

Ivan Nestingen Oral History Interview – JFK#2, 5/29/1968
Administrative Information

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Interviewer: John F. Stewart

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Biographical Note

Ivan Nestingen (1921-1978) served as the mayor of Madison, Wisconsin from 1956 to 1961 and as the Undersecretary of Health, Education, and Welfare from 1961 to 1965. This interview focuses on the reorganization of the Health, Education, and Welfare department during the Kennedy administration, legislative matters, and communication between various departments in the White House, among other topics.

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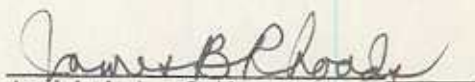
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Ivan Nestingen– JFK #2
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Second Oral History Interview

with

IVAN NESTINGEN

May 29, 1968
Washington, D.C.

By John F. Stewart

For the John F. Kennedy Library

STEWART: Why don't we start by my asking you. . . . I think you went through in the other interview basically how you came to be appointed. Why don't we pick it up at the inaugural period and the discussions that went on as to exactly what your role was going to be there? Was this a consideration before you actually took the appointment?

NESTINGEN: If I understand you correctly, I came into Washington for the inaugural ceremony, this would be in January of 1961, and I did have some conversations when I was in for the various functions with [Richard L.] Donahue, Ralph Dungan, and [Kenneth P.] Ken O'Donnell about the possibility of my being a part of the administration. But I came to the inaugural ceremonies more as one of the many thousands of guests. I was a parade marshal for the inaugural parade and attended all the functions. But there was no definitive discussion at that time about what role, if any, I would have in the administration. Consideration was being given to it. We did not have definitive discussions then.

STEWART: Wasn't there something in HHFA [Housing and Home Finance Administration] that was . . .

NESTINGEN: Yes, [Lawrence F.] Larry O'Brien--I forget the timing, whether it was before the inaugural ceremonies or after. Larry O'Brien called me one Saturday morning in the immediate vicinity of the time of the ceremonies and asked me if I would be interested in being the CFA [Community Facilities Administration] administrator-- I think it was CFA, but it was one of the constituent branches of HHFA.

I was not interested in this and indicated that I didn't feel that I'd be interested in serving in that position.

STEWART: Was it your understanding that the position of under secretary was suggested by someone in the White House or by [Abraham A.] Ribicoff, or had Ribicoff approved it?

NESTINGEN: Ribicoff had not approved it, to my knowledge, nor had he disapproved it. It was suggested by someone in the White House. Who, specifically, I don't know. But I assume it was the recruiting team, generally speaking, involving Ralph Dungan and Larry O'Brien, Ken O'Donnell, Dick Donahue. As to who the specific suggestion would have come from, as an individual, I don't know. It was Ralph Dungan who called me about it, though, and asked me one evening about the latter part of January, it would have been the twenty-fourth, fifth, or sixth of January, in that approximate time context, that he called me at home and asked me if I would want to serve in that position.

STEWART: But to your knowledge, this hadn't been cleared with Ribicoff?

NESTINGEN: I don't know that it had or had not.

STEWART: What contact, if any, did you have with the [Dwight D.] Eisenhower people who were leaving, or were they all gone by the time you got . . .

NESTINGEN: They were gone by the time I came in. The only contact I had on coming in was with the Civil Service hierarchy, as they hold over, and most immediately, for example, Mr. Rufus Niles, [Rufus E. Niles, Jr.] at that time assistanttsecretary for administration. And then other than those my contact was with the Kennedy appointees.

STEWART: Could you go through a little bit the process that you personally used in getting oriented to the department? For example, there have been stories of how surprised a number of Kennedy appointees were to find that HEW [Health, Education, and Welfare] really wasn't the big Santa Claus of the federal government that some had assumed it to be. Were there many surprises in your general orientation to the department?

NESTINGEN: Not really. The big surprise, the major impact that I felt, having had experience with government in one way or another for the preceding ten years--on a limited basis, the city council in Madison, Wisconsin; as a legislator in the state legislature; and as the mayor of Madison, Wisconsin for five years--the major surprise and the major adjustment was that of size. Few people appreciate the

extent and range of activities of HEW until you're in it, and the tremendous scope, both in range of activities by program, as well as dollar volume; a budget at that time of about four billion dollars, approximately. My largest budget prior to that time had been thirty million dollars as an annual budget. This was the major impact I felt. And the adjustment on this was quite substantial. In becoming acquainted with departmental activities, the constituent agency heads had arrangements made for them by the central administrative offices of HEW for briefing of the under secretary and the secretary as far as their own individual programs were concerned, nature of activities, range of programs and so on.

STEWART: And this was quite satisfactory as far as you were concerned?

NESTINGEN: Relatively speaking. Things were moving at a very fast pace at the time. The legislative program of the president was thrown at the Congress in a hurry. I was not personally involved in that, but it absorbed a great deal of activity as far as departmental personnel were concerned. The pace of activity was very rapid and the briefing sessions were, relatively speaking, satisfactory. You get a slanted version, of course, when you get it from this branch, and it's only by experience that you're exposed to the other aspects of life.

STEWART: Were there any serious problems or major decisions left pending by [Arthur S.] Flemming and his staff when they went out? Do you recall?

NESTINGEN: As my memory serves me, I don't recall. I honestly don't at this time. Whether or not you could say that they were unresolved questions holding over from the Flemming administration in the sense what do you do, as a policy matter, with the funding of NIH [National Institutes of Health], within the Public Health Service, on which the Hill, both the Appropriations Committee of House and Senate, headed by Congressman [John E.] Fogarty and Senator [Lister] Hill, respectively, were much more aggressive in the funding of NIH programs, research programs, for example, than the prior administration. This proved to be true, incidentally, under the Kennedy administration as the budget was recommended by Ribicoff. In that sense of the word, there was a policy decision that had to be made, yes. As a holdover from the Flemming administration per se, I don't think you can identify it that way.

I think this, in general, as a fair but general answer to your question. The policy decisions that were left holding over were so very rapidly absorbed by the position of the president on domestic legislation in HEW that they just supplanted anything that was there. So as to carryover and to holdover problems, basically no. As a new set of programs being thrown into Congress in a hurry in a broad range of subject matter, it just supplanted what had been there in HEW under the

nonfunctioning leadership of the Eisenhower administration. Not so much as a "holdover" problem, but more as a very current problem, at that time, was the Cuban refugee influx into Miami, Florida, to which Ribicoff had to devote considerable personal time to meet the emergency of how these thousands of refugees were to be fed, housed, and clothed since the resources of state and local government in the Miami area of Florida were so sorely strained. The president sent Ribicoff to Florida immediately in January (late) to work out the problem.

STEWART: Contrariwise, were there any matters that were resolved or decided in the last month or two in the transition period by the Flemming people that conceivably should have been left over for you people?

NESTINGEN: I don't know. I don't know that there were or weren't. I don't recall. I tend to doubt it, but I don't know.

STEWART: One of the matters that's frequently commented on by people regarding the transition, was the smoothness with which the career people accepted the new administration, as opposed to the problems in 1952 when the Eisenhower people took over.

NESTINGEN: I think it was quite smooth. In fact, I think that these people in HEW, what you might call policy people of the career service, looked forward to the change quite a bit. They had not been very happy under the Eisenhower leadership. This is illustrated by the way, for example, [Marion B.] Folsom departed on a policy difference with the White House under the Eisenhower leadership. I think that the Folsom position--and he was very much admired, for example, as Secretary of HEW by these career people--that his position mirrored their thinking in great part. And as the Kennedy people came in, they tended to be more of their frame of mind than of the outgoing leadership, and they helped to make the transition pretty smooth.

