

INTERVIEW I

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G: Let's start with your initial involvement in the Justice Department and any experience there that led to your work on the War on Poverty Task Force. Were you involved at all with the President's Committee on Juvenile Delinquency?

S: I really was not particularly involved in that. I think that what I did before this task force was formed that got me into it was that I drafted a lot of statutes. I came to be thought of as someone who could get a lot of people together and draw on their ideas and put it together into a piece of proposed legislation with the back-up paper and documentation. I think that is what caused me to be sent over there to work with Sargent Shriver and the other members of the task force at the time this proposal began to be put together.

G: Who sent you over? Do you recall who approached you initially?

S: What was the date? It must have been early 1964.

G: February, I think.

S: I was sent over, I believe, by Robert Kennedy, but I may have been asked ahead of time by Sargent Shriver if that was something I would like to do. I think that's what happened. I think Sargent

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Shriver called me and said that this was happening and would I like to be involved, and if so he would speak to Bob about it or I could, something like that. Bob Kennedy and Nick Katzenbach were happy to have me do that, so I went.

G: Well, what was the situation like when you arrived at the task force?

S: Well, Sargent Shriver had collected a bunch of people together, a rather eclectic group. Some of them worked for the government and some of them didn't; they were just there working, maybe they were employed, maybe not. I think I was over there a couple of times very briefly, just enough to get the flavor of the place. It was full of turmoil and creativity, people bouncing ideas around and writing memos to each other.

But the first time I went for anything substantial there was a large meeting late in the day that went on into the evening, which was a meeting at which various assignments were made. One of the assignments that was made was to me. I was to get together a drafting group and start trying to hammer out a statute. Obviously we were in an early stage of the thinking and it would go through a lot of changes, but it was time to try to get something on paper. I believe right from the outset--well, I'm not sure. I was going to say that Harold Horowitz was assigned to work with me right away, but that may have been Wilbur Cohen who did that later. At any rate, I did have with me Harold Horowitz, who was the deputy general counsel of HEW at that time, and a lady whose name I think was Green, who was a lawyer from the Department of Labor. I had the

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help of two lawyers principally from my own office: Sol Lindenbaum, who later became executive assistant to Attorney General [John] Mitchell, and John Steadman, who I believe now is a law professor.

G: Was the task force compartmentalized? Were various people working on what became different components of the act or was there just a lot of cross fire?

S: Well, the way we worked was, we had sat and listened to the task force members there talking about the various segments of the program as they saw it. We members of the drafting group met over in the Justice Department, and we made a rough outline of sections that would have to be in the bill, would have to cover various subject matter. I believe those were divided up among the members of the group, each of whom was to go off by himself or herself and come back with some kind of draft which we would then all attack and edit and revise, and we would meet every other day and exchange drafts and comments and criticisms. After a period of time we got something that represented some kind of a draft of the whole thing. Once you reached that point you really have come a very long way. That's the hardest part, from zero to the point at which you have at least some kind of a draft of everything you want to have in the final product.

G: You didn't begin, though, with any set list of concrete proposals that merely needed to be placed in legal terminology or terminology of legislation?

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S: Well, I think we had a list of problem areas with ideas of varying specificity as to what our proposals were to be in that area. We had arrived at the point I think where the core concept was to be the community action plan, which I think turned out to be Title II of the bill. Then there were all the other things that eventually appeared in the bill, most of which I think we knew when we left the organization meeting were going to have to be covered in some fashion or other, although I don't think we knew as exactly as we knew later just what the administration would want to propose.

G: Well, did you work and report back to the people who were the thought people rather than, say, the legal experts, let's say the people like Dick Boone and Dave Hackett?

S: Well, the principal people that I went back to were [Adam] Yarmolinsky and Shriver and perhaps occasionally somebody who was responsible for the memo or speech or whatever it was, the basis of the proposal in a particular area. But the people I remember talking to mainly were Shriver and Yarmolinsky, and Yarmolinsky on almost a daily basis. As far as my work was concerned he was the principal client; I was the lawyer and he was the client.

G: Let's take some of these components and maybe you can elaborate on how the particular section of the act evolved. Let's start with the Job Corps. Now I know that Vernon Alden was involved in the initial conceptualization of that. How far along was it when it was presented to you, do you recall?

