

Wilbur J. Cohen Oral History Interview—JFK #3, 7/20/1972
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Biographical Note

Cohen, Assistant Secretary of Health, Education, and Welfare (1961-1965), discusses the Department of Health, Education, and Welfare's legislative division and its staff, the naiveté of John F. Kennedy (JFK) appointees, and the lack of legislative control during JFK's presidency, among other issues.

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Wilbur J. Cohen—JFK #3

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Third of Three Oral History Interviews

with

Wilbur J. Cohen

July 20, 1972
Ann Arbor, Michigan

By William W. Moss

For the John F. Kennedy Library

MOSS: The first general subject I'd like to talk about this morning is the organizational aspects of the H.E.W. [Department of Health, Education, and Welfare] legislative operation. Let me ask you first of all if you will talk about the way you organized your own office, the division of effort and responsibilities among you, Philip Des Marais [Philip H. Des Marais], and Dean Coston [Dean W. Coston], and whoever else happens to be important in your operation. How did you assign responsibilities and so on?

COHEN: You must recall, first, that I came in as Assistant Secretary of H.E.W. with twenty years of prior experience in the Social Security Administration and in Federal Security [Federal Security Agency] and then H.E.W. in the legislative field. So that I came into my position with full knowledge of many of the problems, difficulties, opportunities that existed in the legislative relationship within the department, with the Congress, with the White House, and with the Bureau of the Budget.

Moreover, it must be pointed out that in most other departments the two functions in the legislative field—one, the relationships with Congress and, two, the legislative policy—were separated. But in H.E.W. there had always been a tendency to bring them together. You will still find in most government departments and even now in H.E.W. at this time, that they are separated. But I was one of those who believed very strongly that they should be brought together provided that

the person in charge was able to competently handle both of them.

MOSS: All right. Now what's the reason for this?

COHEN: The reason for this separation is that traditionally the policy matters related to work throughout the department of policy people, while the congressional relationships were thought to be simply procedural in process with no relationship to policy. My best illustration of it is, look at the White House level: Larry O'Brien [Lawrence F. O'Brien] was in charge of legislative process, not of legislative policy; Sorensen [Theodore C. Sorenson], Feldman [Myer Feldman], Lee White [Lee C. White] were in charge of legislative policy; O'Brien, Manatos [Mike N. Manatos], Desautels [Claude John Desautels], Wilson [Henry Hart Wilson, Jr.] were in charge of process, relationships. And at the White House level, that separation was very carefully carried out. Larry O'Brien would never presume to make a policy decision on legislation. That flowed from President Kennedy [John F. Kennedy] to Sorensen. But Sorensen would have to be very careful that he didn't make a legislative process relationship with a senator without consulting O'Brien.

MOSS: I was going to say, it's probably easier to slip that way than the other.

COHEN: Yes. Traditionally, people who are process-minded are not substantive-minded. However, in H.E.W., particularly under the leadership of Mr. Altmeyer [Arthur J. Altmeyer] in the Social Security Administration, these two had been linked together, or, put it in a negative sense, had not been separated. We tended over the years to keep policy and process closely interrelated. That was true at the time that the department was founded in 1953 under Mrs. Hobby [Oveta Culp Hobby], when Mr. Perkins [Roswell B. Perkins] was Assistant Secretary first, and later on when Elliot Richardson was Assistant Secretary. So there was a tradition in the department of close interrelationship between these two factors. However, when I came in on January 20, 1961, they had been separated under the most recent tenure of Secretary Flemming [Arthur S. Flemming]. And the substantive part was in the Assistant Secretary's office, but the procedural part was under another Assistant Secretary, which in the Kennedy Administration was Mr. Quigley [James M. Quigley].

MOSS: Right. Right. An undesignated assistant.

COHEN: An undesignated. And it was very logical for Mr. Quigley to have control of the process because he had been a former congressman. That's a typical conventional wisdom point, well, make the congressman, former congressman, or legislative expert the process person,

relationships, keeping up contacts.

MOSS: All right. You were also talking about notifying congressmen of grants in their districts and this kind of thing.

COHEN: That sort of thing. Keeping them happy, if they got a complaint, processing it. And, may I say, there's a tremendous amount of processing that takes place that has nothing to do with substantive.... Answering letters...

MOSS: Referrals, that kind of thing?

COHEN: ...or "My social security check is lost." "The grant didn't come on time." Just that sort of thing. But I felt that the two had to be brought together. That is my opinion today, that was my opinion then.

MOSS: Why do you think so?

COHEN: I think so because the tendency to deal with process alone is to think that by sheer matters of contact and friendship and relationship, you can change a person's point of view. And there's no doubt that one will always find an individual case where that occurs. There are congressmen and senators, and on a particular vote who will do something out of friendship or contact, particularly where it's not important to them. If you go to a city congressman from inside New York on a farm issue that he doesn't particularly care about, he might vote differently if you were a friend of his. And if you ask a farm congressman from a rural area to vote on something that affects some big city, he might vote with you if you were a friend of his. There are cases where that happens, and, when votes are close, obviously you have to exploit that opportunity. But generally speaking, one can go on the assumption that most congressmen and senators have to vote the general point of view of the people that they represent. Therefore, there are a whole group of people for whom process becomes a misleading thing. You can do a hundred thousand favors for them and they still aren't going to vote for you on a particular issue if their constituents are violently opposed to it. And you can do a hundred thousand favors for a fellow or even be critical of him and he's still going to vote for you because he's got to fundamentally consider his constituents. I recognize that as I said that there are a lot of small variations, and if the vote is very close, well then that's another matter. But generally speaking, my thought is that process and substance ought to go together, and I'll give you an illustration of why.

There was a case in which Jim Grant Akin [Jim Grant Akin Bolling] went directly to

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Secretary Celebrezze [Anthony J. Celebrezze] without my knowledge and got him to sign a telegram to all of the congressmen which she said Larry O'Brien had directed her to have sent. Without consulting me, Secretary Celebrezze approved the telegram and it was sent to all of the congressmen, on an education bill, and of course the reaction was violent in Congress against some 435 telegrams being sent, which cost several thousand dollars, to people who were just two blocks away in terms of criticism against this particular feature.

MOSS: Do you recall the substance of the telegram?

COHEN: It had to do with supporting a particular item in the Elementary and Secondary Education Bill. Now, this is an illustration of how when you're dealing separately on process, that is, trying to influence the result, without keeping close contact with people who are dealing with the substance, you can make some very serious mistakes. And Secretary Celebrezze regretted it, he apologized, and the matter blew over. But this was one of the factors which led Secretary Celebrezze to be very critical of Jim Akin who was very impetuous and who felt that she should not be really supervised by anybody because of her direct relationship to Larry O'Brien. And there were one or two such illustrations like that in which the process broke down.

MOSS: As I recall, Jim Akin was referred to H.E.W. for the post by O'Brien, by Sam Rayburn and a few others. It came from that end, rather than from H.E.W.

COHEN: Well now, I'd like to touch on that because that's an important point on which I'm rather critical. I was appointed Assistant Secretary for Legislation by President Kennedy on the intervention of both Mr. Sorensen and Mr. Ribicoff [Abraham Alexander Ribicoff]. I assumed that I would be consulted about any other appointments, but I was not. Jim Akin was appointed or designated to this job without any consultation with me. Mr. Des Marais was appointed without any consultation with me. Of course, Mr. Nestingen [Ivan A. Nestigen] as Under Secretary was appointed without any consultation with me, which was perfectly all right except that he assumed that he was going to have certain legislative responsibilities which he not only didn't have but never did get properly executed, which bore some further difficulty. The only person that I directly appointed was Dean Coston. He was my appointment.

Now, as far as Mr. Des Marais is concerned, that worked out perfectly satisfactorily. Mr. Des Marais was a very, very cooperative man and he remains a friend of mine, now, eleven years later. I should not imply by what I said that that did not turn out. But the fact of the matter is, I was not

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consulted. Now the fact of the matter, I was not consulted on Jim Akin either, and that turned out to be a very disastrous situation. She made much more trouble than she was helpful. She assumed because of her relationship with O'Brien and her relationship with the Texas delegation, or whoever she had relationship with, she was a fairly independent person that she didn't have to practically report to the Secretary of H.E.W. Well, you can't run a ship that way. There can only be one captain, and the boat's got to go in one direction.

MOSS: Jim Akin is one of the genuine characters of the Administration. I wonder if you'd sort of describe your memory of her.

COHEN: Well, in the first place let me say, she was a very smart, brilliant woman.

There is no question about that in my mind. She had a lot of good brainpower. She was very masculine, she smoked cigars. She liked to swear like a man in order to sort of shake up the men in a meeting. She used more foul language than a man would use in public. And she tried to be pretty tough and direct in her dealings. And, of course, that made most of the men kind of laugh at her behind her back because she was so unfeminine and so atypical. But the fact of the matter is that she was a capable person, and if it had been made clear to her that she was working under the direct supervision of the Secretary and the Assistant Secretary for Legislation, I think she could have been even more effective. But a very fatal mistake was made by Larry O'Brien in kind of putting her in as if no one else had to be consulted. Now I don't mean to imply that Secretary Ribicoff wasn't consulted. But I'm pretty much so.... She was on board before we could even turn around, and you'd have had to make a first.... Since we didn't know her, how could you object to her if you didn't know how she was going to turn out?

MOSS: Did you attempt to change this situation later?

