordinating council.

HEILBRON: You mean the Coordinating Council for Higher Education? Yes, that was part of the Donahoe Act, the provision for such a coordinating council. You may recall that there had been a liaison committee between the State Board of Education and the University of California at an earlier time, that is prior to the Donahoe Act, whose purpose was to adjust conflicts between the state colleges and the university, and yet that had not proven sufficiently satisfactory, so the coordinating council was made part of the program for monitoring the implementation of the Master Plan.

HICKE: So this came into being along with the Master Plan?

HEILBRON: At the same time. The coordinating council consisted of representatives from the various segments of the higher education system. That is, there were three representatives from the University of California, there were three from the California State Colleges, there were three representatives of

the junior colleges, who at that time had not been gathered in to any single organization where there was oversight--they were still individual.

HICKE: And they were locally funded?

HEILBRON: They were locally funded, but with substantial state subsidy. I think it was nearly fifty-fifty. So the representatives were chosen by some kind of association that they had together. The private colleges were also represented, and there were three public members. So that, I think, made fifteen members. I believe that originally, in the first council, Dr. Kerr, Ed Pauley, and Mr. Carter represented the university, and Dr. Gallegher, who was the chancellor of the CSC system, and I, and Alan Sutherland represented the California State Colleges. Father Connelly and Dr. Arthur Coombs, who was president of Occidental College, and Helen Milbank, a noted international reporter, represented the public. Robert Wert, who was vice-provost of Stanford [University], and Warren Christopher either represented the private colleges or was a public member. I may have the public members and the private institutional members mixed up a bit. But the theory of representation I have given you. I know that Roy Simpson and Joseph Cosand and perhaps Andrew Kay represented the junior colleges. . . . No, Eleanor Nettle was the third person in the junior colleges.

The idea of this council was that it would advise the segments regarding their functions and levels of expenditure under the Master Plan.

HICKE: You mean the university and the state colleges?

HEILBRON: And the junior colleges, too. That it would interpret the purposes of the Master Plan as it applied to these segments. And that it would advise the governor, the legislature, as well on the higher education problems of the state, in addition to specifically advising the segments.

The liaison committee had operated privately. This council was a public institution whose meetings were open to the public, and it was thought that by airing any difficulties the segments might have between themselves or among themselves, the public would benefit and higher education would benefit. By compelling the discussion to be public, we expected a principle established of cooperation and civility. I think both of those objectives were accomplished. It could not order the university or the state colleges--certainly not the junior colleges that were locally organized and authorized--it could not order these segments to do any particular thing. But it could recommend, and its recommendations would be public, and the governor would know about them and the legislature would know about them. As a matter of fact, in one area, the legislature flatly declared that it would not approve or authorize any new campus or facility unless the coordinating council approved and recommended it. So it did have a certain amount of let's call it clout, not only because of its public character, but because of the people who were on it. The top representatives of the segments (when I say "top" I mean in their official responsibilities within the segments) were present

on the council, so that they didn't have to go back to anybody for approval as to what their views would be.

HICKE: Was there the support of the governor?

HEILBRON: Yes, most of the members were well known to the governor and had his confidence. I know that Warren Christopher was chairman for some time, and he had been an advisor to the governor. Christopher has had an extraordinary career in California, at O'Melveny & Myers, as president of the Stanford Board of Trustees, in the southern California community, and as U.S. Secretary of State. Most of the segment representatives had worked with the governor. Robert Wert, president of Mills College, also served a term as chairman.

The subjects of consideration by the coordinating council were pretty much the following: they reviewed the general level of support sought by the segments. In other words, they reviewed the budgetary requests of the segments.

HICKE: Which had gone into the legislature?

HEILBRON: Were about to go into the legislature, and the legislature wanted to know what the viewpoint of the council was. Of course, if there was disagreement between the representatives of the segments, it would be shown in the discussion and in the minutes. That was one important function.

The council monitored the manner in which the differentiation of function was being handled by the segments. In one case, for example, the Presbyterian [Medical Center] in San Francisco asked the state colleges for approval of a hospital to be attached to San Francisco State College, and the trustees

HEILBRON: of the state colleges immediately forwarded the communication to the coordinating council. They recognized immediately that if they would have any participation in instruction, the proposal was violative of the Master Plan since medicine and the training for medicine was solely a university prerogative. But the trustees preferred not to turn the application down directly but that the council advise them that they had no authority with respect to the matter and that the situation could be politely resolved, not through a direct refusal, but through the reply from the most appropriate agency advising that they had no authority to consider or accept.

Of course, the monitoring was really usually directed to others than the university. The university was constitutionally organized and could practically do anything in higher education that it felt was appropriate. I think, however, that if the university had stated that it was going to concentrate on the training of teachers, that the council would have recommended to the legislature that in some way they use their financial leverage in budgeting to prevent that which had been for years the prerogative or the function of the state colleges. Actually, the state colleges grew out of the normal schools, as you know. So much for monitoring.