STEWART: Was there any real problem in deciding, in determining those career people who would stay, or those people who were in semipolicy positions who would stay, and those who would go?

NESTINGEN: The only problem was if you wanted to try to dislodge one of them.

STEWART: Were attempts made to dislodge any of them--in the first few months?

NESTINGEN: I was just trying to recall is the reason for the pause. There was some discussion about some individuals, as I recall, but it was not serious discussion in the sense of being

realistic. Of the career people, though, for example, if there were any dislodged, they were of no major importance as far as realistic discussion about the prospects of their discharge.

STEWART: Was there any concern in the early months that the group that was assembled to run HEW under Secretary Ribicoff wouldn't be able to function totally smoothly? This going back to the whole matter of how much freedom did Ribicoff have in selecting the people who were going to work in his immediate office? [Interruption] Did you get the question?

NESTINGEN: Yes. There should have been concern if there wasn't. In all fairness to the situation, these appointments were being made relatively rapidly. You have the ambiguous situation, the secretary who runs a department like that should have, in fairness to his position, some control of the appointments of people with whom he's going to be working on matters of considerable consequence; the other side of the coin is that these are presidential appointments, and they should be, of course, presidential--basically oriented to the president. You are on the horns of a dilemma there. But the result here is, though, that you did not have a team that was pulled together with the real concurrence of the secretary, and so, consequently, there would be some concern over problems that might arise. As it worked out, though, the results were accomplished with some degree of friction that arose. I think we'll just leave it at that.

STEWART: As I say, you can close this for as long as you want, so I hope that you will be as frank as possible. Not that we're after pure gossip, but on the other hand, I think the personalities involved are of some legitimate historical significance because they're reflective of the whole operation of the Kennedy administration. Of course, it's up to you, however you want to go on.

NESTINGEN: Well, it was not a cohesive team for the end results. It was in part the selection process, and in part it was personalities that were involved. But I just have the feeling, in general, whether it be HEW or otherwise, that this is not something that should be surprising.

STEWART: No, no. I'm sure it isn't.

NESTINGEN: So as to whether it's not a cohesive team, considered from the standpoint of the secretary of HEW, he should have his finger on who those appointments are. I look at it more importantly, though, from the standpoint of order of importance, from the standpoint of the president. He has certain people that he wants in a position through the government. The basic loyalty is there. In the main, the program results were not harmed by a faulty selection method.

STEWART: As part of your general orientation of the situation, did you have contact with people on the Hill as to the general legislative background of HEW in Congress?

NESTINGEN: Not consistently, no. In part, yes. And this was on an ad hoc basis. On the Medicare bill, in one period of the development of the fight on that bill, I did not have extensive relationships on the Hill when the bill was first defeated in the Senate. This would be in the time period of 1962. This was largely handled by the secretary and by Wilbur Cohen, as assistant secretary for legislation. After that defeat, and as the Congress returned in 1963 with a new face, the Medicare fight, as far as the Department of HEW was concerned, was handled by myself heading up the leadership on it within the department, and I found quite extensive exposure to members of Congress in that capacity and much more extensive exposure as far as the White House was concerned. The same role was filled by myself on the tax reform bill, (the tax reduction and reform measure). This would be in the period of 1963, as I recall, where I, as far as HEW was concerned, was the focal point on an ad hoc basis for seeking passage of the bill. There my relationships were more extensive, with the White House, and at the same time trying to pull together the citizen support from HEW constituent groups.

On a general basis, was I on the Hill a great deal? No. I made presentations on the Hill to the Appropriations Committee on some matters. For example, on the Manpower and Development Training Act, on educational television, I was responsible as far as one of my functions was concerned for the Office of Field Administration and made appearances on the Hill on the appropriations aspects of that office. But it was spotty, as far as frequency is concerned, and on an ad hoc basis.

STEWART: What kind of a general understanding, if any, did you have at the beginning as to what areas you would concentrate on?

NESTINGEN: I didn't have an understanding until I came to the Department, and as it began to unfold, and it didn't unfold right away. As I came in, it was just that I was coming in as under secretary of the Department of HEW. Then as Ribicoff assessed the situation in those early months as the time passed, he assigned jobs here and there. For example, at the outset [James M.] Jim Quigley was assistant secretary for Legislation. That was changed over to Wilbur Cohen.

My own role, as it unfolded, though--and this would be within six months of my arrival--gravitated to, one, political liaison between the White House and HEW and between the Democratic National Committee and HEW; two, in the Office of Field Administration and chairman of the departmental budget committee, but more on the internal functioning of the departments. Then later on I was assigned specific areas, such as the Manpower Development and Training Act, as far as immediate responsibilities were concerned for

developing that program after the legislation was adopted, educational television, the accelerated public works program.

STEWART: Were you involved in this initial period in staffing, as far as handling referrals from the White House and so forth?

NESTINGEN: In part, I was, yes. In part, this was handled directly by Ribicoff; it was handled more directly by Jon Newman, personal assistant to Ribicoff. He would be, I think, an even more important individual, vis-a-vis myself as under secretary. Especially in the office of the secretary for HEW Ribicoff, in washing it, would take care of it through Jon Newman, as his personal assistant.

STEWART: I was going to ask, for example, about the volume of referrals during the first two or three months. Was it exceptional, or . . .

NESTINGEN: It would be large, of course, in number, but not unusual considering the number of people who supported John F. Kennedy ever since they knew him from the year one. You know the story: they always supported him, never supported anybody else, and they deserved consideration. It wasn't unusual.

STEWART: Then any understandings of general practices between the White House and the secretary's office would have been primarily handled by Newman and Ribicoff himself?

NESTINGEN: Newman would handle it. Some of them I'd have handled, for example. There wasn't a very clear line on it. But Ribicoff did tend to keep his thumb on it through Newman.

STEWART: What general guidelines or general policies, if any, were established as far as relationships with the White House in these first few months?

NESTINGEN: It was not a policy as such, really.

STEWART: No, no.

NESTINGEN: As it developed?

STEWART: Was it just a matter of how it worked out based on the personal relationships or was it . . .

NESTINGEN: In great part, and by the nature of duties. For example, Wilbur Cohen would be in constant touch with the White House as assistant secretary for legislation, largely with

[Theodore C.] Ted Sorensen and [Myer] Mike Feldman, and Lee White. And this would be in the legislative area. He'd be in touch also a great deal in this capacity with Larry O'Brien, especially as Larry became heavily involved in the legislative program. I was in touch with the fellows in the White House like Ken O'Donnell, Dick Donahue, in part Larry O'Brien, somewhat with [Timothy J., Jr.] Ted Reardon on the ad hoc basis on which I was working on Medicare and the tax reform bill and so on, on political appointments or on, for example, the regional conference in the fall of 1961. I was in constant touch with the White House on things like that. It tended to develop in part on personalities, in part on the nature of the work that was being done.

STEWART: Was there ever any problem of each one of you having your own relationships with various people at the White House and, for example, the secretary not being aware of exactly what kinds of matters were being discussed or resolved?

