

Wilbur J. Cohen Oral History Interview – JFK #2, 5/24/1971
Administrative Information

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Interviewer: William W. Moss

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Biographical Note

Cohen, Assistant Secretary of Health, Education, and Welfare (1961-1965), discusses Health, Education, and Welfare Secretaries Abraham Alexander Ribicoff and Anthony J. Celebrezze, Estes Kefauver's drug bill, and John F. Kennedy's civil rights message of 1963, among other issues.

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Wilbur J. Cohen – JFK #2

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Second of Three Oral History Interviews

with

Wilbur J. Cohen

May 24, 1971
Ann Arbor, Michigan

By William W. Moss

For the John F. Kennedy Library

[The first twenty minutes of the interview were lost because of defective equipment.]

MOSS: You initially talked about the transition and how you and Secretary Ribicoff [Abraham Alexander Ribicoff] began to get into things. You mentioned that you were down there three days early on the seventeenth of January. You mentioned the fact that having been in the Department [of Health, Education and Welfare] before and having served on the Kennedy [John F. Kennedy] Task Force, you had things pretty well lined up before the new Administration took over. So it was a relatively simple matter for you to make your telephone contacts around the department, to get things in line, and get work started on bills immediately, although you did not have any organized transition with relation to the preceding administration as had been done in later times, for instance, between the Johnson [Lyndon B. Johnson] and Nixon [Richard M. Nixon] administrations. Then we talked about the appointments to Public Health Service and the Office of Education, both appointments of which you felt were weak. You felt that you should have expected something more of the Shriver [R. Sargent Shriver, Jr.] talent hunt than they managed to produce. You mentioned that the choice of Luther Terry [Luther L. Terry] was a personal choice dictated by Lister Hill [Lister Hill]...

COHEN: And by Mrs. Lasker [Mary Lasker] and the other people who were very concerned about the N.I.H. [National Institutes of Health].

MOSS: Okay. You mentioned that the choice of Sterling

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McMurrin [Sterling M. McMurrin] was something like fourth in line; that originally James Allen [James E. Allen] from New York was the first choice but he did not feel that he could take it and eventually it wound up with McMurrin.

Let me just let that stay as it is and go over the Public Health Service business with you again. First of all, on the Surgeon General's selection, who would have been your choice? You told me that you did not want Burney [Leroy E. Burney]; you felt that Terry was ineffective. Let me add this too: you said you didn't want Burney because you felt he was too conservative. He would not have gone with the Kennedy program and lead it to a successful....

COHEN: I think he might have supported the Kennedy program but he wouldn't have led it. He wouldn't have been a vigorous, dynamic force for leadership in the health field. The big revolution that was coming in health—which later came by '65, '66, '67—he probably would have been very lukewarm about it. The one thing I told Secretary Ribicoff is that Burney had to go, and I think that was generally agreed upon. I would have selected from people like Dr. Leona Baumgartner and Dr. Philip Lee [Philip R. Lee], whom I selected later, and people of that kind—leaders in the field, very vigorous people with strong ideas about the reorganization of health services.

MOSS: Okay. And you said in the earlier part of the tape that the way that you began to assert political control over the Public Health Service was not by subverting things that they were already doing, but by taking direct office-of-the secretary control of new legislative programs that were being developed.

COHEN: Now that's an extremely important point for this reason: if you begin to take control over old things, then the career people think you're interfering with their business. They've been doing it for five years, for ten years, for fifteen years, for twenty years. You come in and say, "We want to do it our way; I want to do what you're doing." And they say well, you know, "That's political control." But they do not object when you take control of policy of something new. The key to a rapport, rapprochement, or a concordat with the civil service is not to interfere so much in the old but to take control of the new. Then you've got their support, their confidence, their willingness to cooperate, and you're effectuating some change. Then as time goes on, you interrelate the new with the old and then it begins to shape up

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differently than in the past. But you can't walk in on day one and say "I'm taking control away from you on the old stuff." Before long you'd have dissension and dispute and dissatisfaction and then as soon as you made an error—which is inevitable in human

administration and decision making—they'd say, "See they didn't know what they were doing."

MOSS: So was this a conscious effort right from the beginning to establish more political control over the Public Health Service?

COHEN: It was a conscious decision to change the direction of the Public Health Service by exercising authority on changes in certain new areas. It was not intended to take political control over professional decision making; that's what's frequently misunderstood. It was an attempt to direct the Public Health Service from being concerned only about clean water and pasteurization of milk and sewage to medical care organization, to the financing of medical care, to medical education and to the new emphases in the delivery of medical care which they were not primarily doing.

MOSS: All right. You mentioned the water pollution. You said earlier that you and Senator Kerr [Robert Kerr] in effect worked out the Water Pollution Control Amendments of 1961, and while this was opposed by the Public Health Service, there really wasn't much they could do about it, that you had it pretty well locked in.

