

INTERVIEW I

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INTERVIEWEES: EDGAR CAHN and JEAN CAMPER CAHN

INTERVIEWER: Michael L. Gillette

PLACE: The Cahns' residence, Washington, D.C.

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G: Mr. Cahn, let's start briefly with your background. I want to try to get you to recount how you became involved with the poverty movement.

EC: I guess I first got involved during the summer of 1961. I had just completed my first year at law school. [I] got a job in Wilbur Cohen's office under Deputy Phil DesMarais, who was the liaison with something then called the President's Committee on Juvenile Delinquency, that seemed to function out of the Justice Department. I, in effect, became the first staff person to that. Lloyd Ohlin was on board then as sort of a senior person. My job became, amongst other things, to begin putting together a review of all federal programs that impacted on juvenile delinquency and to do some of the speech writing that was involved for different persons associated with the program. The Ford Foundation was very active in both stimulating that and working with the people. Paul Ylvisaker, who is really the figure at Ford responsible for that program, had been a former teacher and friend at Swarthmore College, and a teacher of both myself and my wife. So that when I saw him at the first meeting, it seemed almost like a college reunion.

I was assigned basically as the person to both help draft reports for that and speeches. As I went around from department to department,

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it was clear that I was going not so much with an HEW portfolio, but I was going almost as an emissary for Dave Hackett, who in turn was acting as an emissary for Bobby Kennedy. That was where the sort of go power was, and that was perceived, even though small in terms of funds, as exercising enormous clout and having considerable access within the federal establishment.

When I returned to Yale in the fall, I occasionally flew back to Washington to review reports on the different programs, to write submissions to Congress, and to participate in negotiations that subsequently took place between the Ford Foundation, Mayor [Richard] Lee's administration in New Haven, and the federal government. [Those negotiations] led ultimately to the designation of New Haven as an appropriate site for both Ford and the federal government to try and coordinate their efforts, led to the choice of Mitchell Sviridoff at a meeting which took place in our home late into the night, and then subsequently led to launching the program.

Then my wife, who had graduated law school before I did, first helped to incorporate Community Progress Incorporated. She was then associate counsel for the New Haven Redevelopment Agency. She subsequently became the head of the first neighborhood legal services office, or its forerunner, in New Haven. That was sort of consummated by the end of the second year.

By the summer of the second year she was beginning that program, and by the fall she was already in trouble in a way that prefigured many of the difficulties that legal services programs encountered with community action agencies and with mayors. But in this case, because it

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was put together with the mayor and he viewed it as his project, that it came out of the Redevelopment Agency, it was sort of like the child [betraying the father]. He really felt that "how can *my* program sue *my* police department and *my* welfare department?" and he was deeply angered. [He] prohibited Jean from attending community meetings. She was paired in that office with a community organizer and with other social services in a forerunner of the neighborhood offices that community action was to set up.

Based on that [experience]--well, at that point during the summer of 1963 after I graduated, we took time before we moved to Washington--I had an offer from the Justice Department, and accepted the offer--to begin writing the draft of what became "The War on Poverty: A Civilian Perspective," trying to analyze that experience, what the conflicts were, what the assumptions were.

G: Were you doing this for the Justice Department?

EC: No, this was done really as sort of an intellectual inquiry for our own sake. We just felt that what we had participated in was significant, had import, that we saw it as prefiguring the problems that the civil rights movement would have. That in effect, while it was too early to say, when the marches and demonstrations are over and certain levels of equality are reached, another level of real problems are going to be reached, and how are those going to be coped with on a level that is far less symbolic, far more trivial in certain respects, but also far more critical in terms of whether promises are turning into realities.

That was the perspective of the first draft, which we kept revising. Then we formulated a proposal, because we really felt the

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need for a countervailing perspective, and we understood that the conflict was a fundamental, philosophic conflict; that it wasn't merely an accident of locale or of a bad mayor or of personality conflicts, that these were built into the assumptions.

I went to Justice Department, I guess, in August of 1963. I worked in the Office of Legal Counsel, which previously had been headed by Nick Katzenbach, who then was promoted to deputy attorney general when Byron White was elevated to the [Supreme] Court. That was viewed as in some sense the elite in-house lawyers' corps for the Attorney General. They learned I knew how to write speeches, so they had me writing speeches for Bobby Kennedy, one having to do with the massive resistance to desegregation at the time and other speeches that dealt with a variety of topics. I was called in, I guess, to write after his brother was assassinated and he knew that in terms of his days as attorney general he would be leaving at some point. [I] was asked to write his Law Day speech that he gave at the University of Chicago on Law Day of 1964.

By then our article in xerox form was being widely circulated in Washington. Dick Boone had copies and Dick Boone told me that even before I was put on loan to the task force--and I'll explain why I was put on loan to the task force--the article was highly controversial within Justice. I was told that I could not publish it, because it would be viewed as an attack by Bobby Kennedy on Lyndon Johnson in the context of those days. I think there was a certain amount of paranoia on that subject, because Abe [Abram] Chayes at the State Department, who was my wife's boss, intervened and talked to Nick Katzenbach. Katzen-

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bach said, "I don't know what to do with this thing," and he sent it over to Adam Yarmolinsky. Adam Yarmolinsky looked at it and said, "Looks like a good article. There may be a couple of phrases here I take exception to, but I see no problem with it." But the Justice Department figured it was better, if I was going to be associated with such an article, that I be on loan to the War on Poverty. So I was sent over there.

JC: You remember Abe intervened also, and he actually asked Nick Katzenbach to put Edgar on loan to Yarmolinsky in the beginning. The reason was that the State Department viewed the article differently from Justice, and it was being distributed in the State Department. They liked it.

G: It was all right to do it abroad.

EC: It was being used, I found out, by the task force to anticipate hostile congressional questioning when they were going [to hearings]. So that even before it was published, and even before I was over there, copies were being used by Jack Conway and Dick Boone to get ready for congressional presentations and to anticipate some of the problems that the program would run into. At some point then it was fascinating because it became published by the Office of Economic Opportunity, and became part of the orthodoxy, but at one point it was clearly not part of the orthodoxy.

G: It had a life of its own. (Laughter)

JC: Did it!

EC: Xerox documents tend to, right.

I guess December, 1963 was the first point at which one began to hear public pronouncements about the War on Poverty coming from the

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President's office. At that point we were putting this into final form and used that in effect as the metaphor for recasting, or for finally putting in clearest sort of metaphoric or symbolic context the issue of different perspectives. There was a perspective of the professionals and those who were charged with putting the logistics together, organizing a coalition of public and private agencies. Then there was the perspective of poor people who were supposed to be helped by this war. The question was, in the process did they all become civilian casualties? For some people, that was not a popular statement.

I should say that this piece in part, too, came from the role-- [the] Justice Department, as you know, participated in the drafting of the legislation that went up there, and part of that drafting came from Norb Schlei, part came from Hal Horowitz over at HEW. I had worked with Hal Horowitz when I was over there with Wilbur Cohen, so they talked with me about the wording about participation of the poor. That wording, I think, to my knowledge comes as much as from any single person, from Dick Boone. The actual framing of that wording was what got hammered out in sessions that involved Norb Schlei, Hal Horowitz, Dick Boone and others. I was present in some and participated, and participated from the perspective that I had come out of the President's Program on Juvenile Delinquency.

The [juvenile delinquency] program continued to be, if you would, either a goad or a resource that impacted on the work of the task force. So that when you noticed in I guess either August, or I'm not sure when it was of 1964, the speech by Katzenbach--that was an HEW-sponsored conference where we had gotten the juvenile delinquency people over

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there, with whom obviously some of us had very close relationships, to put up the money for that and to begin projecting the importance of legal services. Katzenbach, although he had put me on loan, didn't remember I was on loan and so he had me writing the speech for him. Then he found out that he wasn't sure where I was working anymore. Jean by that time was busy negotiating with the American Bar Association. Dick Boone had arranged for her to be pulled on as consultant, really to organize and initiate the legal service program while I was serving as Shriver's special assistant. This involved jumping some time. . . .

JC: But I think another interesting aspect of that HEW conference was that in order to persuade the Secretary to give it, it wasn't just pressure that was coming from our end, but Abe's wife Tony was working in NIMH [National Institute of Mental Health]--

G: Who is this, Tony--?

EC: Tony [Antonia Handler] Chayes, who is now in the Department of Defense.

JC: Yes, as [under] secretary of the air force.

EC: No, it's sort of like civilian, whatever the process of turning military into civilians is.