NESTINGEN: This is the same old question of communication. It's six of one, a half dozen of another, in the sense that Cohen was not prone to be very communicative with me as far as his own activities were concerned, and I suppose he had the same feeling with respect to myself, and Ribicoff, or subsequently [Anthony J.] Celebrezze, on occasion, would be concerned about being kept advised of all the things going on. I personally tried to keep the secretary advised where I thought it was of sufficient consequence to advise him so that he would be kept abreast of things. There was one occasion that this wasn't done on which Ribicoff became quite disturbed. As a general policy, I felt it was an obligation to keep him advised as much as possible, wherever it was of sufficient consequence. As to the horizontal communication among the assistant secretaries and myself, sometimes we had communication, sometimes not. But it was more inadvertent than advertent.

STEWART: How much thinking was there in these first few months about tightening up, or doing something about the control that the secretary had over the constituent agencies of HEW? Was this discussed right at the start?

NESTINGEN: Ribicoff is a very talented and a very able man and, at the outset, tried to maintain some semblance of control while bringing them together. He was not very successful with it for a couple of reasons. One is that politically these constituent agencies have considerable power in their own right--the Public Health Service most notably so, the commissioned corps of the Public Health Service--and they were constantly flanking the secretary's office, the NIH appropriations process being most illustrative. He did try but seemed to lose interest, and then, subsequently he became interested in the Senate races, of course, in Connecticut. He did not then maintain

as much of a direct interest in the operation of that department as the department needed. One, he was campaigning for office, but also I frankly feel that he felt somewhat that he was not getting control of the situation. He quite possibly gave up. That's a subjective guess. But, in any event, he was not successful. Celebrezze subsequently, as he came in, made efforts in this direction. But very frankly, he was not up to it.

STEWART: Can you think of any examples of the efforts that were made, especially in the early months? Was it just a matter of more communication with these people, or were there definite actions taken with the understanding that this would lead to tighter control?

NESTINGEN: Ribicoff tried to do it through the budgetary process, keep control of the budgetary process. He never did have staff meetings. And in that sense of the word coordination wasn't present. He operated individually with the various agencies. You know, he conferred with PHS on PHS matters and on a line basis with the other agencies the same way. I was trying to think of something definitive or illustrative of his efforts in this direction other than through the budgetary process, and I can't, at least for the moment.

STEWART: Was this ever a matter, do you recall, that the White House got involved in? Was the White House ever pushing for any kind of a reorganization of HEW, for example?

NESTINGEN: I was not involved in any discussions this way. The only thing that comes to mind is the comments of Ribicoff toward the close of his tenure that he supported the idea of breaking HEW up; if he had his wish, for example, to separate the education agency from the rest of the department. Now, the second. . . . No, wait a minute. There was a request, but who submitted it first, as another indication of the effort to strengthen the secretary's office to gain some control. The circumstance was the request for additional assistant secretaries to strengthen the secretarial office. I think Ribicoff was the initial proposer of this. It got no place under him. It didn't get any place until after the election of 1964. But Celebrezze pursued the matter without success before 1965. As an illustration of an effort to strengthen the secretary's office versus the line agencies.

STEWART: Yes.

NESTINGEN: Reorganization, though, in direct answer to your question on reorganization, I don't recall what other definitive action, if any, Ribicoff proposed, or what discussions, if any, he had in this direction.

STEWART: At what point in these early months, if at all, did the secretary's office make a definite assessment of the actual status of all the programs in HEW? Or was there any kind of a formal review by you people of the status of things and of the problems existing in each of the programs?

NESTINGEN: Ribicoff did not at any time, as my memory serves me, call in the under secretary, the assistant secretaries, and the other presidential appointments for a review as a team. Ribicoff, in the main, on matters of policy affecting the department, consulted with the agency heads or with Cohen, his assistant secretary for legislation and the career staff administrative personnel [Rufus E. Miles, Jr. and James F. Kelly]. What discussions they had in this respect I don't know. I was not advised of them.

STEWART: So as far as you were concerned, certainly, there was no kind of a real assessment?

NESTINGEN: I was not involved. No.

STEWART: You mentioned the . . .

NESTINGEN: Wait a minute, one further thing on that. On assessment, so to speak, the president on budgetary procedure at one point of this period of history, and I think it would be in 1961, for future budget preparations requested departments to prepare and project their budgets on a five-year basis. I'm sure this was in 1961, and I recall talking to the comptroller about it at the time, and expressing the hope that he could do this, and realistically so, because I thought it was valuable to think this way. So, to assess programs, the president called for a five-year budget on a projected basis, one year immediate and four years projected. In this way our programs were assessed on a longer range basis, this coming as a directive from the president.

STEWART: The reason I asked is, again, because I've heard in some departments there was a very systematic assessment made in these early months, and in some cases what was found was rather astounding, or at least was a great surprise to the people who had taken over in January of 1961. They didn't really realize the state of some of the programs in their departments until they got into them to this extent.

NESTINGEN: Well, yes, but how much of it had they been exposed to that they should have been other than surprised, just for sheer lack of knowledge before they were appointed to their respective positions in their departments? I mean, for example, a great deal about HEW would surprise me, not because I should have

known about it but because I was completely new to the circumstance in that it was surprising to me to see the scope of the HEW programs. But, why shouldn't I be surprised for lack of prior knowledge?

STEWART: No, I'm not talking about just the awareness of what was going on, but the awareness of how things were being done and the resultant criticisms of how things were being done.

NESTINGEN: I don't share that myself, as to how things were being done and so on, as it pertained to HEW.

STEWART: Then you certainly didn't, or to your knowledge anyone in the secretary's office didn't, look at the whole thing, in effect, at the whole thing and come up with some real criticisms of any aspects of it.

NESTINGEN: Personally, I did not. Nor was I involved in any general assessments of this nature, as far as the secretary's office was concerned.

STEWART: You mentioned awhile back your involvement in putting together the legislative program that went up in 1961. Do you recall any serious disagreements? In formulating this program there were three or four special messages, one on education, one on health and hospital care, and one on social security amendments, I believe.

NESTINGEN: To go back for a minute to your query about surprise as to the way something was functioning. If you want to say a person is surprised at how much the Office of Education was literally a group of old ladies, completely beset with red tape and lack of imagination, if you speak of that as a kind of an element that would surprise a person, yes.

STEWART: That's the type of thing that . . .

NESTINGEN: There was concern about how aggressive the Food and Drug Administration was and the leadership of it; very old, in office a long time--query, who really is influencing these fellows from the standpoint of protection of the public? Namely, don't the drug companies have more influence in this area than should be the case? Public Health Service, no. Social Security Administration, absolutely outstanding. Wait a minute now. Let's back up on that, the leadership there being old and in need for a change. And it's now outstanding under the new commissioner, [Robert M.] Bob Ball. He is an outstanding person. The administrative functioning within the office of the secretary to my way of thinking was relatively good; very able men. Rufus Miles and [James F.] Jim Kelly being the two most important among them.

On the Vocational Rehabilitation Administration, very, very good, Mary Switzer [Mary E. Switzer] being the head of that agency. The Welfare Administration, real concern existed there stemming from their thinking still being in the thirties versus this being 1961, and corrective action began to take shape with the Ribicoff Welfare Amendments of 1962. The thinking took shape, that is, with the changes made in the welfare laws in 1962. So that, yes, in that sense of the word concern existed. I beg your pardon on that; I didn't quite get the point that you were interested in. Now then, on the legislative messages and the question there about the formulating of policy, in what context would you mean?

STEWART: Well, to be more specific, do you recall there being any disagreement as to the items that were or were not to be included in the 1961 program?