COHEN: Well, because I handled the whole thing directly with Senator Kerr, and with my approval of certain things and his getting it through the Congress, we didn't have to consult with some Assistant Surgeon General.

MOSS: What about the fight over the N.I.H. funds that you had, the Congress approving a good deal more than you really wanted to allow them.

COHEN: Well, here was a very difficult problem. Both Senator Ribicoff and President Kennedy—and I'll stop with those two—felt that Senator Hill and Mr. Fogarty [John E. Fogarty] were pushing money on N.I.H. too fast. They were not against N.I.H. having adequate money, but they felt that they were going at it so fast that some of the money was not being utilized wisely because they got too much. They wanted to slow it down until they could figure out just where the money best ought to go. But neither Senator Hill nor Mr. Fogarty nor Mrs. Lasker wanted to do that. They wanted to take the ball and start running, and particularly to put the

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money in a few areas like cancer and heart. They were willing to do that over the opposition of the professional staff because they felt the professional staff in N.I.H., including Dr. Shannon [James A. Shannon], was too "professional" and independent and not conscious of the public relations aspects of N.I.H. I tried to take an intermediate position in these negotiations which was to try to get more money but to put it in a number of different areas so that you'd be making progress on a number of different levels, knowing that you didn't know where medical science was going to make the next discovery.

Of course, there was a very tense situation about that because Senator Hill and Mr. Fogarty gave the very definite impression to us that they were running the health aspects of the department and not Kennedy and Ribicoff. Well that wasn't good for psychological reasons. Mr. Fogarty had very little use for Kennedy. Fogarty thought that if anybody who'd been a congressman, like both Fogarty and Kennedy were, should be president, it should have been Fogarty and not Kennedy. Since they were both Catholics, Fogarty told me once that he knew more and was a better candidate, and so he always felt that his judgment was better than Kennedy's. Senator Hill, while much more modest and more humble, less arrogant than Fogarty, nevertheless felt that he could do more through the appropriations process than he could do in other fields, because of being a Southerner and because of segregation, so this became his first love.

The net result was that there was a good deal of tenseness in '61 and '62 because of Hill and Fogarty wanting to take the health ball and run with it. This was not an easy thing because politically all were on the same side, their objectives were the same, but like in any kind of an athletic game their style was a little bit different as to how they ran. One was a broken field runner and the other one was for the quarterback sneak, and so they had a little different idea how to get where they wanted to go.

MOSS: So what did you do about this? How do you deal with a Hill-Fogarty combination like that?

COHEN: Well, you just keep negotiating and negotiating and negotiating and talking and work it out. I mean, none of these different points were scientific. I mean, somebody wants one hundred twenty million dollars and you want one hundred and you talk a long time and you finally compromise on one hundred ten million dollars. There's nothing scientific about that. But Fogarty and Hill wanted to make it clear to Kennedy and Ribicoff that they were

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running the show and not Kennedy and Ribicoff. That of course later was one of the frustrations which led to Ribicoff's resignation.

MOSS: I want to cover that a little later. Let me go back to the drug bill that we talked about earlier and get that cleared up again too. The story was that a number of people from your office at your direction went to talk to Senator Eastland [James O. Eastland] to get amendments to the Kefauver [Estes Kefauver] bill so that the bill could pass the Senate.

COHEN: That is correct. And I might add I did that at the direction of the White House.

MOSS: Was this subsequent to your talk with the President that you recounted before?

COHEN: Yes.

MOSS: Could you repeat that just for the records?

COHEN: At an earlier stage in the game when we were trying to get some action on the drug bill, President Kennedy once called me over to his office and said, "How about accepting as a compromise the licensing provision in the Kefauver bill?" which provided for compulsory licensing and an agreed upon return of earnings to people who you would license the patented drug product. I said, "Mr. President, that will not produce us the votes that we need. In fact, it will make it worse because you cannot get Dirksen [Everett M. Dirksen], Hruska [Roman Lee Hruska] and Eastland to vote for that proposition. I know it. I've been up there." And I may have said, "I think you know it too." He said, "Well, why don't you go up there and see if you couldn't negotiate. I give you carte blanche to see if you can negotiate something up. Change the numbers, change the length of time of the license." I said, "Mr. President, it can't be done. I am convinced it can't be done. And it will not give us the votes that we need. We have to do something else." Well, he said, "No, you go up there and try to work something out." I said, "Mr. President, I am not going to do it unless you order me to do it because it's against my best political judgment at this time." And he never ordered me to do it, so I never did it.

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MOSS: Okay. Let me ask you this as a follow up to that: What kind of a man was he to argue with?

COHEN: Kennedy?

MOSS: Yes.

COHEN: Oh, wonderful. I think I had a good relationship with Kennedy. I was not much older than he was. I'd been around Congress a lot. I think he had respect for my technical and professional judgment. I think he knew he could vouch on what I had to say. I don't mean to say that I was right; I meant he knew that what I was telling him was what I sincerely believed. I will tell you another story to indicate that. We could get the exact date. Give me your list and I'll give you the exact date that this occurred. You've got that agenda of the meetings with the President.