COHEN: Yes, we did. The fact of the matter is that, with Mr. Nestingen there as Under Secretary appointed through the intervention of Kenny O'Donnell [Kenneth P. O'Donnell] and Jim Akin appointed through the intervention of Larry O'Brien, it was obvious that there was going to be a lot of stress and strain because they had direct dealings with the White House.

MOSS: That left Quigley in kind of a squeeze, didn't it?

COHEN: Yes, it left Quigley in a squeeze because he really had no direct contact at all. He was really persona non grata. He had gotten his appointment because he was a defeated congressman and, might I add, he was a very nice man. I have no personal criticisms against Mr. Quigley because he

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was very cooperative, but he had no power base.

Now my power base flowed from Sorensen to Kennedy and Ribicoff, so that it was obvious in the department that there were kind of three different power bases going. You had the Nestingen power base with O'Donnell, you had the Jim Akin one with O'Brien, and you had mine with Sorensen and Kennedy; and then, of course, you had Secretary Ribicoff who had direct access to all of them. I consider this a rather unhealthy situation and it's indicative of the fact that the Kennedy Administration was kind of kept together by rubber bands in a way, and scotch tape, rather than by some bigger process. Well, that's not quite correct because the bigger process is that we were all responsible and identified with Kennedy himself.

MOSS: Well, you have the same thing happening in Foreign Affairs with the elimination of the Operations Coordinating Board after the Eisenhower Administration [Dwight D. Eisenhower] and so on, a very deliberate effort to

create a loose operation. This was deliberate, as I understand it. Just saying that it has problems.

COHEN: Yes. And let me say this. I think it's good that there is some tension. Not everybody should be exactly right on the same track with everybody, because that reinforces error when it occurs. You've got to have some tension, just like in a marriage. I think a good marriage is made up on a certain amount of tension but not conflict.

Now, what thus happened in the department was a reflection of what was also happening in the White House. That is, in my opinion, in the White House you had two separate operations: you had the Sorensen operation and you had the O'Brien operation—or, I should say, the O'Brien, O'Donnell operation.

MOSS: "The Irish Mafia."

COHEN: The Irish Mafia, and in a sense the Jewish Mafia. And the latter one was intellectual, the other one was political, and while they worked together 87 percent of the time, the 13 percent that they didn't work together was very much of a tension. I recall one time in connection with my problems with Mr. Nestingen, when I went over to Mr. Sorensen's office to discuss it, and it had gotten so bad that I felt I had to. And Ted said, "Well, I think I better talk to the President about it." And I said, "Ted, don't do so. If you talk to the President directly about it, you will reinforce what these other people think, that you're anti-O'Donnell and the Irish Mafia, and your situation will only be worse off. I'm telling it to you so you know and you can act intelligently in your relationship, but if you begin to be

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explicit and discuss this, you're just going to make your own situation worse because they're watching for you to make a mistake." This situation grew out of the fact that there had been certain discussions between Nestingen, O'Donnell, and O'Brien about doing certain things in connection with the hearings on the Medicare bill with Mr. Mills [Wilbur Mills], which I think I reported on originally, and when that occurred, Mr. Mills called me up directly and said, "Wilbur, for God's sakes, call these guys off. They don't know what they're doing." Now here was a situation in which O'Brien, O'Donnell, Nestingen, and the people he was working with felt that they were going to put the squeeze on Mills. And of course, when Mills heard about it, he said, "If you don't keep these guys away from me, I'm not going to be even semi-cooperative." And he called me.

MOSS: I've heard it reported in even stronger terms, that the Nestingen crowd believed that you were not committed to the passage of Medicare, that you believed it couldn't be passed. And therefore, they felt that they had a mandate to take the whole proposition out of your hands and run it themselves.

COHEN: Yes. I don't know what they thought because they didn't talk to me.

MOSS: Yes. I wondered if this was communicated to you in any way.

COHEN: Well, there were several meetings in which there were very strong words stated.

MOSS: In what kind of meetings, at the Secretaries' level or what?

COHEN: Well, we had a lot of staff meetings in which people participated. But, here was the point. I felt that Medicare was going to take four or five years to get through, which is exactly what happened.

MOSS: Your salami slicing.

COHEN: That's right. And these men who came in hadn't been in the process before and they were eager beavers. All you had to do was chop Mills up, grind him up, put the pressure on him, and the thing would fall into Kennedy's hands. This is a very naïve and simplistic notion of the legislative process which usually happens when people have had only a limited experience. They think, all you have to do is put the pressure on Mills and he'll capitulate.

My feeling was that it was going to take a least four or five

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years to do it. So I had a long range plan. I knew Medicare was going to get passed, but it wasn't going to get passed in '61, it wasn't going to get passed in '62. I thought, well, it might get passed in '64, and therefore, "Build slowly and build up your case." But they felt that that was too slow and too indefinite, and that I was banking too much on Mills.

MOSS: Did you get any feeling that they were looking to the '62 congressional elections? They wanted to have a little show first?

COHEN: Yes, that's right. And that was all right. I had no objection to that. But their attitude was, if you'd just let us handle it, we can push it a lot faster than Cohen can, and they did everything they could to undermine my role in it. It's a very good illustration of the fact that the Kennedy Administration didn't have the kind of legislative controls that the Johnson Administration [Lyndon B. Johnson] had. Such a thing would never have been permitted in the Johnson Administration, and I don't think should be permitted in any administration.

They just made trouble for themselves and for me. And, of course, the President never spoke to me. Nobody ever spoke to me about it. Nobody ever said to me, "Well, Wilbur, I think you're going too slow, we could make this faster." They all went around me and attempted to undermine my status which, even to the extent that it was correct, I think it was a false and erroneous method of managerial direction. I mean, if I wasn't doing it right they ought to have taken me out of the job. But, instead, they left me there, then undermined

my position, and then when the moment of truth came, what happened? Mills calls me and says, "I'll tell you what. I'm not doing one more thing unless those people get out of my hair."

MOSS: Yeah. Do you recall any of the meetings that Dick Donahue [Richard K. Donahue] was having over at the White House in '63 on the Medicare?

COHEN: Yes. I attended quite a number of them. He got involved in it. And, by and large, this is one of the problems that you have to face when you're in the department. If a person in the White House has a meeting, you've got to go to the meeting. And, of course, people in the White House when they hold meetings can usually get anybody to attend, inside the Administration or outside. Dick Donahue was a very amiable Irish fellow, but he didn't know one darn thing about this problem. By and large he was another one who just complicated the situation rather than made it easier. But I would not say that he was diabolical or vindictive about it. He was put in by O'Donnell and O'Brien

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and those people to try to push the thing faster, but he couldn't do it. It wasn't in the cards just at that time. They thought by various manipulations and political shenanigans and indirections that they could, in effect, take people like Wilbur Mills and Senator Harry Byrd, Sr. [Harry F. Byrd, Sr.] and make them do things which they weren't going to do. So I consider it just a naïve indication of their political sagacity. They weren't really vindictive, although they were nasty to me and it made my life miserable. I consider them juveniles in the legislative field.

MOSS: You mean they were personally nasty to you in their relationships or...

COHEN: No, in direct relationships, they by and large just only said, "Hello" and "Goodbye," and were perfectly neutral in public. But behind the scenes, the man that was really the hatchet man for them was a former old friend of mine, which made the situation even more difficult. His name was Ray Henry. Ray Henry was brought in to work for Mr. Nestingen. And Ray Henry had been a very, very good friend of mine years before. It was his job to go around and bestow slurs on my competence and my legislative ability and my insight and my political judgment, and I really felt that that was a very, very sad commentary on the situation. And that's the price you have to pay if you want to continue to do a job. I felt that I had a job to do and I felt that as long as Sorensen and Kennedy were there and as long as Ribicoff and Celebrezze were there, I had their full backing.

The fact of the matter is, Nestingen had neither the endorsement or support of either Ribicoff or Celebrezze as the Secretary. And so, as long as that was so, he felt that his contact with O'Donnell in the White House was more important. But the fact of the matter is that, as you know, when Johnson came in to be president, one of the first things he did was to say, "Get rid of Nestingen," because the word was all over the Administration that Nestingen

was a man who was just fouling things up. He was later terminated.

Then the anomaly of the whole situation is, Johnson made me Under Secretary to take Nestingen's place. So, in a sense, I feel I was vindicated. But it took four years of difficulty and strain. And the point I'd like to make is, this sort of a situation would never have existed in the Johnson Administration. Johnson would never have permitted that kind of internecine warfare, whereas in the Kennedy Administration, where the situation was looser and where Kennedy was not as firm and in control of the situation, it did exist.

MOSS: All right. Let me ask you this: Given that, had the control existed, would Kennedy's legislative program

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have fared substantially better in Congress?

COHEN: No. This has no real substantive impact. This was all wear and tear on the psyche. It had nothing to do.... No, Kennedy couldn't get his legislative program through because there weren't the votes. Even after the '62 election, there weren't really the votes. It took the Goldwater [Barry M. Goldwater] election. And these people couldn't quite understand why this great charisma of President Kennedy and the great ability of all these people couldn't get the votes through. But they weren't real practical politicians who said, "Let's count the votes."

Now, O'Brien was practical, but O'Brien was not ideological. And he did the best he could. And I will say this, that at the end of the Kennedy Administration and at the end of the Johnson Administration, my relationships, I think, with O'Brien ended up good and satisfactory, and I have no complaint whatsoever against Larry O'Brien or Henry Hall Wilson or Manatos or Desautels, in my legislative relationships. They were fair to me, they were cooperative with me, but I had to win their support over the opposition of Nestingen and O'Donnell.