NESTINGEN: Here, again, I was not closely involved. I only have a general memory of this, historically, being formulated largely by Wilbur Cohen dealing with the staff of the White House and then, in turn, communicating with Ribicoff. There was one big area of disagreement, education. The real question there not being the extent to which we should go, as my memory serves me, so much as the question of how to handle the church-state issue, and the question of control of funds and use of funds and how much control we would have on the use of funds. On food and drug legislation, not as my memory serves me. With health legislation, the big area of disagreement there was between the line agency and the Office of the Secretary being the amount of money for NIH. On the PHS legislative program, as such, I don't recall, and I don't know about areas of disagreement.

Welfare, the welfare people within the administration tended to be concerned about how far Ribicoff was going to go with changes. Ribicoff privately. . . . I remember the time that the Newburgh [N.Y.] issue arose, and the city manager of Newburgh [Joseph M. Mitchell] was so critical of the so-called welfare handouts. Ribicoff at that time--I still recall very clearly the concern that he had that, politically, this city manager of Newburgh could be an indication of a troublesome spot in the welfare program unless some administrative and legislative changes were made. And he then took it from there. The welfare people within the administration of our department were concerned how far he was planning to go with some of these changes. I can't be more specific on that, though, because he and Cohen worked that out, and my knowledge is very general and somewhat distant.

STEWART: A couple of other questions on relationships with the White House. How deeply, if at all, were you involved in matters of press relations?

NESTINGEN: I was scarcely involved.

STEWART: This didn't at all come under . . .

NESTINGEN: No, I was scarcely involved in that.

STEWART: Did you ever run into any problems as far as speeches were concerned?

NESTINGEN: Not particularly. I gave more speeches than anybody else in the department. But I didn't have any particular problem. I cleared them out of the Public Information Office, at that time [Wallace] Wally Turner, subsequently Harold Levy. Once I didn't mention the Great Society in a draft of a speech, and Harold Levy got a little excited about that fact and thought it ought to be inserted five times, so he made sure it was mentioned. But not particularly. I had some trouble with the [American] Medical Association . . .

STEWART: That was later, though.

NESTINGEN: That was later, yes. I had some trouble with the Medical Association on my Medicare statements. But I didn't have trouble, in the sense of criticism of what I was saying, from anybody in the department, that I know of--that I recall (with one exception involving a speech when Celebrezze was secretary)*.

STEWART: Were any of your speeches cleared by the White House, or were anyone's speeches in HEW cleared by the White House?

NESTINGEN: I don't think there was a very adequate system. If there was, it was a spotty check, depending on some particular subject for example. Wally Turner, then the immediate assistant to the secretary for Public Information, may, for example, have been in touch with the White House about some of these subject matters and cleared them out to make sure. I would not be surprised if he did that on a number of occasions. But it wasn't the set policy of which I was aware where they had to go to the White House for clearance and back, though. It would have been more if some particular matter happened to be touchy, he'd clear it and just take it up on the phone. This is what I think he did. But, was there a policy, for example, of clearance of drafts of speeches from the White House? Not to my knowledge.

STEWART: Of course this was a big source of dispute with military people and people in DOD [Department of Defense] who had to clear all speeches through the State Department, through the White House.

NESTINGEN: For good reasons, with those fellows. But not to my knowledge in HEW.

* See page 46

STEWART: Let me see, what else is there about this initial period that . . .

NESTINGEN: Incidentally, that was another of my functions--I was virtually the principal speaker out of the department, especially on Medicare and aid to education.

STEWART: Exactly how did this come about? I'm a little cautious about getting into things that may be in this other interview. Are we?

NESTINGEN: No, you're not. How did this come about?

STEWART: Yes.

NESTINGEN: Largely, this: The nature of my work and background was in great part political and, in great part, a feeling on my part that we had to help sell the administration programs across the country, and the strong desirability of getting people in the field to indicate what the administration is doing. Largely it was an educational process, and thinking of the elections of 1962 that were coming up. And so, consequently, I would get out as much as I possibly could. Jim Quigley, why didn't he do more of it? Jim actually didn't care too much to do it. Cohen did not want to do it, and in fairness to him, he was very much involved in the processing of the legislative package. Ribicoff, at one point, got out quite a bit in the field with speeches. But I think it's, as much as anything, a feeling on my part that I could help the administration by getting out in the field and talking to some of these people.

STEWART: You mentioned awhile ago . . .

NESTINGEN: As compared to sitting in an office and looking over some figures.

STEWART: Yes. You mentioned awhile ago, and this, of course, is related to the whole matter of your political activities or your activities relating to politics, you mentioned that many of the matters that you had contact with the White House people were on matters of politics. Could you be specific as to--or give some examples?

NESTINGEN: Well, speech making for one. I had contacts with groups on the Medicare bill, aid to education, helping as far as congressional candidates were concerned. As for campaigning, as another illustration, I was very active in that fall campaign of '62, for example, on behalf of congressional candidates. And I did the same thing in 1964. Then on the question of some of the appointments that

would be called to my attention, it would depend upon the nature of the situation or who might be getting the request in the White House. Some of the fellows at the White House would only talk with me about some of these matters; on the other hand, some of the fellows would only talk to Cohen. It depended on who it was that was involved. But it was in this vein that I was in constant touch with the White House. Then, a little later in '63, of course, these two talk forces I mentioned.

STEWART: Yes. As far as the 1962 campaign, exactly what kind of aid were you giving to people?

NESTINGEN: Speeches, public appearances. That was my role.

STEWART: To what extent, say in the period 1961 and '62, did this whole matter of the administration being kind to people who had been very helpful during the campaign, such as Governor [Edmund G.] Brown, [Michael V.] DiSalle, Mayor [Richard J.] Daley, people like that--to what extent did this have any impact on anything you were doing in HEW?

NESTINGEN: If I'm clear, to what extent did the fact that the White House would want to return the favors, so to speak, to given individuals that had been helpful in the campaign, what effect did it have? Well, it would make a big difference, of course, if Governor DiSalle would call and say, "I'd like something in particular federal assistance for a program under some existing law"; it'd make a big difference if he'd call as compared to [James A.] Rhodes subsequently calling from Ohio. It would be an obvious reason why Brown would receive much more favorable consideration than [Ronald] Reagan. In that sense of the word, of course, their prior help warranted favorable consideration of their request where we could grant it in the department. And so, presumably, if, hypothetically, Governor John Doe from a particular state who had been very helpful in the prior campaign would call somebody at the White House and say, "Can I get help on this particular program?" they'd be referred down to me if it was pertaining to HEW. "What can you do to give this guy a hand?" "What can you do to help this governor out in that state?" Hell, I'd do it if I could--legally.

STEWART: To what extent was this done? Was this a major, was this something that came up frequently, and to what extent did the White House intercede for various governors and mayors as far as grants from various programs in HEW?

NESTINGEN: To what extent percentagewise, for example, would you mean? I don't think you could give an honest answer to it--a good answer, in the sense of being realistic. Well, it would happen quite often during the course of a year, but, frankly, not unbearably so in the sense of really being unreasonable. It just seems to me this is the kind of thing you'd expect, nothing surprising about it. And

the frequency of it, I honestly don't know. The frankest answer I can give you and the most accurate answer I can give you is that, as any of our friends from the campaign requested assistance, we would give it to them through our programs whenever we possibly could. Frequency and volume, either dollarwise or numberwise; as to the number of requests, I just don't think there's any way to answer that from my knowledge.