MOSS: Oh, yes. I've got my notes on the back of it.

COHEN: On Saturday, June 1, 1963, I was one of those who met with President Kennedy at 11:30 to 12:45 to deal with his message on civil rights. The Vice President, Vice President Johnson was there, Bobby Kennedy [Robert F. Kennedy], Secretary Celebrezze [Anthony J. Celebrezze], Commissioner Keppel [Francis Keppel], and Secretary Wirtz [Willard Wirtz], Sorensen [Theodore C. Sorenson]. It was a somber meeting. Everyone was very glum including the President. He went around the table asking each person to state his views. When it came to my turn around the table to say what I had to say, I said, "Mr. President, in addition to the political aspects of civil rights, you must

include some things that improve education and work and training for black minority people. It is not enough to merely say that you're going to let them vote or desegregate in schools. Without a job, without training, without education, that is only one half of the coin. And you have to put some money into the program to do that." President Kennedy shot back at me and he said, "Wilbur, I don't have any money to do that now and you know it. I cannot do that and there's no use talking about it and that's the end of it." I said, "Okay, Mr. President."

And at about 12:45 he walked out in the Rose Garden and took his helicopter and went to Glen Ora or wherever he was going, obviously in a very anxious and very perplexed mood. He seemed quite irritated with my comments.

Two weeks later, on Saturday night at 11:30 p.m., I got a call from Mr. Sorensen, who said, "The President has thought it over

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and he's approved your program. Get it in shape. I need it by tomorrow morning at 10:00." I said, "All right, Ted, I'll have it to you." We were just finishing a dinner party at my house in Silver Spring and I said to my second son, "I think this is going to be an historic occasion, Bruce [Bruce Cohen]. Why don't you come down with me to the office?"

We left my house at 12:30 at night and drove down to my office, arriving there about 1:00. I got my previous memo out. I took a scissors and paste and a stapler and I put the six parts of the program together. At 3:30 that morning I delivered it to the Secret Service officer at the West Gate of the White House. Mr. Sorensen picked it up on Sunday, edited it, put it in the civil rights message of 1963. He showed me a draft of it on Monday. The President approved it and it went up on Tuesday. All of the six points that I had in there, which the President first rejected, later became law.

Now, the only point of the story here is, I felt that I had a relationship with Kennedy in which he could bawl me out or take me down or do whatever he wanted, but he knew that what I told him was something that I believed was the right thing. And in that case and in other cases, he would take my advice. So I feel I had a good relationship because I loved the man and I think he respected me and that was a good working relationship. Plus the fact you've got to keep in mind that I was not a politician; I was a professor. I'll give you two other stories now to illustrate that.

See that picture up on the wall there with Kennedy? That's the signing of the Social Security Amendments of 1961. In 1961 when we were formulating that, I sat in the Fish Room in the White House with Ted Sorensen, Secretary Goldberg [Arthur J. Goldberg], the Secretary of Labor, and about ten other people in thinking up what would go into that bill that was being proposed. The President wanted an economic improvement bill because the economy was slipping. I had made my suggestions to Mr. Sorenson and most of them were accepted.

Then in the meeting I made another one. I said, "Why don't we reduce the age for men in social security from sixty-five to sixty-two, and pay the actuarial reduction of the benefit at age sixty-five. It will not cost a cent out of the general budget and all the people between sixty-two and sixty-five who are unemployed can get benefits and it will help the economy." Well, everybody in that room jumped on me, including Secretary Goldberg, the Secretary of Labor, who said, no, he didn't even favor reducing the age. The vote was ten to

zero against my proposal because I didn't even vote, I just kept quiet. I could see everyone was opposed.

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I left the White House office and went back to my office. It took me about fifteen minutes to get back to my office. I wasn't in my office five minutes when I had a call from Ted Sorensen, who said, "The President has approved your proposal." So it was like the Emancipation Proclamation, everybody else voted against it but the President voted for it and he accepted my suggestion. It's now the law enacted in 1961.

So that if you ask me in general, I feel I had a very unusual relationship with the President based on several factors. I was not a politician, therefore I was not a threat. I was not trying to gain some political favor; I wasn't going to ask to be a Supreme Court justice or run for governor or anything. That's number one. Number two, I was a professor interested in ideas and programs. Number three, he knew me, from 1950, that I would tell him what I thought no matter what the consequences were and he could reject it or not.

MOSS: All right, here you are with a good working relationship with the President and with Ted Sorensen and so on, but neither of your principals, Mr. Ribicoff nor Mr. Celebrezze, enjoyed that kind of relationship.

