

# NOMINATION OF FORREST DAVID MATHEWS

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## HEARING BEFORE THE COMMITTEE ON FINANCE UNITED STATES SENATE NINETY-FOURTH CONGRESS

FIRST SESSION

ON

NOMINATION OF FORREST DAVID MATHEWS, NOMINEE  
TO BE SECRETARY OF HEALTH, EDUCATION,  
AND WELFARE

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JULY 15, 1975



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# NOMINATION OF FORREST DAVID MATHEWS

TUESDAY, JULY 15, 1975

U.S. SENATE,  
COMMITTEE ON FINANCE,  
*Washington, D.C.*

The committee met, pursuant to notice, at 8:30 a.m. in room 2221, Dirksen Senate Office Building, Senator Russell B. Long (chairman of the committee) presiding.

Present: Senators Long, Talmadge, Ribicoff, Byrd, Jr., of Virginia, Nelson, Fannin, Hansen, Dole, Packwood, Roth, Jr., and Brock.

The CHAIRMAN. I will call this meeting to order.

We are pleased to have with us this morning the Honorable Forrest David Mathews, former president of the University of Alabama, nominated for the post of Secretary of Health, Education, and Welfare. I will ask that a résumé of Dr. Mathews' credentials appear in the record at this point, as well as a press release from the White House, in which the President announced the nomination.

[The material referred to follows:]

FOR IMMEDIATE RELEASE, JUNE 26, 1975

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

The President today announced his intention to nominate Forrest David Mathews, of University, Alabama, to be Secretary of the Department of Health, Education, and Welfare. He will succeed Casper A. Weinberger who has held this position since February 8, 1973.

Since 1969, Dr. Mathews has been President of the University of Alabama. He went to the University of Alabama in 1960 as Assistant Dean of Men. He served successively as Interim Dean of Men (1965-66); Executive Assistant in the Office of the President (1966-68) and Executive Vice President (1968-69). He has been a Lecturer in the Department of History since 1965.

Dr. Mathews was born on December 6, 1935 in Grove Hill, Alabama. He received his A.M. degree in 1958 from the University of Alabama where he was elected to Phi Beta Kappa. He was awarded an M.A. degree from the University of Alabama in 1959 and a Ph.D. from Columbia University in 1965. He served as an Officer in the United States Army from 1959 to 1960.

In 1960 Dr. Mathews was named one of the Ten Most Outstanding Young Men in the Nation by the United States Jaycees. He is the author of several works on Southern history and American higher education.

Dr. Mathews is married to the former Mary Chapman of Grove Hill, Alabama and they have two children.

## BIOGRAPHICAL DATA: FORREST DAVID MATHEWS (DAVID MATHEWS)

Born: December 6, 1935, Grove Hill, Ala.

Family: Mary (Chapman) Mathews, from Grove Hill, Ala. Lee Ann, born October 12, 1961; Lucy McLeod, born November 19, 1964.

Education: A.B., History and Classical Greek, The University of Alabama, 1958. M.A., Education, The University of Alabama, 1959. Ph. D., History of American Education, Columbia University, 1965.

Experience: Infantry Officer, 2nd Infantry Division, Ft. Benning, Georgia, 1959-60. Dean of Men's Office, The University of Alabama, 1960-62. Interim Dean of Men, The University of Alabama, 1965-66. Lecturer, Department of History, The University of Alabama, 1965. Executive Assistant, Office of the President, The University of Alabama, 1966-68. Executive Vice President, The University of Alabama, 1968-69. President, The University of Alabama, 1969.

Memberships: Phi Beta Kappa, Phi Alpha Theta (History), Omicron Delta Kappa, Newcomen Society of North America.

Professional Activities: Member, Board of Trustees, Judson College, 1968-. Member, Board of Directors, Birmingham Festival of Arts Association, Inc., 1969-. Member, Board of Trustees, American Universities Field Staff, 1969-. State Chairman, March of Dimes Campaign, 1974-. Member, Board of Directors, Birmingham Branch, Federal Reserve Bank of Atlanta, 1970-72; Chairman, 1973-. Member, National Programming Council for Public Television, 1970-73.

Member, Executive Committee, Southern Regional Education Board, 1970. Chairman, Committee on Educational Opportunities for Minority Groups, National Association of State Universities and Land-Grant Colleges, 1971-72. Member, Board of Advisors, Outstanding Young Men of America, 1971-. President, Alabama Consortium for the Development of Higher Education, 1971-73; Member of the Board, 1971-. Member, Board of Trustees, Charles F. Kettering Foundation, 1972-. Member, Board of Directors, Alabama-Guatemala Partners of the Americas Organization, 1973-. Member, Alabama Council on the Humanities, 1973-. Member, Commission on the Future of the South of the Southern Growth Policies Board, 1974. Member, Southern Growth Policies Board, 1974-. Member, Army Advisory Panel on ROTC Affairs, 1974-. Member, Alabama American Revolution Bicentennial Commission, 1974-. Member, Advisory Council, American Revolution Bicentennial Administration, 1975-. Member, State Oil and Gas Board, 1975-. Member of Board, Academy for Educational Development.

Awards: Recipient of one of awards given to four "Outstanding Young Men" in Alabama by the Junior Chamber of Commerce, 1968. Named one of "Ten Most Outstanding Young Men in the Nation" by United States Jaycees, 1969. Elected to membership in Alabama Academy of Honor, 1973. Court of Honor Award, Exchange Clubs of Alabama, 1975.

Other Sources of Biographical Data:

*Southern Living*, January 1970, "Youth is Not Wasted On the Young Dr. Mathews," by Myra Crawford Johnson.

NEA article, 1970, "Bama's Quiet Young Man on a Bridge," by Tom Tiede.

*Saturday Review*, March 1971, "New Beat in the Heart of Dixie," by Peter Schrag.

*Southern Living*, May 1973, "Caravan to Faulkner Country . . . And Beyond," by Harold Martin.

*Alumni News*, September-October 1973, "A Student's Eye View of President David Mathews."

*The Graduate*, 1972, "Super Rap: 11 Personalities Discuss Life and Their Graduation Times."

Recent Publications:

"Change and the Adversary Culture," *Educational Record*, Spring, 1973, p. 136-140.

"The American City," *Thoughts of Man*, Cotton Fiber Paper Council Collection, 1973.

"The Role of Colleges and Universities in the Redevelopment of the Rural South," *Lamar Society Journal*, April 21, 1972 (with Dr. Robert McKenzie).

"Vision: Not Optics," *Experimental Mechanics*, 12, 3:3 N. March, 1972.

"A Pattern for a New South," *West Georgia College Studies in the Social Sciences*, 10:35-59, June, 1971.

"The Old South and Young Southerners," *Lamar Society Journal*, 1971.

"Education and the Mind of the South," *Alabama Historical Review*, 1968-69.

"Higher Education in Traction," *Saturday Review/World*, February 9, 1974.

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#### DR. DAVID MATHEWS, PRESIDENT, THE UNIVERSITY OF ALABAMA

When David Mathews assumed the presidency of The University of Alabama in the fall of 1969, he was the youngest man ever to hold that position. However,

he has been deeply involved with the University for over 20 years— as a student, dean of men, history teacher, vice president and president. He has probably seen the University from as many perspectives as anyone in its history.

A native Alabamian (from Grove Hill), he returned to his alma mater first after military service and again after taking his doctorate in the history of American education at Columbia. As he has advanced through the ranks, he has continued to teach American history and to write in the fields of his special interest, Southern history and American higher education. He has written for or has been written about in publications ranging from the *Educational Record* and the *Alabama Historical Records to Southern Living* and *Saturday Review*.

His leadership at the University has sought to translate the personal concern for students, for which he is recognized for openness and fairness, into programs. A prime example is the student internship project which has involved hundreds of students in working for the University and learning from direct contact with its operations. During Dr. Mathews' tenure the University has established such other new divisions as the New College, the Computer Honors Program, and the Intern Session, all of which are designed to help improve the learning opportunities for students.

Dr. Mathews has had a special interest in the problems of the state and region and the responsibility of the University for aiding in sound public policy development. He has used his service on the Southern Regional Education Board, the Southern Growth Policies Board, the State Oil and Gas Board, the Birmingham Federal Reserve Board, and the Alabama Council on the Humanities to work with the University faculty to help bring their knowledge to bear on the critical issues facing the public. The University has also tried to be responsive through the creation of such agencies as the College of Community Health Sciences (for improving rural health care delivery), the Law Center (for legal research into public policy matters), and the Field Service Office (for community level contact with University research and service bureaus).

Dr. Mathews has been asked to serve as a member of the board of the Charles F. Kettering Foundation, as an advisor to the Secretary of the Army on ROTC Affairs, as a member of the board of directors to the Academy for Educational Development, as a trustee of Judson College, and, since 1969, as state chairman of the March of Dimes. He has been particularly active in the formation of the Alabama Consortium for the Development of Higher Education, which is a voluntary association for joint efforts by a group of the state's public and private institutions. And in 1975, Dr. Mathews was appointed by President Ford to the Advisory Council for the American Revolution Bicentennial Administration.