G: Did you have problems with NIMH on the distribution of the article?

EC: Yes. Originally what happened was, we didn't have any money for this, either to write the article or to have it typed or xeroxed. The first, say, fifty copies were bootleg xeroxes out of NIMH. Later on, as the task force got going--I think one of the documents you sent me indicates Leonard Duhl sent in for requisition of them, because he figured he may as well go for broke. By that time the War on Poverty was viewed as the enemy of everybody. I'm not sure who had the enemy mentality, but it

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was clear that anything that he was doing that involved the War on Poverty was not going to get any funding out of NIMH. I had to deal, I guess, with their curious interpretation of a congressional rider on the appropriations. I remember that was just bizarre.

JC: But the point I was making was, Tony was pushing very hard on HEW also to hold this conference, and Leonard Duhl was, also. So you had people stationed in various parts of the government who were saying, "It's time to bring this thing together," with Edgar ending up writing of course the major speech for Katzenbach on it which became in its own right very controversial. I guess Justice distributed something like fifty thousand copies.

EC: No, the AFL-CIO distributed them.

JC: The AFL-CIO did it.

EC: Because Jack Conway said, "Oh, this is a good piece, we ought to"--and so he used his labor contacts.

G: When did your association with the task force per se begin?

EC: My recollection is that it formally began in about March of 1964, that would be--

G: So that's early, because it started in February.

EC: It had been going a little while. Chris Weeks was there. Ron Goldfarb was there for a little while. One of the first assignments was trying to put together once again a catalog of federal programs. Since I had already had to do that for the President's Committee on Juvenile Delinquency, that was one of the first things that they sent me to work on. Adam Yarmolinsky sat down and had lunch with me. He said, "I'd like you to come over here." At that point I was being offered a deputy

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assistant secretary position at HEW, which looked relatively stable, prestigious and like it might have a future. But this other looked much more interesting, and I said, "Can you give me any ideas as to where this might lead?" He said, "No, but if our relationship works out then it will work out." I said, "I'm willing to go on that kind of understanding."

So I came over there. At that point it was a personal, bureaucratic jungle. It was sort of like the transition team is now. Everybody was jostling for position and place. It was the place to which everybody wished to be assigned, and it is not clear to me what the principle [was] that agencies and departments used when they assigned or delegated personnel to the task force. One of your questions mentioned, "Was Eric Tolmach representative of the Department of Labor?" If there was ever any person that was not representative of the Department of Labor, it was Eric Tolmach. He was a creative, maverick, outspoken person, but he was not Willard Wirtz' official representative.

G: I gather Pat Moynihan left something to be desired in Wirtz' eyes regarding that, representing Labor's views.

EC: It wasn't just Pat. It was the perception of the Labor Department by those most closely associated with the task force and thereafter. [It] was that you had this massive Employment Service, you had this massive nationwide rural employment service, you had the Bureau of Apprenticeship and Training that should have provided and been spearheading upward mobility for people, that was in fact the captive of the unions and in fact entrenched patterns of exclusion of minorities and of women, which did not look to us like a particularly sympathetic posture. So we

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viewed them if anything as folks who--and I guess viewed HEW to some degree the same; viewed almost every agency, as they all had their bailiwicks. Everybody saw this concern with the poor as simply a new way to expand their jurisdictional turf. Our perception was that there wouldn't have been a problem of poverty if all of you folks had done your work. So rather than try to cut up this new beast, this program, which had a small budget, was clearly going to have to act as a catalyst, coordinator, gadfly, and as some of my memos indicated, there was a lot of ambiguity, there were a lot of semantic debates. The word coordinate was the sort of God-country-and-motherhood word used, but when you really got down to it, different people had different views as to what it stood for.

I guess I came on board in March. The first assignment was that catalog. Then I got asked to do a critique of a couple of memos and I forget what they were. Then Adam Walinsky said, "Will you serve as my special assistant?"

JC: Adam Yarmolinsky.

EC: Adam Yarmolinsky. Adam Walinsky was my office mate at Justice and a close friend.

My job with Yarmolinsky was a peculiar kind of a job. He would ask me, based on whatever I could find out, to review the programs of each of the departments and agencies that bore on the poor, or that had potential for benefiting the poor. Then he would call in the head of that department, sometimes it was cabinet level, sometimes it was the head of an agency. I remember it was Ellen Winston once; it was the head of the SBA at other times. We just had a regular schedule of

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these. My job was to prepare him with a briefing paper, with questions, and I was supposed to ask sort of the simple-minded staff questions. Then he, based on the briefing paper, was then to hone in, because we knew exactly what the ambiguities were going to stand for.

Those were meetings which left us feeling that we at least had penetrated some of the fog. It left the people, when they left the room, feeling very unhappy because most of them came in both with a presentation that showed us that they had the waterfront covered, that all the poor people were taken care of, and that all they needed was a little bit of our money and they could provide us with the statistical information they needed to prove it. That was sort of the predictable pattern of presentation. By the time we were able to show who the programs were actually benefiting, who was excluded, where, what the distribution was, what the responsiveness was, what their own information systems were in terms of whether they had any feedback as to effectiveness of programs, whether it was actually reaching the poorest of the poor and whether in fact it wasn't a form of middle-class subsidy or a form of subsidy in a variety of ways. It might be to middle-class agencies in one place, and it might be to exclusionary unions in another, and it might be to plantation owners in the third. The scenario varied, but the bottom line was it didn't look like anybody was really serving the poor, but they were all willing if that was the fashionable line right then and there to say it.

One sense was that we were going on a risky but authentic mandate and that having been given that mandate by the President--and this was really Yarmolinsky's style--it was sort of like don't look back and

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don't ask for a second mandate, because you may not get it. And nobody ever called his bluff until it came time for the legislation to get passed, and then they demanded his head. That was I think in part [because] they were mad. They were not only mad for what he had done at the Pentagon, but he had plenty of enemies by that time in the bureaucracies who viewed him as way too powerful and as potentially the most powerful man in Washington. Shriver was by and large not there day to day. He was really doing Peace Corps work and his contacts with Yarmolinsky were few and far between. Up until Yarmolinsky gets fired-- and this is sometime around the middle of August, I guess--I don't think I met with Shriver more than once, and I know he was not present at any of these staff meetings. He was doing some of the advance work on the Hill in talking it up. He was making public speeches.

At that point then all of a sudden for about a month or two it looked as if the job shifted to deal with the Goldwater campaign. My job was to put together, amongst other things, position papers as to the impact of some of Goldwater's positions on the poor and on the War on Poverty, and to deal with and confront some of the myths about the poor that seemed to underlie a lot of the rhetoric at the time.

G: Was this something that occupied a good deal of task force manpower and resources, or was this primarily you?

EC: I think it was primarily [me]. I don't remember calling on other folks to help me. I just remember being asked to put together loose-leaf books that could be used in Q and A sessions for briefing of cabinet members and for other folks.

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G: You were talking a minute ago about Adam Yarmolinsky's beheading, if you will. Did you ever have any hard evidence that perhaps some of the enemies that he had made in the old-line existing departments, had gone to the Hill and had used some influence there in this connection?

EC: Phil Landrum is Georgia?

G: Yes.

EC: I can't recall whether the source was Adam himself or somebody who knew at the time, but that the price that had to be paid for Landrum's vote was Yarmolinsky because of the role Yarmolinsky had played in desegregating military camps, amongst others, in the South.

G: But Landrum was sponsoring the legislation.

EC: Landrum was viewed as a friend, but Landrum--I can simply tell you that that's all I was told, and I had no way of either verifying it at that [time]. In August my father died and so I was away for a crucial two-week period. When I came back, the legislation had been passed, and Yarmolinsky, that was his last day and he was then shunted over to the White House where I saw him again, and we talked and he seemed resigned to the fact that [if] that was the price that had to be paid to get the legislation passed, then you paid that price. But I confronted him with, "You were the sacrifice to get the votes," and he said, "Yes, I had to be sacrificed to get the votes."

G: Did the task force members who were on loan from the existing departments feel any pressure from the higher-ups in those departments? Did you, for example, feel any pressure from HEW?

EC: I was on loan from Justice. I didn't feel [any pressure]. Nick Katzenbach called me up. I guess I called him up because Jean was then

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negotiating with the ABA, and we told him we thought we had better warn him that it looked like a resolution might be coming down from the House of Delegates [of the ABA] condemning his speech, which Jean had pleaded with me not to. . . .