COHEN: Well, Mr. Ribicoff did on things that he thought were important. He just didn't think that some of the things that I thought were important were important. He was not interested in administration. He had an excellent relationship with Kennedy, and you've got to separate that out from Celebrezze. The Kennedy people didn't have any respect for Celebrezze. They didn't think Celebrezze had the mental ability. I consider the Celebrezze appointment by Kennedy one of the low points in the sense that the only reason Celebrezze was picked was not because of his competence but because he was of Italian descent and he would help Teddy Kennedy [Edward M. Kennedy] win the senatorial post in Massachusetts. Now it turned out that Celebrezze was a very good secretary, but mainly because he let the White House determine all the significant things, and the reason for that is he wanted a judgeship. So his attitude was play it cool, do what they want, and I'll get my judgeship. So by and large I had no difficulty. I'm sure I had more contacts with Kennedy and Sorensen than Celebrezze did, but I always told Celebrezze what I was doing. I had a very strong feeling that it was my responsibility to keep him informed. I did nothing that I didn't tell him about.

MOSS: Why do you think that Ribicoff left?

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COHEN: Well, Ribicoff left because first, he is a political animal; he is not an administrator. Mr. Ribicoff was an extremely poor administrator, probably one of the poorest administrators we had as Secretary of H.E.W. He was

interested in political aspects, and particularly in his own political future. He was very self-centered and egotistical. He knew very early that if he was ever going to be senator from Connecticut he had to make his break soon because, as he said many times, the longer you are in as secretary the more enemies you make, as Mr. Finch [Robert H. Finch] later found out. As a second point he found it very difficult to take supervision by Kennedy or Sorensen. When Kennedy or Sorensen would reverse him on something, or reverse signals, as a former governor he found that very difficult. He said many times, "I used to be number one when I was in Connecticut. Now I'm number sixty-four here." I didn't find it difficult; I never was a governor. I didn't find it difficult for Sorensen or the President to reverse me. In fact, I would argue with them many times and I enjoyed that. I enjoyed the intellectual ferment and the give-and-take in decision making. Ribicoff didn't. Ribicoff, he wanted his way and he didn't like it that someone else was telling him what to do. So it was just inevitable in the course of time that he would leave, and he left in June or July of 1962 when he could see the senatorial race coming up in Connecticut.

MOSS: Let me shift to another topic and that's the topic of education. You have two problems with education bills: one, a split between primary, secondary and higher education lobby groups; and the other, the question of parochial and public schools. What is your recollection of President Kennedy's response to the parochial-public question?

COHEN: Well, President Kennedy knew that to get an elementary-secondary education bill out of Congress he had to be very circumspect with the Protestants. But he knew he had to make some kind of an arrangement with the Catholics. It wasn't feasible to do it all one way. You couldn't do 100 percent what the Catholics wanted or 100 percent what the Protestants wanted or 100 percent what the Jews and a lot of other people wanted. We had to work out some kind of modus operandi that would be acceptable to them. Actually we nearly had that somewhere along 1961-1963 if it hadn't been that Adam Clayton Powell [Adam Clayton Powell, Jr.] didn't know how to handle the matter. I can deal with that separately in a separate discussion.

But I feel that President Kennedy, based on his famous speech to the Methodists, was a man who believed in public education,

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but he knew that somewhere there was a political formula that could be obtained, if people of good will would work together that would respect the constitutional limitations—as determined by the Supreme Court—as well as the political reality. That's what he had Sorensen and myself and others work on. The concept that really evolved I developed at the University of Michigan, which was to use income as the basis for the federal allocations to states so that you didn't have any distinction between public and private schools. When I write my own memoirs I'm going to take credit for the fact that I was the one who thought up the idea of using income as a basis, which was the resolution between using average daily attendance of public school students and all students, which had been a part of the difficulty in the previous years.

I remember one time President Kennedy saying to me, “We only need one more vote, Wilbur. Why can’t you get a Republican?” I said, “Mr. President, why can’t you get Mr. Delaney [James J. Delaney]?” (a Catholic-Democrat on the Rules Committee). That was the end of the conversation. He was telling me to get a Republican and I’m telling him to get a Catholic. Neither of us could do it. But in my opinion, while there was one moment when we could have gotten a foothold in ‘61 or ‘62 on a bill that I drafted which Adam Clayton Powell goofed up, I still think on the whole it took the ‘64 election to do it.