S: Well, I recall that it was not known as the Job Corps.

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G: Really?

S: Yes. I forget what we called it but I think it had initials like CCC or something like that. I am certain that it was named the Job Corps by Sargent Shriver. Now maybe somebody else uttered those words first along with a bunch of other names, but that struck Sarge as absolutely the right name for it, and so he dubbed it that. But in our early drafting I'm certain we did not call it the Job Corps.

G: What role did the Labor Department play in that aspect of the program, do you know?

S: Well, this lady Green who was a member of our drafting committee worked with us. But I think that she was not as strong a personality as some of the other people. The initial draft of the bill, as it came out, struck Willard Wirtz as very drastically skewed toward the point of view of HEW and away from his and he was quite angry. I think he was personally angry at me and I had difficulty at first even understanding what was bothering him because, of course, I had no bias of any kind whatsoever. I was simply trying to reflect what I had heard and my own thoughts as to how it should be refined and brought along. But he felt that the terminology certainly was the kind of terminology HEW would use and it would not really appeal to his constituency, the labor constituency. At some point we did go through the bill and attempt to change the terminology. In some respects I'm sure the changes were substantive, but in a great many respects the changes were simply to use terminology

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that would be more understandable and would touch the concerns of the people that Willard Wirtz was trying to represent.

For example, I think in the initial draft of the bill we called this thing the Human Resources DeveTopment Agency or something like that, which was a name that I had coined. Willard Wirtz thought that was terrible. So it ultimately became known as the Economic Opportunity Act. What became the Job Corps was initially named something else, but it came to be called the Job Corps because that was a term that was more reflective of the problems that the Labor Department's constituents wanted to see addressed by the bill. It was the same proposal, same kind of an operation, it's just that the name Job Corps did more, it was thought, for the proposal than whatever we called it first.

G: Let's see, I think one name that was tossed around was the Youth Conservation Corps, which was something that had been in the legislative pipelines before. Does that sound familiar?

S: Yes. Am I thinking of something else? Maybe what we called it initially was the Youth Corps, the conservation thing, that was from the old CCC in the Depression. I think we called it the Youth Corps to begin with and then Shriver said it has to be called the Job Corps.

G: Well, was Willard Wirtz also in disagreement about who should administer the Job Corps? Did he want it to be something that would be run by the Labor Department?

S: Yes.

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G: Do you recall his efforts there to get the program in the Labor Department and why he lost that struggle?

S: Well, I remember that he was fit to be tied in that first meeting that was held after our first full-fledged draft of the proposed statute was circulated. Because I think he had been sort of paying [less attention] than others to how this project was progressing. He had gone to some early meetings and he thought it was on track and he didn't come around for a month. Then he saw this proposal and it had taken obviously many turns that he was not sympathetic with and he was very angry, he was very upset. There were various substantive things he objected to, and there were all these coloring items that he thought were bad also. We came very close to having him so alienated that he just was going to start publicly throwing bricks at the whole thing. It was a close thing. He was almost completely alienated there.

G: Do you know if there was any specific measure taken to keep him on board? Were there any concessions other than couching the thing in more sympathetic language?

S: I'm not sure this had anything to do with it, but I did speak to him privately and tried to reassure him that nobody was trying to run around him or do anything behind his back or anything like that. I think he had the view that he was being jobbed, so to speak, and it was just that we had been developing the thing without much input from him and it just found its way to where it was, and that was all there was to it. Nobody was trying to sneak anything through or the like, and I think he and I were personally friendly,

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and although his hackles were up, I think he hesitated to believe that I was up to some kind of game with him, and he was mollified somewhat.

G: He and Sargent Shriver seemed to have had a personality conflict at this stage. Would that be accurate?

S: Well, it's possible. Wirtz was certainly very angry. Now maybe he was angered by some personal problem in addition to the substantive and other related problems in the bill, I don't know. But they struck sparks there for a while.

G: Do you recall any specifics, and if any of this ever went to the President to adjudicate?

S: I think that it was taken to the President and the President did-- I was not there. My understanding, as I recall, was that he had asked that certain changes be made as Wirtz asked but basically sided with Shriver and said, "Now Shriver is in charge here, work with him, and let's get something we can all be proud of."