The council had this very important duty to review the requests from the segments for the establishment of new campuses, and adopted one very critical criterion involving the junior colleges, and that is that no new campus would be established for the university or the state colleges unless there

was adequate junior college opportunities covered in the primary area to be served by the new campus.

HICKE: In other words the junior colleges should come first?

HEILBRON: The junior colleges would have to be there to offer the opportunity for lower division instruction before an upper division or graduate program was established. This held up, for a little while, the Sonoma State College program. It had intended to include freshman when it was to open in 1962. At that time, Sonoma County had not been adequately covered by junior colleges, that is all of the cities and towns of Sonoma County and Marin, and that was remedied before the Sonoma State College opened.

HICKE: Who determined what was "adequate"? Maybe there were criteria already set up?

HEILBRON: Of course, the junior college district would have to raise the money to establish the college campus itself. The principle of the council was that the majority of students would have to live within twenty-five to thirty miles commuting distance from this new college to be established. I don't think that there was any rule inhibiting a district from establishing a campus which, after all, would have to be locally financed, and if there weren't enough students and enough demand, the locality would hardly be anxious to establish a junior college that wasn't needed. At the time of the establishment of the council, I suppose there were somewhere close to 100 junior colleges. That grew to around 107 rather speedily during the fifties. I don't know to what extent that has been increased since then, but it can't be

HEILBRON: a great deal, because we were pretty well covered in the state of California with junior colleges. What the council sought to do was to protect the junior colleges against unwarranted competition from new state institutions and to protect the principle that there had to be complete opportunity for young people to get through the higher education system from the first year on by being able to go to a junior college within their residential area.

Now this expansion worked pretty well. Those institutions that had been approved by the legislature before the Master Plan, before the Donahoe Act, were not limited, or were not to be reviewed. We had an institution (Turlock) down in the Valley, and Sonoma State had been approved under the old regime. But the new ones and the sites for the new ones were reviewed and approved. When I say sites, the council would approve the area where the new institutions would be established, but not the particular site. They would say you can go ahead and we will recommend to the legislature that a state college be established at Bakersfield. But the particular place in and around Bakersfield for that college would be a matter for the trustees of the state colleges and the same principle applied to the university.

The coordinating council staff was separately chosen by the director of the coordinating council. The first one was John Richards, formerly chairman of the Oregon State higher education system. In some cases, the experts were lent by the

segments to make as complete use of personnel as possible, at the least cost.

The council was charged with looking forward and planning. When the Master Plan began in 1961, growth was projected by the State Department of Finance and by people in higher education. So the council recommended expansion, looking forward to 1975--this was 1960-61--for all segments. They reviewed the needs for medical education for the next ten years. They had special studies concerning salaries and working conditions and fringe benefits for faculty and administrators in both the university and the state college systems. They reported on the progress of "articulation," the facility with which junior college graduates were accepted for transfer by the university and the state colleges. The state colleges were always pressing for more equality in compensation for teachers who were teaching the same subjects as those in the university, but whose teaching loads were greater. Of course, their research obligations were less, and those adjustments were not easy to make, particularly since the legislature was always holding back a bit on equalizing the compensation. I'm not talking now about expertise in mining or in physics.

[End Tape 17, Side A]

[Begin Tape 17, Side B]

HEILBRON: I'm talking about the professor who teaches American history in a state college and in one of the university campuses.

HICKE: Were the salaries equalized?

HEILBRON: They were brought up quite well, I think, during the sixties. As a matter of fact, in the earlier part of the sixties, when the state colleges were expanding at a rapid rate, in order to draw and recruit personnel, it was necessary, and the legislature recognized it, to raise salaries. I think that at least with respect to comparable institutions, the California salaries for the state colleges were higher than comparative institutions in the United States with whom we were competing. I think later on that has dropped.

HICKE: But compared with the university they have come up?

HEILBRON: The state colleges did come up, but not to the same level. Now, of course, it is the California State University. But that research requirement in the university is still the distinguishing one, although the state college (university) has always contended that the person with the greater teaching load is nevertheless performing an equal service.

The council, in order to make its projections, asked for uniform accounting and reporting procedures so that its data were comparable.

The Liaison Committee between the State Board of Education and the university had a great many agreements on specific matters. The question was raised whether they would survive the creation of the council.

HICKE: Were these formal agreements?

HEILBRON: These were formal agreements, and the decision was made to review every one of them. Those that were approved to be

HEILBRON: continued would be continued, and those not approved would be cancelled. That worked out to everybody's satisfaction.

One of the problems that came up early on in the council referred to the matter of tuition. There was always a materials fee charged by the university and the state colleges, and one of the sources of pride in California was that it had a relatively free higher education system. Even the increase in materials fees would be a matter for considerable discussion in the council as to how far increases should go when the whole purpose of the California system was to have a tuition-free program, and there was always a question as to how much the materials fee was really a kind of a substitute for partial tuition.