JC: I pleaded with you to not put in one particular phrase.

EC: Which is something like "the business of justice is too important to leave to lawyers." You can appreciate that that might not have gone over with rousing success at the ABA. It went over with rousing success in the context of HEW social workers, advocates, community organizers. And furthermore, it's what I truly believe. And it's what he did. I mean, he didn't have problems with that. When I called him and he said, "What do you mean, my speech," he teased me, "your speech, Edgar." I said, "Well, I'm afraid you're stuck with it, Nick. I just wanted to call you up. We're trying to head it off at the pass." Lewis Powell in particular was trying to head off that controversy from rising to the level of formal action by the House of Delegates, and sensed that it might lead to some formal disciplinary action down the line, because we didn't think that was too cool to happen, for the Attorney General of the United States.

But no, I never felt any pressure from Justice. Once they put me on loan that was really pretty much it. There were some people there who still wanted me to do some things for them in terms of--I had been working on the sit-in cases under the Solicitor General, under Archibald Cox. I guess it was filed in either December of 1963 or January of 1964, is my recollection. There were obviously some followup things.

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There was some cleanup work to be done there, but I didn't receive any pressure from Justice.

The tug of war that I felt was a tug of war between--in terms of task force--the juvenile delinquency folks, which were sort of Hackett's people, whatever that meant. Because I had been back at law school, to me at the time that meant probably more Dick Boone, maybe Sandy Kravitz. Lamar Emery [?] had gone back to Utah. Lloyd Ohlin, but he really had bowed out by that time. And I guess Eric Tolmach was more closely associated philosophically with them than he was with the Department of Labor. So that it was sort of a tug of war with them trying to say, "We want the perspective and the philosophy and the sense of how you generate social change to permeate this program. We don't want it simply to be one more super-bureaucracy."

Then you had some people who just didn't understand what was being put together, who really thought that if you told five community agencies to get together and form a coalition in pursuit of a common mission that they all nominally espoused, that that would of course happen because they had a common mission and weren't dealing with organizational rivalry and those kinds of tensions.

At the same time, the juvenile delinquency folk, who also had received funding out of NIMH, like Mobilization for Youth had and like--was it WAY [Washington Action for Youth] here that became UPO [United Planning Organization] and Jack Greenberg [?], and that fight with Jack Greenberg and Jim Banks. We knew, based on those experiences, that there would be all kinds of rivalry between public and private, and amongst both the public and the private. That was inherent in any

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attempt to coordinate, let alone to incorporate explicitly the kind of advocacy, citizen-consumer-beneficiary perspective that we started to articulate as something that we saw getting lost in those organizational rivalries and turf fights.

G: Did this potential conflict become an area of discussion in the task force, rather than merely, say, a personal knowledge that you had, based on your own experiences? Is this something that was actually discussed in these sessions, or discussed in position papers?

EC: Yes, it was discussed, and it was discussed in a number of contexts. One of the contexts that it was discussed in--and there was a tug of war with Fred Hayes on this, and it was a tug of war between Fred, Jack Conway and Dick Boone, with Jack Conway being the decision-maker really. The issue was how tough were you on the citizen participation dimension of the organizational structure of the program, whether it was the board, the staffing, whatever, before you gave them the money? With Fred Hayes saying, "Look, we've got to move fast to shovel out the money, because a few precious, perfect projects won't do anybody any good in a dynamical move." With Boone saying, "Yes, that's true, we've got to shovel out the money. But we've got maximum bargaining leverage at the front end, and that's when we ought to hold the line as tough as we can." So when you began to make projections about the first wave of communities that would get funded, where you had to have a splash and you had to have some geographic spread, and you had to worry about which congressmen's districts they were in and so forth like that--I remember a battle in Baltimore about whether Parren Mitchell was going to be the

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head of the community action program, because by then he was a controversial figure.

JC: By then? He had been for quite some time.

EC: Yes. So the rhetoric generated all kinds of debates in local communities. We got the debates coming back. At the same time, the debates were coming back in the context of where you set up Job Corps camps, and what community wanted these camps full of undesirables located near them or around them, or even in a central city. So that the rhetoric of the program--and I have to consider that it was almost a matter of--there was an awareness in a design that if you only had--a billion to spend that first year?

JC: Was it a billion? You had less than that.

G: Nine hundred million I think it was.

EC: If that's all you had to spend, that was a drop in the bucket, but in terms of the fallout effect that the rhetoric of the program had, it sent shock waves through everything. I don't think Shriver was aware at first that he was sending out those shock waves. He got to be very aware of it, because he caught the political flak every time he hit a community or went up or got calls from Congress, or got calls from other cabinet members, who explained when they were being sued that they didn't appreciate being sued by his program.

G: What was his initial estimation of the Community Action Program, do you know?

EC: His initial estimation--he used a number of metaphors. Sometimes he talked about it as if it were a huge social science experiment, where if we could get all the measuring things and all the thermometers and the

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seismographs, then we could begin to find what it would take to enable poor people--he used that metaphor sometimes. Sometimes he would talk about it as simply a coming together. Sometimes he would talk about it using a Peace Corps model of trying to organize communities, really to help people help themselves. He didn't start off with any very clear conceptualization of what he was doing, except that he understood that to get these factions together in different parts of the country was going to cause a lot of headaches, and his job was in effect to sell the program, and to use the lustre, the polish, and aura of success that Peace Corps had, and in effect to use that personal and political capital, plus the Kennedy name, to try and get the War on Poverty off to a successful start.

JC: After Yarmolinsky got offed by the Congress, and the President basically, I can remember Edgar returning finally from New York, and his first day back actually, Shriver called you in, explained that he didn't really have that much feeling for what had been going on--I don't mean empathy, I mean knowledge of what had been going on in the opening days of the War on Poverty--and asked you if you would agree to be his special assistant now that Adam wasn't there. So that initially Shriver's estimation of what this whole thing was about was extremely vague. Because I can remember Edgar coming home that night and saying that, "I'm not quite certain what to do." We had a talk about--we used to use the word educable--was Shriver educable to what this whole thing was about and was he ready for the trouble that probably was going to occur. But we were aware that it was going to mean a lot of trouble. I think part of that is because of the New Haven experience and part of it

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was because we were getting reports back from other agencies and friends in other cities.

EC: The person who looked like he understood more than anybody else what was going on, and was still a political figure, was Conway. Conway looked as if he emerged initially as the leading force in the agency, with Boone very much almost his intellectual mentor. The person who I thought could be of greatest help and who was of initial help, but whom Shriver didn't want to deal with at all, [was Paul Ylvisaker]. There was a whole rivalry basically. I tried to get him together with Paul Ylvisaker because I thought first of all, Ford Foundation was willing to kick in, and in fact did kick in money when the task force didn't have money to enable people either to take trips, have meetings, or begin working on different aspects of programs put together, position papers and so forth. But there was a clear resistance on the part of Shriver, a clear competitive resentment really, from dealing with Ylvisaker. He didn't want to involve him, he didn't want to give him any--he wanted no credit. In effect, he wanted this thing to look as if it was starting off clean and had no history behind it. In part that was part of the packaging. If it was new it was going to be new, it couldn't be a mere continuation of something that you took over, a used-car-from-Ford kind of thing.

G: Was the Ford Foundation more or less displaced by the War on Poverty?

EC: Yes. At this point Paul's efforts really receded and Paul then himself was pushed out.

JC: Paul went to Leon Sullivan. That was when Leon Sullivan started out with the Ford Foundation.

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EC: It's the OIC [Opportunities Industrialization Center].

JC: OIC. However, I should say that in addition to financing the task force, Paul also put aside a small fund for those of us who were involved in dreaming up the first steps of the legal services program. So we had our own special fund, and people like Adam Walinsky and Abe Chayes. Edgar, I'm trying to think who was the professor from Harvard, Doar was his name, who was over in housing.

EC: Charlie Haar.

JC: Charlie Haar, Clyde Ferguson, maybe about one or two others. We would have weekly meetings and discuss how we were going to launch the next attack on the private sector in terms of starting legal services. But Paul had put up that money to give us some spending money for trips, for speech writing, secretarial stuff. He had said at that time--I was also his special assistant, by the way, during the final days before I came to Washington. In fact, right up until I went to State Department I was acting in that capacity.