G: The Neighborhood Youth Corps, the other aspect of Title I, was delegated to the Labor Department. Was that a concession that was made to Wirtz or was that part of the original plan, do you know?

S: I have difficulty remembering. I do think that that proposal was expanded upon in response to Wirtz' concern for the role of the Labor Department.

G: Anything else on Wirtz' role here?

S: Well, I seem to recall there was quite a lot of back and forth about the President's message or a speech that the President was making.

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Pat Moynihan was writing the speech draft, which was circulated, and there was a lot of back and forth with Wirtz about that speech, the initial version of which [did not please Wirtz], despite the fact that Moynihan was from Labor. I think that as it emerged from Moynihan and Shriver, Wirtz was not happy with it. That may not be an accurate recollection, but I do recall there was a lot of turmoil about the content of that speech.

G: Anything in particular that you recall about it?

S: No, I can't remember.

G: While we're on the subject of the Job Corps, let me just follow through with a couple of other questions. First of all, Edith Green right away managed to alter the legislation to allow for women as well as men. Do you recall this effort? Number one, why was it restricted to men to begin with?

S: Well, I think we saw this as sort of an outdoor, hard-physical-work type of program that really in the vast majority of cases, at any rate, would not be suitable for women. It would be a man's program primarily at least, and if women were included there would only be a few women and then you'd have to have duplicate facilities of various kinds. You would run into social problems. These would be people from the lowest stratum of society and maybe there would be unwanted pregnancies. We just thought that for those reasons it would be simpler to have that program for men and something else for young women.

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- G: Do you recall the circumstances under which the concession was made to her?
- S: I can remember hearing arguments made about the relations with the local communities and the pregnancies and that sort of thing. But the argument was a loser, so it got changed.
- G: An argument that some of the southern opponents of the bill would use was that the Job Corps camps would be integrated. Do you recall this issue being brought up? Which of course they were.
- S: Well, I recall that being a matter of course in terms of inside the administration. Maybe that was a matter of concern to members of Congress from the South, and I guess we anticipated that it would be, but there was never any question that these would be integrated camps and that was that. They'd just have to be adjusted to.
- G: I notice [Phil] Landrum really met that head on in the debate.
- S: Well, I think there was absolutely no way to have that be blunted, so that there was only one way to meet it and that was right smack down the middle.
- G: There was also a concession made to conservation groups as I recall. Do you remember anything about that?
- S: I don't.
- G: A certain percentage of the projects would be related to conservation.
- S: Well, I do remember that that was one of the subject matters where we were trying to accomplish something, but the political aspects of it don't come to my memory.

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G: Finally, let me ask you about the criminal records of Job Corps enrollees. Was this something that was resolved in order to screen undesirables originally? I know that it was something that was debated.

S: Well, I recall some sort of debate but my recollection is too indistinct to be useful. I think where we ultimately came down, certainly I recall being personally persuaded that there should be no exclusion of people with criminal records because a substantial percentage of people you were trying to help might have some sort of criminal records. But still, that was just too big an exclusion to be tolerated. For the life of me I couldn't tell you what the bill says about it, whether my view prevailed or not.

G: Can you recall either on Job Corps in particular or any of the components of the Economic Opportunity Act as a whole if there was any real legislative input before the bill went to the Hill?

S: I would say that there was a legislative input. I know that the White House people and Shriver touched base at least with the principal committee chairmen and other concerned people, and Congress got their ideas, got their reactions to others' ideas and tried to adjust to their comments because we knew what we were trying to develop here was something they would have to vote up or down and that's a sensible way to go. Sarge was very good in his legislative relations.

G: Did anyone from one of the committee staffs, let's say the House Education and Labor Committee or the Senate committee, actually

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work with the drafting group at all or did they make any changes that you recall before the bill was proposed?

S: I don't recall at all.

G: Let me ask you about the whole question of delegation. This is something that proved to be a difficult problem with the experience of OEO, and it was something that was brought up during the committee hearings. Would delegation be successful? Was this something that your drafting team addressed?

S: Well, is that a problem that would be seen as a question of how much federal control would be exercised?

G: That's one aspect of it, but I was thinking more of the coordination work in delegating the administration of a program to a department or an agency and then retaining the responsibility for ensuring that it was effectively carried out.