At the University, the student faculty awards committee presented him with the Algernon Sidney Sullivan Award, the only President to ever have received that honor. Other honors include memberships in Phi Beta Kappa and the Alabama Academy of Honor, selection for the state's citizen of the year award for 1975 by Alabama's Exchange Clubs, and selection as one of the nation's ten Outstanding Young Men in 1969.

The CHAIRMAN. First I will call on Senator James B. Allen of Alabama.

#### STATEMENT OF HON. JAMES B. ALLEN, A U.S. SENATOR FROM THE STATE OF ALABAMA

Senator ALLEN. Thank you, Mr. Chairman, members of the committee.

It is my privilege to appear before you today to assist in presenting Dr. Forrest David Mathews, of Alabama. I might say, presently the president of the University of Alabama. Mr. Chairman, and to endorse his nomination to be Secretary of the Department of Health, Education, and Welfare.

I must, in truth, say that I have mixed feelings about this nomination. I very much regret to see Dr. Mathews leave Alabama because it needs him and his vast abilities in Alabama as president of the University of Alabama and as one of our leading citizens. Neverthe-

less, I am pleased that President Ford has chosen, and chosen wisely, to nominate Dr. Mathews for this most important position. I am confident that the people of our Nation will be just as proud of Dr. Mathews as we already are in Alabama.

You have before you the very exemplary record of this remarkable and gifted young man. You know that he is engaged in a myriad of professional activities, which are as diverse as they are impressive. He is Chairman of the Committee on Educational Opportunities for Minority Groups of the National Association of State Universities and Land-Grant Colleges. Dr. Mathews serves on the Executive Committee of the Southern Regional Educational Board; and the Board of Trustees of the Charles F. Kettering Foundation. He is also a member of the National Programing Council for Public Television and the Alabama Council on the Humanities.

In the nonacademic area, Dr. Mathews is a member of the Alabama State Oil and Gas Board and currently is Chairman of the Board of Directors of the Birmingham Branch of the Federal Reserve Bank of Atlanta.

The record before you reveals that Dr. Mathews received his undergraduate degree, along with a Phi Beta Kappa key, in history and classical Greek from the University of Alabama in 1958 and his masters degree the following year. After serving as an Infantry officer in the U.S. Army for 2 years, Dr. Mathews returned to his alma mater for 2 years before going to Columbia University where he received a doctorate in the history of American education. In 1965, Dr. Mathews returned to the University of Alabama to lecture in history, but devoted most of his time to administration and in 1969, at age 33, Dr. Mathews was chosen president of that great institution, the youngest man ever to hold the position. That year, Dr. Mathews was named as one of the 10 most outstanding young men in the Nation by the United States Jaycees.

Dr. Mathews' commitment to public service is no accident. He comes from a distinguished family in Alabama where service to one's fellow man has been a way of life. His father served as superintendent of schools of Clarke County, Ala., and as a young man, I was honored to serve in the Alabama State Legislature with his grandfather, D. C. Mathews, who also served as superintendent of the Clarke County school system at one time. I may say that I was 25 years of age at the time, and Mr. Mathews was somewhat older than that.

Those who know and have worked with Dr. Mathews recognize in him a creative imagination combined with intelligence and common sense. They know of his outstanding leadership qualities and of his devoted commitment to the cause of better opportunities for all our citizens.

Although Dr. Mathews' first love is obviously education, he knows and cares about the wide range of difficult problems in the field of human resources where the Department of Health, Education, and Welfare is concerned and involved. He cares about the problems of illiteracy and disease and about making our Nation, especially for the deprived and the handicapped and the disadvantaged, a happier and more rewarding place in which to work and live.

There is no doubt in my mind that Dr. Mathews possesses the experience and intellect needed to make the balanced judgments that

the Department of Health, Education, and Welfare both needs and deserves in its Secretary. I am confident that Dr. Mathews can go down in history as one of the greatest HEW Secretaries our country has ever had. His is indeed a rare talent.

His mild outward manner, and his kindness and respect for others, his southern courtesy, I might say, should not be taken to mean that Dr. Mathews is by any means a softy or a pushover. He is a clear thinking man and a man who can make tough decisions.

Mr. Chairman, it is with singular pride that we commend and present to you one of Alabama's most distinguished and able sons, Dr. David Mathews.

The CHAIRMAN. Senator Sparkman.

### STATEMENT OF HON. JOHN J. SPARKMAN, A U.S. SENATOR FROM THE STATE OF ALABAMA

Senator SPARKMAN. Thank you, Mr. Chairman.

I certainly join in the expression that my colleague has made regarding Dr. Mathews. I will be frank with you. I have told him that he is assuming an impossible task running this great agency, but, you know, that did not deter him one bit. He welcomes the challenge, and I am certain that he will give us a performance of which we will be very proud.

I have placed in the Congressional Record a few days ago -- I do not have the Record with me, but I would like to give you the page number. It is S. 12916, a profile on Dr. Mathews that appeared in my hometown paper, the Huntsville Times, written by a young man who had been closely associated with Dr. Mathews, and likewise was an alumnus of the University of Alabama.

I have known Dr. Mathews ever since he came to the University of Alabama, first, as executive assistant, and then, when Dr. Rose, former president, left the university, Dr. Mathews was placed in the position of president of the university, and he has done a tremendous job there, in all fields, including, I might say, very strong support of a very fine football team, of which we are very proud.

I would like to have the committee take the statement that I placed in the Congressional Record, the page number which I have already given you, and make that a part of the hearings, if I may.

The CHAIRMAN. Without objection it is so ordered.

[The material referred to follows:]

[From the Congressional Record, July 8, 1975]

#### MATHEWS TO HEW

Mr. SPARKMAN. Mr. President, President Ford has selected Dr. David Mathews, president of the University of Alabama, to join his Cabinet as Secretary of the Department of Health, Education, and Welfare. I am pleased with this selection by the President although it is with regret that I see Dr. Mathews leaving the presidency of the University of Alabama, a position that he has held since 1969.

Dr. Mathews is a historian. He once stated:

I'm a teacher. A historian. That is my life's work.

He is a man of great ability and one who can be counted upon to handle well the many complex activities that are a part of the makeup of HEW.

In the Huntsville Times of Sunday, June 22, 1975, there was a very fine article about him entitled, "Mathews: A Profile," with one of his quotations as a sub-head: "Government's first responsibility is to make the people self-reliant."



With unanimous consent, Mr. President, that this entire article may be printed in the Record together with an editorial from the Birmingham News of June 29, 1975.

There being no objection, the material was ordered to be printed in the Record, as follows:

(From the Huntsville Times, June 22, 1975)

### MATHEWS: A PROFILE

(By Peter Coburn)

TUSCALOOSA—As he mounts the steps of the stockade-like administration building of the University of Alabama here, David Mathews says hello to two students in the close, morning heat of the Tuscaloosa summer.

The unsuspecting students jerk around, surprised at the pleasant acknowledgment from the university president in the faceless anonymity of the institution.

In the muted splendor of Mathews' second-floor office, he squints from the glare as he peers absently at the tree-shaded quadrangle which serves as the nucleus of the expanding university campus.

David Mathews has a great deal on his mind. In the next several days, President Ford will send to the Senate the nomination of Ernest David Mathews as secretary of the U.S. Department of Health, Education and Welfare.

Since news leaked of Mathews' pending nomination to the Ford Cabinet, the university president has refused to discuss HEW. "Just pretend HEW doesn't even exist," he says, smiling in a boyish grin which gives no hint of his 39 years.

But Mathews' thoughts provide a striking insight into the ideas he may have in administering the unwieldy bureaucracy with an annual budget of \$118.4 billion.

"The political genius of the early American republic was the ability of Americans to do for themselves so many things that governments elsewhere sought to provide.

"The American people were thereby able to be free of the ultimate tyranny: that of bureaucracy. The basic principle for all public policy should be that the first responsibility of government is to make people self-reliant. That should be the meaning of government 'service.'"

If this statement is Mathews' precept of running the HEW, it is a precept which has been nurtured and influenced by his childhood and adolescent days in Grove Hill, the small (population 1,825) county seat of Clarke in southern Alabama.

David Mathews was taught the principle of self-reliance until his graduation from Clarke County High School. But he was also taught the appreciation of the subtleties of human nature.

"Growing up in a small town can make you more sensitive to the subtleties of life," he says, visually enjoying the opportunity to look back on the foundations of his childhood.

"Things just don't whiz by you in taxi cabs or subways. Small towns are a particularly good tool in the subtleties of human relations. Maybe that's true because people aren't always changing. You have just a small number of people to deal with day in and day out.

"But most importantly," he says, "in a small town you get an incredible amount of support and reinforcement. You really don't have to be all that good to get your name in the county newspaper.

"In a small town, people are willing to believe you're better than you really are. It is often nothing more than just that support and reinforcement -- which makes people better than they really are -- or otherwise would be."

Mathews will take his home-spun philosophy with him by summer's end to Washington, D.C., where he will attempt to take control of the largest chunk of the national budget.

Will he forget that philosophy?

"You will always move away," he says, "but you will never forget those principles you first learned."