Paul had planned to work the Ford Foundation out of this business after the government was fully involved in it. So he was not ego-involved in the government takeover of the program, because from his point of view that meant that it was a success. Ford's function, he felt, was seed money for things that should be taken over by government or by industry or by someone else. So as soon as in some sense the War on Poverty was off the ground, he turned to Leon Sullivan and the OICs, which I remember saying to him at the time I didn't think was a good bet, which he proved once again intuitively that I was wrong, he was right. It turned out to be a very good bet.

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G: What was Robert Kennedy's involvement in the task force?

EC: I would have to say that there was virtually none, except through the folks who had been associated with him. By that time I think he had decided he was going to run for [the] Senate, and he was moving on that campaign, trying to articulate a vision of what it would take to rebuild the cities, that later got incorporated in the subsequent--I guess in the Javits-Kennedy amendment. But I do not recall his being personally involved in it.

JC: I recall, because I used to be a little shaken up by the things that would happen, that you would call over to Adam Walinsky, or Adam Walinsky would call over to you, whenever it looked as if a problem might be arising between the Justice Department and the War on Poverty, with an effort to use the relationship between Kennedy and Shriver for the purpose of facilitating the War on Poverty. Now that doesn't mean he did any positive acts. What it meant was that if his department wanted to do anything negative, they didn't do it.

G: Do you recall any specifics?

JC: Let's see. See, for me it was all third-hand. It would come back from work. Edgar or I would hear them on the phone.

G: Hearsay is admissible in history if not in law.

JC: Edgar, you must remember what you and Adam would be up to. What kinds of pressures did Justice want to [apply]? I guess one of the pressures Justice wanted was to return everybody to their own agency. For instance, I was still paid by State Department during my tenure at OEO. In fact, I was paid by them until after I left OEO. There is about two months when I wasn't paid by anybody, which I demanded payment thereaf-

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ter and got it, but not without some animosity. But they wanted a bit more orderliness of process. I think part of that was the Office of Legal Counsel.

EC: You had a large number of peculiar things going on with general Civil Service rules as to what you could do with personnel, and how you could pay them, and how long you could put people on loan and at what point they had to be snatched back by the agency, whether they were on ninety-day taper appointments and those kind of things.

G: Did anybody pay any attention to these, though?

JC: People kept getting ready to pay attention.

EC: No, I was thinking, the only time Justice got involved I remember with Katzenbach's speech was when we cited as an example a welfare mother who had gone down to welfare with a welfare advocate, and the welfare advocate I think was Benny Parrish [?]. We didn't know who it was at the time, maybe we had just heard this. So I wrote down the story, took it down by phone, incorporated it I think in one of Katzenbach's speeches and then one of Shriver's speeches, and we wanted to fly him in for one of these occasions. The next thing, we turned around there was the FBI saying, "Do you know that Benny Parrish is a communist and that he's on our list?" or something like that, which kind of shook everybody up for a little while. We weren't sure we wanted the Attorney General parading Benny Parrish. Everybody took that pretty much in stride.

I have a recollection of Hackett legitimately feeling sort of squeezed out, of the juvenile delinquency people feeling squeezed out, of Kennedy trying to define a personal position in the campaign that sort of left him free and clear of whatever controversy was associated

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with the specifics of the program. I have a recollection too, that Shriver was trying to be extremely careful not to be viewed as disloyal or being part of a Kennedy plan, but really being part of a team and working very closely with Bill Moyers, whom he'd known in Peace Corps, and using Bill. Because I have a feeling that Shriver was always way out on a limb, using both personal capital, doing his damndest, but that his relationships with the White House were some[what] shaky. If anything, he was the token Kennedy member that was being included, that he came to have a genuine commitment and a personally, almost tortured commitment, because he understood that he was going to be using up all of his personal and political capital.

There were times when he talked about should he quit, could he do any more good? This particularly became clear as the Vietnam War and the priority issue became clearer. And he would say, "Somebody has got to hang in there, and I can't figure out anybody who's got more sort of credibility with Congress and more political capital who would be willing to go to bat to keep this program alive in Congress, because it's so controversial."

So from starting off from a very amorphous kind of understanding-- and he'd really let Yarmolinsky run the thing for him--he walked in, and there he was on a half-time basis trying to get hold of a bucking bronco which internally had everybody at each other's throats. That's reflected in some of the memos. For some reason I wasn't vying for particular positions, so I didn't give a damn except I wished people would act rationally. They used to trot out all of these organizational maps, and [William] Kelly used to do so, others used to do so. They'd have these

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tugs of war on these charts. The charts looked to me as if they were just elaborate representations of what turf this person gets versus that person, rather than attempts to deal functionally with problems.

Ultimately what Shriver's strongest point was, was just demanding results. He was tired of the bullshit, he didn't like the word coordination. I remember I drafted him a speech and he said, "Look, maybe you think this coordination stuff sounds good, but bureaucrats take delight --that's something they've achieved. That's not what people relate to. You've got to talk about what people relate to. You've got to give me some information that's what's actually happening to human beings. Because if it doesn't happen to real human beings, the fact that there's a line or a chart or a meeting doesn't mean anything to anybody." There were a couple of times when he brought me up short because he had a sense of audience.

The other thing he had was a sense of delightful disdain for professionalism, per se. That came up in the context of Head Start and child development. Martin Deutsch and others were saying you've got to have Ph.D.s, and it's a five-year process, and I remember he asked Dick Boone to get together what amounted to the equivalent of a pert [?] chart or a developmental chart about what it would take to get a child development program off the ground. If you want to call it simplistic or realistic I don't care, but he took the belief if you could get the kids before they were destroyed, maybe you would have a handle on it. In that context he was also willing to look very frankly at birth control as having direct and major payoff. There were domestic tensions around that issue. I just have to say that he saw families as having

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too many kids as creating a poverty problem, and a cutback on the number of kids per family, whether it was family planning or whatever you called it, he was going to be willing to look at that in an open-minded way.

So that at the end, when it came to, say, the Head Start program, he flew into almost a rage saying, "If I listen to the experts this will take five years and a Ph.D. for every parent in the Head Start program. People have been raising children for a long time, and they've been doing a creditable job, and some of the children have worked out well and some of them haven't. But I'm not going to take this. We need high visibility. We need impact programs." There was a constant tension, because he wanted to mount these high-impact programs that he called national emphasis programs. Boone and Conway--Conway particularly--viewed that as a raid on, an invasion of CAP and of the whole community action coordinated concept. Here he was turning it into a whole bunch of special project things that had high visibility and that could spring up fast.

G: Did they prefer a local initiative, sort of, whatever the community [wanted]?

EC: Local initiative, broadly-based coalition piece. This looked like it was both packaged in Washington, and they thought it meant that you were spending less time in process, and they wanted to see CAP money generate the kind of process on the local level that they thought would mean significant institutional change.

JC: What was Boone and Conway's attitude toward legal services, when Shriver decided that he was going to take part of CAP's money because there was

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no statutory authorization? I remember vaguely the run-ins I had with Conway and Boone. But what was the attitude expressed in the meeting? Do you remember the first meeting where Shriver said to go?

EC: Before that I was told at a very early meeting, I think it was by Boone, but it was confirmed later I think by a couple of other people, that Justice [Arthur] Goldberg had gone to Lyndon Johnson and had asked him to include legal services in the War on Poverty. We had done some ghostwriting for Justice Goldberg, and we had talked about that. Lyndon Johnson simply turned him down flat, saying no, he didn't want that.

G: Did he say why, I wonder?

EC: I never got a why.

JC: No. And Justice Goldberg told us the same story later. But he didn't tell us why.

EC: I had the feeling maybe that that would clutter up what appeared to be the simplicity of a war effort to mobilize all resources to solve a problem. But whatever the reason was, then Boone was an active aider, abettor, if you would, co-conspirator in trying to make sure that legal services was enumerated as one of the list of possible services for which community action money could be spent. We understand that was step one. Based on getting that he said to Jean, "All right, now that this is a service, we need to begin launching this. We need to get applications in. We need to begin seeing this develop." At that point Jean started both dealing with the organized bar, stimulating proposals, and dealing with all the old-line legal aid agencies who all wanted to dominate it.

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JC: It wasn't Boone that I saw first, it was Sargent Shriver, and Shriver told me that what he wanted was a legal service program that involved legal educators. That's what he foresaw as the new legal service program. Do you remember that?

EC: That's right. And then there was a meeting of legal educators.

JC: I told him that if we had to work on legal education we could all forget it and go home, that the best chance was the organized bar. Shriver said he didn't believe the organized bar could be gotten. I think he cited at that point the problems that were being had with the medical profession over the--

EC: Medicare.