Of all of the people I worked with in the Kennedy Administration, the person I liked least was O'Donnell. I thought he was the coldest fish that existed. As far as I know I never got any cooperation or any support or any enthusiasm or any commendation or anything out of him. So, I believe that things could have been vastly improved in the personal relation, but I think it had absolutely no impact on the results of the legislative process which were determined, and only changed when Goldwater ran against Johnson.

MOSS: Okay. Let me come back to my original question. We've strayed a bit, as these things usually do, but covered an awful lot of good ground, I think. About the actual division of effort among the three of you in your office, Des Marais, Coston, and yourself, was there an explicit division of effort or was it catch as catch can, or what?

COHEN: It was really worked out in relation to our individual competencies. First, Des Marais had been in the educational field. So I made him responsible for education legislation in addition to being my General Deputy when I was

gone. But he had been the vice president of a Catholic college, and since he had worked in education I felt that that ought to be the place that he worked on. And since he was a Catholic, I thought also, well, he ought to be able to maintain some kind of understanding of the Catholic parochial school issue although he never gave me any difficulties on that, but just as a relationship.

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Dean Coston was a man from Ann Arbor [Michigan], whom my wife [Eloise Cohen] had known particularly here, who was a master technician in areas that I was not, and I by and large gave him things to do in areas where I was most deficient—air pollution, water pollution, pharmaceuticals. He had a mind that was a steel trap mind on handling complicated technical matters, so my assignment to him was more or less in the areas where I found it very difficult.

I also had another assistant later called Jerry Sonosky [Jerome N. Sonosky], and Jerry Sonosky was given certain specific things including the handling of the Kefauver [Estes Kefauver] bill.

MOSS: Right. I think we covered this the last time.

COHEN: Yeah. So that, I didn't have a prefabricated assignment. They were developed in relation to competences, with myself trying to be the symphonic director but concentrating on the areas that were my own professional area, like social security, welfare, and Medicare.

MOSS: Okay. We talked about the division of responsibility between you and the Quigley-Jim Akin effort. How about between you and the General Counsel? In many departments I see a lot of the drafting of legislation being done actually in the General Counsel's office. I get the impression that a lot more of it was done in your office than is usual.

COHEN: No, no. Because here again, you have to make a separation. The actual legislative drafting was done in the General Counsel's office, but the determination of the policy that went into that draft I held control over. In other words, that is the point that was made. I feel, in terms of my government experience, that there are two tremendous problems that are faced in policy formulation: one is the tremendous power which lawyers have in determining policy, and the other is the tremendous power economists have in determining policy. Having been trained initially as an undergraduate as an economist myself, I felt that I could reasonably understand the economist's point of view. But I was very suspicious of the role of the lawyers because I had been trained by two men, Professor Witte [Ernest F. Witte], an economist, and Mr. Altmeyer, an economist, to recognize that if a person wasn't sensitive to the policy formulation, the lawyers would put it in. You can see that all over tax policy, lawyers decide. When a person writes a will they just let their lawyer write it up. And you've got to be on guard to be sure that somebody else isn't making decisions for you without your really understanding them.

Now it turned out, of course, that the General Counsel was an old friend of mine, too. He was a man who was very sensitive on this point because he had been under Mr. Altmeyer's direction, too, when the General Counsel's office had been set up in the Social Security board. So I let the lawyers know very early in the shake, they could do the legislative drafting, but when I decided what the policy was, either by direction of the President, the Secretary, or myself, that was it. Lawyers did not make policy.

Now, you get into a lot of debatable issues from time to time, constitutional issues that related to the education program, very complex policies in education programs, and it was necessary, therefore, to utilize the skills of the lawyers. But, I think, in the famous article by Harold Laski on the limitations of the expert, I followed the policy that an expert whether he is a lawyer or not should be on tap but not on top. That was my policy, and naturally it ran into some difficulties from time to time with individual lawyers. They wanted to say, "Well, you ought to do this." And I said, "Well, maybe I ought to do it, but the decision was to do y instead of x." They didn't like it, but on that matter, I had an absolute policy on that.

Quite frankly, although I am not a lawyer, I had spent my life in working on legal, and drafting, and other problems in it, and I felt I could hold myself. After all, these constitutional interpretations are all a matter of guess, I mean, one person's guess is as good as another about what the Supreme Court's going to do on parochial schools. One always has to remember that in every court case there is one lawyer who thinks on one side and there's another lawyer who thinks on the other. There wouldn't be a legal case if there weren't two different points of view. So I constantly took the positions with lawyers. "Well, there's always two points of view." And I persisted in that, and I think my policy was correct, and I feel that the policy was formed in H.E.W. and in the Social Security Administration is the correct one to follow in government administration, rather than the ones which are followed in many departments in which the lawyers determine ninety percent of the policy decisions.

MOSS: This leads me to another angle on this thing, and that is, you mentioned the lawyers and the economists. Now, lawyers proceed from an advocacy kind of thing, whoever argues best wins the day, in effect. The economists supposedly go from a rational empirical point of view. Now, what happens when these two conflict? It seems to me that the economists have more or less taken over from the lawyer generalists but not entirely. The battle in the McNamara [Robert S. McNamara] Administration in Defense [Department of Defense] shows this,

I think, strongly.

COHEN: Let me say first that among the various professional groups, by and large lawyers and economists have the sharpest minds. Leaving out for the moment physicists and engineers, I would say in the general social field, men or women who become lawyers or economists by and large have a greater degree of mental

acuity and a greater degree of policy identification issues than any other group. So they're sharp and you want them, and you want to use them. But they should be on tap, not on top.

The secret of any political administration is to get their ideas, and then have somebody else who's a generalist decide between the conflicting issues that they bring up. It was my feeling that I'd get the lawyers and economists and social workers together, and then the point was, either I made the decision, the Secretary made the decision, or the President made the decision, or Sorensen on behalf of him. And I think, therefore, what you've got is the interrelationship between the experts and the generalists. Over the years, I became more and more a generalist than a specialist. I believe that in business today and in government and in universities, the tendency to let the specialists or the experts make the decisions is what gets us into many difficult policy problems.

MOSS: Okay. We talked about the Office of General Counsel. I wonder about the staffs of the Secretaries themselves. You've talked about Ribicoff and Celebrezze from time to time, but what about people like Jon Newman [Jon O. Newman], Donald Kent [Donald P. Kent], Mary Cunningham, Bo Jones [Boisfeuillet Jones], Wallace Turner, Bess Armstrong [Bess Armstrong Furman] that group?

COHEN: Well, let's take them up. Jon Newman, who came to work as Ribicoff's assistant, was one of the most brilliant young men I had met. He is today a Federal District Judge in Connecticut. There's an indication of his competence. He was a young man who had this unusual ability as both a lawyer and a public policy maker in a better combination than almost anyone I had known. He was very close to Ribicoff and was Ribicoff's most trusted political, legal, and policy adviser. Ribicoff, however, did not tend to look upon his responsibility as a manager of H.E.W. in the administrative management sense. He was a political figure. He came in as Kennedy's secretary in order to get the education and the Medicare bill through, of course, neither of which he got through before he left. His year and a half as Secretary was marked with signal lack of achievement, and he got out before it got worse. He didn't pay much attention to the administrative problems. In fact, I would say he was a poor administrator. He was an astute political observer and

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an astute political man, as evidenced by the later years in which he was Senator from Connecticut, and again, as he did with Kennedy, was one of the first to recognize McGovern [George S. McGovern] for presidential candidate. None of the other people that surrounded Ribicoff came anywhere close to the competence that Jon Newman did.

Wallace Turner, of course, had been brought in through the Kennedys. Bobby Kennedy [Robert F. Kennedy] had met him in connection with the Beck [David Beck] case, and he came into the department. He was fairly knowledgeable newspaperman, but not particularly in rapport with governmental public relations, and he became frustrated. He never had that experience before, and eventually he left and went back with the *New York Times*. He was a fine man but not particularly the right man for the job, as both he and others discovered.

Bess Armstrong Furman had been the leading reporter on the *New York Times* for Health, Education, and Welfare, and when she retired from that, she was given a job in H.E.W. in recognition of her long prestige and status. But by the time she came into H.E.W. she was old, she was worn out, and while I liked her and we were great personal friends, I don't think that she really contributed very much. She ended up her last days writing various reports which were not of any particular great use to anyone. It was more or less a retirement benefit for her in terms of her former prestige.

MOSS: What about her predecessor, Wallace Turner?

COHEN: I just talked about him.

MOSS: Oh, yes, yes, I'm sorry. What was the distinction between public affairs and public information? Now, Bush [Harvey A. Bush] was public information, and Turner and Armstrong were public affairs. What's the distinction there?

COHEN: Well, the distinction there is that, in a government agency, if you write in and ask for a pamphlet or you want to know how do you calculate your Social Security benefit, that's public information. There's just a tremendous volume of people asking for information about the government department. Public affairs is the broader question of presenting the image of the department and the Administration to the American public in terms of the presidential point of view. That is, what is important to the President, what's important to the Administration, not simply giving out the routine information.

MOSS: So it has an effect on policy.

COHEN: It does, yes, because policy is made up of that.

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MOSS: Did you have any problems in this area?