But tuition itself, as a means of supporting the university, became a question even in the early sixties. With the burgeoning student population, there were those who felt that tuition was inevitable, and some of us fought that idea to the last trench, although in our hearts we knew that the time had to come when the tremendous college/university population pressure on the universities, the tremendous costs for expansion, the costs of administration had to be paid for by something besides the general appropriation and general tax money. But I believe for most, if not all, of the time that I was on the council, the free tuition principle held.

Now, whether it was going to hold in the future. . . . As I indicated, it appeared to most council members that it was a question of time. But the idea of opposing tuition really

HEILBRON: translated ultimately into holding the amount of tuition down. If you start with the idea that there shouldn't be any tuition and then have to charge tuition, at least you want to make it a minimum tuition. For years, I think that the California institutions did remarkably well compared with the situation in other states and compared with the opportunities given to students throughout the state. So that the idea now, that you go up 40 percent in tuition in a single year, as I believe the California State University is going to do, would be impossible to think about in the days when we were serving. A few percent, yes, but the transfer of this amount of burden, no. But that is, of course, the difference between two eras of state financial resources.

Even Governor Brown, who was so supportive of public higher education, if he were the governor now, would not be able to carry out the ideas that he may have had then.

But I suppose it's worth mentioning the obvious, that in the sixties, even with all of the protests and the period of troubles with students, those in charge of higher education were very proud of the system that had been developed. We had this open door opportunity where we felt that everyone would have his chance to take advantage of higher education at truly minimum costs. I realize that these days it's more and more difficult, even with extended scholarships and government aid, for the institutions to hold onto that premise.

I think that during the period of the sixties, the junior colleges more and more became dependent on state subsidy,

and when it got beyond 50 percent, the state took more and more authority and created an organization to monitor the junior colleges, and they have felt the pinch perhaps more than any other part of the higher education system, because that is where the great influx of college population begins.

HICKE: I just heard this morning that they have turned down over 100,000 applications in the last school year, the junior colleges, which were supposed to be open to everyone.

HEILBRON: That is correct. Just as the university at Berkeley has cut down on admissions (I understand now unfortunately being unable to admit many people with 4.0 average from the high schools) and the California State University [system] is closing off on admissions and classes, not having sufficient faculty and classes to accommodate the students who want them. The junior colleges also are in the situation where they have had to turn back people. I will say that this is an unexpected and unfortunate problem for the Master Plan. The Master Plan contemplated full opportunity, and that isn't now available. The Master Plan in effect is being amended by financial circumstance. I assume that it will be some time before the state's fiscal situation can restore that opportunity, if ever.

HICKE: Let me ask you to comment on what part you think is played by the fact that people's expectations were raised of having a free or at least easily accessible higher education in California, so that perhaps parents didn't save for a college education like they did elsewhere, and now a big part of the problem is that their expectations are not reality.

HEILBRON: I'm inclined to think that their expectations were more or less based on the system as they understood it to be. I'm not sure that they would have saved too much. We are not, unfortunately, a saving population. I think that's one of the lessons that's being learned during this recession-depression, that the American people have to take a longer view of economic prospects and opportunities and plans. I know people do, now, save for the higher education of their children where they did not do that before. But somehow you've got to have the disaster first, before you learn the lesson.

Now as to the quality of education, I can't comment on the present, because I don't know enough about it. But I believe that the quality of education is being maintained by limiting the opportunity and holding onto faculty pretty well. But when I read that early retirement is being provided to induce faculty to leave, and this means senior faculty, I get deeply concerned about it.

But the higher education program has to be taken along with public education generally in California. That is suffering seriously from kindergarten through grade twelve. It is also rather interesting that even during our period of expansion during the sixties and early seventies, perhaps even later than that, there were many people who said that too many students were going to college who shouldn't really be going there, that they weren't really taking advantage of the opportunities that were given, that some of it was remedial, that the equivalent of the European high school was the fellow who had gone as far

as being a junior in college or at the university. Unfortunately, now very good students are not getting the opportunities that they deserve.

The private universities were not given too much consideration with respect to the Master Plan, although lip service was given to the fact that they often are the sources of innovation and are more flexible than state institutions. But it can be that the private universities now will take up some of the burden that the state institutions are unable to carry. They have become more important in the general scheme of things.

HICKE: And individual people, parents and students, will have to take more responsibility for the financing there.

HEILBRON: The difficulty always is, for the private institutions, that they usually cost far more than the public institutions, so when you say carry the burden, what you mean is that those financially able to go over to private institutions will probably take advantage of that opportunity, but others will not.

HICKE: There are a lot of scholarships available, I think, and maybe that's another way that society can . . .