STEWART: Let me ask it this way: Do you ever recall any serious disputes with people at the White House over the granting of special considerations to people whom they were requesting it for?

NESTINGEN: One congressman wanted to fire me. He called the White House. Of course, the White House requested he be given such assistance as was possible. So I called the congressman--he was a very volatile individual--and I said, "I'll help you out if it's within the framework of the law." He took offense at this rather unreasonable attitude. Did they go to any length? They went to the length that if you can help under the law by programs of the department, do it.

STEWART: Were there ever cases where you felt people at the White House were unreasonable in their suggestions or requests or demands?

NESTINGEN: Oh, sure. I'd tell them about it if that was the case. They were realistic enough to know that I was giving it to them on the level, and they would back me if that happened to be the case. They might not like it. Were they unreasonable about it with me? No.

STEWART: There were no--well, all right. That was the question, were they unreasonable? This whole matter, in your estimation, didn't create that many problems, or there weren't that many really difficult situations connected with it?

NESTINGEN: There were more than I liked, but that's part of the game.

STEWART: Was there ever any thought of changing the game, or were you always agreeable that it was necessary to do these things?

NESTINGEN: I'm not clear.

STEWART: You say that was part of the game.

NESTINGEN: To do a favor for a friend who had done you favors in the past as long as you can do it within the law? That's part of the game. Sure it is.

STEWART: Was there ever any fear that in some cases politically some of these were bad moves, that you'd be opening yourselves to some criticism?

NESTINGEN: Sure. And as a matter of judgment, if it looked like it'd be too much exposed, my reaction would be, "Don't do it." If, as a matter of judgment, this is reasonable and within the law and within the program as far as the department was concerned, "Do it."

STEWART: Did you have many complaints from the program people on requests like this--serious complaints?

NESTINGEN: No. They wouldn't be quite as obvious about it. They registered their complaints in a much different way. They'd tell you you can't do it. And they wouldn't do it.

STEWART: Their position being you couldn't legally do it.

NESTINGEN: Yes.

STEWART: Were there ever cases of program people feeling so strongly about something, not on the basis of the legality of it, but just on the advisability of it, that they went to the press or went to anyone else about it?

NESTINGEN: I don't recall that they went to the press. Somebody went to the press on some things like this question of the White House political people blackjacking the employees too much on fund raising, for example. You see, almost annually as the fund raising would come up news stories would appear that the pressure was too great. Which, in fact, in HEW was not the case, incidentally. We were very, very careful about that, by direction directly from Ribicoff and Celebrezze both, and my feeling being that this was a very justifiable area to watch and not bring pressure, so to speak, on the contribution question. Now, did they go to the press? Not to my knowledge, did they go to the press. Otherwise I don't recall anytime in HEW that they went to the press saying we had gone too far--we, meaning the presidential appointments, had gone too far--in seeking favors for political friends. I don't recall that they did.

STEWART: Were all these types of matters handled by you, generally?

NESTINGEN: The fund raising at HEW was largely in my bailiwick through those four years that I was there. Political favors, so to speak, for political friends under the programs of the

department, some of them were handled by me; some were handled by Cohen; some were handled by Quigley; some were handled by Boisfeuillet Jones. It depended more upon who was making the request coming into the department and who, in turn, was to be requested as far as action within the department was concerned. As a general principle, speaking for myself, in my judgment you tend to make more ground, in the sense of having a decent and good governmental operation, by not being too pushy on political favors. Do it if you can do it, and do it if you can do it realistically. But don't begin to approach a blackjack type of operation to get it done. It isn't worth it. It isn't worth it for the fellow you're trying to help; it isn't worth it for your own person; and it isn't worth it for the administration.

STEWART: But again, you feel that the people at the White House had a reasonably good understanding of . . .

NESTINGEN: Some of the fellows did. Some did. Some didn't. Some of the fellows criticized me a great deal for being too cautious in this respect, but they didn't know what in the hell was going on down in the department either, and they didn't know some of the pitfalls that I did.

STEWART: What--again maybe this is obvious . . .

NESTINGEN: Yes, that some of them criticized me, and I felt they were unreasonable in their criticism? Yes. But, my gosh, this is such a big impersonal government that, again, it's the kind of thing I would expect. Why worry about it? I did get a laugh one time, though. You won't run this tape for a long time, will you?

STEWART: No, we won't run it as long as you . . .

NESTINGEN: We laughed one time on the PHS cigarette smoking report. This was as well guarded a secret as was humanly possible to keep in advance of its publication. It was just as tightly kept a secret because of the potential impact on the tobacco market as well as the desire of having an absolutely independent report published. Not long before it was to be published, "O'Donnell called me and put me in touch with Mike Feldman. Mike Feldman asked: "Can you give me a copy of that report? The president wants it." So I went back to the surgeon general, the assistant surgeon general, [James M.] Jim Hundley, who was immediately with the surgeon general's office handling this matter, and said, "I want a copy of that report. I want to take it over to the White House." And Hundley said, "I'll give you my copy. It's in the office." Well, he went back to his office, and instead of that, he reported to the surgeon general. The surgeon general five minutes later was on my doorstep, "Why do you want this report?" I said, "I want to take it over to the White House?" I didn't want to tell him the president wanted it. "Why do you want to take it to the White House?" "Because a fellow in the White House

wants to see it. So I want that report." The surgeon general then said, "I can't give it to you. I have to go up to see the secretary." I said, "Go up to the secretary." A few minutes later the secretary called me in and said, "Why do you want that report?" I said, "I want to take it up to the White House." "Why do you want to take it to the White House?" "Well, O'Donnell wants it--for the president." We never did get that report.

STEWART: Really?

NESTINGEN: Never did.

STEWART: The surgeon general wouldn't give it to you?

NESTINGEN: He would not.

STEWART: And nothing more ever came of it?

NESTINGEN: It would have taken a direct call from President Kennedy to the surgeon general. And the president didn't want to do that as far as I know.

STEWART: Can you think of any other examples of things like that?

NESTINGEN: Oh, the others were a little bit more subtle. That was a direct confrontation because of the nature of where the request came from. The others would be more subtle; placement of personnel, for example. Well, they'd just kick it around hither and yon, and process the paper and massage it, and keep it under the rug in the office, so that finally the person that you want to have considered by that time has given up hope and gone elsewhere. It's just a little bit more subtle way of handling a rejection. This happened quite frequently, sure, as well as requests for favorable action on some project or another, here and there. It's "We can't do it," for whatever the reason. For example, to get back to a personnel appointment, on one occasion the personnel director just told me, "We can't hire this fellow for educational television. He has an interest in a radio station up in Boston." I said, "He's divesting himself of that interest, and selling it." "Yes, but it's in the immediate past of his." Well, this is a subtle way of saying no. It ended up I got that guy the job. But, you know, there are so many ways that you can scuttle a request, scuttle. . . . They just don't bother to do it directly.

STEWART: Speaking of appointments, I meant to ask you, what contacts, if any, did you have with Dan Fenn [Dan H. Fenn, Jr.] and his operation?

NESTINGEN: Not too frequent. Let's see, no, Dan, before he was on the Tariff Commission, was working with Ralph Dungan.

STEWART: Right.

NESTINGEN: Not too frequent with Dan. He placed--I'm just trying to refresh my memory in that context and time.

STEWART: He had a group that was presumably working on relatively high level appointments.