However, now let me tell you what the strategy was that Sorensen and I worked out which I think was the clue to it. After the ‘61 defeat and continually in ‘62, Sorensen and I met and we said “The clue to this thing is to switch over to higher education where we don’t have the same issue, and the clue to it is to get a higher education facilities bill passed based along the lines of Hill-Burton [Hospital Survey and Construction Act].” Congress since 1946 was giving federal money to construct Catholic-run hospitals. Nobody thought that was unconstitutional. Nobody raised a constitutional question of giving federal money for a building in which you have crosses and religious things, altars and prayers. So I said “Why don’t we do that for higher education?” Nobody objects to building a building for Notre Dame University.” And I said, “Let’s shift over and get that resolved first.” Sorensen thought that was fine. Kennedy approved it. So we shifted into the Higher Education Facilities Act of 1963. The only thing that I regret was we got it passed and got it to the President a few days after he was assassinated so he never actually knew that we were on the way to resolving the issue. Because then we were able to get the Higher Education Act of 1965, and then the Elementary and Secondary Act [Elementary and Secondary Education Act of 1965], we were able to break that out later on. But the

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key to the whole solution was first shifting over to higher education, and secondly using income as a basis for elementary and secondary. That was all worked out between Sorensen and myself.

MOSS: On what occasions? Did you go over to the White House and talk to him?

COHEN: Oh yes, I’d go over to his office.

MOSS: Long sessions, that sort of thing?

COHEN: Well no, not necessarily. You see, you have to go back now. I’d have to tell you something that’s very important. Sorensen and I became very good friends in around 1951. He was a young man, much younger than I was. I got friendly with him and his wife [Camilla Palmer] and his children [Eric, Philip, and Stephen Sorensen], and over the years, beginning particularly in ‘55, ‘56, ‘57 we were very friendly. We had a lot of conversations; I used to go to his house and talk with him in his home. We got to be on a rapport so we began to have a shorthand discussion. We didn’t have to have six-hour discussions because by the time we got there in ‘61 we knew our approaches and views on many things. Ted used to call me and I’d go over and talk to him. And he had

complete entrée to the President. I mean just like I told you the story on the age sixty-two thing where fifteen minutes after I got back I had a call from him. All he did was walk in and see the President and say, "Say, Wilbur's got a great idea. Nobody else is for it but what do you think?" The President says, "Great! Do it!" Because he could just walk from his office into the President's office and they had a good rapport. So their good rapport and my good rapport with Sorensen made us able to do a lot of things very fast.... I was only Assistant Secretary then. I wasn't the Secretary, I wasn't the Under Secretary. There's a whole host of meetings where just Sorensen and I saw the President. Maybe ten, twelve times where Sorensen and I went in by ourselves.

MOSS: There are several of these pictures that look like sort of budget sessions. You've got David Bell [David E. Bell] in and that sort of thing.

COHEN: Now take for instance this picture. This is the most famous one.

MOSS: Look's like Palm Springs.

COHEN: It is a picture of our meeting in Florida in December, 1962. There's Celebrezze, Keppel and myself. And Mike Feldman [Myer Feldman] was in on the meeting and for two hours I presented the whole H.E.W.

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[Department of Health, Education and Welfare] program. Celebrezze didn't do it, I did it. I was only Assistant Secretary, I wasn't Secretary. Keppel handled education. I presented the whole legislative program on education, pollution, on social security, on Medicare. And that program that was agreed on in '62 was the whole thing that was really the '63 to '66 legislation program of Johnson. And that folder of material, that whole report which is in the library is really the makings of the Johnson legislative history.

MOSS: Well this gets to a question I asked you earlier and you were in the midst of answering when we discovered the machine was off and that is: Could Kennedy, had he survived, have had the same legislative success as Johnson, in effect, particularly in the H.E.W. area?

COHEN: Well, I'd say the answer is both yes and no. I think by and large, if Barry Goldwater [Barry M. Goldwater] had run, as I think he would have against Kennedy, Kennedy would have defeated him and assuming the additional congressmen had been elected, as I think they would, I think Kennedy would have gotten most of what Johnson wanted except that Kennedy might have missed out on a few because he wouldn't have driven as hard as Johnson did. Johnson was a terribly hard driver. No man ever drove his staff and drove Larry O'Brien [Lawrence F. O'Brien] and myself as hard as he did. So he might have missed on one or two. But on the whole I think it would have taken the '64 election to do it.

MOSS: And the '64 election would have been perhaps not quite as dramatic as it was?

COHEN: No, I don't know what other sources you have—maybe you ought to ask somebody—but I think President Kennedy looked forward to Barry Goldwater being his opponent and he was going to do exactly what Johnson did and he would have enjoyed it. He would have, I think, defeated Barry Goldwater overwhelmingly and I think he would have won just about the same number of seats.

MOSS: You mentioned Larry O'Brien. Let me ask you about your relationship with his office. Your primary relationship seems to be with Sorensen's outfit rather than with Larry O'Brien.

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COHEN: No, no. Larry O'Brien's office had nothing to do with substantive policy. You couldn't get anything out of Larry O'Brien's office on substantive policy. I dealt with Sorensen and Feldman on policy, and with O'Brien, Henry Hall Wilson [Henry Hall Wilson, Jr.], Manatos [Michael N. Manatos] and his other people on legislative tactics. And you must recall that H.E.W. is one of the few places where you have an assistant secretary for legislation who handles both. In most other departments that is split. But in H.E.W. the assistant secretary for legislation handles substance and tactics. So I dealt with them both.