In the Cabinet post, Mathews will be responsible for the nation's social, medical and educational programs--programs designed for the betterment of this country's peoples.

"Our greatest resource," he feels, "is in our people, in their capacity for pride and hard work, and in the sense of community that they have preserved—and that preserves them.

"Our plans for progress must not destroy the ancient ties that bind our people into a human community."

Mathews' conversation is spiked with phrases such as "human community," "heritage," "tradition," "hard work" providing a key to his ideology, yet still preventing pegging his politics.

Categorizing Mathews politically is difficult. He describes himself only as an independent, and has avoided embraces by both Republicans and Democrats. His distaste for the blunt, and unsophisticated politics of George Wallace is not a well-kept secret.

Just as Mathews has avoided political categorization, he has avoided discussion of his possible political future.

Speculation has often flowed and ebbed about when Mathews would shed the academic security of the presidency of the University of Alabama for the more tumultuous world of politics.

"I'm not interested in any sort of political office," he said with apparent conviction during a conversation four years ago.

Speculation of Mathews' imminent departure was at new heights that year, following the publication of a six-page cover story in the Saturday Review on Mathews and the university.

Yet David Mathews remained, plotting innovative courses for the university and shrugging at suggestions of a political career.

"I have no political base in Alabama," he said of the magazine profile.

"Any way, I'm a teacher. A historian. That is my life's work. I may not always be at the University of Alabama. I just don't know. But I will always be a teacher."

Even in his six years as president of the university, Mathews has made time for teaching. His appointments calendar is left blank for his large sophomore history class, which he masses very infrequently.

"I do it because I enjoy it," he says, and he is one of the few college presidents in the country who insists on finding time to go back to the classroom.

Mathews received his undergraduate degree from the University of Alabama in 1958, majoring in history with a minor in classical Greek—a language study not even in the curriculum. By special arrangement with a professor, Mathews studied privately and intently, the university accepting his study as a minor.

A year later he was awarded a master's degree. After a brief hitch at Fort Benning, Ga., as an infantry officer, Mathews served as Alabama's assistant dean of men between 1960 and 1962. In 1965, he received a doctorate in the history of American education from Columbia University. Within a year he was named executive assistant to the president and in 1968 executive vice president of the university.

With the resignation of Frank Rose as president in 1969, Mathews was named his successor.

He chose the university presidency over several lucrative private offerings, including the chairmanships of the Encyclopaedia Britannica and the Saturday Review magazine empire.

Although Mathews isn't saying, it is doubtful that his HEW reign will extend past Ford's present term. Even if Ford is elected for his first full-term, most university officials expect Mathews back at the academic helm before January 1977.

The material trappings of high office—the social fuss, the protocol, the limousines—don't appeal to the graduate of Clarke County High School.

When Frank Rose moved from the imposing white-columned president's Mansion in 1969, he left in the driveway for David Mathews a new Buick with a university chauffeur waiting in the wings.

Mathews immediately disposed of the chauffeur, re-assigning him to more instrumental doings at the university, and relegated the auto to mere highway travel. Although Rose was often chauffeured between campus buildings, Mathews discarded the pretentious trappings of his presidency to walk with some of the university's 15,000 students between classes. He explained it as part of his efforts "to stay in touch."

It is that sense of "staying in touch" which has guided Mathews throughout his presidency of the university.

This idea of citizen roundtables—initiated after the years of campus turmoil in the late 1960s in an effort to bring together students, faculty, administrators, prominent representatives of education, business and government in an intellectual give-and-take—won praise from participants and resulted in the establishment of annual roundtable discussions.

These days he talks of his efforts "to enable the university to speak to a larger audience."

Mathews established the university's New College in 1970, a school unlike other "experimental colleges" in the nation. New College does not serve restricted clientele, but enrolls a student body from all walks of life. The college's students have included the past state president of the NAACP, the new black sheriff of Greene County, the white mayor of a small, south Alabama town.

Mathews has been instrumental in changes in procedures making the university more accessible to part-time students.

As a teacher, he has witnessed the dull, tedious teachings of his peers. As president, he has initiated programs to inspire creativity in the faculty. The Ford Foundation provided a \$250,000 grant to Mathews' Venture Fund—a fund used to award, on a competitive basis, money to professors who propose new and better teaching techniques.

Mathews speaks insistently about the problems facing education at the University of Alabama. His thoughts provide a clue to the concepts he will apply to education nationally when he takes over the helm at HEW.

"Education needs to be more responsive to a wider audience," he says. "As in our Venture Fund program, education needs to award creativity among the faculty."

"And education needs to be responsive to the public needs without being overwhelmed by funds. We need to give the general public in education without being a mere grant public relations effort."

David Mathews was shaped significantly, he says, by the teachings of his grandfather, now 90 years old and a former superintendent of Clarke County Schools.

"When I think of my grandfather," says Mathews, "I think of an old Greek saying: 'Behold the man.' Roughly translated, it brings to mind the people whose vitality, whose intellectual vigor and whose personal integrity makes them monuments of the human landscape."

"My grandfather is one of these persons."

In nominating Mathews as secretary of HEW, Gerald Ford is looking at the University of Alabama president to bring his vitality, intellectual vigor and personal integrity to the federal bureaucracy.

#### MATHEWS TO HEW

When Dr. David Mathews was named to follow in the footsteps of the dynamic Dr. Frank Rose as president of the University of Alabama, a number of skeptics shook their heads suggesting that young David would never conquer the sprawling Goshath at Tuscaloosa.

But the 33-year-old David had a few wrinkles in his sling which since 1969 have made the job appear simple.

Not only has Dr. Mathews and the university survived, both have prospered and both have grown in stature.

Taking over at a time when student unrest was peaking, Mathews quietly mobilized the student, faculty and administration leadership and together drew up guidelines for what turned out to be peace and progress on the campus.

Among his talents which emerged as president were the ability to hear with his ears, see with his eyes and talk in terms which others could understand.

Now young David, as the youngest of President Ford's cabinet nominees, will have the chance to use these talents in a vastly larger arena as secretary of the Department of Health, Education, and Welfare, Managing that billion-dollar agency which touches the lives of every community in the nation and millions of personal lives, Mathews will have perhaps the toughest job in government next to the presidency.

The staff of this newspaper, which has had occasion to work closely with Mathews and his staff, has come to admire and trust him. Given even nominal support, he will do a grand job at HEW. President Ford could not have made a more propitious nomination.

While we wish him every success in Washington, we look forward to the time when he will have finished his task there and returns to Alabama.

God bless David, and keep your sling dry.

SENATOR SPARKMAN. Dr. Mathews is quoted as having said at one time, I am an historian and a teacher, and that is a very fine description of the work to which he has dedicated himself through the years, as did his father before him, and other members of his family, who have been distinguished in the field of education and public affairs in the State of Alabama. And if I may have that transcript placed in the record of these hearings, I shall appreciate it very much. And I strongly recommend Dr. Mathews.

THE CHAIRMAN. Thank you very much, Senator Sparkman.

Dr. Mathews, you come with very fine credentials and high recommendation. For Senator Sparkman's benefit, I might point out that we have been operating by what we call the Early Bird Rule here for some time. It solves all of the seniority problems. The first man in the room is entitled to ask the first question, and since that was me, I think I would like to address myself to the nominee for a moment.

Doctor, I think that you will live up to Senator Allen's statement of being the greatest Secretary of HEW in the history of the country if you will try to fulfill a role of being a link, in terms of changes in the law, between the President, who is part of the lawmaking process, and the Congress.

It has been my experience during about the past 12 years, that altogether too often the man who goes over to that Department even though he goes with the best intentions, in short order becomes a representative of a fourth, or fifth, or sixth branch of this Government. When someone from the Hill talks to the President about something, for example, they might come to complete agreement that it would be far better to take the employable people who are on welfare and put them to work doing something constructive. You have no difficulty coming to terms with the President on something like that. But the minute the Secretary of HEW gets in on the act, he has to talk to those people down there in that Department, and from that time on, nothing can be achieved.

And if the Secretary tries to implement a program, you may find that there are editorials being planted out of his Department in the Washington Post and other papers, and oftentimes being put into print by former employees of that department who work in those great establishments, criticizing him and his boss and the Congress because they are doing what the American people want done, such as by trying to put somebody to doing something useful; to use my phrase, trying to prevail upon some of these people to do the first decent act of their entire lifetimes. And it is not that I do not feel sympathy for people who find themselves in poverty. It is just that I think it is a far greater service to poor people to lead them or inspire them toward doing something for their own advantage, than it is to just pay money out, where, in the last analysis, you are subsidizing a life of indolence, or a life of crime, rather than paying them to do something worthwhile, or something useful.

This committee has made a lot of good suggestions along that line, and we have had great difficulty in putting those into effect. Not that the President did not agree with what we were trying to do, and not that the man that was sent over to the Department did not agree in the beginning. But invariably the fellow tended to become the captive of the people over there.