NESTINGEN: John Clinton, Dan Fenn, Ralph Dungan. And I was not exposed to that operation a great deal. I was trying to think, there were a couple of top level people, people who wanted consideration for top level appointments in the department, where they would have come from I am not sure. The former president, as I recall, of George Washington University in St. Louis was in my office for example, the first day that John Glenn [John H. Glenn, Jr.] was orbiting the earth. No, not John Glenn--the second space shot. I don't know whether Ralph Dungan's office referred him down. But in any event, not very frequent.

STEWART: Moving on to something else--and if you've gone over any of these things I'm asking you about in your other one . . .

NESTINGEN: It scrapes on some of it, but not very much.

STEWART: Has it?

NESTINGEN: Not very much, no. It hasn't very much.

STEWART: All right. This whole matter of the relationship of people in HEW with outside groups, you've mentioned this before. Of course, the charge is frequently made that many programs in HEW are too heavily controlled by outside organizations and associations. Was this ever a matter of serious concern, or a matter that anyone in the secretary's office felt something should be done about on any kind of a systematic basis?

NESTINGEN: They were very heavily influenced by outside groups, yes--and you could say almost controlled in a sense of the word, welfare being very illustrative of this. The various and sundry welfare directors, state directors as well as the constituent groups of the welfare administration in the citizen area, had very, very strong influence, if not control, of the policies of the Welfare Administration. Ribicoff sought to do something about that in 1962 with the welfare amendments as far as the programs were concerned and the regulations. Was there a systematic effort to combat this influence?

STEWART: To cut back this influence in general throughout the department?

NESTINGEN: No, except as periodic tussles would come up. But they'd be on the Hill. Those people would go to the Hill just as fast as anybody you could ever see and had a considerable amount of

influence up there. Mary Lasker [Mrs. Albert D. Lasker] for example, would be extremely influential in the health areas of the government (especially the NIH); she has extremely good contacts on the Hill, as one person to illustrate. There are any number of those, a great number of people, who had this influence. So as we might try to do something with one program or another, they would constantly, as matters would arise, make their influence very pronounced. But as a systematic effort to cut back this type of influence from outside groups in the department, no.

STEWART: Then there was no real attempt to do that.

NESTINGEN: No, not that I was aware of. Anybody, I think, who tells you otherwise doesn't know what he's talking about, or deludes himself, one of the two.

STEWART: You attended, according to our records, a number of--three, to be specific--cabinet meetings: September 1961, February 1962, and July 1962. You probably don't recall these specifically, but in general, do you remember any complaints from either of the secretaries or anyone else in the secretary's office about the infrequency of cabinet meetings?

NESTINGEN: If Ribicoff complained, he shouldn't have. He was not very good on his attendance record. I don't know whether he complained or not. There was speculation in the press about criticism on this; I personally did not hear it. They were perfunctory meetings, though, as far as the cabinet meetings were concerned as conducted by President Kennedy. They were quite brief, a half hour to three-quarters of an hour, generally to take up one specific item. One instance had to do with Laos. Yes, I think that was the criticism. And I gained that, as my memory serves me, more from the comments that I'd seen in the press than anything, than from direct exposure to this criticism.

STEWART: You say you attended one on Laos?

NESTINGEN: The main subject matter had to do with Laos, yes. And the president asked the secretary of state [Dean Rusk] and as I recall, [Robert S.] McNamara to comment on the circumstances.

STEWART: But it was just a general briefing for the rest of the cabinet?

NESTINGEN: That's right.

STEWART: None of the other people had anything to say on it?

NESTINGEN: No, not to speak of.

STEWART: Do you remember the subjects of any of the other two cabinet meetings you attended? Or is there anything outstanding about those that stands out in your mind?

NESTINGEN: No, no, there was nothing that stood out in my mind, and I don't recall what the subject matters were on the other two.

STEWART: Continuing as far as your relationships with other departments and agencies, do you recall any situations of jurisdictional disputes, so to speak, between HEW and Labor, Interior, any of the other departments?

NESTINGEN: We had some difficulty on the Manpower Development and Training Act, the function of the Department of HEW under the Office of Education being that of the education and training, in the vocational training sense of the word, and the function of the Labor Department being that of funding and doing on-the-job training. We had some jurisdictional disputes under that bill. The Labor Department, we felt on our behalf, tended to want to try to control too much of the education and training functions of which we felt they had no knowledge.

Let's see now, on public health. There was some concern expressed at one time, but I don't think it developed into any real serious concern of research being done in the Public Health Service as overlapping, possibly, the work in the Department of Defense and the National Science Foundation. But it did not gel into something that was difficult. The Food and Drug Administration, Social Security, Welfare, Office of Education, Vocational Rehabilitation Administration. . . . No, the most serious that I was personally exposed to was in the manpower development and training field with the Department of Labor.

Now, on ARA, the Area Redevelopment Administration, that was coordinated out of [William L., Jr.] Bill Batt's office, and he tried to pull the loose ends together there, but I don't think the jurisdictional problems became serious there. I don't recall any others.

STEWART: Speaking of ARA, did you handle, as far as HEW was concerned, all of that?

NESTINGEN: I did, yes.

STEWART: There are probably some other questions I could ask you on that later, for example, on going over Bill Batt's interview and some of the other things, so we can put that off. There was an attempt, I believe, to reduce the number of interdepartmental committees. Do you remember this?

NESTINGEN: Yes. We tried to do that, but it wasn't really too successful. God, they had committee meetings running out of their ears. And if my memory serves me on that question, Ribicoff had a review of the number of intradepartmental committees and was successful in weeding out some. I don't have a good memory, though, on the extent to which this was done, and how much was saved in the sense of time and reduction of numbers of meetings.

STEWART: Have you gone over in that other interview, do you recall, the whole matter of the leaving of Ribicoff and the entrance of Celebrezze?

NESTINGEN: We touched on it some, not extensively though.

STEWART: For example, do you recall how soon you knew that Ribicoff was leaving?

NESTINGEN: Oh, it was pretty well known for several months, the only question being his timing as such. He had to get out in time to declare for and meet the legal requirements as far as filing for the Senate was concerned, but it was known for some months. We used to talk about it. It was just a question of time and not anything else. He pretty clearly had indicated to some people his private dissatisfaction with serving in the position.

STEWART: And he would have gotten out anyway?

NESTINGEN: Well, it depends on what his alternatives would be. And I'm not the best person to ask about that, for lack of knowledge.

STEWART: Can you recall any instance of things that weren't done in this period just before he left?

NESTINGEN: Oh, I don't recall really. There was somewhat of a hiatus, but it was very short, as far as the picking of the successor was concerned. When Celebrezze came in, he (Ribicoff) stayed on a little bit extra, I know, in that particular period of time because of the fight on the Medicare bill in the Senate, and he was here for that. He had gone to Connecticut and then came back to help after he left the Department, if my memory serves me.

BEGIN SIDE II TAPE II

NESTINGEN: Things were at a general standstill during these closing months, really, of Ribicoff. The legislative program had slowed down in the Congress in great part because of our very thin margin in the House. And Ribicoff was on the way out; it awaited who was going to be his successor. But I can't say that such

and such a matter wasn't taken care of adequately, for lack of knowledge or memory.

STEWART: Then there certainly were no serious problems, say, in the month or two before he left?

NESTINGEN: Not that I recall.

STEWART: Were you people consulted at all on his successor?

NESTINGEN: I was not, and it's my feeling no one in the department was.

STEWART: Do you know precisely why Celebrezze was selected?