JC: --pending passage I guess it was of Medicare. It hadn't passed yet.

G: They were fighting it tooth and nail.

JC: Yes. So he thought that I was stark, raving mad when I said the only way to launch this program is going to be to get the organized bar itself, and capture them. But what I'm remembering, Edgar, is the whole attempt to keep legal services tied to CAP and to be within CAP and be dominated by it, to run the money through it.

EC: That's the stage that gets clearest around December, and January of 1964, where you begin to get, in effect, the first national emphasis programs. Head Start gets a big ballyhoo, and I'm not sure what the date is. And then legal services is going to be the second one really to get off the ground with high visibility. There was a tug of war within both, but CAP could accommodate Head Start as sort of a special projects office. Legal services immediately got more uppity. It got more uppity because in order to sell the notion of legal services you

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had to get the organized bar in, or it was going to be viewed as socialized law. Once you had the organized bar in, which is what Jean pulled off over a series of negotiations that went from I guess August or so--

JC: No, they started about December of 1964.

EC: The speeches, the Katzenbach speech--

JC: Oh, you mean the initial efforts rather than the first actual negotiations?

EC: Yes. The Katzenbach speech, the Kennedy speech, and then a speech I wrote for Shriver when he went out to Chicago--

JC: And then the one we did for Goldberg to go up and shut the Connecticut bar off.

EC: See, the program that Jean had been associated with was still being attacked by the local bar. So we understood that the local bar would attack, but maybe the national leadership would be more enlightened. Lowell Beck, who was then the Washington lobbyist for the ABA, contacted I think Jules Pagano of Peace Corps, because he started finding out that all the speeches were coming from the same source. But the speech that particularly offended the bar was when Shriver in Chicago talked about setting up a supermarket of social services. The idea of putting lawyers in shopping carts really turned [them] off--and Chicago of course is the headquarters of the ABA. So that got high visibility.

It was at that point that they decided this thing had to be stopped, there was enough of this foolishness and this was getting dangerous. So Lewis Powell, who was then president of the ABA, designated John Cumiskey, Bill McCalpin, Don Channell, who was simply [a] Washington lobbyist, second-in-command, and Lowell Beck to meet with

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Jean and me, as the representatives of the big bad federal government, at the Mayflower to find out what was going on, and to stop it and indicate that the bar would make sure that it was stopped, because this clearly constituted federal interference in the private practice of law, a threat to the integrity of the profession, and all things good, holy and pure. I guess about six to eight hours--

JC: Oh, it was a good eight hours locked in one room.

EC: --of fairly heated negotiations about either you can jump on and participate and help shape something that will make equal justice more closely a reality than it's ever been in this country, or you can stand aside and fight it and get a black eye and then have to spend all the money the AMA has in refurbishing its public image. That was basically the pitch that we had to take. And we were playing poker, because we weren't sure how many dollars or cards we had to play. We didn't know who we were dealing with, even.

JC: We had no idea who John Cummiskey and Bill McCalpin were at the time we met them. John Cummiskey had been chairperson of the standing committee on legal aid for the past ten years of the ABA at that time.

EC: And had been a member of the board of governors of the ABA, the governing board, for the same length of time, been the advisor to every past president of the ABA, and was sort of Mr. Legal Aid for that private sector legal aid.

JC: And they were very private. Legal aid was very threatened by the advent of legal services, because the bar was spending at that time a total of--was it ten million?

EC: No, five million.

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JC: Five million dollars a year nationally to deal with the problems of the poor.

EC: See, Shriver was interested in legal services because every once in a while he would think of himself as a lawyer. Sometimes he would think of himself as something else, but that part of him got turned on and intrigued by legal services. He made the decision at a staff meeting that this piece was going to be printed with the imprimatur of OEO. Once we had that we knew we were in business in terms of. . . .

G: Let's go back to this meeting with the ABA people. What do you think turned them around, if in fact they did come around to your thinking, or reach an accommodation?

EC: Oh, we know they did.

JC: We reached an accommodation so that by February--was it February 14, the historic meeting in New Orleans?

EC: February 8.

JC: February 8.

G: That was a big ABA convention.

JC: Right. The ABA unanimously voted to endorse the new legal services program.

EC: But there were elaborate quid pro quos that were negotiated.

JC: They were very elaborate.

G: In this meeting that you had?

JC: Yes.

G: Can you recall any of the specifics?

JC: Oh, yes. One of them was that the organized bar would in fact oversee the legal services program in order to see to it that legal services

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lawyers acted within the ethical dimensions of the code of professional responsibility, which was at that time just being rewritten by Tom Clark.

EC: One of the commitments was that the code would be revised with this development in mind, because the fear was if a lawyer's money comes from this source, but he serves this client, does he listen to this source, or is he accountable to the client? The tradition says he's accountable to the client. The intrusion of a third-party payer looked as if that lawyer might be influenced by monetary, political or ideological agendas and use the client or manipulate the client for those agendas.

JC: So at this point in time they are actually provisions within the code of professional responsibility that are meant primarily for legal services lawyers.

Another of the agreements we had to have was that during the time between the February meeting and that meeting, that if Lewis Powell and the staff at Chicago agreed to go ahead with their recommendation to go with this program, that I would have to agree that Lowell Beck would be able to read any application that I decided to fund, and that we would jointly agree on that.

G: So they would have a veto power over the grant approval?

JC: Basically it was an unofficial veto, and it wasn't a veto. Rather, let's put it in some terms that Soia Mentshikoff once put it in, "We can agree that you have the power," in other words the federal government has the power, "and we're advisors, but we will now adjourn as the advisory committee and we will meet as the organized bar." So it was

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advice with a clear understanding that the program could run into very heavy waters if we didn't listen to advice.

EC: But there's a piece that you're leaving out, which is that you had the organized bar on the one hand, and then you had as a subdivision of the organized bar an organization (NLADA) [National Legal Aid and Defender Association] of all of the legal aid and public defender agencies. Jean perceived that there was an interest in the leadership of the bar for new experimental, developmental programs that was different and that would countenance more experimentation, and that there was a commitment on the leadership that those who were the old, sort of workhorses working for the poor had a kind of myopia of the same way that social workers looked at the new community organizers, or looked at community action. "How dare you invade our turf? We've been tilling these fields unloved and unblessed, and all of a sudden it's fashionable and you're calling us duds and mediocrities, and all of a sudden here are these bright new warriors in the trenches, and we're left on the side." Jean sensed that, and understood that the power of the bar and the leadership of the bar would go with an innovative program and would deliberately reject what was demanded by the old-line agencies, which was an automatic monopoly, that they be the automatic designated grantee.

JC: You have to understand that ABA spent [inaudible] like the NLADA.

EC: So that ABA involvement was then critically helpful, where you wanted to bypass the old-line agencies because they were ineffective. Where they were effective and you could build on them that was fine, but some of them didn't want to set up neighborhood offices; some of them wouldn't countenance any role for clients and poor people on the board, and yet

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the ABA leadership was willing to. So that in effect by getting their involvement it was not veto-negative; it was supportive of something that was really innovative.

JC: One of the other agreements we made that day was a joint selection of a national advisory committee for the legal service program.

EC: Formal representation of the ABA.

JC: Formal representation of the ABA, of [the] Justice Department, of the National Bar Association--

EC: Probably of NLADA.

JC: I'm not too sure. I don't remember NLADA, but probably knowing John Cumiskey he would have said, "Got to put somebody from NLADA on there in order to gradually co-opt them into this and change their attitudes."

EC: The other was a commitment to a White House conference.

JC: That was the other thing I promised for, a White House conference.

Now, subsequent to that meeting I went to Chicago. Edgar was supposed to be with me, but he instead went to St. Louis with Shriver and left me to face about thirty-some very old white men sitting around a very long table at the ABA center, who were all dead against legal services for the poor. It was my job to convince them that they were for it. The basic message that convinced them is that we're going to do it, with or without you, so the question is, are you going to be in there working in order to make it the best possible program and also a credit to the bar, or are you going to be on the outside? Now, if it were my money, and I was a taxpayer, and as a member of the bar, I prefer to be inside.