It always reminds me of the story Bob Kerr used to tell on the Senate floor about Gulliver waking up in the land of the Lilliputians. He found that he had been tied down by these small people, and they would not let him up until he promised to do their bidding. Now, I hope that you have the independence right now to recommend what you think is logically the answer to some of these problems, rather than having to go over to that Department and be told what the answer to it is. I hope you have had your own intellectual independence, up till now. Have you?

**STATEMENT OF DR. FORREST DAVID MATHEWS, PRESIDENT, THE UNIVERSITY OF ALABAMA, AND NOMINEE TO BE SECRETARY OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE OF THE UNITED STATES OF AMERICA**

DR. MATHEWS. Yes, sir. I do, sir, and I will take very seriously the counsel you have given to me. And I will say to you here in this assembly, as I have said, I think, to each of you, as I have had a chance to meet with you, that I also take very seriously the responsibility of the Secretary to work with the Congress in the development of laws and further, in the assessment of the efficacy and effectiveness of those laws. And I would again pledge to you that, rather than just being acquainted in the formalities of courtesy visits before the hearings and during the hearings, I would like very much to continue that association and make it a working partnership, as best as I can.

THE CHAIRMAN. Dr. Mathews, this committee has spent 5 years struggling with the difficult problem of child support, and after 5 years of struggling with that problem, we finally reached a unanimous recommendation that involved a certain amount of compromise. The President of the United States told me that was his idea before it was mine. He said he had a bill in there for the runaway pappy long before I did, and he was for that kind of thing. Now, when he signed the bill, there was some language in his signing statement which does not sound like Gerald Ford at all to me, and I do not think it was composed by Mr. Weinberger. I think that it was somebody down at the Department that ran something through that was supposed to be a commitment. I do not think the President necessarily means some of those things. I think he just signed it because he was too busy to write the message for himself. But basically, the law he signed is a good law.

It may need, I am sure, some amendments, to make sure that it works the way we want it to work. And I hope very much that when you look into it, you will study it and will communicate with us, and you will help us make these fathers, some of whom are making \$10,000 and \$20,000 a year, contribute something to the support of their children.

Now, we have the wherewithal to do it. It is just a matter of getting that job done. For one thing, we know if we cannot get any money any

other way, we can regard that as an obligation to the States, just like one who owes taxes to the State. We pay the mother, and we pay it because papa has not paid what he owes; he owes it to us. The Internal Revenue people do not want to go out and collect it. But they are the best bad debt collectors on earth. And even though they do not want the business, we want to make them take that job. And if you will work with us, I think we can find a way to make these fathers, who find it altogether too easy to walk off and have their children, contribute something to support their own children.

Now, that is a program scheduled to go into effect on August 1. We postponed the July date for 1 month, to give them a little more time to implement it. But I hope very much you will work with us to make that program of child support work.

Dr. MATHEWS, Senator. I would say to you very definitely, you have my support and cooperation.

The CHAIRMAN. Now, in addition to that, I hope that you will look into the possibility that we can make order out of chaos in the welfare program, by offering people a job, rather than just letting them live on the dole forever. You say to them, here is something that we can put you to work doing. In many instances, I think you can put a lot of the mothers to work in child care centers, for example, let them take their children to the child care centers with them, and let them earn their way, just in helping to look after little children.

People tell me that a person does not have to be a college-educated person to work in a child care center. In fact, I think that is half the difficulty, that when we try to do something for child care, we have got all of these unemployed high school teachers that want to force us to hire them, rather than hire someone who is better qualified than they are to work in child care centers. The people involved in day care tell me that the kind of people you need to look after little children are really people who love children. That is the No. 1 ingredient. If you have got that, you do not have to have a Ph. D. in child psychology. What is your thought about that subject?

Dr. MATHEWS. Well, Senator, I happen to have some direct experience with these types of programs, because we have developed model programs at the university, precisely along the lines that you just described. So I can say to you from my experience, that this is indeed possible, and I have seen the kind of program that you described, utilizing the mothers at work. And it has been effective. It takes a great number of people, of course, with a wide range of skills. But not only can that be done, but it has been done. And I am familiar with this program.

The CHAIRMAN. Thank you very much, Mr. Mathews. I have used up my time.

I will ask everyone to confine themselves to 7 minutes, if you can. We will provide more time, if need be.

Senator ALLEN. Mr. Chairman, excuse me for interrupting. I have an assignment over on the floor. We meet at 9, and I am going to ask to excuse myself for just a moment, if I may, please.

The CHAIRMAN. Senator, I think the nominee is handling himself very well, indeed. I think he can defend himself.

Dr. MATHEWS. Before Senator Allen leaves, if I might, Mr. Chairman, I would like to thank him and Senator Sparkman for their kind-

ness in coming here and their kind remarks. I am very honored to have these two distinguished Members of the U.S. Senate come and take upon themselves the obligation to introduce me.

The CHAIRMAN. Senator, you are excused, and if you have other things to do, Senator Sparkman, I will protect your nominee, if need be. But if you want to stay here and be sure that nothing goes wrong, you are invited to stay.

Senator SPARKMAN. I am staying, ~~Mr. Chairman~~. I told my colleague I would release him, and ~~I would stay~~.

The CHAIRMAN. Senator Packwood.

Senator PACKWOOD. Mr. Chairman, I first met Dave Mathews in 1969, when I spoke at the University of Alabama. He and his wife very graciously entertained me at a marvelous house which was provided by the university for him. And I told him if he was trading that to come here, he may get a chauffeur, but I am not sure that the trade is worthwhile, in terms of quality or money.

Since that time, I have heard more about his career, and I have seen him a time or two. I have seen references to him as the flower of Southern education; all the way from that to that he is a Fascist pig, during the height of the riots on the campuses and I figure anybody who can suffer through that for 6 years at the university can suffer through HEW as Secretary. I wish you good luck. I think the nicest thing we could do for you, Dave, would be to turn you down. [General laughter.]

I have no other questions.

Dr. MATHEWS. I want to thank the Senator for that. He and I are old friends, and I did walk in and say, "Bob, I would like you to vote against me."

Senator ALLEN. Mr. Chairman, I might state that the beautiful colonial mansion that Dr. Mathews resides in on the university campus is one of only two buildings left standing on the campus following a visit by Federal soldiers to the campus, in 1865.

[General laughter.]

The CHAIRMAN. Senator Talmadge.

Senator TALMADGE. Dr. Mathews, in addition to being highly endorsed by both the distinguished Senators from Alabama, you have an outstanding name. Were you named for Nathan Bedford Forrest?

Dr. MATHEWS. I suspect that that name did have some impact on my family.

Senator TALMADGE. That will not hurt you in this committee.

Dr. MATHEWS. Certainly not with the Senator from Georgia.

Senator TALMADGE. Now, you have been reading and hearing much about school busing to achieve racial balance. In recent weeks, Dr. Coleman, as you know, who is the author of that program, has now denounced it and said it is counterproductive. Also, Mr. William Raspberry, a distinguished national syndicated black editorial writer, has reached the same conclusion. I have found that, wherever it is undertaken, it has created ill will between the races. It is expensive, it hurts education, and in addition to that, it uses up vast quantities of energy. You have seen about the riots in Boston, Mass., which is supposed to be the center of liberalism in America. What are your views on busing to achieve racial balance?

Dr. MATHEWS. Senator, I, of course, as I am sure every member of this committee, believe very strongly that the children of this country

should have equal opportunity to a good education. But I have noted, as you have, those studies that indicate some of the means that have been used in the past may, in fact, be counterproductive to those good ends.

I would very seriously consider that data that you have just cited and I would think that any method has to be judged, in the final analysis, in terms of its effect. And if the method is not effective, then surely, we are ingenious enough in this country to find ways of achieving a fine end without having to use such methods that do not produce the desired results.

Senator TAMMAGE. In recent times, HEW has been criticized very severely, by some, for the way it has exercised its regulatory authority. This is the case with regard to social service regulations. There has also been a controversy, as you know, over various regulations dealing with educational programs. You have no doubt had experience with the regulations in your own university. What has been your reaction to the general nature of regulations which HEW has been issuing, and of the manner in which they have been issued?

Also, I would like to refer to some recent regulations that our staff has been working with the Department on, with reference to hospitals. They seem to design all of the regulations for metropolitan hospitals without realizing that we have hospitals also, in small towns and villages of 2,500 or less, that find it absolutely impossible to comply with the regulations. Give me your views on that.

Dr. MATHEWS. First of all I would like to point out, as I hope you would understand, that I have been a consumer with regard to HEW as opposed to a participant. For that reason, I have had some reason to be quite familiar with the impact of those rules and regulations on the operation of an institution.

As you would understand, there is a great difference between the making of a law, the making of regulations and the application thereof. Very often, in the third instance, the intent of the law, indeed, even the intent of the regulations can, as applied in a particular situation be contrary to the intent of both the first two instances.

I would say, too, Senator, that I am quite sensitive to the fact that the Congress of the United States makes the laws of the land and that any regulations promulgated pursuant to those laws have to be consistent with the end.

I do not see HEW or any department as having the power to make law or to make law in some de facto way with its regulations.