MOSS: Suppose you talk a little bit about the O'Brien operation. How effective was it? What were some of the things that it did do that were very good and some of the things that it missed out on?

COHEN: Well, in general I'd say the O'Brien office was splendid, absolutely top notch and I had, in my opinion at least, a very effective working relationship with it. But, you had to be sure that you didn't get mixed up with anything on substance with O'Brien's office, because they were only interested in getting through what the President told them he wanted. It was Sorensen, or later on in the Johnson administration Califano [Joseph A. Califano, Jr.] who told them what the substance was. Larry O'Brien was a very unsubstantive policy man and so was Henry Hall Wilson and Mike Manatos and Claude Desautels [Claude John Desautels]. Those four or five fellows didn't presume to make policy. My working relationship with them was very good. I enjoyed working with them; they were different than working with Sorensen and Feldman and there were times when you had to bring them both together because the tactics and the substance were interlocked. And we had a series of problems, particularly on Medicare, when Mr. Nestingen [Ivan A. Nestingen], the Under Secretary of H.E.W., presumed to make a direct relationship with Kenny O'Donnell [Kenneth P. O'Donnell] and O'Brien on tactical matters and got everything all snarled up with Mr. Mills [Wilbur Mills]. And we had to pull Nestingen off of it.

MOSS: What occasion was this? Do you recall the bill?

COHEN: Well, Nestingen started to deal direct on Medicare. Nestingen started to determine, with the O'Brien outfit, who was going to testify before Mills' committee and what they were going to say and what their tactics would be without consulting with me. Mr. Mills wouldn't do it. Mr. Mills called me up and said, "You better call those guys off over there. They're complicating your program, Wilbur."

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MOSS: You mentioned Kenny O'Donnell. Did he get into the act too?

COHEN: Well, you see, Mr. Nestingen had been mayor of Madison and he was the only Protestant who came out for Kennedy in Wisconsin and he was subsequently appointed Under Secretary of H.E.W. when Kennedy determined that Sarge Shriver was not going to be the Under Secretary. It was originally intended that Sarge Shriver would be Under Secretary of H.E.W., but President Kennedy got cold feet at the end, not wanting Bobby Kennedy and Shriver to be a cabinet member and one a subcabinet member. And so Kenny O'Donnell and the rest gave that job as a political reward to Nestingen.

Now Nestingen was another Kennedy appointment who was completely incompetent. He might have been a good post office man or something like that, but he came in as Under Secretary thinking that he, with his direct relationship with Kenny, was going to carry things his way. He ended up, as you can find out independently, in antagonism with Ribicoff, antagonism with Celebrezze, antagonism with me and, finally with Johnson coming in, Johnson telling him to get out. That again was another terribly unfortunate Kennedy appointment. So as far as the department was concerned, Kennedy made several bad appointments, as far as I'm concerned. If you look at it, Johnson's appointments were much superior to Kennedy's. Johnson appointed John Gardner [John W. Gardner]. Johnson's appointments in H.E.W. on the whole were much higher in elevation and spirit than Kennedy's but there were some exceptions too.

MOSS: It's curious, isn't it, that with three pretty sharp people around him like Sorensen and Feldman and White [Lee C. White], with their antennae in tune to the H.E.W. kinds of things, that he should come through with appointments like those.

COHEN: Well I'll tell you why I think that is. I think they all felt that Sorensen, Feldman and myself could handle the department. In other words they had supreme confidence that they could handle a few lightweights. In fact they may have actually, as far as I know, thought that was better because it gave them greater White House control. I don't think that was their primary purpose but they didn't expect Nestingen to really do anything over there on Medicare, they knew that I would. And Kennedy was so conscious about his own problems on education that they wanted to control the whole strategy on federal aid to education from the White House. And I think that their general attitude was that they had the

substantive knowledge—which was true—plus if you'll permit me, my know-how in the department, that they could let the Secretary and the Under Secretary do the political things and the real work would go on at this other level.

MOSS: All right, how about coming back the other way. Did Kenny O'Donnell, with his power of political appointment approval and so on ever get in your way or in the department's way? Cause you problems?

COHEN: Well, Kenny never did anything directly with me that I know of. Kenny, when he did anything, did it through the President, O'Brien, or Sorensen or somebody, and there was no time that I know of that Kenny gave me an order. In fact if Kenny had given me an order that I didn't like I would have told him to go to hell because he was rude, arrogant, insensitive, and as far as I'm concerned, I wouldn't take any order from him. I would tell him to have to have the President or somebody else call me. I just wouldn't do it. I was prepared for that. He never did. If O'Brien would tell me something or Sorensen, I would do it. O'Donnell never did, and I think he knew probably that if he did, I wouldn't do it. Because I made up my mind when I came in there I'd take orders from the President or from O'Brien or from Sorensen, but I could see right off the bat O'Donnell was not my kind of man to work with.