S: I just have a general recollection that the consensus was to try to get real local autonomy in the administration of programs affecting the poor. My own view was that that would not work. To the extent that I had an opportunity to put forth that view I did. But the consensus was the other way, that really what was needed was to get the responsibility to the local level with a substantial input from the client population. And then the programs would work better.

G: Why did you feel that it wouldn't work?

S: Because I thought that the administration of many of these programs required great intelligence and the ability to harmonize a lot of

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very complex things, to administer the efforts of a lot of people and resources. I felt that whereas maybe a bunch of poor people would have a better insight into where they hurt, they would never ever be able to successfully administer a large complex program. They just would not be able to. I continue to believe that that is the fact. For one thing, you cannot have anything administered by a committee. You can have a committee that has legislative-type functions, or a committee that has a policy-input function, or some kind of an advisory discussion-group function. But if you actually put control of something in a Hydra-headed monster like a committee or some group, you are going to have a mess. That's my own personal conviction. When I hear somebody talk about administering something through a democratic mechanism I feel that I'm dealing with somebody who has not got hold of reality with a good grip. Maybe those ideas have matured. When I was drafting this bill I had these ideas but they were vaguer and less well formed.

G: Well, let me ask you to address the practical question of, let's say, the director of OEO being able to monitor a program that's being run by the Department of Labor or HEW. Was this a problem?

S: Sure.

G: Was this a problem that your task force addressed?

S: Well, I can recall discussions on that subject matter but it's a vague recollection. I don't think of anything concrete.

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- G: There is a body of thinking that has it that the way the thing was set up, OEO was not sufficiently powerful to coordinate among cabinet departments, since the director was not himself even a cabinet officer. Do you think this was a weakness in the bill?
- S: Yes, I do. I think that when Shriver was the director it was not a problem. I think Shriver was able to do what needed to be done because he had the personal clout with the Congress and the President and cabinet members to do it. But when the director became someone you had to look up in the Federal Register to find out who it was, the structure was not adequate. The structure provided by the bill didn't enable that person to do what he needed to do.
- G: But even Shriver seems to have had his hands full dealing with cabinet heads, cabinet officials.
- S: Well, I'm sure that's so. My impression, however, was that he was doing pretty well. He had a lot of support from the President. That together with the authority given him in the bill enabled him to do what--on balance--affected his job. But after his tenure I have the impression that the agency began to flounder.
- G: I assume that the legislation was drafted with the idea that Sargent Shriver would be the director.
- S: Yes. Yes, I think we all expected that Sargent Shriver would be the director and that Adam Yarmolinsky would be the deputy director.
- G: Did Shriver himself assume that he would be the director? Did he talk about how things would be done after the legislation was passed?

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S: Well, as I recall, he was careful not to talk that way. But I think I felt quite certain that he felt that he was going to be the director.

G: Okay, good.

Let's talk about the Community Action Program. It appears that when the list of proposals came from the Bureau of the Budget, the heart of it was the Community Action Program and then a lot of the other programs were tacked on to add appeal. Is this your recollection of the genesis of it?

S: Well, it's hard for me to recall back beyond a certain point. About the first thing I remember certainly is a set of proposals of which the community action proposal was the most basic and central. I don't know at what stage, but it became the central proposal and the others were--I don't know whether they were add-ons, but they were less universal in their application.

G: Was Sargent Shriver initially in favor of the Community Action Program?

(Interruption)

S: Well, at first Sarge seemed to be doing a lot of listening, and I really didn't know where he stood. Frankly, I began to feel, as we were drafting the bill, that we were getting a lot beyond anything I had heard him agree with. But by conferring back and forth with Yarmolinsky and Shriver I satisfied myself that what we were coming up with was at least not too far ahead of where their thinking was, and I think it proved to be the fact that

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they liked what we did and stuck with it. Sarge, in fact, became quite a strong defender of the whole concept, but at what stage that happened I don't know. I know that at the early stages when I was in these discussions he was not committing himself. I was not finding out what his thinking was; he was just listening to other people as I was, and I was trying almost blind to find the consensus.

G: Who articulated the community action concept during these task force meetings?