HEILBRON: Yes, I think that the development of the federally and state-financed scholarship programs during the years has been notable. Far more scholarships, grants, and loans exist than were available during the early period of the Master Plan.

To get back a little bit on organization of the coordinating council, in due course there was a good deal of comment on the fact that the California State Colleges and the university got along quite well. Maybe it was because they

HEILBRON: supported each other's aspirations and were willing to support the financing of each other's programs in the legislature. There was a little log rolling between these two venerable institutions. That caused a change: first, either the coordinating council or its immediate successor added a number of public members so that the majority became public members.

[Later a more representative body was created consisting of seventeen members, nine from the general public, six from the segments, and two from students. The public members are selected by different high government officials--these each appointed for six-year terms by the governor, the senate rules committee, and the speaker of the assembly. The governor appoints the students. I suppose the idea is that the public majority may be educated by the segment representatives on segmental matters, but are conscious of the interests of the respective appointing powers and practical and political considerations as well as educational. The six from the segments are trustees, or regents. The agency is called the Post-Secondary Commission.

Theoretically, this widely representative organization should carry more influence than the original coordinating council had. It should, but I don't know the evidence to prove it. Certainly now (1993-1994) is the time to demonstrate effective leadership. Clark Kerr in the fall of 1993 addressed both the Regents of the University of California and the Trustees of the California State University and then the Post-Secondary Commission outlining the challenges to higher

education in the state in clear and stark terms. He said that what was needed was vision and planning in the management of resources on a scale equal to the academic master planning of the 1960s. Higher education must come up with its own solutions in order to raise legislative participation. The higher education community--all segments--must devise programs of tuition, teaching load, consolidations, terminations, contract arrangements, emphases and technological uses that will preserve California higher education as a model--and not permit it to sink into mediocrity. And in doing so they must look to provide for a future of student applicants equal to or exceeding the demands of the baby boomers of the sixties. Will they meet the challenge? Are the leaders there? Will the huge alumni of California higher education respond with coordinated and effective support? We are struggling in one of the historic periods of the state and for its own future well-being the state must face and solve its higher education crisis.

My estimate is that the real, creative solutions and adjustments will come up from the segments directly affected, including saving the vested research function of the University of California.]¹

HICKE: Why were public members increased to become a majority?

HEILBRON: That was done partly to provide an overall "independent" monitor, theoretically, with greater influence on the legislation with respect to advising on planning and appropriations.

1. Mr. Heilbron added the preceding bracketed material during his review of the draft transcript.

Of course the university's constitutional protection is inviolate, but the university is substantially dependent on appropriations from the state. Then again, I have talked about public and private institutions, but the private institutions have become more public and the public institutions have become more private in the sense of their funding. The University of California goes out for money that was impossible to think about in the time that we were there.

HICKE: Private funding you mean?

HEILBRON: Private funding. UC Berkeley raised \$400 million in the campaign for "Keeping the Promise" for example. When some years ago \$300 million was raised by Stanford in one year, that was considered a great achievement. Here the public university has raised \$400 million, and of course Stanford now raises much more. But at the same time, who makes possible all of the students [at Stanford]? The federal scholarships and loans and the state scholarships and aid make it possible. We've always thought of Oxford University as being a "gentlemen's university." I don't know about Cambridge, but Oxford is mostly, I believe, filled with students with scholarships from the government of Britain.

HICKE: And the British universities are. . . . I met a man who was coming here--met him on an airplane--coming over here to learn how universities raise funds, because where they had always had government funding before, they were now having to raise their own.

HEILBRON: That's right. Well, when Great Britain expanded their college system to be much more decentralized, as ours is--that is, when they created comprehensive universities that were not on the Oxford or Cambridge level, they succeeded to some of our problems.

[End Tape 17, Side B]

[Begin Tape 18, Side A]

HICKE: You had just said, which was lost on the other tape, that the people came over here from Great Britain to study both of the systems in California, including the coordinating council. . .

HEILBRON: Yes.

HICKE: . . .before they established this new system.

HEILBRON: Well, when you say before the establishment, I would say in connection with the expansion of their higher education program throughout England, and I assume Scotland.

HICKE: That's pretty interesting. Did you talk with them when they came over?

HEILBRON: Yes. I don't want to give the impression that they wouldn't take action until they really looked at us, but they were most interested in how we functioned.

HICKE: How long did you stay on the coordinating council?

HEILBRON: During the entire time that I was a trustee. After I ceased to be chairman of the board, I was always appointed and reappointed as one of the representatives of the state colleges.

HICKE: Okay. That was 1969?

HEILBRON: Well, 1961-69. I'll just conclude this part of our discussion by saying that I think the coordinating council's most important function was to oversee and substantially control the orderly growth of higher education in the state of California.

HICKE: And how do you assess its success?