COHEN: Well, there are always problems because a person like Wallace Turner comes in who hasn't had any government experience and he immediately....
[Interruption]

[BEGIN TAPE 1, SIDE 2]

MOSS: Okay. You said you wanted to talk about Bo Jones first.

COHEN: Bo Jones was appointed to his position in view of his close relationship with Senator Lister Hill, and I had no part in that whatsoever.

MOSS: That really gives Hill a stranglehold. He's got both Bo Jones and Luther Terry

[Luther L. Terry].

COHEN: That is correct. But it didn't turn out that he had as much of a stranglehold there as seemed, mainly because Luther Terry was so ineffective, and secondly because Bo Jones was very cooperative with the Kennedy people. So that Lister Hill, while he had a lot of prominence and authority, didn't have as much life and death control over things as might seem. Then also, because Hill was a very fair man and I worked very closely with him, too. The problems of relationship with Fogarty [John E. Fogarty], who didn't have that kind of an inside of the Administration were much more difficult because Fogarty was on the outside looking in, but his actual political power was in some ways greater than Hill because he permeated the organization at much lower levels. I recall one day Fogarty saying, "It doesn't make any difference to me what you do, Wilbur. You can do x or y, but I have people all through your whole department that will report to me what's going on. So you go ahead and do whatever you want."

MOSS: For instance, on the level of Shannon [James A. Shannon]?

COHEN: Oh, even lower than Shannon. I mean, in some respects he had Shannon controlled because he had people down the line. He had been handling the appropriation bill so long, knew so many people at lower levels, that he could pick up the phone and call Mr. X who was a project manager or something and get what he wanted, and he had absolute, perfect intelligence throughout the organization. We could touch upon this and the similarities and differences between Hill and Fogarty if you like. But Bo Jones was perfectly willing to cooperate with the objectives of the Kennedy Administration, so that there weren't any real big problems here. Many times

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when we had to do things that Lister Hill wanted to do, we did them, but it wasn't because... We'd have had to do them whether Terry and Jones were there or not.

MOSS: Was the P.H.S. [Public Health Service] set up to really handle legislative things? You had a guy like Woolpert [Elton D. Woolpert] in there who did a little bit for you and so forth.

COHEN: Yes. Well, Elton Woolpert was a very capable technician. But he did not have a power base that was sufficient because the P.H.S. is made up of so many different units and subunits that he was more of a traffic manager than he was a policy manager. This was true of Terry as well as others. And that is the reason that Bo Jones and later Phillip Lee [Philip R. Lee] and myself took over the greater amount of decision making affecting health.

Bo Jones had no policy decision making with regard to Medicare. That was delegated to me. All of the decisions with regard to the health aspect in Medicare were not handled by Bo Jones. He was a very fine man and he was most cooperative. He looked toward his relationship with Janet Travell [Janet G. Travell] and Kennedy and Sorensen, and tried to

maintain a good relationship with Lister Hill and DeBakey [Michael E. De Bakey] and Mrs. Lasker [Mary Lasker] and those people, and he did a fine job of acrobatics in maintaining all of those diverse relationships. I had no difficulties with Jones at all, although our jobs might have conflicted in a way, since I was handling the Medicare program, we had no difficulty. None as compared, you know, with Nestigen.

MOSS: What about Donald Kent on aging?

COHEN: Donald Kent, who recently died, was a person whom I helped to bring into the organization, and his relationship with all of us was very constructive and there were no big problems there. He was a professional in the aging field. I consider my relationship when I worked with him very splendid, and we remained fast friends until the day he died.

MOSS: His was essentially an advisory kind of thing rather than a policy development?

COHEN: That is correct. Well, he had some policy development, but it was not political.

MOSS: And Mary Cunningham on consumer protection?

COHEN: Well, Mary Cunningham, really, she didn't turn out to be a very effective person. She was a very nice woman

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and she helped us a little bit in getting started, but that was in such the preliminary stages of consumer development that one cannot really say. It was a stage in the development of consumer, very early stage.

MOSS: Okay. We talked quite a bit about the Nestigen situation. You hadn't mentioned, I don't think, in any of these interviews his assistant Blue Carstenson.

COHEN: Blue Carstenson was a Ph.D. from the University of Michigan and I must say that whoever gave him a Ph.D. was deficient in their standards of academic excellence, and I say that because at the present time I would be the one who would be in charge of the program by which he would have gotten a Ph.D. here. Blue Carstenson, in my opinion, was one of the fuzziest minded, incompetent people that I knew, and he was of course an original candidate for the job which Don Kent ultimately got. I insisted that he not be appointed because the man was a scatterbrain. His objectives were sound, he was for all the good things, but he had diarrhea of the mouth, he was a scatterbrain, he couldn't focus his resources, and I don't know how he got in. I think Nestigen or somebody appointed him because of his contacts with other organizations, but he never.... He

made a lot of small difficulties that had to constantly be corrected, but he wasn't enough of a political or intellectual force to really have to conjure with.

MOSS: Okay. And again, on the Nestingen thing, everything that you've talked about so far with respect to your difficulties with him has been on the Medicare thing. Did you run into problems with him on education and welfare, water pollution, anything of this sort?

COHEN: No. He really didn't.... I think if you interview ten other people in the department at the time, they will tell you that their relationships with him were practically nil, because he didn't know anything about the program. While he was Acting Secretary, while the Secretary was gone, the instructions of the Secretary were pretty much, "Don't handle anything through him." So that his role in the department was probably nil.

MOSS: Okay. I have one note here about a Nestingen memorandum to Larry O'Brien that I ran across in our files. The date is August 3, 1963, suggesting regular luncheon type meetings with various committee members on the Hill. Did you ever get wind of this proposal?

COHEN: Oh, there were a number of suggestions like that, trying to influence a more effective relationship. But again, that was an indication of a naiveté. I mean,

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they felt that by having these meetings they could get people to vote for the Medicare who weren't for it. And the fact of the matter in 1963 is, we didn't have the votes and Wilbur Mills told us. Wilbur Mills said to it, "Even if I voted for it, you don't have the votes and I'm not going to lead something that I don't have the votes for." And there weren't the votes in 1964.

MOSS: You have a very definite position on the separation of powers between the legislative and the executive on drafting legislation as I understand it. You have a view that, in effect, committee staffs and departmental staffs should keep separate until such time as the administration presents its bill. That if you get the two together too early, you dilute the responsibilities of each in the system. Is this correct or not? Because I've heard this attributed to you.

COHEN: No, I would not say that's a correct formulation of my position, and I would find it difficult to make a formulation because I think it's different in different fields. My position is that each committee is a different institution. The committee under Wilbur Mills and the [House] Ways and Means Committee, if you read John Manley's [John F. Manley] book on the Ways and Means Committee, you will see the development of an institutional picture which the Congressmen and the Congress have of the Ways and Means Committee that is *sui generis*, in my opinion. Now you can't take the

House Appropriations Committee or the Senate Appropriations Committee, or the Senate Finance Committee and fit it a hundred percent in the same formula. So that my opinion on this matter is that you have to deal with each committee separately, and one cannot have such a simplistic and universal formula for all committees and all legislation.

Now the House Committee on Education and Labor during the last ten years has been the most disorganized committee. And it was so under Barden [Graham A. Barden], it was so under Powell [Adam Clayton Powell, Jr.], and it is so under Perkins [Carl D. Perkins]. And you cannot develop legislation the same way in that committee as you can in the Ways and Means Committee. Nevertheless, the House Committee on Education and Labor has produced lots of legislation, but it's produced lots of animosity, too. There's more animosity in that committee than in any other committee in Congress that I know of, and yet their productivity is very great. And you've got Mrs. Green [Edith S. Green] on that committee and you've got Mr. Perkins and Frank Thompson [Frank Thompson, Jr.] and John Brademas, and you have to thread your way through a minefield in that committee. So my answer to your question is no, I think in some cases you work more closely with the staff and in some cases less closely, and you adapt that to the individual set of circumstances.

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MOSS: Okay, fine. What about your relationship to the various operating agency heads on legislation? As I understand it, you had regular Thursday meetings that got the agency heads together on current legislation.

COHEN: No. These were usually not the heads. These were their staff people, who were responsible not so much for the substance but for the traffic control of the legislation. No, I dealt directly with the individual heads on a one-to-one basis on policy. Those meetings were for, "Is the committee going to hold a hearing next week? If they do or they want x, who's going to get that material...."

MOSS: Right. "What piece of paper do we need to support it?"

COHEN: "And how will we do it, and when will we do it, and if somebody's going to be out of town who's going to stand in?" All of the minutiae, but very important minutiae. That's an indication of why I think the process has got to go with the substance, because you can't separate out.... Sometimes you want the first person to testify; sometimes you don't want the first person. You've got a big problem on something, you say, "Well, let's send Joe. He can take the heat and hold the line."

MOSS: Let's run down the line of agency heads and get you to talk a little about them with respect to policy. I've got Luther Terry first. You called him ineffective before.

COHEN: Luther Terry had been a scientist, and his general knowledge of policy matters was extremely limited. Not that his mental ability was limited, it's simply that he had spent his lifetime in the laboratory and in scientific development, and

he was perfectly prepared to let other people handle these big political matters. And while he had assented to be in favor of Medicare, he didn't do anything about it. He was perfectly happy to let me and others fight that battle and struggle with the A.M.A. [American Medical Association], while he handled—which was the major matter within his Administration—how to balance the interests of N.I.H. [National Institutes of Health] with the rest of the P.H.S. That was the big problem that Luther Terry had, which he didn't successfully handle.