S: Well, the person of course who is indelibly associated with it now in my mind is Harold Horowitz. He was the guy I worked with in the drafting process. But I guess it was Wilbur Cohen and various younger, less officially authoritative people who articulated the idea.

G: Did Dick Boone play a role in proposing that, or Dave Hackett, do you recall?

S: I believe Dave Hackett was instrumental in it, but Dick Boone is just a name that is familiar to me. If you showed me a picture of him I wouldn't be positive it was that person, although maybe if I did see a picture the memories would flood back. So if he was a key person in the development of that idea, he did his work before I came along.

G: On the Title II, the section II, the community action aspect of it, did you start drafting with a reasonably well-defined program, or was it something that you all hammered out in the drafting stage?

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S: Well, it seems to me we had some sort of a memo which was what we started with, but we had to abstract from it the framework that was going to go in the statute. You couldn't talk about it in a conversational way as the memo did. When you mention Dave Hackett it triggers a recollection that the Community Action Program was in many respects an outgrowth of the experience that the Juvenile Delinquency Committee had had over the past years, of which Hackett was the executive director, whatever his title was. They had concluded that if you wanted to do anything effective you had to involve various people, including the target population, the local officials. If you tried to come in from on high and do something effective about a problem like juvenile delinquency, you were going to fail. And in order to make a lasting impact you had to get everybody singing from the same sheet music, so to speak, and being mutually supportive. That was a key input in the development of what became the Community Action Program in the statute.

G: Did you see this as a self-help sort of thing or involving, say, the poor in order for it to succeed?

(Interruption)

S: It was an idea. It was a concept that had various ideas associated with it. But any two people you talked to about what a community action program was and what was important about it would grab hold of a different part of the elephant.

G: Well, start with your own part.

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S: As I understood the Community Action Program, the key idea was that you tried to coordinate within the community everything that was being done to deal with the problem of poverty. You would involve both all of the levels of government that were involved and elements of the community as well, particularly including the target population, the poor people themselves. That's my thumbnail description.

G: Involving them in the policy level as well as the implementation?

S: Well, I disagreed with the element in the thinking about the Community Action Program. . . . I personally disagreed with the idea that you really had to put the whole thing under the control of poor people in the community, because I didn't think they would be up to the job.

G: But that's not stipulated in the act, is it?

S: No, but that is what came to be--rather to my surprise I may say--thought to be the concept of this maximum feasible participation language that appears in Title II.

G: Who drafted that language, do you know?

S: I believe it was Harold Horowitz.

G: Really?

S: Yes.

G: There was a lot of "maximum feasible" language in the bill, as I recall. It was a phrase that was used in other connections, "maximum feasible equipment", or "maximum feasible utilization" of something else, not dealing with the degree of neighborhood

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participation. Was this a legal term that had a certain mathematical formula?

S: No, I think it was just a way of expressing an idea that somebody in the group hit upon, and once it got used it began to be used in other places. But the particular place that we started out talking about, the maximum feasible participation by people in the community, the target population--I forget exactly the words--I think that came from the pen of Harold Horowitz.

G: What did it mean to you?

S: Well, as best I can recall, it had two ideas: one was that the poor people would be consulted about what needed to be done. There would be perhaps advisory committees of people from the target population who would alert the administrators when they were hitting the wrong target. One of the great things about democracy in my judgment is that it enables the people who are hurt to do something about it by throwing out whoever is hurting them. One of the things about our welfare-type programs is that they are typically administered from on high, and maybe the relatively well-paid people who administer those programs are shooting at the wrong target; they are doing the wrong things. It made sense to me that there should be some regularized input from the target population, so that there would be an opportunity to learn what they thought about whether you were hitting the target or whether you ought to shift your aim.

Secondly, there was the idea that poor people should actually be utilized to do some of the work connected with these programs

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because they could use the work, they could use the money. It would be constructive to involve them in the solution of their own problems. It would be good for them economically and socially, if you will, in the sense of giving them a sense of responsibility, being in control of their own destiny, and the like.

So those were the two elements I saw: one, involvement in an advisory way in determining how the program was doing and whether its aim is good, and secondly, involvement in doing the work in getting some of the jobs that would be created by the effort.