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I suppose about two o'clock that afternoon there was general agreement that they would in fact support the legal services program. These were the head staff members of all the various legal organizations that are represented in the ABA center. It was chaired by Bert Early, who was then and still is the director of the American Bar Association. Bert then went upstairs to his office, took me up to his office and called Lewis Powell and said, "It looks like everybody is in line here and that we can go with it." After that it became a matter of people like John Cumiskey and Lewis Powell, and to a lesser degree McCalpin, but Bert Early and Lowell Beck were very, very much in the forefront, working out the politics of how they were going to get the membership of the ABA to solidly endorse this program, knowing what the opposition was on the local level. They in turn did pledge their support to take care of the local bar associations, and therefore for the first opening years of the legal services program every ABA president was on the road most of the time, trying to calm the local bars down and state bars, and explain to them that legal services were all for the good.

EC: Is Mahon from Texas?

G: Yes, George Mahon.

EC: Okay. We caught hell in Lubbock, Texas from Mahon who was in a critical position. I guess he's on Appropriations.

G: Chairman of Appropriations. Yes, that was a tough one.

(Laughter)

EC: And we were catching hell from the bar and from Mahon there, until [Leon] Jaworski and others jumped in. So the intervention of the leadership of the bar was really critical in the legislative process.

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G: What was Powell's own role in a particular bar, say in New Orleans?

JC: I'd say he was the chief strategist at that point.

EC: He made sure that meetings were called all around town, committee meetings, so that everybody who would possibly stand up to oppose the resolution would be busy elsewhere when this resolution was moved, by some extraordinary parliamentary procedure, under the House of Delegates' rules and passes unanimously.

JC: It was moved by John Cumiskey, and I forget who was the second on that. But Lewis Powell had very carefully planned the scenario right down to an agreement with Shriver in writing, of which there is probably one copy in existence now, as to the exact timing of all events between Washington and New Orleans, in order to in some sense inform the bar across the country that it had a brand new program that the ABA expected it to endorse.

EC: There had to be almost an offer and an acceptance. The question was, how is Shriver to know without having somebody down there? If Shriver had somebody down there who was identifiable, it might blow the whole thing. So we had to use the press as the folks who told us exactly what was going on. They would tell us the minute it was passed, and we could feed them the response that had been prepared and that could be transmitted immediately by them and reported by the press down there.

JC: The president would immediately read it, the president of the ABA.

G: It's orchestration at its best.

EC: And that's why legal services got off the ground as early as it did. If it hadn't--like for instance, neighborhood medical service got going too late in the history of the program. The more you proliferated these

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things, the less pizzazz they had, because all of a sudden you had all of these little shields and little banners of Upward Bound and all kinds of other things. So you began to be running out of special emphasis programs. You then had the CAP people saying, "Hey, this is a national blueprint that's using up all this local initiative money, and you're shoveling down our throats this sort of package deal of a little bit of loose money combined with Head Start, Legal Services, boom, boom, boom, boom. We thought this was supposed to be local community action and local mobilization of resources."

So you had a tension between national leadership, with Shriver really pushing high visibility, quick payoff programs that could be showplaces for congressional presentations to keep the thing alive, and that was sort of like God and motherhood. Job Corps initially was supposed to be one of those, and early ran into problems that Chris [Weeks] has told you about. So that when it began to look like Job Corps was costing more than a Harvard education and so forth, and when they began then getting the computer runs on literacy tests there and they didn't like what they were getting, we decided that it was necessary to begin moving on some other than high-visibility success stories.

The program really did begin to pay off, but it was the kind of program where how do you keep it alive long enough to give it a chance? When it became the battleground, I don't have to tell you, in community after community for every civil rights group, every mayor who felt bypassed, every public agency or private agencies that felt bypassed, it was just like--

G: In a sense it's a federal government financing conflict against itself.

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EC: That's what they were accused of doing. I happen to think that--see, during this whole time Shriver used to occasionally complain, sort of like the first time and the last time he saw Johnson was when Johnson said, "Go do it." But he never felt that he got any backup from the White House. But the other side of that coin is that until the war in Vietnam started and until the political heat got really bad, we got relatively little heat from the White House. The OMB moved then to try and cut down the level of participation. Whatever citizen participation meant, our rule of thumb was--or the rule of thumb that CAP put out--was one-third. OMB--we were pretty clear at somebody's behest in the White House--wanted that cut back to one-quarter. Shriver can tell you about that conflict. It certainly hit the papers. But the OMB sort of made clear that it was going to get into the act, and that got leaked. Then Shriver, who was in Scottsdale, Arizona came back saying, "No, we're not going to back down. Participation of the poor means what it means and we're not going to surrender, we're not going to back off."

JC: Which was reported in the headlines in the newspapers as, "We shall not surrender, we shall stand firm." That hit the headlines I guess right after you got off the plane coming out of Scottsdale.

G: When would this have been?

EC: This would have been getting on probably into 1966, would be my guess.

G: The Johnson aides at the White House would argue that the backup that the President gave was in the nature of supporting the legislation.

EC: I think that's true.

JC: I was going to mention that when he put legal services into the legislation, that was a very important step forward for us because for the

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first time we had some earmarked money. And so it wasn't just at the largesse of CAP.

EC: I think everybody in government always feels if only the President would give them a little bit more help--and Shriver was feeling embattled, and he was embattled. I'm sure the President was feeling embattled and his cabinet members were not too happy with some of the things the War on Poverty was doing. And within the War on Poverty there were continuous battles as to delegation agreements between departments as to who controlled, particularly, the manpower money. There was an ongoing battle on Job Corps, on Neighborhood Youth Corps. With HEW there was a similar battle, I guess, on Work Study and on--

JC: Head Start.

EC: --Head Start and on Upward Bound. There was less so with the rural areas because the rural areas kind of got ignored initially.

G: I was going to ask if there was an antirural bias in the task force.

EC: It wasn't antirural. It's sort of like rural America didn't exist that much for most of the folks on the task force. That may be because they came out of the President's [Committee on Juvenile Delinquency]. Some of them came out of big-city backgrounds; [the] President's Committee on Juvenile Delinquency, that was viewed as sort of an urban problem. It may be that the level of sophistication involved in applications escalated very fast. Whereas initially sort of just any old piece of paper would do, soon there were forms, soon there were resums, soon there were qualifications. And the degree of expertise took just a--and then there were large kinds of battles going on about the structure of the regional offices, because you needed an outreach effort. Small

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communities just didn't have the money. And we knew there was an enemy mentality that said, "The unit of government at the local level is the county." We understood the county officials didn't like community action programs, so we put together multicounty programs. We also understood that any time we were dealing in the Deep South with the formal structure of the Extension Service, that that was a segregated service.

So you were dealing with county officials that we thought were antagonistic to the program, but wanted their structure utilized as a monopoly structure. The only structures around were structures that looked to us antithetical. And it just took more time, and probably lower priority, to begin organizing multicounty structures.

JC: I was going to say, I remember in legal services it was not that the national advisory committee which made policy for legal services--they actually were the policy-making board. In that form no policy was released from OEO unless it was first approved by the national advisory committee. But I can remember there were many meetings on delivery within rural sections of the country. The problem was figuring out a delivery system. Now probably the upper peninsula of Michigan saw the first of the rural legal service programs; Wisconsin, where it was a flop.

EC: Reservations, riding circuit.

JC: The reservations, but that came later because I did the first reservation legal service programs after I left OEO. But they were very complicated to think through. The first one that came through was the Navajos, and that meant that we were working in four separate states.

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So I had to somehow create a program that would comply with the law in four separate states, plus the tribal customs and practices. You could go through--

EC: And tribal courts.

JC: And tribal court systems had to be built in.

EC: And the Navajo language. It was wild.

JC: Yes. The next one in was the Rosebud Sioux, I think. But what I'm saying is that the creation of legal services--just to talk about the one that I knew--in the rural areas was just an incredibly complicated situation.

EC: I did have one very clear perception though, in terms of Johnson. Johnson understood that when he started this thing off and didn't hand it over to any department and set it up in the Executive Office, he was raising hell. And he really understood that. I was I guess at one of the legislative meetings at the White House where he talked about that.

G: Did he really?

EC: Yes. So he was conscious of the fact that by giving it to nobody, he was in effect setting in motion a catalyst.

G: He knew that with the program in the Executive Office, if they attacked it they were going to attack him.

EC: That's right. So that in effect he was telling his cabinet members, "Play ball," and he was giving Shriver cabinet rank. Nobody liked that, and he understood that. That didn't mean that later on--you know, you may decide to do the right thing, but you may not enjoy always living with the consequences of it. But he understood what he was doing by this, in a sense.

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G: Can you recall any more of the details of that particular meeting, like who was there, when it was, what else he said in exact terms?

EC: I don't remember whether--

G: Was it a cabinet meeting?