I am also particularly sensitive to the latter matter that you mentioned. I have been much involved in recent years with the development of programs for improving rural health care delivery in our State, in our region, and in fact, in the country. And I am very much aware of the fact that most of the medicine that is going to be practiced in rural areas in this country is going to have to be practiced not in the hospitals, but, rather, in clinics, or at least at best in hospitals under 50 beds.

We have made some considerable study into the operation of those kinds of institutions. And it has been my experience that they are very different than large hospitals. Clinics are very different from hospitals themselves. And I think it would be a disservice to the development of better means of health care delivery not to have some



understanding of those differences. And, in fact, not to have the kind of latitude that would allow the clinics and the small hospitals that are essential to rural health care delivery to prosper.

Senator TALMADGE. Medicaid is a Federal and State program designed to provide health benefits to the indigent and medically indigent. Medicaid has had more than its share of problems. Do you have any ideas in the way of reforming and improving the operation of the Medicaid program?

Dr. MATHEWS. Senator, I understand that Medicaid, of course, involves the States. The administration is at the State level. And, as I have said to you, in regard to work with Congress, I would hope very much we could improve our relationships with States, the State commissions that deal with the welfare question. And as you know in some cases those agencies handle the Medicaid program. And in other cases they are handled by the public health division of the State. Whatever the division may be, I would certainly want to do what I could to improve the partnership with the States so that we could have more effective administration.

We have had some serious problems with Medicaid in our own State, and they are of great concern to the State administration. I am familiar with the concern.

Senator TALMADGE. If I may proceed for 20 seconds, Mr. Chairman, our staff is in the process now of trying to devise legislation based on investigation of some of the corruption, abuses, and extravagance in that program.

I hope that you will put your staff to work on it and send up any recommendations they may have to correct the abuses and deficiencies in this program. We are hopeful that we can introduce the legislation within the next several weeks. It will probably be far from perfect. But at least it will give us a starting point on which we can hold hearings and try to correct the abuses in the program.

We are spending \$30 billion a year now on health care programs. And that is increasing at the rate of about \$3 billion a year. The General Accounting Office, which has been working with us in the investigation of this matter, thinks there is at least \$3 billion of waste that could be corrected in the program.

Thank you very much.

Dr. MATHEWS. Thank you, Senator.

I would say to you, sir, that I would consider it a responsibility of HEW to make a constant evaluation of the effect of this and other laws that it is to administer.

I would hope that the Department would join with you cooperatively in the venture that you described.

Senator TALMADGE. Thank you, sir.

The CHAIRMAN. Senator Byrd.

Senator BYRD. Thank you, Mr. Chairman. I have read the excellent profile which Senator Sparkman inserted in the Congressional Record of July 8.

And, Dr. Mathews, I find this quote from Forest David Mathews. I will read two paragraphs.

The political genius of the early American republic was the ability of Americans to do for themselves so many things that governments elsewhere sought to provide.

The American people were thereby able to be free of ultimate tyranny: that of bureaucracy. The basic principles for all public policy should be that the first responsibility of government is to make people self-reliant. That should be the meaning of government service.

End of quote of Forest David Mathews.

I want to say, Dr. Mathews, I feel that that philosophy is a philosophy that Government needs today and which is all too lacking in Government. I am so pleased to know that that is your philosophy. It is sound doctrine, as we would say in Virginia.

Dr. MATHEWS. Thank you, sir.

Senator BYRD. I have just one question. It is a followup to Senator Talmadge.

In commenting on forced busing to achieve racial balance you say that the method must be judged by its effectiveness. I suppose you agree also that it should be judged by whether it is right or whether it is wrong; whether it is just or whether it is unjust.

Dr. MATHEWS. That is true, sir, yes.

Senator BYRD. And in my view, compulsory busing is wrong. It is unjust. It is not in the public interest.

What would be your view in that regard?

Dr. MATHEWS. My view is, Senator, I have seen and experienced it. As I said earlier, it has not produced good results. And it has made a great many people feel that their rights have been violated in the process. And, for that very practical reason—I am a very practical person, Senator, and I find grounds as a practical person to question that practice.

Senator BYRD. Thank you, Doctor. And the best of luck.

Dr. MATHEWS. Thank you.

Senator BYRD. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Hansen.

Senator HANSEN. Thank you, Mr. Chairman.

It has been my pleasure to get to visit very briefly with Dr. Mathews. I must say, as a former long-time trustee with the University of Wyoming, the only 4-year institution of higher education in the State profited greatly under the administration of George Duke Humphrey, who came from the State of Mississippi. If, as I suspect, Dr. Mathews displays some of the talent and some of the understanding that we found exemplified in Dr. Humphrey, I am certain that he is going to do very well, despite the monumental task that he faces.

I am very much concerned with some of the questions that were asked by Senator Talmadge. I want to give recognition to the similarity of problems we have encountered in Wyoming on health care.

I could not agree more with the thrust of his statement. I am co-sponsor of a bill to make some changes in the food stamp program, that program as you know is presently under the administration of the Department of Agriculture. While I think the Agriculture Department has tried to do a very good job, it seems to me that the objectives that have been written into the law by the Congress do great violence to many fundamental concepts.

I cannot justify for one moment the fact, as I am told, that one out

of every four Americans, for at least 1 month this year will be eligible for food stamps.

I am told that there are now between 19 million and 21 million Americans taking advantage of this food stamp program. And add to that the very real desire on the part of various units of Government to make people aware of the fact that they could be eligible.

It seems to me we are going in the wrong direction. If people are hungry, if people really need help, I think most Americans want to help them. But I cannot think that the typical American believes that people who do not need help, who ought to be able to take care of themselves, should be participating in the public largesse as they are in this food stamp program.

I happen to be one who does not believe strikers ought to be able to get food stamps. I think when a person has a job and voluntarily stops working at that job he should not be able to qualify for public assistance. I cannot see why the American taxpayer including a lot of people who continue to work, many at lower salaries than those out on strike ought to have to pay to provide food stamps for strikers.

The whole area of transfer payments has gotten completely out of control.

I remember saying this because I am aware that your Department this year according to the projected outlays by the budget, will be spending more than a third of the total budget, about \$109 billion out of \$313 billion for 1976.

Now transfer payments this year will approach or equal \$170 billion of the budget. These are budget payments that go from the Federal Government, to some other government, either State or local or county government. And for the most part, they are not payments made in exchange for goods or services. They actually amount to taxes collected from some people to give to someone else.

If present trends continue, the President estimates that by the year 2000, we will have one out of every two people living on what somebody else produces in the United States.

Obviously there has to be a change before then. It is my understanding as observed by Alexis de Tocqueville there has long been a strong permeation of the equality throughout America when he was here over 140 years ago.

Today the term equality instead of meaning equal opportunity, is being twisted to mean equality of end result. In other words, if somebody does not have the wherewithal, brainpower, ability or motivation to achieve what someone else achieves, the government, through transfer payments simply takes from he who has done well and gives to him who has not done so well. I am greatly disturbed about this because it seems to me we are destroying the qualities that have been very vital to the success of this great Nation.

I do not think I have any questions. I did want to touch upon these points, because to me they seem to be most important. I have great confidence in you. The job requires a young man. It is a tough job. I think the toughest of any I know. And I want to wish you well, Doctor.

Dr. MATHEWS. Thank you very much, Senator. And I certainly will take your views into consideration.

The CHAIRMAN. Senator Dole.

Senator DOLE. I am particularly interested in one of the questions raised by Senator Talmadge. And that is with reference to jurisdiction of HEW over all of the different health care programs in rural areas.

Sometimes it appears that, as Senator Talmadge indicated, we are under the same rules, regulations, and guidelines as large metropolitan areas. We do not have an oversupply of doctors or an oversupply of registered nurses. In fact, we have a great shortage, as you have in certain parts of rural Alabama. It has led to the forced closing of some of the nursing homes and other facilities that we believe are most important in our part of the country.

Now I am not suggesting that all of the problem is caused by HEW regulations, but it is an area that I believe needs some attention. I can understand the equities on either side. You cannot have senior citizens—or anyone for that matter—being cared for by someone who has no background or experience.

On the other hand, many of us are hopeful that we could make some changes or some exceptions so that adequate care can be provided even though we may not have on the premises an M.D. or a registered nurse at all times.

Dr. MATHEWS. That is correct, Senator. And as I pointed out earlier, I spent a fair amount of time with the rural health care problem in our State, in our region. In fact, my experience has been that it is a much more common national problem.

I have just been working with some people in northern Connecticut, for example, who have identically the same problems of health care delivery. And I would further add that, rather than these being in conflict with our urban problem, our ability to solve our urban problem is to a large measure dependent on our ability to provide the kind of services in rural areas that give our citizens the option of living there.

If not, then people are forced into cities, which compounds the urban problem to the point that it might be insoluble.

Senator DOLE. I think in that same connection, in fact, you suggested that you have been active in efforts to bring physicians to rural areas. And that is very important in every part of the country, and not just my State of Kansas.

The ratio of doctors to patients, of course, is much higher than it is in the metropolitan areas, because some physicians want to specialize. Others do not want to live in Russell, Kans.

I did the best I could last year. I defeated a doctor and he is now back practicing. [General laughter.]