He had Shannon on his hands, and he was not able to control Shannon. Shannon was not able to control him. What you got was kind of a Russian-Chinese situation in which two powers recognized that each other existed and that they had to live side by side, but no effective resolution of that. Luther was very nice, but at the same time, while he had been

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appointed by Lister Hill, he didn't feel that he should just bend over and say, "Yes" to everything that Mrs. Lasker and De Bakey, who were very close to Hill, wanted, whereas Bo Jones was closer to Lasker and De Bakey and Sid Farber [Sidney Farber]. So that the constructive relationships in that side went from Bo Jones to Mike Feldman in the White House, whereas Lister Hill tried to relate it to Terry. But the fact of the matter is, when the thing was all through, Lister Hill told me once that he made a mistake in recommending Luther Terry, that Luther Terry was just a washout.

MOSS: Should Burney [Leroy E. Burney] have been reappointed?

COHEN: Oh, no. No, no. On Burney I was adamant. Burney was a competent man but a reactionary, whereas Luther Terry was competent in a progressive sense but he didn't take an effective leadership role, and there wasn't much to take a leadership role about during his period. So it worked out fairly satisfactorily from that standpoint. No, Burney was the one man I told Ribicoff that absolutely couldn't be the Surgeon General. I'd accept almost anyone else. My candidates were people like Leona Baumgartner. I had a series of others, but it didn't quite work out.

MOSS: An aside, on the P.H.S., out of a personal interest almost, I have been following the story of the smoking and health report, and there's one gap that I haven't been able to fill, and that is somewhere around May 1963. There seems to have been a decided interest on the part of the White House in the progress of that report, and that this had an impact on the work of the advisory committee at that time. Do you know anything of that?

COHEN: Well, I don't recall anything now. I must say that I want to give credit to Luther Terry, too, for his continued persistence in connection with the smoking report. While that report gave us more trouble, and gave me a lot of trouble when I became Secretary in 1968, the smoking report gave more political trouble than almost anything else, because you immediately alienated the North Carolina, Kentucky, and other congressman and senators, and this created a difficult problem. But the fact of the matter is that Terry should get a lot of credit, because here was a professional question and

he was competent in that area, and he followed it through.

MOSS: There's an indication, or at least a charge, that there was an attempt to keep it professional but that the political aspects of it began to enter into it in '63, in a sense that they wanted to get the blasted thing out before it would have an effect on the '64 election, so that the explosion could come and go.

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COHEN: Yes. Well, that sounds very reasonable to me. If it had been delayed until '64, it would have made it somewhat more difficult. But, quite frankly, I don't think it would have changed the political situation. Once Barry Goldwater decided to be a candidate and he decided to attack Social Security, the die was cast. And I'm only sorry in one sense that Kennedy was not the candidate because Kennedy looked forward to the same kind of enthusiastic conflict with Barry Goldwater as Johnson did in '64.

MOSS: Well, that brings me to a later question. It takes us out of the sequence of my outline but I think it's worth talking about. How involved were you in the Kennedy planning for the '64 campaign, developing issues, looking to see what was on the credit side, what had to be done, this kind of thing?

COHEN: Well, I went down to Palm Beach, [Florida]....

MOSS: I said Palm Springs at the last interview.

COHEN: That got me off a little bit.... Palm Beach in December 1962 with Keppel [Francis Keppel] and Celebrezze and briefed Kennedy for two hours on the whole program. Now, the significant thing about that program, that was to be the program for the '63 and '64 election. And, of course, what ultimately happened, it became the Johnson legislative program in H.E.W., and that's the thing that I take the greatest pride in, in terms of my whole professional work there that I really developed in 1962 in cooperation with Feldman and Sorensen that whole program. If you look in the Kennedy file about the '62 program that I briefed him on, that's what later became the Johnson program for '64, and '65, and '66. It was the thing that I am the proudest of, of having conceived and integrated and organized what is really the total program. And Kennedy once said to me, "Do you realize that you are handling fifty percent of our total legislation?" [Interruption]

MOSS: All right. Let's see, we just covered P.H.S. and Luther Terry, I think, pretty well completed them. Let's go on and talk about the Office of Education. They had McMurrin [Sterling M. McMurrin] and then Keppel and their assistant Reed [Wayne Reed], who I gather is a career man in the office.

COHEN: Well, Sterling McMurrin was selected as the first commissioner, and Sterling is a very, very fine person, but he was completely lost as commissioner of

education. Another case of an appointment of a man who, like Luther Terry, was a very fine man, but he was in no position

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to handle the problems. In a year and a quarter, year and a half, he left and went back where he was a very fine dean of a graduate school, and I have maintained my relationship and work with him. But as a Commissioner of Education, he was completely ineffective. He was, of course, only a third or fourth choice, because one of the first choices was Jim Allen [James E. Allen], and Jim Allen didn't feel he could take it for a number of reasons, and he didn't take it, and Ribicoff and the White House searched around and they finally hit on McMurrin. I don't know who recommended McMurrin, but whoever did didn't have any idea of what it involved to be a Commissioner of Education. Then, when the Kennedy Administration hit on Keppel, of course, they hit on a real charismatic intellectual type, and he did a great deal and was the right man for the right job at the right time.

MOSS: He got much more involved in the legislative development than McMurrin.

COHEN: Yes.

MOSS: Okay. Were there other areas in which this division of the management of the agency and the legislative development occur? Did it occur, for instance, with Mitchell [William L. Mitchell] and Ball [Robert M. Ball] in Social Security?

COHEN: Well, you see Mitchell and Ball were long time civil servants. They had spent twenty-five years in the program and they were very knowledgeable. Mitchell was not really a substantive man. He was a managerial fellow, and since he only wanted to stay a year or a year and a half, we made every effort to accommodate him, and then appointed Ball.

Now Ball is one of the most talented and able of all the civil servants, and is generally recognized by people of all sorts about his competence. The fact of the matter is, he is the one man who has remained there in the job throughout the four years of the Nixon Administration [Richard M. Nixon], which is an illustration of the fact that both Secretary Finch [Robert H. Finch] and Secretary Richardson recognized his ability. And while he's a Democrat, he's an apolitical civil servant with great integrity and great technical ability and great policy insight. So we all recognized that and he had earned the respect of everyone. Although there was a big movement to get him fired in the Nixon administration it was unsuccessful. And that story of his being able to come out on top is an interesting story in itself which will be told in connection with the Nixon administration. But, of course, both Mitchell and Ball were people I had known for twenty or twenty-five years, so my personal relationship with them was excellent and worked out fine and I had not only no problems but I had an absolutely excellent relationship, as I did with Miss Switzer [Mary

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E. Switzer], too, later on.

MOSS: Okay. What about Larrick [George P. Larrick] and Harvey [John L. Harvey] in FDA [Food and Drug Administration]?

COHEN: Well, Larrick and Harvey were again civil servants, and in an attempt to try to keep the thing from being politicized they were continued. The whole changing role of the Food and Drug Administration had not yet been modified, and in my opinion they were both very cooperative. They took policy direction. They were civil servants, and they recognized that there were policy implications to things, and they would accept policy direction.

MOSS: Okay. I'd like to move on from people now to some of the topical things where I have gaps. I think we might begin with the item you mentioned earlier that you said you had some commentary on, and that was the Robert Kennedy, Dave Hackett [David L. Hackett] thing on juvenile delinquency where you got involved. I have no note or anything on this, so why don't you just take off on it.

COHEN: One of the earliest things that I became involved with was the fact that a man by the name of David Hackett had been a very close personal friend of Kennedy—I think they went to school together—and so when the Kennedy Administration was formulated, Bobby Kennedy took control of the work on juvenile delinquency. There was some justification for it because delinquency is in part a law enforcement problem, and as Attorney General, he had a proper interest in it. While normally it has many other aspects that are non-law enforcement, and should be as it is now within the H.E.W., it was proper that the Attorney General had an interest in it. And so he selected David Hackett as the Executive Director of his committee.

Hackett was another person who had never been a government employee, and like many other people he came in and he assumed that you could do anything at any time that you wanted to as long as you had Bobby Kennedy's approval. He began to propose the most complex and confusing administrative relationships so that he could maintain control, and this was extremely time consuming to get into these discussions. It would have been much better if the whole juvenile delinquency thing had just been put in the Justice Department and let Bobby Kennedy and Hackett run it whatever way they wanted to. But, they wanted H.E.W. money, that was the point. They didn't have any money in the Justice Department. They wanted to control it and they wanted to use the money that we had in social welfare and elsewhere in the legislation that was being proposed, and they wanted to keep their hands on it and disperse it.

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This was where a lot of the problems arose because of course they gave money to Adam Clayton Powell later on, and much of that money got into political things and was wasted. Whether it bought any political support from Powell, I don't know. However, the juvenile delinquency committee was in effect the predecessor to the Community Action

Programs in the Economic Opportunity Act.

The juvenile delinquency program did attempt to bring together all of the different forces in a community that focused on delinquency just like it would focus on poverty. So there is a good deal of reason to believe that the Community Action Program was able, or should have been able, to learn something from the juvenile delinquency program. I would say it didn't. I would say that they took all of the enthusiasm from it but none of the lessons about the difficulty. One of the reasons why the Community Action Program and the Economic Opportunity [Office of Economic Opportunity; OEO] failed is that they neglected to learn from the juvenile delinquency program. They felt the juvenile delinquency program was on the right track of coordinating all these activities. So they really didn't learn anything, and they expanded the Community Action Program too big and too fast. And of course that was one of the major reasons why the opposition to the poverty program grew in 1964 and '65.