HEILBRON: I think it was successful where the legislature followed its guidance, and when I say that, I'm referring to the fact that it approved areas for expansion that the legislature did not act upon. In some situations, it may have been in error, but I think generally speaking it was correct in foreseeing where the growth was going to be. For example, and I think I told you about this before, it approved the recommendation for a state college in Contra Costa County, and the state colleges did receive 200 acres at a bargain price from the Cowell Foundation for a fine college campus at Pleasant Hill. Ultimately, the state sold this property.

Incidentally, it also identified Ventura County as a place for another college, but merely to set it aside and not to authorize the campus. They also approved an area around Redwood City to relieve the pressure on San Francisco State. That property was owned by the City of San Francisco (even though it was in the County of San Mateo) and was going to be made available, but it was not implemented. And in Los Angeles you've got the San Fernando Northridge campus, the Dominguez Hills campus, the Long Beach campus, the Riverside (UC) and San Bernardino campuses, and San Diego State. It may be that a project in San Mateo was fully warranted.

There is no doubt in my mind that the original council did look far ahead and wanted to equip the state with higher education facilities effective to this day. Had they done so, I suppose that we'd be in further deficiency and we would not be able to maintain and keep up the expansion. I always cautioned both the state colleges and the coordinating council that one always should be very careful on expansion, because the more branches you get, the weaker the other branches may get to be. There develops more competition for funding, and you should be pretty certain that you can fund the old institutions, this new institution, and all of the other new institutions when you get to them. Expansion can be a weakening as well as a strengthening factor.

HICKE: The next thing I guess we are going to talk about is accreditation.

HEILBRON: Yes, accreditation of public and private universities has become a vital part of the education scene. I was appointed to become a public member on the Federation of Regional Accrediting Associations in 1970, and subsequently that developed into the Council on Post Secondary Accreditation, where I also served for six years--I think three years on the regional federation and six years on the council--and then I served for about six years on the recognition committee, which was a subordinate though probably the pivotal agency of the council. Perhaps I should outline a little bit of how this whole operation is organized.

Accreditation is a quasi-public function, but it is privately organized in the sense that it is a nongovernmental operation.

HICKE: It deals with both public and private schools?

HEILBRON: Yes, in this way: there are about six regional accrediting agencies, dividing the United States and Hawaii and Alaska into a Western Section and a Northwestern Section and a Middle States Section, an Atlantic Section, New England, and a Southern Section (I believe I have named the principal ones). These agencies accredit individual institutions on an institutional basis. Is their general operation a quality operation? What should be done to improve the operation to make it a quality institution? All of the institutions that are accredited in an area comprise that particular association. They will include the most prestigious institutions, such as Stanford University. These lead institutions may not need accreditation to survive; they have an important part in determining accreditation.

HICKE: Standards?

HEILBRON: In setting the standards for accreditation. But all of the other institutions of higher education are subject to the senior accreditation body. Then, on a national scale, there are about sixty five or more professional and program accrediting agencies. These may be huge operations like the American Bar Association accrediting law schools, the American Medical Association accrediting medical schools, the engineers have their association [the IEEE], the business schools have theirs, those in chemistry have theirs, and the nursing profession and the anesthesiologists have theirs respectively.

HICKE: These are professional?

HEILBRON: These are professional organizations, and there are vocational organizations, too. It gets down to that level. But, of course, they simply accredit agencies within their field. If it's a vocational school, they accredit simply a vocational school, which may be a two-year institution dealing solely with mechanical training, let's say.

Now, there has been a proliferation of these agencies. If you can't get accredited by your agency, form another accrediting agency yourself so you can get accredited. But that runs up against the problem of the Council on Post Secondary Accreditation, because that body accredits every one of these professional and vocational bodies in addition to the regional bodies, so that a university will receive accreditation maybe for a five- or ten-year period by the regional accreditation body, but they will have the chemistry organization come in to see how their chemistry program is going, the business people to accredit their business school, et cetera. They don't have to have that. If they don't want to be accredited, they don't have to apply for it. Regional accreditation is quite essential to the existence of an institution that is going to have much of a quality claim on the public, but accreditation by a professional body may or may not represent a similar necessity.

Now, you certainly are not going to be a nurse if you don't go to a school with an accredited nursing program.

HICKE: So state licensing agencies look at these accreditations?

HEILBRON: No, that's not true. No, I'll amend that. State licensing agencies in many states simply accept the accrediting body's

accreditation as sufficient to show good proof that they can be licensed.

HICKE: I guess my question was: do the state licensing agencies depend on the accreditation agencies?

HEILBRON: To some extent, but the state licensure is a very limited operation in most states. I think that if you had--I don't know what the situation is today, but--if you had five hundred dollars and you said you wanted to establish an educational institution, you got a license from the State of California. The licensing of institutions is simply to assure that some minimum amount of money is going into an institution, and the quality of the education is not part of the purview.