MOSS: Okay, back to the O'Brien people. What do you think of their competence as legislative tacticians?

COHEN: Excellent, excellent.

MOSS: Can you think of any outstanding examples where they pulled something off that didn't look like it had a chance and that kind of thing?

COHEN: Oh, I'd have to think about that in more detail. I think all of us made mistakes but their mistakes might have come from enthusiasm. But I think if they made mistakes it was because the President was pushing them. I felt it was my responsibility to argue with the President. Now if the President reverses you, as I said, gives you an order that's one thing. But I feel that when you're working for the President of the United States you've got to tell him what you think.

MOSS: I have heard from several sources that there were a number of occasions in which they were too enthusiastic and this rubbed congressmen the wrong way.

COHEN: Oh, as far as rubbing congressmen the wrong way, yes. But let me say to that, like in the Johnson administration, that wasn't their fault, that was President Johnson's. They were just carrying out their orders.

MOSS: Yeah, well I'm speaking of the Kennedy Administration.

COHEN: Well, I can't recall any instance now, it may well be. But look, your job is to make.... You see, here's part of like I said before. You can't get legislation through and make everybody feel that you're a nice guy. You got to push them, you got to pull them, you got to cajole them, you got to compromise with them. That is the nature of the beast as Woodrow Wilson pointed out in his famous book about the relationship between the presidency and Congress. The relationship of the presidency and leadership is to make the Congress mad.

MOSS: Okay, let me ask you about coordination then, because I've also heard the complaint that a given congressman or senator would say, "Good grief another one. You know I've had somebody from Larry O'Brien office, I've had somebody from H.E.W., I've had somebody from [Department of]Labor. You're all doing the same thing. I've already given you my answer." This kind of thing.

COHEN: That is correct. But don't forget that if you hadn't done it then the man would have said, "Nobody is getting in touch with me." This is one of those things where you can't win. I've heard it both ways. I've heard it that when you come six times he makes that point. When you only come twice, "What's the matter, you're not interested."

[BEGIN SIDE 2]

[Tape recorder malfunction; the following is Moss' recount of the missing conversation:

Mr. Cohen is recounting Drug Bill [Drug Industry, PL 781] story. Mike Feldman had Cohen up and said they ought to go see Eastland. They did, and found Nicholas deB. Katzenbach there talking about Justice matters. After a half hour or so of rambling conversation Eastland said he didn't care one way or the other on the Kefauver bill—there were no

[-76-]

votes in Mississippi one way or the other. Eastland said to Cohen that the people concerned are next door. If you can convince them, then I'll vote for your bill. So Cohen walked into the next room.]

COHEN: And there were the representatives, the lawyers from the drug companies, terrifically good lawyers, for instance Lloyd Cutler [Lloyd N. Cutler] was in there, one of the sharpest lawyers in Washington or in the United States of America. And there were the staff members from the Republican minority and Dirksen's office and Hruska's office. And there was little me, little David with his sling shot, and I had to try to find out what they wanted. And then I began to work with them and they told me what they wanted. I went back and I told them what I wanted. And by a series of negotiations

which I then brought Sonosky [Jerome N. Sonosky] and Ellenbogen [Theodore Ellenbogen] in, we were able to get some agreement in general detail which brought us the extra votes to get the bill passed. My instructions were to help Kefauver get a bill passed, but Kefauver could not do it by himself despite what he and John Blair [John M. Blair] and everyone said. Kefauver lacked three votes, and my efforts were an attempt to get the other three votes, by some compromise, in the Senate. The Kefauver bill still wouldn't be law today if we hadn't made those changes.

MOSS: Let me ask you about your relationship with the Bureau of the Budget in getting bills cleared. Did you have any particular problems there?

COHEN: Well it's quite time consuming, but in general the Bureau of the Budget adds another dimension to your problem. They are very knowledgeable people over there and they make practical and good suggestions many times that are helpful. The only difficulty is that when you really get to the nitty-gritty on the Hill and they tell you they want x in the bill and then you've got to get the x, they are nowhere to be seen. It's like, you remember Stalin [Joseph Stalin] saying to the Pope [Pope Pius XI] when the Pope says, "Why don't we have peace?" and Stalin says "Well how many divisions do you have?" And the same way with the Budget Bureau. The Budget Bureau will tell you many times, you know, strike for virtue, strike for peace, strike for nobility of character and then when you go up on the Hill and you say "What kind of help can you give me?" "Oh, that's your problem." So I took whatever I thought was good and I tried to be conscientious about it and much of what they suggest is very good.

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MOSS: Did there seem to be a Budget Bureau line on things?

COHEN: Yes.

MOSS: Particular ways that they looked at things that were inconsistent?