Senator DOLE. So if you could help out a little bit too, it would be appreciated.

Dr. MATHEWS. That matter will certainly have my keen attention, Senator Dole.

Senator DOLE. I share the view of Senator Packwood. I really wish you well. I hope that when you are confirmed and sworn in and into that building, that you come out.

Dr. MATHEWS. Senator, I take those words of yours and others of support very seriously. And in all candor, the difficulties of that assignment really cannot be overstated. And I cannot conceive of anybody being the least effective without an opportunity to develop some effective partnership with other people who are equally involved and interested in this field.

Senator DOLE. And we do not suggest that it is criticism of those that are in HEW. I think for the most part they are hard-working men and women. But it is a very large organization and the responsibilities are huge. And it is a very difficult task that everyone has in HEW. You get into some very touchy questions.

A couple have been raised here this morning that I will not raise again. So, it is a very difficult job, and we wish you well.

Dr. MATHEWS. I am particularly pleased to hear you point out and confirm what I have heard, that whatever the problems are, we must keep in mind they are dedicated, serious, hard-working people who have given, really, their professional lives with a minimum of compensation to work on the jobs of HEW. I think it would be unfair not to recognize that.

Senator DOLE. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Fannin.

Senator FANNIN. Thank you, Mr. Chairman.

Dr. Mathews, I commend you for the courage you have in accepting this assignment. It is a great challenge. You have been very successful in carrying through on challenges before. You have a splendid record. I just wish you well. You have fine supporters here this morning, two of our finest members being here with you this morning certainly gets you off to a good start. I appreciated the chance to visit with you yesterday.

I just have a few questions.

Dr. Mathews. I am sure you are aware of the current financial problems facing the social security program. What is your view with respect to utilizing general revenues to meet the cost of social security?

Dr. MATHEWS. Well, Senator, that of course would change the entire character of the social security program as it is usually envisioned. I would think some real caution ought to be exercised before going in the direction you described.

Senator FANNIN. You would oppose that move to the best of your ability?

Dr. MATHEWS. Yes, sir, I believe so.

Senator FANNIN. Dr. Mathews, the current financial policies of the social security program have led to some suggestions that the taxable wage base be raised upward from the current \$14,100 to approximately \$25,000 to yield greater income to meet the cost of the program.

Do you support such an increase or do you favor another approach to curing the financial problems of this program?

Dr. MATHEWS. Senator, I am aware, as I guess everybody is, that there are several alternatives there, and I would certainly study those and want to work with the committees that would have jurisdiction in those matters, but I have no particular proposal to make to you at this time, nor do I feel that I am in a position to advocate any one of those

several courses. I would want to work with you on that to see if some remedy cannot be found.

I am aware of the difficulty of that particular trust fund, and I think it would be irresponsible not to be candid about that. On the other hand, I think we should not alarm the American people and lead them to believe that tomorrow or the next day there will be some imminent collapse of the social security system. Nothing that I read, as a reasonably well—I hope reasonably well—informed citizen would lead me to believe that some panic is in order. But I am as concerned as you are about the long-range trends.

And I would say to you that I would certainly give a great deal of attention to that matter.

Senator FANNIN. Well, as has been expressed here this morning, Dr. Mathews, most of the members are alarmed at the increased costs, the projections for the future, and what is presently happening. A great many Americans believe our current welfare programs have failed. They believe that they reward those who do not want to work and support those who need welfare the least.

Secretary Weinberger has made a valiant effort to emphasize programs which benefit the poor and truly needy while eliminating fraud and abuse.

What are your general thoughts regarding welfare, and what policies do you intend to pursue in reforming the welfare situation.

That is a general question; you have answered parts of that question this morning, but do you have anything you want to add?

Dr. MATHEWS. Yes; I would like to say I can find no fault with the ambition to make sure that the dollars that are available for welfare are applied at those points where they are most needed. There are citizens in this country that are truly vulnerable, and it speaks well of the Government to be sensitive to their needs. It also speaks well of the Government to be financially prudent and to make sure that people who are the most needy are also the people who are the most likely to get such benefits as the Government has available.

Senator FANNIN. Thank you.

Dr. Mathews, as Secretary of HEW, you will confront the problem of how to control the rising of costs of health care, along with all of the other rising costs.

Would you indicate to the committee your approach to controlling health care needs and costs, and particularly how you would manage the costs of medicare and medicaid programs?

Now, you spoke earlier about the medicaid program. I am just wondering if you want to add to your statement.

Dr. MATHEWS. Thank you, Senator.

As you know and as you pointed out, these costs are rising and they are rising at such a rate that they really raise questions about whether those services are going to be available, whether our citizens can afford good health care.

I would like to make it clear, first of all, that I share those concerns and that I have seen first hand their impact. I would point out, too, from my familiarity with our medical school and with the hospitals that I am familiar with, that they are of equal concern to the professionals there because they realize, as we do, that these rising costs are really threatening to the health care system.

My own experience leads me to believe that the problem of reduced costs is a very complex problem. It involves the most careful management possible of medicare and medicaid. It also, in my judgment, Senator, involves the development of different modes of health care delivery. It involves the enlisting of support of people outside the medical profession in this problem. I think that it is going to call for a great deal, not only of diligence, but of inventiveness on our part. And I pledge myself to those ends.

Senator FANNIN. Along those lines, the recent push within HEW has been to give regional offices more and more responsibility and authority for decisionmaking. Perhaps, as an administrator, you have observed this trend.

In general, what is your feeling about this deemphasis on decision-making in Washington, with power dispersed among the 10 HEW regional offices.

Dr. MATHEWS. Senator, I have some feelings about local government, State government and some feeling that people need to be as close to government as they possibly can; that it needs to be as personal as it possibly can be. But whether regional offices in fact achieve that end or do not achieve that end is a matter that I really have not had a chance to study at close hand. And I would say to you that I would want to make some careful assessment of, again, of the methods that we use to achieve what I think is a reasonably desirable end, and I would have a very open mind in that regard.

Senator FANNIN. Thank you.

Senator TALMADGE [presiding]. Senator Ribicoff.

Senator RIBICOFF. Thank you, Mr. Chairman.

Dr. Mathews, I wish you well. I will not ask you any questions. As I listen to my colleagues comments and questions, given in the greatest sincerity—and I may say to you, you will never be as sure of your answer in your entire stay as you are today. You have been asked questions that are going to take months and months of your time and energy and your heart and soul. You have got a constituency as large as the United States, of 210 million people. As you walk down the corridor to your office, you will see the portrait of an awful lot of HEW Secretaries in a very short number of years. I personally have known each and every one of those people—one lady and all gentleman—from the time that this Department was formed. Each and every one were dedicated and sincere and took that job with the intention to do something for their fellow human beings. But I think you will find the frustrations that they found in spite of your dedication, and that is due to the fact that no President—and I make no exception—has either been willing or able to go as far as the demands of your constituency upon the subject matters and the issues that will confront you. And this, of course, puts up great frustrations and great problems.

I would also guess that you will find many of these frustrations will come from two sources: the Office of Management and Budget and the assistants in the White House who deal with the subject matters in your Department. Unless you are willing to go to the mat when you have an issue that means a lot to you, to the President, your life will be a miserable one. And it would be wise for you to insist on seeing the President on great controversial issues and not take OMB or some White House assistant's point of view of what your decision should be.

I think you are fortunate in having a President who is accessible to his Secretaries—not every President has been—which is very important to you and your relationship.

Another problem that you will have is that while you testify before the Finance Committee, and the Finance Committee has a jurisdiction for your confirmation, you above all other members of the Cabinet are beholden to practically every committee in the House and the Senate. The divisions of your Department and the programs are such that they cut across every committee's jurisdiction. So, you will have very few free mornings. You will find yourself on the Hill practically every morning, being required to testify.

I am glad you are a student, because you will be taking home with you large briefcases full of homework each and every night to be prepared the following morning.

A very practical suggestion: I get so damn sick and tired of those black briefing books that you might suggest for your secretary to vary the colors for variety.

Lots of luck to you, Dr. Mathews. You are in charge of a department of some 127,000 people, as Senator Hansen indicated; a budget of some \$118 billion. It is a tough job and all you can do is give it your best. Your answers, as I indicated are not going to be as easy. You will find that this committee does not really represent the entire Congress or the people of this country on all issues. Some issues they do; on some, they do not. But I think you will find most Members of Congress most cooperative, and do not hesitate to come by and say hello to any of us if you have got a special problem. Lots of luck to you.

Dr. MATHEWS. Thank you very much for that, Senator.

The CHAIRMAN [presiding]. I wish to make an announcement that the Senate is in session and we do not have permission to meet between the hours of 9:30 and 11:30 due to the continuing prolonged debate over the New Hampshire contest. And so, officially, we will stand in adjournment until such time as we have consent of the Senate to proceed. Unofficially and completely on an informal basis, I will invite the other Senators to ask their questions, and I will gain consent if I can to have their questions and the answers printed in the record for the information of the Senate.

On that basis, I would call on Senator Roth.