EC: No, it wasn't a cabinet meeting because I never attended one. It may have been a signing. It may have been a signing ceremony for the act. I just know that it was early on in the program, and he was very explicit, just in a very magnetic way. And he talked about himself as a teacher, as a rural teacher.

G: Cotulla.

EC: And he talked about how people were sort of dropping between the cracks, that they weren't being reached, and that he knew that as a rural teacher. And that somehow something had to be done, and it wasn't being done in any of the established systems that were set up. I remember being really--I mean, you get impressed when you go in the White House and you see the President. But he was I would say in an expansive mood and he was magnetic. All I can say is it made me feel that he knew enough about what he was getting into; that we were consistent with the spirit of that mission even though we were going to raise hell, and he wasn't going to like it, and we were all going to catch hell. But that was what we were supposed to do. He didn't want to hear about it particularly any more, because the more he heard about it the more he would have to deal with it.

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JC: Do you want to hear it again for the tape, about the President and the bar?

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G: Yes, please.

JC: The one thing I remember about legal services was that the President met every year with the president of the ABA, and I believe with the immediate past president of the ABA. So there was always a feeling within the organized bar of White House support for the program. From that support both Republicans and Democrats--because that was the other thing about one of the conditions laid on the program originally by the ABA, that the national advisory committee would be bipartisan. That would set the tone for the beginning of the tremendous lobbying effort that was carried forth every year by the American Bar Association, would be this meeting at the White House. And it was very important, I think, to the dedication and leadership of the ABA that they had that meeting.

G: Another question about Johnson's attitude toward the War on Poverty: He seems to have held the feeling that OEO was an anti-Johnson bastion, that it was full of Robert Kennedy people and that in many ways it was out to get LBJ; that a lot of the trouble was being stirred up to cause him problems, and that sort of thing. Do you think this was a justified attitude?

EC: No, I don't think so.

G: I mean, were the preponderance of the people in OEO what you would consider Johnson loyalists?

EC: No, and I would have to consider that from his perspective that's what it had to feel like, that there was a lot of criticism. It was sort of like anytime you felt that either you didn't have enough money or you were relatively impotent in dealing with other departments, or new legislation with lots more money was coming through as part of Great

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Society legislation, or that, for instance, the HUD Model Cities legislation was an attempt to upstage and do in and replace the CAP and cool it out and turn it over to the mayors--there was a kind of either internal paranoia, and he became the villain in that scenario, because the top man always ends up the one whom everybody blames, because somehow he's supposed to be able to change everything magically.

My guess is--it's not a guess--it's easier to be in a position where you're bitching about the other person and blaming them than it is when you've got the job of being on the inside trying to make things work. The people within OEO were trying to make things work. So they were catching hell from the CAPs, and so they were the regular victims or objects of demonstrations, pickets and so forth. So they in turn--it was sort of like they caught the heat; they passed it on to Shriver, and I'm sure they passed it on to Johnson whether explicitly or implicitly. He was viewed as in some sense sort of, "If only daddy would back us and really stand by us."

JC: There was a particular power he had which he didn't use for the agency particularly, and that was that everyone felt he had control of the OMB, the Bureau of the Budget then. Why didn't he do something about them?

EC: And the OMB was always being sent in to help shape up this ungainly, unorganized, ill-managed operation that was wreaking havoc, that was constantly having scandals on the local level, that was underwriting the civil war [and] local conflict, that was doing all kinds of bad things. Shriver tried to deal with that with his Office of Inspection, and that was his own, I think, fairly shrewd attempt both to get early warning of the problems, get an intelligence network going that he didn't view as

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setting up a spy network. He viewed it as saying, "How the hell do I find out what's really going on? How do I help the good guys? But how do I do so in a way that's really informed, because some of the good guys ain't good guys, they're really ripping us off." So he wanted to use that to be able to get a quick response to the charges, to be able to nail them when they were unfair and to be able to deal with them when they were fair.

G: Do you think Johnson had an appreciation for the fact that this program was going to put money in the hands of a lot of people who were not used to administering federal programs, and probably would cut some corners and that sort of thing?

EC: I don't think at the beginning anybody had any idea, fully, what the ramifications were going to be. Toward the end I remember two conversations; one with Adam Yarmolinsky a couple of years later, and one with Shriver, and Yarmolinsky saying, "Look, when we said participation of the poor, Edgar, we never meant that you turn off the light and everybody'd start throwing shoes at each other." I kind of felt really bad for Adam because it was sort of like here he had championed it, and he felt that that's what it had degenerated into.

I remember saying to Shriver, "When you look at it we may not have done very much. We may not have gotten very many poor people out of poverty. We didn't have a lot of money to spend. This may go down in history as the first and biggest adult civics course in the history of the United States, complete with play agency, toy money and everything else, and now what we're going to have to see is whether or not the folks who learned with that are going to be able to deal with real McCoy

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agencies rather than with these sort of friendly, sort of sheltered workshop agencies where they are forgiven their sins." But it is clear when you look now at the impact, that one of the major impacts was that you brought into the ranks of officialdom, of bureaucracy, of the political arena, almost every major ethnic figure that you have, and just huge numbers of folks who never would have had access to either political office or professional status or power.

JC: I was amused yesterday when I was reading--I don't know whether it was Sunday's or yesterday's *Washington Post*--I arrived home to read the second in a series on OEO, and found a quote. My eyes simply focused on this quote by this man who said, "Well, they had the right idea, but like any other federal programs, all the politicians want to do is stuff down your throats what they think it's all about." He said it bitterly and he said it wasn't a success. Then it describes the man as an eighth-grade dropout who is now a \$313-a-week breadwinner for his family as a foreman in a factory in Baltimore. And I said, "Gee, isn't that a wonderful failure story! He can now bring home \$313 a week instead of being on the street corners." But that's rather typical, I think, of how people have seen what happened and the realities of where people are as a result of this.

EC: During those days, initially particularly, it was permissible to raise people's hopes and expectations. Everybody was worrying about a tax surplus and how to deal with it through negative income tax distribution. The belief was that the rate of growth in the country would generate enough money to significantly impact on the standard of living of the poorest of the poor without taking anything from anybody else.

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And as a combination of the Vietnam War, increasingly LBJ had to deal with the budgetary device of guaranteed loans for housing so that that didn't show up in the budget. But he was caught paying for a war the Congress didn't pay for, and trying to deal with the consequences of inflation and war, and a war that was in some sense sufficiently undeclared that it couldn't be dealt with or wasn't dealt with as a budgetary issue. That clearly fueled a lot of the problems.

To the extent that there was deception involved, the deception made it possible to sustain that effort as long as necessary, as long as it was sustained, before the society suddenly realized we can't pay for both. But for a while those efforts were sustained because people believed they could pay for both. When you're the president of the United States I don't know how you weigh the morality of that, because I think he desperately wanted to contribute to domestic peace, and God knows we were moved by his speech on civil rights, and certainly by his speech saying that he wouldn't run again, in ways that said this is a man who carried it, [who felt] that personal conflict in an acutely personal way. But that didn't mean that people weren't very ready to jump on [him]. I mean, the same [thing happened to Shriver]. Shriver was attacked at every meeting of poor people, and Johnson was getting simply the same redoubled. That's why I think it goes with the territory.

But the other side of that is yes, a lot of the folks then saw here's Kennedy on his white horse and he stands for the pure, the good and the noble. So the people within the agency--I would say I don't think he started off with the Kennedy people infiltrating a Johnson

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Administration. Yes, there were key people who were involved in the juvenile delinquency thing, and they were very close to Bobby Kennedy, and they viewed Bobby Kennedy as somebody for whom they had enormous personal respect and affection. Dick Boone was certainly one of them. I don't know where Conway was in that. But you had at least some of those. But they by no means constituted the overwhelming leadership.

I didn't consider myself to be [pro-Kennedy]. I mean, I'd written speeches for Bobby Kennedy, I had affection and respect for him. Adam Walinsky, who then became his chief speech writer, was the one who in effect I taught, and Adam and I remain friends. But I didn't consider myself to be pro-Kennedy, and I didn't consider myself to be anti-Johnson. If anything I sort of had a sense of detachment, almost, from [politics]. The Johnson Administration's business was to keep alive politically; our business was to keep alive within that context, doing the job we had been given. There wasn't enough political capital to keep recharging our battery, so we had to go on whatever momentum we had. And we had to take that as far as we could and hope that we could get reauthorization after reauthorization.