I'll come to that in a little bit, because many people wanted the accrediting agencies to do what licensing agencies should do, and that is to supervise and to prevent fraud. They [the licensing agency] should be the people who should say that these correspondence degree mills should be put out of existence. Licensing agencies really should be a system that protects the public against nonaccredited institutions, because if a fly-by-night organization knows that it never will be accredited and doesn't want to expose its operation to examination, they are never going to apply for accreditation. So licensing is something different, generally, than accreditation.

Now, what accreditation does is really to put its seal of housekeeping approval on an organization. But the Council on Post Secondary Accreditation on which I served recognized and

HEILBRON: approved and in effect accredited the accrediting agencies about whom I'm speaking. The work of accrediting single institutions or programs fell to the accrediting agencies that were recognized by the council.

The process of the accreditation is rather uniform. An institution may apply for accreditation or apply for the renewal of its accrediting status. It engages first in a self-study, where it analyzes every part of its operation, and that self-study is examined by a team of around ten people who usually are representative of the particular interests of the institution. If, for example, a regional accrediting procedure involves a four-year college, they will want people from the humanities, they will want some people from the sciences, they will want some people from administration and finance to make up this team of ten.

They come into an institution for a couple of days and talk with the administration and talk with the faculty and talk with the students, and sometimes with trustees. They've already had the benefit of looking at the self-study, so they are testing performances against the self-study; they are testing the program of the institution against the statement of its own mission and objectives. They come out with a recommendation to their regional commission. The regional commission then makes its determination.

If it is completely a new institution, it may be placed on probation for a while and then go to the second stage of approval. If it's an institution that has already been accredited,

HEILBRON: it may renew accreditation, and it is sent a letter that states you have generally been accredited for a period of years, but may add we want to call your attention to certain deficiencies that you will wish to consider and correct. Or it may find that it's difficult to justify an approval or re-approval, and thus places the applicant on probation or takes steps to revoke the accreditation.

Now, let's take an accredited institution. Not only do you file an application which sets forth what your institution does and how it does it and what the background is and shows the self-study, you also have an opportunity to appear before the commission itself and argue your case for renewal. Then after that hearing, you get a judgment. The judgment may be accreditation; it may be, as I indicated, accreditation with recommendations for you to improve in certain areas; it may be, if you are already accredited, probation or maybe a warning that you may be placed on probation if you don't improve certain areas of the program; it may be probation itself, which says you've got to do certain things within a certain length of time, maybe one or two years, or else we will question your accreditation and maybe even consider revoking it; and finally it may be revocation. This has to do also with the procedure of the professionals. It is possible, for example, to have your general institution approved and accredited, but lo and behold your business school is no longer accredited or your nursing school is no longer accredited.

HEILBRON:

The point of it is that while all of this is self-regulating and privately done, in the sense that it is not controlled by a ministry of education, it still can mean life or death to an institution because, as a practical matter, if an institution is not accredited and a student has any designs whatever to become trained and recognized in his work and profession, he's not going to go to that institution. So the accrediting bodies are rather hard on granting applications for first-time accreditations, because they are getting a new institution into the system and this institution will be seriously injured if it is not reaccredited. And on the other hand, an accredited institution must hold onto its accreditation if it is going to be a successful institution. So there is a lot of power here, and sometimes reluctance to use it because of the economic penalties. Sometimes too much eagerness is shown to use it as an expression of authority and power.

That brings me, perhaps, to some of the problems. One of the problems is from the national standpoint. I mentioned that if you don't feel you can get accredited, you like to form your own organization that will accredit you. Well, that organization must prove its credibility as an accreditor to the national body, and the national body has been very sensitive to the danger of proliferation. At the same time, if a body that is solid comes before it with pressures from the local population, the institution, the congressmen, and others interested, it's not always easy to prevent proliferation. And new bodies are often admitted and justified. Some of the religious organizations, for

example, have excellent secular programs and yet they have certain special characteristics of their institutions that they want to maintain, and they may get approved for limited programs--consistent with those provided by secular institutions.

Then also, some organizations want to expand. The physical therapists and the American Medical Association had quite a struggle . . .

[End Tape 18, Side A]

[Begin Tape 18, Side B]

HEILBRON: . . . with respect to the right to accredit physical therapist programs in various institutions. Of course, the American Medical Association said that to protect the consumer needs the attention of the medical profession, and the physical therapists said we do a better job than they do because we know our therapists and we know our program better. The council had to make a judgment. It finally determined that the physical therapists should also be accredited--that you can be accredited by either. Actually, most of the physical therapists wanted to be accredited by their own body, and it worked out all right. Finally the American Medical Association agreed that they [the physical therapists association] were doing quite a good job, but it was a long, drawn-out struggle.