Senator ROTH. Dr. Mathews, I think many of us in this country think that the opportunity for good education is most important and has been really one of the primary reasons for the success of this country. So we really are disturbed by the fact that our educational system in many ways does not seem to be accomplishing the good that it should. As a matter of fact, I understand that many people think that the Japanese and others are doing a better job of educating the young than we are.

I noticed last night in the Washington Star—it sort of shocked me, to be honest—but it came out with a proposal that we ought to abolish the public schools. I do not know whether you happened to see this editorial or not, but it appears to be a serious proposal and it speaks very critically of the public school system.

I wonder, with your background in education, if you would care to comment on what you think needs to be done in this area. What should be the role of the Federal Government in education?



DR. MATHEWS. Senator, I would say, first of all, I share your belief in the importance of the educational system in the future of this country, and as a historian, I would say to you that there is some good evidence that the type and quality of education have had material impact in the direction that this country has taken. I am sure that people from time to time get upset with, frustrated by, our system of education. That, again, has been fairly typical throughout the history of the country. The kind of editorial you cite has appeared time and time again over the pages of the history of this Nation, but I think it has been the better part of wisdom to stay with the basic design of the public school system while at the same time being very open to changes and modifications and improvements in that system.

Senator ROTH. I agree with you. I cannot find much desirability in their proposal. At the same time, I am concerned about the fact that at least some educators are saying that our children, despite the increased amount of money we are spending, are not learning to read and write and speak English as well as they did 10 or 20 years ago.

Now, in the 1960's—during both the Democratic and Republican administrations—we were developing new programs, innovative programs. We were going to bring changes and modifications. Sometimes I wonder if that is not the problem. Have we gotten away from the fundamentals?

DR. MATHEWS. I am as aware as you are of those figures that indicate that our reading ability in certain situations is going down. And as always, and again, this has been true throughout the history of the country, as a few groups of immigrants have come in, that has posed problems in the English language instruction in the combination with bilingual students.

I would point out to the Senator that I taught all of the time I have been involved with my own university. I literally left the classroom to come to this hall. My students, some of whom are in this audience, will tell you of a 30-book reading assignment for a semester course. I am known as one very much dedicated to the basics. Unless you can deal with those fundamentals you cannot do anything else. And there is no progress, there is no such thing as progress in the educational system in which those basics are neglected.

Senator ROTH. I would like to go back to a question raised by one of the other Senators, and that is on decentralization. One of my concerns is whether or not, going back to your principle of bringing Government as close to home, as to whether it is even right to take it to a regional office.

Should we not look for ways and means to give as broad authority and responsibility as possible at the local level of education, and also in the other programs? I am concerned that the regional offices will create a new hierarchy that really is responsive to no one. And it seems to me that we have got just as good educators in the States as here—after all, we had to go to Alabama to get the new Secretary—why do we have to take so much of this away from local control? Are there not ways and means that you could monitor if they are doing a good job? And then leave the responsibility at that level rather than taking it even to, say, to a regional office, let alone to Washington?

DR. MATHEWS. Well, as I said earlier, it seems to me this work involves the most effective partnerships possible with the States—the

commissioners of welfare, the State school officials, the State education officials, the State health officials. Of course, my experience has been with State government, so I would have some interest in them and some belief in their capacity. And I have discussed with several Senators there about the regional offices, and they have raised the very same question you have—Do they in fact do the job they pretend to do?—and I think all I can say at this point is that I view that as a very open question.

Senator ROTH. I think you are succeeding a very fine, able man in Mr. Weinberger, and I think he, like many other former Secretaries of HEW, if not frustrated, certainly has not been able, as has been pointed out, to accomplish what they had hoped. I would hope that you would take a very tough look at whether this operation is manageable. How can we improve its efficiency?

I must say, at the local level I get a lot of criticism that so much of their money, so much of their time, which is extremely important, is spent in trying to get the funds from the Federal Government and then putting them into programs that they do not think are of top priority. And then the problems of the administration and followup are just outrageous. So, the money that is really going into helping the students or the disadvantaged or whoever it is, is really much less than it should be. And I really think we really need some very fresh looks at the whole approach in these areas. Otherwise, I think we will be saying the same thing several years down the road.

I would hope that you would take that under consideration.

Dr. MATHEWS. I certainly will be very serious about that, Senator.

Senator ROTH. Mr. Chairman, I would just like to say I think we are very fortunate in having a man of Dr. Mathew's background and experience to take on this horrendous job.

Thank you.

The CHAIRMAN. Dr. Mathews, there is one other item that I would like to discuss briefly with you. It might be you are totally unfamiliar with it. It has to do with the availability of the technical people down at HEW to help those of us on the Hill to put our ideas together. In carrying out its responsibilities, this committee has always relied heavily on technical assistance provided by the able employees of the Department of Health, Education, and Welfare. And I am sure that as Secretary you would want to see that cooperative spirit continued. Your people in your department have a great deal of detailed information and a great deal more knowledge of how these programs are being administered than we do up here, and also how the programs can be modified. And then you have many, many times the number of technicians that we have.

Now, it sometimes happens that a new Secretary has been known to instruct his staff that he be informed of his staff activities and that those instructions can be misunderstood to be a prohibition against providing technical assistance to Congress concerning proposals which do not clearly have the Secretary's stamp of approval. We had a confrontation under your predecessor, which is unfortunate, I think. If it had started out at the top level, it never would have gotten to be what it was, but it developed at the lower level and came to us. And it was sufficiently serious that at one point we were simply

holding up all confirmations in the Department until we could reach some understanding as to a way that information would be made available to our committee.

What we would like from you is an understanding that members of this committee will have freely available to them the information and technical assistance of the Department of Health, Education, and Welfare.

Now, we felt at the time we had that misunderstanding that there was an effort being made in the Department to withhold from us information that we would need to put together legislative proposals that the Department might not favor.

Now, I just think, and I believe you agree, that even if you do not agree with what somebody wants to propose, you still have a duty to let the Congress have the information it wants so it can put its proposals together.

These things should not be decided on the basis of who is right, but ought to be decided on the basis of what is right. And there are those in your department who have the technical capability of advising both you and us, and we would like it understood that there will be no impediment to the free flow of information, particularly in generating legislative proposals between your department and some competent people in your department and those on the Hill who want to work with them. I have in mind some of our committee staff, as well as senators and members of Congress themselves, who necessarily have to have the help of your department if they are going to make legislative proposals that could be most effective.

Dr. MATHEWS. Senator, as I said earlier, I really am very hopeful of working on a better partnership with Congress. I believe the principles you enunciated in the latter part of your remarks are fair and entirely acceptable to me.

I would just say that I would hope that you would be equally sensitive to the problems of a Secretary of a large department held accountable by you and the President for knowing what is going on, and that my actions would certainly not be to restrict information that you might have, whether I thought the information was what I liked or did not like. And I would cooperate with you and I hope that you would give me your cooperation and support in making sure that I could meet my responsibilities to be well informed about what the Department was doing.

The CHAIRMAN. We will certainly try to do that.

Now, one of our difficulties, and one of yours, will definitely be that you are going to be so busy that you cannot show some of these things the detailed attention you would like to give it. And sometimes you find a situation where some of your people have come to a point of being at loggerheads with some of ours, to the extent that the staffs tend to demand that their bosses show loyalties to the staff—your staff and our staff—and we are at loggerheads; where, if you were looking at it from the point of view of those who bear the ultimate responsibility, we would not have found ourselves there at all. I think we ought to insist on trying to work these things out purely on the basis of what seems to be the right thing and the best thing for all concerned, with a willingness to try the other fellow's idea and

see if it will work. If it does not work, well, that is fine, let us get rid of it. But if it does work, we ought to implement it.

There is another item that you ought to look at. It has been discussed by Mr. James Kilpatrick in his syndicated column, as well as some others. I do not know what I will think about it, but I have an idea what I think now, in that you have got some people in your department looking at some very good hospitals and ruling that hospitals are out of compliance because they do not do business precisely the way that some fellow in HEW thinks it ought to be done. Now, I think that there ought to be a limitation on the extent to which HEW is going to go around the country ruling good hospitals to be out of compliance.

It seems to me as though maybe we ought to say that you cannot rule more than 5 percent of the hospitals in the country out of compliance at any one time, because while we would like for you to have good standards and good medical care, we do not want half of the hospitals in this country closed down because someone insists that you have a plastic liner inside a trash basket or because you should take a plastic liner out of a trash basket, as the case may be.

I was in North Carolina visiting my wife's parents, and they pointed out to me that a block down from their home what had been the only nursing home in that area, in that community; the nicest looking structure in the community. It had apparently been a nice big home that someone had owned at one time, and it was one of the few brick homes in the area. It was an imposing looking structure. Now, they had to close down the nursing home because HEW had sent some people down there and they said the hall was not wide enough. Well, unfortunately, that is the nicest place they could get anywhere near that little town. But now all of those poor people had to be moved out of there, and the nursing home had to go out of business. There was no place to take care of these people where they could be near their loved ones. All the old people would be moved away to strange surroundings; they will not know where they are, and in many cases, will be completely disoriented with their surroundings. Some of them will not know where they have been moved to or what they are doing there, from now until the time the Good Lord calls them home, because somebody measured the hall, and perhaps it lacks by about six inches the width that you ought to have for the HEW regulations.