So that in effect here again is an illustration, neither Hackett nor Bobby Kennedy learned from the experience. They had their preconceived notions about how it ought to be done; they had their preconceived notions about government bureaucrats; they went their own way; they tried to dominate the H.E.W. program to get their money. Ribicoff was not interested in the matter at all. It was something that as far as he was concerned, if that's what Bobby Kennedy wanted to do, well let him do it. It was his dollhouse, it was his play house, and let him and Hackett do it.

But, the managerial problem was left to me to work out, and I spent countless hours with Hackett, although never with Bobby. I had no direct relationship with Bobby at all because Hackett handled those, and he would come back with the instructions from Bobby to do x or y, or if I proposed something, he'd find out whether Bobby would go along with it. Here again was part of the naiveté of the Kennedy people. They had good ideas, many of them, and good intentions, but when it came down to running something, they didn't know how to do it. Bobby Kennedy was just used by Dave Hackett to develop some of these things which he and I'm sure Bobby thought were great things, but were just a mess.

MOSS: All right. Does the National Service Corps fall into the same category or is this a little different?

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COHEN: Well, no, I would say those were a little different. In other words, the juvenile delinquency, don't expect too much from it. Don't forget, problems of juvenile delinquency have been with us since the beginning of time. If you go back and read Socrates, you will find that Socrates is complaining about the problems of juvenile delinquency in Athens. I'm not saying that there's no hope, but one must assume, as we've discovered, that these problems between generations are going to continue to exist as they have been exacerbated recently. To come in and walk into the program and say, "Now I've got the solution to juvenile delinquency," overlooks all history and all experience. Instead of learning from what they could learn, they went helter-skelter ahead, thought they had the right answers. I just always felt that Bobby and the people around him were not people who really had a sound basis for reexamination of the things that they were for. They

operated by the seat of their pants.

MOSS: In regards to the social area, or do you think it involves the legal end of the Justice Department?

COHEN: Well, I don't know anything about the legal area. I'm just talking about the area that I had some contact in.

MOSS: Parenthetically, how do you look on the Bedford-Stuyvesant thing?

COHEN: Well, I never knew too much about it. But, again, I think that it was all done with over-enthusiasm. I think one of the points about social problems is, you've got to lower your sights as to what you can effectively do. If you haven't studied history to realize that in most problems, if you can effectuate a fifty percent resolution of the problem, that you're doing darn well.

MOSS: There's such thing as a quantum jump.

COHEN: Well, the quantum jump might be sometimes from 10 to 12 percent. I would consider that a great quantum jump, and it may well be that I set my sights too low. But the fact of the matter is, if you take any problem, whether it's juvenile delinquency, the educational system, medical care, family planning—I can list you 120 questions—dropouts from school, you cannot turn that problem around in ten minutes and you cannot find a hundred percent solution to that problem. Human beings are too complex, socio-economic maladjustments are too deep, and while I respect the enthusiasm of people coming in and saying, "Now we're going to do x," that's fine, as long as you know that if you accomplish 10, 15, 20 percent of what have in mind you're doing very well.

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MOSS: Okay, that covers two or three areas I was going to ask about, actually. Unless you have something more you think you can add on the Kennedy Administration origins of the War on Poverty and O.E.O. from the policy point of view, from the point of view of developing for the '64 election campaign for instance on the issues and so on. Is there anything in there?

COHEN: You see, the Kennedy people had really very little to do with it. The idea of the War on Poverty was developed so much more by Walter Heller [Wayne Wolfgang Heller] through the Council of Economic Advisers, with the input of the Bureau of the Budget on the Community Action Program growing out of Paul Ylvisaker's [Paul N. Ylvisaker] ideas, and then with the later input of Sundquist [James L. Sundquist] and Yarmolinsky [Adam Yarmolinsky] and Moynihan [Daniel Patrick Moynihan]. Now I was in on the first meetings with these people.

MOSS: Were you?

COHEN: Yes. And you will find in the various books by Moynihan and Sundquist that I attended the first meetings, and then pulled out because it was simply a gigantic mess. You had a great idea, but with people who had very little realistic experience of how to proceed. Everything that I participated in the beginning led me to believe it was going to be a gigantic fiasco. Now it turned out that some things, like legal services for the poor were very good, and Head Start. But, as I attended the first meetings, I attended the meeting in Ted Sorensen's office on it, I attended the meeting with Sarge Shriver [R. Sargent Shriver, Jr.] and all the leaders, and subsequently Sarge Shriver asked me if I wanted to be deputy director of the program in 1964, and I kind of laughed in his face. I wouldn't any more become deputy director of the poverty program than I would to become a city street cleaner. I'd rather become the city street cleaner than the deputy director under Shriver. So I had a good deal of connection with the early period, but as this....

MOSS: Is this because of your objection to Shriver's way of handling things, or because the thing was such a *mélange* in this?

COHEN: Oh, both. Oh, both. Shriver was an absolutely inept administrator, in my opinion. A lot of charisma, like Bobby Kennedy had. Lots of charisma, people flocked to him like the Pied Piper attracted the children. But as far as administrative management is concerned, no skill at all, set people against people, always had two or three different lines of activity, and he had no real conceptual framework to work with. All this was known to Johnson before he went ahead with it,

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and that's a whole other story, more of the Johnson Administration, but quite frankly, not much credit goes to the Kennedy Administration for developing anything that was really outstanding. It only developed shortly before Kennedy died, so one can't criticize Kennedy. What he would have done later, I don't know. I think Ted Sorensen, if he'd had a role in it would have done a better job than was done later. Johnson feeling that he couldn't really inject himself into it because it would sound like he was reversing the Kennedy people. So he let the thing develop its own way, even though he was very dissatisfied with it.

MOSS: One item I ran across was a consideration of people for Secretary of H.E.W. when Ribicoff left. And I saw that LeRoy Collins had been under consideration, Edith Green, and Gleason [John S. Gleason] from the V.A. [Veterans Administration], and I forget who the fourth one was now, there was a fourth one. But I was just wondering if you had...

COHEN: Was it, it wasn't Jim somebody from Antioch [College], was it? Jim, a doctor?

MOSS: I've got it in my other notes. Well. Did you get involved in making the decision?

COHEN: No, I was not involved, except in one sense. President Kennedy one day said to me when I was in office, "Wilbur, what do you think of Edith Green as Secretary of H.E.W.?" I said, "Mr. President, Edith Green, if she became the Secretary, would completely demoralize the department. She is such a vigorous, belligerent force, that I'm sure within a short period of time there would be absolute chaos in H.E.W. Besides, which may be only a minor point, I would have to resign if she were Secretary because I could not personally work with her, and I know nobody on my staff who could work with her." I saw a smile in his face which was a sort of recognition. "Yeah, I know what you're talking about." So that I don't think Edith Green was ever more than a nominal consideration. Nor do I think these other people were more than nominal.

MOSS: LeRoy Collins?

COHEN: No. I think LeRoy Collins might have been a consideration in terms of some Southern impact. But the reason they picked Celebrezze was because he was an Italian and they were trying to keep the ethnic vote for Teddy [Edward M. Kennedy] in Massachusetts.

MOSS: I'm skipping around here a little bit because these are sort of tag end things. On the Water Pollution Control

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Amendments, initially there was a proposal for a Commissioner of Water Pollution Control under the Secretary, and the Public Health Service didn't really like this shift out from under their control, and so on. The commissioner idea was dropped in committee as I understand it. It was in the original bill but dropped in committee. Do you remember why that was or what the [unintelligible] was?

COHEN: Well, I think that was because of a point we made at that time that we didn't want to disrupt the whole Public Health Service. And I believe I let that matter be known to Senator Kerr [Robert Kerr] on the Senate side, and he concurred in it, and I handled that matter largely with Senator Kerr at the time. We worked that out.

MOSS: Okay. I don't think that anywhere in your interviews you talk about the development from welfare grants to individuals to the idea of aid to service providing agencies of states.

COHEN: The 1962 amendments, you mean?

MOSS: Right. Right.

COHEN: Well, the '62 amendments were the outgrowth of the '61 amendments which were the outgrowth, of course, of the Task Force [Task Force on Social

Security and Welfare] report which I was chairman. We were struggling to find some way to change the welfare system, and the one recommendation which I made was to include the unemployed fathers. I knew that once you included employable people who are unemployed, you are changing the whole character of the welfare system, and I did that intentionally. I persuaded Kennedy and Ribicoff to do that, knowing that that was injecting into the welfare system a whole new principle. Out of that came the work training programs because if you had people who were employable then you had to have some kind of work and training program, which precipitated the whole question of the welfare reform at an early stage. But then if you're going to do things with people, you had to create some kind of welfare service to help them become self-supporting, and so the 1962 welfare legislation was based upon that idea. Again, while that's been very seriously criticized as being ineffective, the problem is, what is your estimated idea of what you can do with the welfare program? It is true that some of the statements made in the legislative history are overenthusiastic as they always are in the legislative program. The advocates for the opponents always make statements which are much more extreme than are warranted by the facts. But the '61 and '62 legislation was my proposal to get the welfare program into a situation where you could begin to get more provocative and more support and opposition to begin to change it. In 1961, you couldn't do what you were

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doing in 1971 unless we had gone through the transformation that I would have been a party to.