G: The way the legislation was drafted it did not have to be funneled through local government. Was this done for fear that local governmental institutions in the South would discriminate against blacks?

S: Well, that may have been an element in some people's thinking. I think the dominant element was the idea that if you left it up to local government it would never get done. There had to be an element of pressure on the local government stemming from the fact that if they didn't go along at all you could just do it without them. With that pressure you would be able to involve them in the job and wind up probably with their support. But if you were totally subject to their veto, in many places nothing would happen.

G: Was this something that was discussed among the members of the drafting committee or among the task force members as a whole? Was this something that they concluded?

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S: Well, my recollection is that on the drafting committee we were for a maximum federal freedom to act, and in various other quarters we struck the feeling that the local people had to be in control, they had to be given an option or veto. I guess I ultimately personally came to accept the view somebody put forward that you really were never going to do anything effective and lasting unless you involved and brought along with you the local governments; that maybe you could defy them and go and do your thing, but they would keep undoing it or uprooting it unless they were brought in. So I believe that is the concept that is in there, to the extent that any concept is in there, that the local-government authorities must be brought in and participate in the program.

G: The degree of participation is something that was legislated in 1967 with the Green Amendment, I suppose as a result of the pressure that you referred to earlier, or the tension. Did you envision this, that some of these local community action programs would turn on city hall and cause problems?

S: Well, yes. But somehow I didn't envision the extent to which these programs would wind up being under the control of the target population. That was just not my concept. I haven't looked at the bill for a long time. My impression is that the bill isn't very precise about exactly how this is going to work, and the reason for that is that nobody could be very precise at that stage. But as it turned out, the people who set up the program and made it happen were very much more committed to the idea of putting the target

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population in charge of the whole thing than we were in the formative stages. Certainly as far as I personally am concerned I thought they went clear over the edge.

G: Was this sentiment that they felt apparent at the time of the task force deliberations?

S: Well, not in the top people. I recognize that there were people in the task group as a whole who were hotheads for some view or other, and I knew that there were people who thought that you should just hand the money over to the local poverty committee and get out of the way. But I didn't believe that view was widespread or at least that it was held in an extreme form at the highest level.

G: Do you think then that the bill was not specific enough in terms of specifying what sort of local control there would be or local input?

S: Well, I think that if we had it to do over again with the hindsight, with the benefit of all these years of experience, I think I could draft a statute that I would be a lot happier with. But in those days and even now, you see, you might have to make do with a vague statute because you couldn't get agreement to a more precise statute. If it leaves the matter open everybody can vote for it. There isn't anything in there that is objectionable. But when you start becoming more specific then you start making enemies.

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G: Well, was that the reason the legislation was vague? Was it because--and I'm speaking with reference to community action--to be more specific would have caused more opposition on the Hill?

S: Well, I think there were three reasons why the bill was to some extent vague, the proposal we sent up. One was that there was not enough agreement in the administration to formulate a more precise bill in some respects. Secondly, none of us were able to know what problems would be encountered and how they should be resolved so that we didn't have the knowledge, the foresight, to make it more precise. We had to leave it vague because we didn't know what the future would hold. And then finally I think there were some areas in which it was made vague because it was thought that a more precise formulation of what we were trying to achieve would unnecessarily make enemies up on the Hill. But the problems existed in the task force itself, that people couldn't arrive at a precise solution to the issues that they could all go along with.

G: And this is with regard to community action?

S: Well, I would find it hard to be specific but I believe that particular section of the bill is full of areas where precision was not achievable because of these reasons I've talked about.

G: Well, Shriver didn't, at each point, make a decision? There was no effort to either poll the group or it was--?

S: Well, I think that sometimes these issues came to a head and were discussed and not resolved. Other times I think maybe at as low a level as the drafting committee, we simply saw that there

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was no way to produce something that would get the approval of the group in a particular area, so we would formulate it in a way that we believed would get the necessary approval and make it possible for the director to do what he would have to do.

G: Sure. Was there a certain vagueness about it just to allow for flexibility at the local level?

S: Yes. That was a consideration that we talked about, that they would need flexibility to meet their problems. We couldn't foresee what problems they would have. It would be unwise to tie their hands unnecessarily.