NESTINGEN: He had a good record as a mayor in Cleveland in the judgment of most people. I think the ethnic factor, the obvious Italian name was a factor that came into play. But he had a record as a good mayor over in Cleveland.

STEWART: For example, the statement has been made that it was the ethnic thing in relation to Edward Kennedy's campaign.

NESTINGEN: I know, but in addition to that, in fairness to the president, you also had a man with a good background.

STEWART: What do you recall were Secretary Celebrezze's main problems in getting going? Was there a problem, for example, that because you people had been there now for a year and a half that he had trouble picking things up because he was so far behind, so to speak, in his knowledge of what was going on?

NESTINGEN: There was nothing he couldn't have adjusted to. I don't think he was a very good secretary, being very frank about it, because I think that he just did not view the position and what his responsibilities were in that position with as good a perspective as I think he should have. He tended to relate the programs of the department to his experiences in Cleveland and based his decisions on such. Well, you cannot do this and run a department of this immense scope of programs and do it with the consideration of the entire country on hand. This is what he tried to do, and it was not very successful.

STEWART: Can you think of any examples of things that were decided in that way, or were looked at in that way?

NESTINGEN: Well, what would be a good illustration of it? I can't, for example, appreciate a secretary, a man serving in the position

of secretary, opening a departmental staff meeting with the commissioners of very sizable constituent agencies with the story of how he had just visited the city hall in Washington, D.C., and presented an award citing a particular policeman and saying, "This is how we treated our personnel in Cleveland and encouraged them to do better work." This is an illustration of the scale on which he had his thinking. Now this is not thinking of a four billion, or at that time seven billion, dollar budget. There's an illustration. You won't play that tape for awhile?

STEWART: No, no. We won't play it for as long as you want. You know, I tried to make this clear in the beginning.

NESTINGEN: What I'm saying is I don't think Celebrezze was a good appointment, no.

STEWART: Did many of his problems involve people at the White House? Were there numerous complaints to people at the White House about things he was doing or decisions he was making?

NESTINGEN: To judge by implication, yes, but I don't know. Do I know, for example, that the surgeon general of the Public Health Service was protesting to the White House or on the Hill about the way in which Celebrezze was treating the Public Health Service? I suspect yes, but I don't know because these fellows were very circumspect--these fellows meaning the agency heads were very circumspect--as they'd lodge their complaints.

STEWART: How, specifically, if at all, did your role change with the coming of Celebrezze?

NESTINGEN: At the outset he and I got along quite well, having had some common friends, mutual friends, in the past; as matters unfolded, not very well. And the nature of the difficulty can be illustrated by the fact, for example, that I was constantly doing battle with the American Medical Association. He, at one time, literally ordered me not to fight publicly about Medicare, that it was a waste of time. I disagreed with this very strongly and ignored the order. I was, and am, more of a liberal in the ideological sense of the word than he. He's basically a very conservative man. And I was prone to be more liberal in my observations, and be more frank in my criticism of opponents to legislation, and more liberal in my position as to how far the legislation should proceed. And he and I were at odds on this count.

He also was very critical of me for what he felt to be dealing with the White House directly. And he knew that I had very good friends at the White House from my history of political campaigning, as well as personal friendships. He was unappreciative of this and tended to be quite critical of me in this respect. So that as time passed we were on a divergent path.

At one time he fired me.

STEWART: When was that?

NESTINGEN: One time--I forget the exact nature of the setting--I wanted to get a particular statement out on Medicare to correct the record on the public's posture of the Department of HEW and also to criticize the AMA. His public information office, knowing of this difference on how to handle the matter, would not clear this statement, would not issue it. So I had the Democratic National Committee do it. Celebrezze was out of town at the time. And so the following morning, on Saturday morning, he found out about it, he called me at home. He said, "I want you to take that statement back and not issue it." I told him, "It's already issued." [Laughter] So he fired me. This was about a week or two before the president was shot.

STEWART: What happened then?

NESTINGEN: Nothing. I told the fellows at the White House, and they laughed.

STEWART: Did he take it back or did he push it?

NESTINGEN: No, he couldn't. President Kennedy knew that as far as I was concerned, I could leave that department anytime and I wouldn't feel badly about it. Hell, I wanted to get out six months after Celebrezze got there. I called the White House one day, and O'Donnell was the one I talked to, and I said (he picked up the phone in Miami Beach), "Ken," I said, "I want out." He said, "What's the matter?" I said, "Well, you can take the secretary here and. . . ." He came back up to talk me out of it. These fellows by this time had seen that Celebrezze was not functioning very well, and they were looking forward to replacing him, which they did.

STEWART: Maybe it's a silly question, but why were they so reluctant to see you leave, the people at the White House, other than the obvious fact that you were doing a good job as far as they were concerned. But what I'm getting at is, was it a matter of them feeling that they had someone that they could rely on there?

NESTINGEN: I think mostly this. These were good friends of mine. We'd had a good common background as far as the Kennedy campaign was concerned and then developed into good friendships. They knew they had a person there who they could call and rely on to help as much as possible. They felt also that I wasn't getting a fair shake as far as the secretary was concerned. (After Ribicoff went up to the Hill.) And why they wanted me particularly to stay there versus going someplace else, I didn't force the issue and so they dropped it. Had I wanted to

force the issue, they would have given me a hand.

STEWART: Again, I assume you've gone over most of this Medicare.

NESTINGEN: That has been very well covered by Peter Corning, yes.

STEWART: For example, the obvious question is that if President Kennedy's own approach to this thing seemed to be to build up a big public backing for it, there's an inconsistency. How could the secretary question this?

NESTINGEN: Why this is what was atrocious about it.

STEWART: Yes, all right.

NESTINGEN: And this is why I just ignored it. I paid attention once, on one particular occasion. Then from that point on, I just said, "No more. The president wants this passed, and we have an obligation to the administration." Then the White House. . . . And incidentally, virtually none of this has been ever told to anybody except the people who were involved on this firing business with Celebrezze.

STEWART: Look it. Do you feel pressed for . . .

NESTINGEN: No, heck. The day before a holiday in this city, you know, there's nothing. . . .

STEWART: Let me ask you, you were in direct charge of the regional setup at HEW, were you?

NESTINGEN: I was.

STEWART: Again, have you gone over this in any detail in the other interview?

NESTINGEN: A little, not too much. Let me outline briefly the nature of what that setup is and see what you might have in mind.

STEWART: All right.

NESTINGEN: The director of the Office of Field Administration immediately under my jurisdiction in the Washington office was a man by the name of Chester Lund [Chester B. Lund] with nine regional offices in the country--well, Boston, New York, Charlottesville, and so on--with nine regional directors, grade 16, career service employees, largely a staff function, not a line function, but those nine regional directors

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serving largely a coordinating function of the programs in staff position as compared to a line position of administering the program. Within each of these nine regional offices would be a regional representative of the constituent agencies of HEW, so that there would be six regional reps in each of these nine offices, one for Social Security, Public Health, one for the Office of Education, and one for Welfare, one for Vocational Rehabilitation Administration, one for the Food and Drug Administration. They served the line function, the staffing of those regional offices being anywhere from a minimum of about a hundred and eighty, as I recall, at Denver to maybe four hundred at New York.

STEWART: Well, the only question I was going to ask is: Did you make any significant changes in this setup based on the problems that undoubtedly occurred or the conflicts between lines running from you and lines running from the constituent agencies?