JC: I can remember that within [the] legal services context we always saw Kennedy, [Jacob] Javits, [Walter] Mondale, and [Gaylord] Nelson as being key to anything that we needed, although it didn't mean that they were the only ones, because there was always a very careful division of the entire Congress among all the national advisory committee. We had congressmen we were supposed to go and see and they were on both sides of the aisle. So congressmen were lobbied all up and down, and no particular one I would say was the fair-haired boy.

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I think that maybe that's where legal services differs, and differed at that time from anybody else. It was never run as a Democratic or Republican program. It was run as a professional program with an understanding that you had to have X number of votes to pass a bill. You needed X amount of money and that meant you put--here are the people who know this person, here are the people--I mean, systematically everybody [was contacted], who controls the purse strings to this congressman, who knows this congressman, who can get to him, and that was the way it was handled. So long as you left that program alone there was no anti- feeling toward anybody. But there was no one person that I think they felt ever was the tremendous champion. Mondale maybe came as close as anybody.

EC: What was happening, and the problem that I had as speech writer dealing in a continually political context, was formulated in your terms: Isn't this the federal government underwriting revolution? We only found a couple of ways to deal with that. We understood, but knew that it wasn't permissible to say, that the civil rights movement had to find both a broader base and a new channel and new ways of articulating and dealing with needs. To the extent that I played a sort of in-house philosopher or understood that we were dealing with the absorption of a new middle class or a new working class into the society; that the issue was not that we were moving past--and this is what community action stood for really, and Shriver did and didn't understand it. We finally found a metaphor for it: that we weren't talking about people's individual worth; we were saying by virtue of how you're born, whether you're born in Appalachia, or whether you're born old, or whether you're born a

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woman, or whether you're born speaking Spanish as a first language; that status should not hold you down. We needed to renegotiate the opportunity relationships, the access relationships that groups as groups had, even if some members of that group are worthy and some members were individually unworthy, and some were highly motivated and some were not. That fact was enough to bar everybody in the group, and we had to renegotiate what the options were of anybody born into those categories.

The closest that we found for a metaphor--because we were coming out against the background of some riots in 1964, that are not remembered now, but that took place. The civil rights demonstration was--you can view the War on Poverty as kind of the equivalent of the NLRB [National Labor Relations Board]. It is clear that prior to the NLRB you had wildcat strikes; you had employees saying, "This is a contract. We fire you." You had potential for both real revolution and industrial disorder in a way that was highly disruptive of any commitment to both public peace and some degree of economic stability. But that what happened when you gave unions the right to bargain was, you legitimated a process of renegotiating the relationship between workers and management in a way that gave workers a feeling that at least they were protected in that process, that wouldn't necessarily give them everything they wanted the first go-around, but guaranteed them that when that contract ran out they'd have another chance for a contract; that there would be continuing chances to renegotiate the terms of that, and that in the interim there would be grievance mechanisms.

What we thought we were doing basically, and came to articulate internally, was this was in some sense the equivalent of what happened

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under the NLRB in the 1930s, but for the 1960s and beyond; that the groups that wanted more couldn't, like workers, get everything they wanted the first go-around, but that there was a commitment to their participation in that negotiating process, that it would be renegotiated continuously based upon the skills and the opportunities. And it couldn't be done en masse, it had to be done on a community-by-community, neighborhood-by-neighborhood basis, because you were talking about really building new opportunities for everybody. Therefore simply saying, "This is the social compact," didn't translate into realities.

But what we were really trying to do was to say, "We must enfranchise citizens in the process of defining their future, and they're going to have to take some of the lumps. If it's on the down side in Vietnam, then that burden is going to have to be borne. If it's going to be on the up side of prosperity, then they have to renegotiate how they share that." But what we were trying to do was to provide an organized, legitimated mechanism for that process of dialogue between groups that had hitherto been left out and had only the option of wildcat strikes. We said, "Better that there be those mechanisms, even if it's controversial, than there be no mechanisms and therefore they have to, in some sense, take exception to the whole legal order in order to have any chance and any hope." So you had that kind of a sense that that's what we were doing.

G: That's a good analogy, yes. It seems that the mechanisms themselves have been rather durable.

EC: I think so. You have to wonder in retrospect whether community action agencies didn't themselves become simply bureaucracies for those who got

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the jobs, looked out for themselves. You have to wonder particularly now, you can have a process of renegotiating but if there's no economic growth, if there's inflation or a foreign trade deficit, the phrase that I'm now inclined to use is, "You're rearranging the chairs on the sun deck of the *Titanic*." There's no give in the system, so you get involved in process. It gets acrimonious, but it doesn't get you anywhere because there's nothing to share or redistribute without taking something away from somebody else, either one group of poor people from a weaker group of poor people, or they try and take it from the middle class and the rich, and the middle class and the rich say, "Hey, not me. I'm doing all I can to keep up with the mortgage and get my kids in college."

Then we were dealing with in some sense the consumer, the demand, then. The assumption was that these--and I think we're now having to deal more with the production end, the supply end. How do we generate a growth in goods and services and wealth so that there can be more to go around?

G: Enlarging the pie.

EC: Yes. But I think the War on Poverty came at the tail end of one part, and before we realized that whatever has caused the decline in national growth and whatever has caused the inflation and the foreign trade deficits, the whole range of things that contributed to that, that we're going to have to deal on the production end. So people really started [saying], "We're consumers and this is the land of plenty, and we want ours."

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JC: But thank God for the myopia that produced it, because I would think that in this period of time if you hadn't produced it, and now you're in a period where there is no economic growth--in fact things are in rather short supply--you would have much greater disruption, bitterness, much clearer divisions of class than you have now, much less tolerance for access and entry into various fields than you have now. So I think that it's good that people felt at that point that there was enough to go around. Because I think, at this point in our history, the failure to have believed that would have produced, probably, tremendous disruption in society.

EC: I think the OMB never really absorbed or accepted the things--it was strange--that I think Johnson legitimated, which are far into the ways in which good public administration doctrine says you run government. Competition in the private sector is okay, but according to the general religion, competition in the public sector is duplication and waste. It is clear that Johnson was buying into some form of competition in the public sector. It is clear that he was buying into the institution of advocacy in the public sector, even when that advocacy resulted in criticism. It was advocacy for people who were bypassed and left out, and they needed a voice and there was no department of government that he could turn to that would be sufficiently effective as an advocate.

It was clear that he was buying into new notions of accountability, in the sense that the citizen is [the] ultimate consumer of government services and policies. [The citizen] was being brought in as the consumer to be a policy maker. So the [Ralph] Nader consumerism movement that was going on then I think was being incorporated and

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legitimated within government. I think that there was a commitment that came out of--that's right--that came out of McNamara and bang-for-the-buck notions. Shriver was an advocate of saying we ought to talk about bang for the buck in domestic programs. That reflected itself in PPBS [Planning-Programming-Budgeting Systems] and that whole wave of circulars. But the War on Poverty was, if anything, an agency that took that more seriously first, an evaluation more seriously, an accountability more seriously initially, than anybody else. They got tarred more but that's because they were trying harder. If you didn't try at all nobody bothered you.

What I'm trying to say is that the decision to put OEO where he did, the use of PPBS and OEO's real commitment to it very early on, the catalog of federal programs that later got taken over by OMB, or BOB then, was started off in OEO. The use of computers to track those programs, the first county printouts, congressional district by congressional district, of every grant that was coming out of OEO--all I'm saying is that those attempts to track money, to coordinate money, to find out what the hell the federal government was doing, you had in effect--and we wrote this in a piece in the *Harvard Law Review*--a new constitutional function emerging, which was that for the first time the power of the purse was being used as well as the police power. In the 1930s you had the regulatory agencies and the police power trying to protect the public interest. For the first time you had widespread and radical new use under the grant function, combined with the police power, of a new kind of beast that wasn't social security, that wasn't an entitlement insurance program. It was something different.

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My sense is that--yes, that grew out of foundation grant programs, but OEO became the granddaddy of grantsmanship that we saw then proliferate all over. I think when you begin to look at what those principles were--not principles understood but sort of. . . . If you begin to describe OEO operationally as an anomaly in government, it's an anomaly because it stood for the introduction of a whole set of new principles in government, compared to what had existed before and what theorists were prepared to concede should exist, but what I think Johnson as a pragmatic politician understood was going to have to exist if there was going to be some change. I don't think anybody knew the price that we were going to have to pay.

[End of Tape 2 of 2 and Interview I]

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