COHEN: You get to know what they are. For instance they were always for incentive grants. During that period of time they would be for about five things that would come up every time such as "Can't you give the Secretary more authority so he can really control things?" Well we were in complete agreement with that but most of the time you couldn't get it that way. When we were giving money, "Couldn't you put the money in something that would bring in incentive as against a straight formula grant?" in other words making it a project grant instead of a formula grant? Well, you couldn't always get that through just the way.... Then they would have another thing which is, "Couldn't you, instead of having a specific dollar appropriation, say such amounts as Congress may determine?"

MOSS: Yes, I remember running across that one.

COHEN: Well, we'd put it in the bills knowing darn well that when it got up there they'd strike that out and write in a specific maximum appropriation authorization. Budget Bureau would have its own pattern and you've got to know that. You'd get into a meeting and they'd say, "Now about incentive grants." I'd say "Okay, let's put it in." I mean, save two days of discussion because Congress wasn't going to do it anyway. And then they'd say "Change the appropriation." I'd say "Okay, let's do it. Don't worry, when it comes back from the Hill it will have that taken out." But they felt that they were being pure. You get to know what those are after awhile and you do it and it saves hours of time. But on the whole again they make very constructive suggestions.

MOSS: What about relationships with the other departments? Where did you find them most helpful allies in getting your thing through? I would think Labor Department.

COHEN: Oh no, the Labor Department under Wirtz was terrible.

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MOSS: Why was that?

COHEN: Well because Wirtz would do anything he could to prevent H.E.W. and Sargent Shriver from getting anything that would enhance their departmental structure. The only one that he thought was worse, the only person that Wirtz thought was worse than I was Sargent Shriver, so I feel I'm in good company.

MOSS: So you were competitors?

COHEN: Oh yeah. For every dollar, for every program, for every responsibility, and Wirtz felt that the Labor Department was poor and the net result is that he constantly was a pain in the neck. I got very good cooperation from practically everybody else I know. But we ought to go into more detail about Wirtz...

MOSS: Yes, okay.

COHEN: ...because he ended up in my opinion, being a nuisance to Johnson, being a nuisance to us, being a nuisance to Gardner.

MOSS: You've got all that overlap on welfare and vocational education.

COHEN: That's right.

MOSS: And manpower training.

COHEN: That's right. That is correct.

MOSS: Why don't we go over that some time later.

[END OF INTERVIEW #2]

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April 20, 1981

Professor Hugh Davis Graham
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Dear Dr. Graham:

This is in response to your letter of April 15.

I would like to say first that I think you would get a much better response to your questions by talking with Sam Halperin. I think he developed a better insight into Mrs. Green and Adam Clayton Powell than I did. They still remain enigmas to me. But for some light on these people, I will contribute a few comments.

Mrs. Green was a brilliant and hard working person. In my opinion, she wanted to be the "queen" of education legislation just as Adam Clayton Powell wanted to be the "king." They both had an image of their hopes and aspirations to be the "leaders" of education legislation just as did several others on the Committee. To assert this leadership they had to maintain a posture that sometimes defied explanation.

I believe Mrs. Green wanted to be Secretary of HEW. She thought her support of Kennedy in the Oregon primary gave her the entree to that position. When Secretary Ribicoff resigned in 1962, I think Mrs. Green hoped and expected to be appointed the Secretary. President Kennedy questioned me about her potentiality as Secretary at the time so I conclude there must have been some reality to her consideration for that post. I think the fact she was not appointed by President Kennedy resulted in her being more difficult in the 1963 handling of education legislation.

I can only add that from my close working relationship with Senator Wayne Morse on the education legislation, he also found it difficult to work cooperatively and constructively with Mrs. Green. This view was substantiated by my friends in Oregon (Mr. and Mrs. Norman Stoll). You should inquire of persons on the Committee then such as former Congressman Frank Thompson and John Brademas of their views. Since they are no longer in Congress, they may be willing to talk about both Mrs. Green and Mr. Powell.

Dr. Hugh Davis Graham
April 20, 1981
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My reference to how Adam Clayton Powell "goofed up" related to a second try on an education bill compromise in either 1961 or 1962. We had lost the first round and I came back with a second revised attempt which Powell rushed into a vote without adequate consultation and preparation. I don't recall the details just now since it occurred twenty years ago.

I also suggest you talk to Francis Keppel about Green and Powell.

The two persons who were most cooperative in helping us to handle education legislation were Wayne Morse and Carl Perkins.

One little anecdote. After the 1961 defeat of the education legislation in the House Rules Committee with Congressman Delaney the Chairman voting against us, President Kennedy called me in to the Oval Office and during the discussion of what we should do he said, "Wilbur, why couldn't you get one more Republican on the Rules Committee to vote with us?" Impetuously and somewhat annoyed, I retorted: "Mr. President, why can't you get one more Catholic?" The President shrugged his shoulders, half-smiled and dropped further discussion. We then went on to consider other alternatives.

Yours truly,



Wilbur J. Cohen
Sid W. Richardson Professor
of Public Affairs

WJC:pwj