NESTINGEN: We tried off and on without any degree of success. We tried off and on in this sense of the word of trying to get more of a say as far as a voice is concerned for the regional directors over the administration of these programs because they were politically very astute; they were very good in the sense of capability; they were very astute in the sense of being responsive to the area they served--more so than the line people--consequently, hoping to give them more of a voice in the carrying out of these programs and backing from the constituent agency head in Washington not basically being very successful with it. These fellows (bureaucrats in line duty) don't like to change and give up anything. It's human nature, and human nature prevailed here.

STEWART: Were these regional administrators political appointees?

NESTINGEN: No, career. Let me say this: I think that in the late forties or early fifties they were bracketed in; their positions were bracketed into the career service. And all of the nine were career employees, but happened to be very well oriented to the Kennedy administration or the Democratic administration, happened to be quite good liberals, if you wish to use that term to describe them, but are career people.

STEWART: Again, as far as organizational things are concerned, was there always a temptation to place new programs in the secretary's office? I'm thinking, for example, there was a special assistant for aging at one point, one for water pollution at one point.

NESTINGEN: Right. This is a constant battle. The secretary's office. . . . And some of us felt this quite strongly. We had the feeling that you. . . . For example, Manpower Development and Training; if buried in that Office of Education, you'd have an unimaginative program that's going to be the same stilted type of presentation as the Office of Education was prone to dish out for years and has done for years before [Francis] Keppel came in. Consequently it was placed in the Office of the Secretary for Administration, and I was put in charge of it. Educational television, same story, I was put in charge of it.

On a program like Accelerated Public Works, this was the same type of program--we didn't want to get it buried in the Public Health Service; we wanted literally to keep control of that for purposes of carrying out the health program faster. We felt we could do it faster and avoid the red tape of the Public Health Service. But we didn't want to get that program buried because we wanted to be able to move fast with projects in distressed areas and also, at that time, to get some money on the market. But we did have this feeling about wanting to get programs as new ones came up into the office of the Secretary where we could do it, yes.

Now, the Office of Aging happened to be a particularly unique fight. Congressman John Fogarty [John E. Fogarty] felt very strongly about this, and this got into an intradepartmental fight, too. The question for several years had been about recognizing the problem of the aging, and Fogarty and Senator [Patrick V.] McNamara, then of Michigan, wanted to keep it out of the Welfare Administration for the same kind of reason, yes. Celebrezze--this was ultimately an organizational matter within the departments--for one of the few times, called in a general HEW presidential group and said, "I want to put it into the Welfare Administration." I was the only one who objected and said, "If you do, you're going to find a very strong amount of criticism being directed at you, and you will have to isolate this Council on Aging to get it up into the Office of the Secretary from the Welfare Administration. If you won't do it, your hand is going to be forced." This is what happened. We had an intradepartmental fight before that got done, with Cohen on the one hand, as the assistant secretary for legislation, and the secretary wanting it in the Welfare Administration, and my position being different. Fogarty knew about this difference, so, consequently, as much as he felt that I could help consistent with the obligations I had within the department, I was in line with Fogarty and McNamara on that.

STEWART: Your mentioning of Fogarty brings up a question. It's frequently been said that both he and Senator Lister Hill, to a certain extent, have run HEW.

NESTINGEN: Yes, they were very, very influential and able.

STEWART: Can you think of any examples of matters pertaining to things really internal to HEW that you felt they had no real right to get involved in?

NESTINGEN: No, I honestly don't. They were chairmen of their respective HEW appropriations committees. Fogarty was really quite good about not getting inside the departments on strictly departmental matters. For example, very rarely did he ever call and ask favorable consideration on an appointment. I don't think he called me more than once or twice on that kind of thing. And he was careful this way to draw the line. But did he keep his fingers in that department very heavily? Yes, he did, this Office of Aging fight being an illustration.

Another dramatic illustration was with NIH. Whereas we would submit a budget--one year, literally, Senator Hill tacked on sixty million to this NIH appropriation arbitrarily and reported that out of his committee So John Fogarty tacked on another sixty million.* So then they compromised it out and added ninety million to the NIH appropriation that HEW had requested. Now, is this a departmental policy in which they were very influential? Obviously, yes. Is it something that they shouldn't have a say-so in? Obviously, no. They should have. In this way they were very influential in the operation of the department, yes. And understandably so.

STEWART: What were the relationships between Senator Hill and Congressman Fogarty and, first, Secretary Ribicoff?

NESTINGEN: Not anything unusually close, if my memory serves me. As much as I could assess this, I don't think they were particularly close. Fogarty was critical of Ribicoff on this appropriation question. Hill, very much the Southern gentleman, he was always, under the circumstances, very courteous. Whether or not he was privately critical, I don't know.

STEWART: Ribicoff had his problems with [Sam] Rayburn, didn't he?

NESTINGEN: I'm not acquainted with that. I don't know.

STEWART: Well, I was going to ask about Celebrezze's relationships with these people and did they get very involved, but possibly you weren't that

* Interviewee's note: I believe this is in reverse as stated--i.e. House acted first, Senate second.

NESTINGEN: Well, they differed, for example, that Fogarty made no bones about his difference of opinion with Celebrezze on this Office of Aging question and on other matters that arose. He used to privately tell me he didn't think much of the way Celebrezze was running the department, but what he would do with Celebrezze face to face, I don't know.

STEWART: You didn't by any chance, have anything to do with mental retardation?

NESTINGEN: No, I did not, except at a tangent. And that would have been budgetarywise. But that being largely formulated and brought to me, and these people had it pretty well worked out. Policywise I had no appreciable effect on it.

STEWART: Because we have been doing a series of interviews on that, and there are some very interesting questions, I think that's As I say, there are a number of specific things, the educational television, Manpower Development and Training Act, and, oh, civil defense, for example.

NESTINGEN: Well, civil defense, you don't need to talk about that. There could've been an old lady running that program. It didn't amount to a hill of beans.

STEWART: Is there anything about the internal security program which came under you that is of any great significance?

NESTINGEN: Incidentally, this was a Republican appointee that some of our people wanted to dislodge.

STEWART: On the civil defense? She was immediately under you, or . . .

NESTINGEN: No, not civil defense. Internal security.

STEWART: Oh.

NESTINGEN: It was headed by a man by the name of [Frederick H.] Fred Schmidt. Some of our political people wanted to dislodge him and they couldn't do it. I advised them not to try, to get back to one of your early questions about changing personnel. But, no, nothing unusual about that. We had that one scrap which I investigated out in St. Louis pretty extensively. I had to hire a couple of investigators about the misdeeds, supposedly, of some Public Health Service personnel. And then on the general question of internal security about hiring of personnel, occasional instances would turn up indicating the inadvisability of hiring some people, but this was nothing of a lot of consequence or anything that would be of any real interest.

STEWART: There were never any questions of malfeasance or. . . .

NESTINGEN: Well, there's one Public Health Service investigation that we did in 1962, all of which showed nothing except a lot of smoke, no real substance. I don't really recall what the circumstances were anymore.

STEWART: Well, as I say, I'd prefer to come back later and ask you some questions about the educational television. Is there some more about that?

NESTINGEN: Well, the thirty-two million dollar, five-year program was adopted in 1962; it unfolded at a fairly moderate pace and nothing dramatic about it. We had some flap on the question of utilization where a racial discrimination question would come into play and the result of that. No, I don't think there is anything that's unusual. The question of program control was pretty easily resolved. No, I don't think so.

STEWART: This is about all. Yes, that's just about all. As I say, I'd like to. . . .