MOSS: I brought along the Wicker [Thomas G. Wicker] book on JFK [John F. Kennedy] and LBJ [Lyndon B. Johnson] because it uses the education bill as a sample. And there, on page 128, credits Ribicoff with the view that JFK had not only slammed the door and nailed it shut on the education bill, but he had gratuitously raised and emphasized the Catholic issue, Wicker leaving the implication that if Kennedy had not come out so gratuitously on the thing that the bill might have had a better...

[Interruption]

[BEGIN TAPE 2, SIDE 1]

COHEN: In rereading Page 128 of the Wicker book it doesn't seem to me to give a correct picture of the situation as I recall it. I think as most newspaper men do, they tend to look at the situation in more of a black and white situation than it was at the time. What Ribicoff and all of us were doing was negotiating to see if there wasn't some resolution to this issue, and one of my jobs was to find a crack that could resolve it, which I ultimately did. I was the one that developed the idea that by using the idea of income instead of average daily attendance or public school students, you could bridge the gap between the Catholics and the non-Catholics on the allotment formula. But at that time I think all Ribicoff—and I was working closely with him—doing is, can't we find some way to deal with this question, but we didn't have the answer. We tried various mechanisms to do it, but Kennedy had to make it clear, and I think quite correctly so, that he was not going to

do anything that was pro-Catholic.

MOSS: You did not feel, for instance, that his statements using the public school population and his statement in the press conference tied your hands in any way?

COHEN: Well, the answer is yes and no. It tied our hands in that there couldn't be any direct money to Catholic schools, but was there some indirect way? Sorensen, and I, and Jon Newman were meeting on that all the time, and the question is we were always looking around for release time activities, for other activities, all of which we finally worked out in Title I of the 1965 Act, but it took us time to find that. So I think that this is a little bit more opinionated. Wicker is the kind of man who always sees everything in terms of very sharp delineations, and my experience....

MOSS: Too neat?

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COHEN: Too neat. Everything is in a neat box. And when you're in an administration and you're trying to find the solution, it isn't quite like that. You're searching around, you first go to the left, and that doesn't work; then you go to the right then you go back to the center then you go around. It isn't quite that way, but there's no question that Kennedy had made up his mind he wasn't going to do anything that anyone could attack him for on the grounds that he was being pro-Catholic, or that it was anything which could be viewed as unconstitutional.

MOSS: Okay. Fine. Let me give you this. This is something I ran across in our files which is a memorandum from the Secretary to President Kennedy. It looks like the kind of thing you might have had a hand in drafting. It's sort of a résumé of the situation with the education bill in October 1961, and where you might go for 1962. I think I'll turn the machine off and let you read it over and then ask you for comment on it. [Interruption]

COHEN: This memorandum to the President of October 6, 1961, is a memorandum which I participated in the formulations, although I think that it was Jon Newman who actually had the responsibility for writing this up for Ribicoff. Was this Ribicoff?

MOSS: Yes, this was Ribicoff.

COHEN: The memorandum reflects my own recommendations at that time which were to shift over to the Higher Education Facilities Bill, the Medical Education Bill, and then develop an Emergency Educational Opportunities Act as a method of trying to persuade the people that an emergency was different than a full-scale permanent program. As you know, President Kennedy eventually accepted this general

approach, and he dropped pushing in 1962 and '63 the Elementary Act, although nominally we were working on it, to take up the Higher Education Facilities Act where the Catholic and the parochial school issue were less marked, and it was that recommendation in the meeting in December of 1962 down in Florida which became the main point of our 1963 program. We got the Higher Education Facilities Act passed, but as you know, by the time we got it passed it was Johnson who signed it just shortly after Kennedy was assassinated. We got the Medical Professions Bill through in which the same issue did not exist. You could give it to Catholic medical schools, and in higher education facilities you could give money to Notre Dame [University of Notre Dame], and so we kind of blunted the issue. The Emergency Educational Opportunities Act for 1962

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was a bill that I helped draft and it was largely my inspiration, and it came to naught because, mainly, Adam Clayton Powell didn't handle the situation. I still think it had a lot of merit, and if we would have gone through that in 1962 or 1963, it might have changed the way the Elementary and Secondary [Education] Act of 1965 was handled.

MOSS: This one was the one where Powell was blackmailing for funds for his committee and that kind of thing?

COHEN: It got into that and a lot of other things and he didn't handle it. Adam Clayton Powell was a brilliant man but impetuous, failure to do the staff work, always thinking that you could do things off the top of your head and failing to do really the nitty-gritty work. A large part of the difficulty really is due to his failure to be a hard working staff person. He wouldn't be around for days. He'd come in for half a day, think he could do it, have a couple of drinks of bourbon and smoke his big black cigars and then say, "All right, we'll do x," not talk to people, not do the necessary work. So a large part of the failure of that Emergency Bill was him. But the strategy that was in here was a strategy that I was a participant in and I think was the correct strategy, and as things showed was the right way to approach it.

MOSS: All right. How does this lead then to the Omnibus Bill of '62?

COHEN: Well, the Omnibus Bill again was largely of my own creation in working out with Sorensen, because I had found that it would be easier to let Congress divide it up, which they did, and make our approach omnibus in character, so that to some extent the parochial school issue was only one of many different issues.

To the extent the Wicker comment earlier has any merit to it is, when you stick the parochial school issue up, the Catholic issue, it becomes so central that all other issues fade in importance to the extent that you can make that one out of twenty issues, you can get nineteen other things accomplished even though you don't get twenty. The problem with the Kennedy Administration was that everybody was looking to the elementary school issue as the big thing it had been made, and failure to get that made everything look like it was a failure. My idea was, if you can get nineteen out of twenty things passed, look, you're.... It's

like in a baseball game, trying to get on first base by a walk rather than by a hit, and get to second base by a sacrifice. There's a lot of ways to win a ball game besides the conventional wisdom of hitting a home run every time you're up at bat. And the elementary school issue was put in the thing of hitting a home

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run each time you come up to bat, and if you didn't do it then you were a failure. By going to the omnibus approach, we could do a lot of things that weren't controversial, and get some success in the educational field which is exactly what happened.

MOSS: All right. I have some notes from a Sorensen memo of November 29, 1962. The notes gist the memo. I can't figure out whether it's a memo to himself, a memo to the President, or a memo to the file, but is this generally the way you remember the planning developing?

COHEN: No. I don't know just exactly what this memo is, but this would only be a very, very small part of the point. This has to do with the complicated problem of whom do you make the money available to, and these various points were technical problems that had to be worked out, which we did work out with our lawyers and our staff people. But the essential political element in the Omnibus Bill was to fashion a big enough package so that there was something in it for everybody, and so you could win some things and lose some things without being a failure, and by that method mobilize your support, and help to keep your strengths and minimize your weaknesses, and I think it turned out to be the correct thing.

MOSS: Oh, I noticed on the other side of this, by the way, that the other candidate to succeed Ribicoff was Bob Weaver [Robert C. Weaver] on the list that I saw.

COHEN: Who was the list from, do you recall?

MOSS: No. It was unsigned as a matter of fact, and it was a critique of each of these people. With the exception of Collins it was unfavorable in all cases.

COHEN: Well, I was not a party to any of the process except the one point where President Kennedy asked me directly about Mrs. Green, and I think my judgment on Mrs. Green is still right today.

MOSS: Okay. I have one more little exercise that I'd like to go through. I haven't really tried this with anybody else, but I think you're probably as good a person as any to do it. There's some thinking at Harvard [University] right now on the theory of decision making, and so on, that involves three kinds of perspectives or models. The first is a traditional one in which you have a rational actor with rational goals who can more or less have power to shape events in light of these goals. The second is that the decision maker is in effect "an organizational victim," who has the constraints of his

organization to contend with and to live

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with and to represent. The third perspective or model is that he is a bureaucratic politician, in effect at war with all of the other bureaucratic politicians for resources, for policies, for relative consequence in the public eye, and various things of this sort. And there's just emerging a new view that, yes, he may be these but he's all of these and an individual with his own hopes and fears, and this has to get cranked into the evaluation somehow. Looking back on your experience, how do you see yourself, and do these ways of looking at things provide any helpful insight?

COHEN: Well, I would say my own personal view is more the latter one that you identified. Decision making in government may be compared somewhat like the three blind men looking at the elephant: one says one thing, one says the other, and the third says something, and they're all correct, but they're only partial explanations. Decision making in government, or decision making in private business, or in academia, all three of which I have been involved in, have many similar characteristics.

First, you usually are not in possession of all of the pertinent knowledge that you need to have to make a decision. Most decision making theory is always based on an implicit assumption that the person who's in the position of authority to make the decision always has all the information that he needs to be intelligent or to deal with the question, which is usually never true. Because the man who is making the decision wouldn't be in the position of making the decision. If all the facts were known probably somebody else would have made the decision. I mean the President of the United States, the Secretary of H.E.W., all these political figures are making decisions on matters where the information isn't in.