Regional organizations see the university as one, big, complete institution. Its law school is part of that institution. The American Bar Association sees the law school as an independent group that is a professional group that could just

as well stand alone and therefore the university shouldn't be putting its fingers into the way that the law school is run; it has nothing to say or do about supervising quality; it wouldn't know the quality if it looked at it. [Laughter] However, when this issue becomes reduced to dollars and cents, when the law school makes a great profit and the university is in dire straits, the university feels that they are one body. When the law school loses money, it suddenly feels the need for parental guidance and support, and the university says, "Well, that's all right, but will you help us when we are in trouble?" and they say, "We would love to do it, but we don't know what we can do about the ABA, and we'll ask them to see if we can do it."

Well anyway, that has been a problem nationally and it has been a problem locally, but the bar association has pretty well won out; the bar association feels that the institution is fortunate to have the privilege of having a law school associated with it, medical schools feel the same way, and I can see some justification for that. I have had to be on both sides of this. When for the Golden Gate University, we bailed out the law school . . .

HICKE: When you say "we," whom do you mean?

HEILBRON: The university trustees bailed them out from general university funds for several years until they got on their feet; now they are making a great deal of money, and the university would like part of it. They have already been repaid; the bar association agreed that that was all right to repay the advances, but they still insist the university keep its hands off of the

HEILBRON: profits, because they say a rainy day will come again and the law school should have its own earnings to protect against that rainy day.

So there are two sides to this question. It is not anything that you can quickly answer, but that's one of the interesting problems that we had to deal with.

Then there is the question of what about nontraditional programs? Big adjunct faculties taking care of the university program. In other words, teachers who are practitioners, not academically involved. How far do you go in recognizing and persuading your regional agencies to be receptive to innovation? You can imagine a science program being developed by, let's say, a space agency, and not a single person teaching who is part of any university system, and the space agency asking for accreditation. Although why the space agency would want to do it, I don't know, because if it is just training its own people, it could care less about accreditation. But if its people want to feel that if they need another job doing that kind of work--I'm just using this as a made-up example of innovation--they may want the accreditation. Without any of the academic oversight customary of institutions, there is a problem.

Correspondence schools raised this question. Conceivably a program that teaches by television and only has the person take examinations at school, or perhaps a combination of a couple of days a week there and examinations, that would be an innovative program. To what extent does that agency have

a right to accreditation? They may want to be accredited because they want to say that the people who teach in our television program are really good; the next guy may be a talk show fellow and not be that competent.

HICKE: The University of Maryland has a lot of extension organizations oversees that are taught to servicemen by servicemen. Would that be an example?

HEILBRON: Well, yes. That is an example of an institution that I know about and an extensive program in our military camps. Military students were taking accounting, they were taking graduate degree work . . .

[Interruption]

HEILBRON: In military camps, when you don't have a full-time professor in residence but rely on adjunct people coming out from near the camp, no direct supervision and so on, it may be highly questionable whether your degree program would be accredited. And, if it is a part of regional accreditation, it is a big part of your institutional program, the question is presented whether your whole institution will be accredited. So all I want to indicate is that the accreditation of nontraditional programs is one of the issues that national accreditation has to consider. Although they do encourage the accreditation of nontraditional agencies, provided that they meet the standards of the regional accrediting agency, they also try to indicate to the regional accrediting agencies to adjust their standards if quality can be proved by the innovative procedures.

HICKE: That's good. So it is a little flexible.

HEILBRON: It's a little flexible in theory, but the application of it may not be as flexible as you might want. It's so much easier in accrediting to say that a library should have so many thousand books and an institution should have so many full-time professors; particularly if you are engaged in a professional operation. However, I think that the organized medical profession is pretty generous in permitting doctors to teach and also engage in their practice. I guess, in a certain sense, the AMA has encouraged the nontraditional approach more than other groups.

HICKE: That's unusual.

HEILBRON: Well, it is tradition with them to have their best doctors teaching, too. But generally, full-time teachers do not wish to have half-time teachers be their competition. It is all right in extension work, but not in the academy in general.

Also, one of the questions that private institutions sometimes raise in accreditation is that public institutions, particularly in the West, are far more numerous than private. They have usually had support from appropriations by legislatures. Until recently they haven't had to look too hard at their financial situation; they knew what it was. They asked for the money, they knew they got a budget, they knew that the money was there, and so they knew how to proceed. A private institution has to raise its money by solicitation unless it is entirely tuition driven. The viewpoint of some of the teams that have gone into private institutions has been: "Well, how are you people going to assure us that you are going to be

HEILBRON: able to operate in the next few years? Look, you just made your budget this year, you are going to have increased costs," and they kind of get shocked when reviewing institutions where tuition is the major part of their financing. I think that many of the professors and administrative leaders in public institutions are now recognizing that financial stringency can happen in their own institutions; that what they thought was certain assured financing is not there. This may result in a better understanding as public institutions are increasingly faced with less state funding and a more helpful attitude in the accrediting process as applied to private institutions.