Well, I think you are sufficiently practical, and so am I, that I think we could say we will waive that; that that corridor is all right. It is a lot better than moving those poor old people to unfamiliar surroundings where they will not be seeing people that they know and people with whom they are acquainted, or they will not know whether they are in this world and the next one between now and the time the Good Lord calls them home, because the corridor, which was not built to be a nursing home to begin with, but a nice residence, is not as wide as we would like to see it. You could make the place fireproof; it is just that the corridor is not wide enough. And by the time one gets through with all of the different shortcomings he can find, the fact that an edifice built as a large private home in the first instance, was not designed to be a nursing home and can be modified, but if one puts too many stipulations in the way, it simply means that the people have far less service than they would have otherwise, as a practical matter.

I think with regard to things like that, we ought to have a waiver. And you may want to recommend to us an amendment to the law. But I think your regulations can be changed a lot easier in this case to take care of something like that, where we simply provide people with a waiver for a number of years until something that can more adequately serve their purpose can be there.

You see the kind of thing I am talking about?

Dr. MATHEWS. I do indeed, Senator, I made a note of the article, I have not read it but I will read it.

Senator TALMADGE. If the chairman would yield and if Dr. Mathews would yield, Mr. Constantine just informed me there is a waiver provision in the law.

The CHAIRMAN. I do not know whether the situation is as bad as described in the Kilpatrick article or not. But he described a situation in one of the best hospitals in America, where an inspection team went in.

Senator TALMADGE. Will the chairman yield at that point?

The CHAIRMAN. Yes.

Senator TALMADGE. You served in the Navy and so did I. Do you remember captain's inspection? It was not successful unless we found something wrong.

The CHAIRMAN. They were ready to harass the good hospital manager and close his hospital down and rule him out of compliance about something where you could do it just as well one way as another and you could make a good argument for either side.

We are not talking about something that goes to the question of whether a hospital is run well or not. I think if you read the article you will become familiar with the problem.

Dr. MATHEWS. Yes, sir.

The CHAIRMAN. Coming from where you do, and having had to deal with administrative problems, I think you will see what the problem is to begin with, unless and until someone can convince you that you have to be so hidebound by regulations that you cannot amend the regulations to solve the problem.

One of the former presidents of Louisiana State University was Gen. Troy Middleton, and he was a great military officer in World War II and one of our most distinguished citizens.

He was born in Mississippi, and he was a great military officer and a great administrator. He used to say that in his judgment, rules are made to be broken, that a rule is what you ought to do unless you can find a better reason to do it a different way—that if the rule you have does not make very good sense under a particular set of circumstances, you ought to make an exception.

I feel that there are altogether too many people in administrative positions who do not quite understand that if the rule fails to serve a purpose, it would make better sense to make an exception to the rule. I am sure that in your experience at the University of Alabama you have had many of these situations where you find you have a rule and that is what you are going to do unless you have a good reason for doing it differently. But where you have a good reason for doing it differently, I think you ought to make an exception to it.

Dr. MATHEWS. Yes, Senator, I would hope that we have not gotten to the point in society where commonsense is invalid. I would hope that would apply in these cases. I think that is what you are getting at.

The CHAIRMAN. What I am talking about is that some people are so hidebound to a rule or regulation that they cannot do business any other way.

Just the other day, for example, you may have seen on television where this great racehorse Ruffian, broke her leg in this race. We have a drug known as methadone which the veterinarians say would be the ideal thing to be used on that horse in that particular situation. With the whole world looking on and everyone in the world who is interested in horseracing concerned about it, here and abroad, they could not use methadone because, under our regulations, we have said that methadone is going to be made available to our drug addicts in America and you cannot get so much as an ounce of it to use on a horse because of the regulation.

I think with all the worldwide interest in that we should have been able to have made an exception just for one simple operation on one of the great horses of all time that could have used a little methadone.

But, you and I know that our Government is too hidebound in regulations to ever make an exception even though the whole thing is being observed by worldwide television. You cannot make an exception for a great racehorse like that without taking about a week to think about it, or maybe 6 weeks to think about it.

I think we ought to be able to move to the point where we can get some of these things done without taking forever.

Dr. MATHEWS. Senator, I believe I see your point and I certainly appreciate your counsel and, as I said earlier, I think a little common-sense is a wonderful relief from time to time. I would hope that it could be used.

The CHAIRMAN. Thank you very much, Dr. Mathews.

In my opinion, you have made a fine presentation before the committee, you have been a good witness and I do not think there will be any difficulty in recommending your confirmation from this committee.

The Labor and Public Welfare Committee has requested that you meet with them before we report this nomination and we feel that it is proper to respect that request. We do have jurisdiction over the nomination but, in view of the fact that you will share your time with them as well as with us, I believe we should respect their request. And I hope that that matter will be resolved as soon as possible.

But, as I understand it, they are not asserting jurisdiction in any respect, they simply feel they have a right to meet with you and ask whatever questions appeal to them. So I hope that can be arranged as soon as possible because, as far as I am concerned, and I believe as far as the majority of this committee is concerned, they are ready to vote now.

Dr. MATHEWS. Senator, I want to thank you and your committee for your outstanding treatment and it would certainly be my wish to meet with the Labor and Public Welfare Committee. So, that would be my desire as well as yours.

The CHAIRMAN. Has that time been arranged with them?

Dr. MATHEWS. I understand a tentative time this week has been given and I would hope that we could proceed on that schedule.

The CHAIRMAN. Well, I think you cleared this hurdle all right, provided you do not run into any trouble over there.

So, best of luck to you.

Dr. MATHEWS. Thank you very much, Senator.

The CHAIRMAN. I am confident you will do a good job for us.

Dr. MATHEWS. Thank you, Senator.

The CHAIRMAN. Thank you very much, Senator Sparkman, for being with us today.

Senator SPARKMAN. Thank you, sir.

[Whereupon, at 9:56 a.m., the committee adjourned, subject to the call of the Chair.]

[By direction of the chairman a communication from Dr. Mathews follows:]

PRESIDENT'S HOME,  
UNIVERSITY OF ALABAMA,  
Tuscaloosa, Ala., July 8, 1975.

Hon. RUSSELL B. LONG,  
Chairman, Committee on Finance,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As the nominee to be Secretary of the Department of Health, Education, and Welfare, please let me take this opportunity to assure your committee that if my nomination is confirmed by the Senate I will appear before the Committees of the Congress to testify on matters within my responsibility when requested to do so subject, of course, to mutually convenient scheduling.

Sincerely,

FORREST DAVID MATHEWS.

[By direction of the chairman the following questions of Senator Bellmon were made a part of the record:]

#### QUESTIONS OF SENATOR HENRY BELLMON

Dr. Mathews, I would like to ask you one or two questions about the very important area of care for the mentally retarded. A number of states, such as Oklahoma, Wisconsin, and Tennessee, that have been in the forefront of providing for the mentally retarded are threatened with a cut-off of federal funds because of recent H.E.W. regulations which mandate, in minute detail, how institutions for the mentally retarded must be constructed and operated. Although expert medical opinion is divided how best to care for the mentally retarded, H.E.W. new regulations provide that any state which has taken approach different from the one taken by H.E.W. may have federal funds cut off, without regard to whether the state's methodology is equally sound or even medically superior.

In addition, the H.E.W. regulations also contain the amazing provision that if any state is unwilling to certify *now* that it will meet all these standards by March 18, 1977, its *present* federal funds will be cut off! Thus, H.E.W. has said that even if a state is satisfying all present requirements, it will lose *present* federal funding if it does not promise to reconstruct its facilities by March 18, 1977 to conform with H.E.W. objectives.

The obvious effect of these regulations will be that states that are pioneers in the area of care for the mentally retarded will be penalized for not having adopted the same approaches H.E.W. decided upon several years later. Such states are faced with the alternatives of spending tens of millions of dollars to reconstruct or modify facilities that are excellent or loss of federal funds. The potential victims are, of course, the patients in these institutions.

My first question is whether you intend to adhere to this policy and to cut off federal funds from these states that have not yet promised to rebuild their institutions for the mentally retarded.

As a general policy matter, do you believe it is sound administration for H.E.W. to write up detailed requirements into regulations which must be met nation-wide without regard to different circumstances, approaches, etc.? In other words, should not there be room for experimentation and alternate ways of meeting the same objective?

Are you agreeable to reviewing present policies and advising this Committee of your findings and conclusions before withdrawing federal funds in this important area?

## ANSWER OF DR. F. DAVID MATHEWS

I have been informed that Secretary Weinberger and Governor Boren have arrived at a mutually satisfactory agreement on how to proceed with application of the HEW regulations to Oklahoma's institutions for the mentally retarded.

On the general policy question you raise, I believe HEW regulations should be as flexible and practical as the law permits, recognizing not only that the intent of Congress as the Department sees it must be carried out but also that, increasingly, almost every regulation tends to be subject to litigation.

As to your second question, I am certainly agreeable to reviewing present policies in this area, subject of course to these observations.