Secondly, many of these matters have to do with values. Values are not always explicitly stated. When you're dealing with education and you've got a parochial school issue, the question of whether you're a Catholic or a Jew or a Protestant, whether you're an atheist or an agnostic or a religious person, comes out into the whole issue in different kinds of ways. What people don't realize is that in the decision making, and values are involved, intensity of feeling is more important than anything else. How intense do you feel about the value? Do you feel so-so, very strong, and very weak? This is not something that one can put a monitor to or a regulator on and know in advance. Some people feel very strongly about it, some people feel less strongly about it. At given moments of historical time not only are the values somewhat different but the intensity, and these you can't measure ahead of time.

Third, you have what I call the problem of the ethos. The

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ethos of 1972 is different than the ethos of 1962, and you might as well recognize that when you're operating in a decision making process you operate within an ethos. The ethos might be favorable or unfavorable to what you're trying to do. It may be moderating or it may be influencing. And I think the decision making models that you presented to me failed to take those three factors into adequate account.

I believe that in decision making you have the role of individual responsibility, you have the role of institutional responsibility, and you have the interaction between personality and events. But you can't put it in a mathematical formula. It's different for different kinds of issues because you've got different people at work. When you've got Adam Clayton Powell in the educational issue, or Wilbur Mills in the Medicare issue, or I could name many others, you've got to take those into account.

When Wilbur Mills comes from an Arkansas district that he doesn't really have to worry about whether he's going to be reelected or not, the usual political views don't take apropos effect. In other words, you cannot say to Wilbur Mills during the Medicare fight, "If you don't vote for us we'll defeat you in the next election." Absolutely preposterous point of view, which could be true with a lot of other people, but was never true with Wilbur Mills. The whole idea of trying to influence him through his constituency was null and void from the beginning. And the same thing was true with Adam Clayton Powell at the time. You couldn't go to Adam Clayton Powell and say, "If you don't play ball with us we're going to defeat you in Harlem." It would be preposterous. So that there are those factors that are at work in decision making where you have to take Mills and Adam Clayton Powell into the planning of the thing, because you are not in control of changing them under any kind of electoral system, whether the Kennedy-Johnson or Nixon Administration, as three presidents have found out. So I think these different models work somewhat differently in different situations. At best, decision making in all of them is a very, very unscientific experience because you cannot put it into the usual situation.

Now, in business you've got a single unitary factor, or criterion, on which to draw—profit and loss. You can test that out, you can make your judgment, and if you're wrong you'll find out in a year or two or three, or you can even find out in two or three months or six months. That's not true with government or academia. You don't have that kind of an objective criterion to deal with. A question of whether the morale of the faculty is high or low, the question of whether in politics the body politic is for you or not, you never really know.

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One of the illustrations I'll give you that I worked on when I was a young man was universal military training. Every public opinion poll showed that 70 percent of the American people were for universal military training and yet Congress never enacted universal military training. The fact that in public policy issues the electorate is for or against something is only one of many issues in the decision making process, and to some extent depends on what a president or a leader wants to do. Does he want to lead public opinion? Be for it or against it, be ahead of it, or be behind it? I just think that that's a factor. There's a second factor that in decision-making is sometimes never brought out adequately in politics and that is, very many men are much more concerned over how history will look at them than what the contemporary people will look at them.

I'm sure this was extremely important to Johnson for instance. A man like Lyndon Johnson is reasonably certain that he cannot be vindicated in his lifetime, but he is pretty positive that maybe fifty years from now his image will look a lot different. I think that a man once he gets elected President is very, very conscious of history. In order to be

president, in order to occupy that role. So decision making many times in the White House is perfectly willing to take a loss if fifty years later in history you're a great man, because once you're elected president, you're president. You've been president. You can't go any higher, I mean, so what if you've made a mistake? But will history vindicate you? And I'm sure Kennedy kept that in mind in connection with the Cuban crisis, I think Johnson had it in many ways. The fact of the matter is history is reinterpreted by and by.

So I find this decision making much more complex and much more variable than the model builders really think. The most interesting thing to me is the interaction between personality, institution, and the ethos, and the values that I have described.

MOSS: What are the things that you carried into your job as Assistant Secretary?
 We've touched on these a good deal, that you feel from your own personal development point of view were determinants in what you did. What is there in you, Wilbur Cohen, that made you do what you did as Assistant Secretary?

COHEN: Well, you'd have to ask my wife, I think, more than myself. I don't really know. That would take a kind of psychiatric analysis I'm not competent to do.

MOSS: What was important to you then? Let's look at it that way.

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COHEN: Well, what was important to me at that time was really an outgrowth of my dissatisfaction with the eight years of the Eisenhower Administration. The eight years of the Eisenhower Administration had swept most of social problems under the rug, and I was very conscious of the fact that problems relating to social welfare, education, for eight years had been left dormant. I could see festering in the United States situation all these problems which came to the fore in the seventies, and Eisenhower was sitting on top of them doing nothing about them, not only not aware of them; to the extent he was aware of them, saying he wasn't going to do anything. I could see the cities deteriorating, I could see the status of our aged deteriorating, and the extent of our poverty increasing, educational dropouts, and that was what really bothered me. What bothered me was the fact that our social order, our political system was not recognizing what was going on in the social situation. To me, Kennedy represented an effort to reverse that, and for our society to again become socially conscious.

Now, in my opinion, a lot of the difficulties of the late sixties that occurred should really be laid at the doorstep of the Eisenhower Administration. If we had, during the eight years 1953 to '61, the Eisenhower Administration, made some step forward in them and gotten going faster in the fifties so that during the sixties we could have been doing some of these things instead of starting, then some of the problems of the late sixties on civil rights and student dissent, and so on, might not have been exactly the same. Although the problem of the Vietnam War would probably still have been there, and I can't say for certain whether it would have come out any different. But the demand for social progress among the blacks, the minority people and the poor was so great during the sixties that we'd lost eight years of good rich experience of administering these things and doing it.

So in my opinion, when history gets to be written, I would say the great tragedy in the United States was first the failure of not only the Eisenhower Administration but the bulk of people in the United States. They were apathetic, they were not seeing, they were failing to see what was going on in front of them. Kennedy recognized it, but he was not able to carry the program through because the people had not yet changed their rate of progress. The next big thing was for Kennedy to get killed so that the matter was not handled. The third matter was for Johnson to be president because he didn't have the same degree of sensitivity that Kennedy did. Then the Vietnam War. And the net result is a series of tragic errors and mistakes which I think we're going to pay for another ten years. In other words, the mistakes of the fifties are going to last way into the seventies.

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MOSS: Okay. I have no more on my outline. Is there anything more you want to add that you can think of offhand?

COHEN: Well, I suppose the only thing to add in conclusion is that, when you look back on the eight years, I spent four and a half years as Assistant Secretary, two and a half years as Under Secretary, a little less than one year as the Secretary, I would say that with all the failures, with all the difficulties, and with some of the little successes, it remains in my mind a great, rich experience. There is nothing quite like having that degree of responsibility and authority. Even though when you look back and see the difficulties and the failures, human and otherwise, it to me is just wonderful to have thought that I had that opportunity not only to serve my country, but to enrich my own personal experience. I learned a lot, I gained a lot, and I suppose when you look back on it you'd have to say, well, if I had to do it over again I'd have to do it over exactly the way I did it, because the choices at the time were seemingly the only choices that you could make under those sets of circumstances as you faced at that time.

MOSS: Should McGovern be elected, which doesn't seem probable at this point, do you see a role that would tempt you to go back into government?

COHEN: Well, I would personally be willing to do anything that a man who is elected president would ask me to do, because my concept of public service is such that I think it's not only a responsibility but I think it's a privilege. When you think of the fact that there have only been four hundred cabinet members in the history of the United States since 1789, and when you think that there have only been thirty-seven presidents, the opportunity to serve in these kinds of positions is limited to a rather small number of people. And if a man who became Democratic president asked me to do something, I would certainly be willing to do it if it were within my competence to do it.

I do think that there is a difference when you're ten years older than when you're ten years younger, and the reason for that is these jobs do require fourteen, fifteen hours a day, seven days a week. They require people of tremendous stamina. In this decision making model that you were talking about, it was never brought out that the only people who can stand up to it are people who have tremendous physical energy. You can't be a policy maker

and come in for half an hour a day once every two weeks. You've got to be on that job eight o'clock in the morning until eight o'clock at night, you've got to be ready on call at eleven-thirty at night, you have to take a call from the president at two o'clock in the morning, you have to be able to.... I've worked with Walter Heller on a

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twenty-four hour basis with no sleep for two nights except for taking little cat naps. I've been down at my office at three o'clock in the morning. If you want to be a policy man in a central position, you've got to be willing to expend a great amount of energy, be willing to make certain personal sacrifices, your wife and family have to be able to make certain sacrifices. This is a little bit more difficult to do when you're older than when you're younger, although I would say that when you're older and your children are grown up, the impact on your children is less, and it might be better when you're sixty to be able to do that than when you're forty and have younger children. But don't forget when you're sixty it's more tiring and more difficult, although you may have a little bit more maturity. So I think all those things have to be taken into account.

The second factor that I think is a problem is that there is a tremendous adverse reaction right now to older people with their experience and their maturity. Younger people feel that the older people who have participated brought us to this mess, and therefore there's less likely for there to be reliance on people who have had experience. But I do think that this is true, that when it comes to the programs actually being administered, they're going to have to rely on people who have had experience. So some of the people in the Kennedy Administration will come back at some time, maybe the ones who are young, because they will have gone through the fire and brimstone, and maybe they'll be able to make a contribution.

MOSS: Fine. Thank you very much indeed, Mr. Secretary. It's been very productive, I think. Thank you.

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