The accreditation system seeks to deal with the quality of education, and that refers to the curriculum, the scope of the subject of curriculum, the kind of teachers you have, whether they have doctorates or not, the kind of library you have, now the number of computers you have got, and all of these quantitative things that also go into quality and qualitative things that really can't be measured: you have a Ph.D. but really it is where you got it from that may be more indicative of what it's worth as a matter of quality than anything else. A part-time adjunct faculty drawn from outside the academy may deliver quality courses.

But as a matter of policy accreditation does not wish to be charged with determining the adequacy of long-term financing or to monitor discrimination statutes. They just have not got the facilities to do it. The federal government, for financial aid purposes, uses accreditation as a basis for making

its monies available. If you are an accredited institution, they see fit to advance scholarship money to your institution. I think around 1976 a statute was pending which would have made probity of an institution a factor in its recognition, and the implication was that accreditation should look into the matter of probity. What was probity? Probity could mean anything from political purity to ethical purity to long-term financial stability.

HICKE: Environmental impact?

HEILBRON: That's right. The accrediting agencies and the Council on Post Secondary Accreditation opposed, very directly, any assumption that the accrediting function, which deals with the quality of education, should go into these statutory rights.

It's not too easy to draw the line. For example, certainly an institution would not be accredited that did not support academic freedom and where academic freedom was jeopardized. The idea is you can't have a liberal education and exchange of ideas if you don't have academic freedom. It's part of the first amendment, but it's almost beyond the first amendment. I think, to this day, the accreditation system does not monitor the antidiscrimination statutes, though it evaluates diversity in the student body and in faculty composition.

The public has a consumer's interest in the kind of school that students are attracted to. If the school is selling practically nothing for money, it is a profit-making scam, of course it should be stopped. But California has been very loathe to get into that program of a licensure broad enough to

HEILBRON: stop these institutions. As I say, that's not an accreditation problem because accreditation is not applied for. Nevertheless, there is a consumer aspect of accreditation because students do want to go to schools that are accredited and to programs that are accredited.

When a team comes to review an institution or a program and it asks a lot of questions of students and it says, "Now you just say candidly, does your professor know his stuff or is he just taking up your time and are you ahead of him?" The student will then candidly give his answer. The professor is asked, "How is the operation running?" He may answer, "The dean is terrible, I can't say enough." All of these things come out about an institution, and they are repeated or summarized by the team to the commission together with the facts as presented by the institution by way of self-study or factual correction of a team's report by institutional comment. The general requirement is that a team report can be released by the school, but if it is released, then it has to be released in its entirety, although many of the regional accrediting agencies say that it can be released only with the consent of the commission.

At times there will be a negative decision in some way with respect to accreditation: either you show cause why accreditation should not be revoked or something of that kind. Of course, great reliance would be placed on the team report. Well, to what extent is the public entitled to know what's in that report? To what extent should it be confidential? There

is quite a legal issue here. It's generally agreed that the decisions on accreditation, even though negative, after the appeal procedure has been completed, should be public. In other words, it should be published somewhere that such-and-such a school is no longer accredited or is on probation, even though it has a serious effect on the school. But there are some things that are said that really should not, in the interests of protecting either a personnel file or a candid statement file, that should not be covered and should not be public. The lines are not easy to draw. I once wrote a monograph on "Confidentiality and Accreditation," and it is . . .

HICKE: What's the date on that?

HEILBRON: The date on that is July, 1976. It was published by the Council on Post Secondary Accreditation, and I don't know how much of it still holds, but it takes about twenty-nine pages to deal with this rather complex question. I began with quoting the then Attorney General of the United States, Edward H. Levi, who pointed out that confidentiality is something different from secrecy. That, "One reason for confidentiality, for example, is that some information secured by government, if widely disseminated, would violate the rights of individuals to privacy. Other reasons for confidentiality in government go to the effectiveness and sometimes the very existence of important governmental activities." In other words, if your operation can't function without some degree of confidentiality, then you lose the effectiveness of your function. At the same time, the public has a lot of interest in knowing that you have a process

based on published standards; that everybody knows these standards; that if you change your standards you have got to give notice to everybody interested before you approve them and publish them; that you have a hearing; that there's due process in that hearing; that the institution has a chance to see what facts the team finds and to correct the facts if they are in error; that if the institution feels that it has not been fairly treated that it has the right of appeal; that a different group will hear the appeal than the commission that heard the application or reapplication; that after the appeal is over and the decision is made, that decision will be made public; that on the commissions that deal with accreditation, there will always be public members to represent the public interest; that these public members have the same right of voting as the institutional members, the faculty, and the administrative people and that they be carefully selected and be representative of the public. I think that at least the minor contribution that I did make to the Council on Post Secondary Accreditation was to develop a policy and resolution on accreditation and the public interest that has become part of the standards of the national organization.

[End Tape 18, Side B]