G: Well, you've talked about the group which I suppose is known as the [Jack] Conway group, the group that ultimately set up some of the guidelines, and he was in charge of the CAP. That [group] seems to have been much more in favor of control by the target neighborhoods and that sort of thing. Were there any other discernible schools of thought within the task force that you can identify?

S: Well, I think there was a well defined point of view that many people had, that local governments vary widely in their quality and in their devotion to good things, good objectives, and really you would be making a mistake if you took these matters out of the control of the federal agency. To the maximum extent that it would turn out to be politically possible to do so, you ought to maintain federal control of the federal expenditures. Then you would know at least that there wasn't going to be racial discrimination, there wouldn't be various kinds of corruption that people

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think, at any rate, you sometimes find on the local level that is really very rare federally. You would make the program subject to all kinds of local forms of political pressure that are completely irrelevant to the program's purpose, that type of thing. I think that was a point of view that a lot of people had in the task force.

G: Did HEW have a particular viewpoint on this aspect of it that you recall?

S: Well, I think that both ideas were represented among the HEW people. I don't recall that HEW people were terribly committed to the idea of local control; I think they were not. There were HEW people that were in favor of federal control, there were HEW people who were in favor of involving the target population. I think that they went along with the idea of local government involvement, but the pressure for local-government decisive control, veto powers and so on, was coming from elsewhere. I couldn't say where exactly but not from HEW.

G: Did the task force members generally represent the views of their particular departments or did they act as independent thinkers in this situation?

S: Well, I would say that in general they represented their agencies' point of view with, however, a wide latitude to have a personal point of view. I think that the lady who represented the Labor Department was not in very close touch somehow with Willard Wirtz, because we found to our great surprise and chagrin that we had an

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angry Secretary of Labor on our hands and we didn't expect to. We didn't know, as we went along, that we were diverging from his views. I think that Harold Horowitz was in touch with Wilbur Cohen and the Secretary of HEW, so when we finished our work they were not amazed by anything there, but Willard Wirtz certainly was.

G: Do you recall when Wirtz first expressed his disapproval?

S: It was a meeting that was held immediately after the circulation of, I believe, our first complete draft that we showed to people other than, say, Shriver and Yarmolinsky.

G: Where was the meeting held?

S: The meeting was held over in the poverty task force headquarters, which I probably couldn't find, but it was somewhere north of the White House about three blocks. Can you refresh my recollection?

G: Well, they had several locations. Let's see, one was an old hospital, wasn't it, or something like that, or hotel? I gather one building was condemned almost as soon as they moved into it.

S: I think that was the old Court of Claims Building. But the one before that was the one where this meeting was. I think it was an office building.

G: And Wirtz just got up in the meeting and objected to it?

S: Well, we were going to have this meeting later in the day to talk about the draft. We began to get inklings that the Department of Labor was very upset with the bill and that it was going to be heavy weather. I went over early and talked to a few people. The meeting started on a very chilly [note]. Willard Wirtz came

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in and when it came his turn to talk he talked with barely controlled anger. He really was very upset.

G: Who was chairing the meeting, do you recall?

S: Certainly. Shriver.

G: Did the Bureau of the Budget have an input there?

S: Well, the Bureau of the Budget, throughout my period in the government, had very skilled, able people who usually had some input into everything. But I can't at the moment recall anybody who was employed by the Bureau of the Budget. I probably knew them without knowing for whom they worked.

G: How about the Justice Department?

S: Well, in looking over your list I saw that Dave Hackett, of course, was involved. He was from the juvenile delinquency operation in the Justice Department. Steve Pollak, P-O-L-L-A-K. He was with the Solicitor General's office, but he worked on the VISTA program and subsequently became an assistant attorney general.

G: Did Robert Kennedy have an input?

S: Yes, but not a major one I would say. Presumably he talked to Shriver. I believe that I periodically gave him an account of what we were doing, and I believe he was hearing from Hackett, who was a close personal friend of his and I'm sure told him on a daily basis what was happening. But he left the Justice Department to run for the Senate on September 30, 1964, and for a time before that date he was, I think, doing a lot of thinking about what to do with himself and was not a driving force in the new-proposals area.

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G: He did testify for the bill on the Hill, and there is some indication that he may have advocated the Community Action Program to Sargent Shriver. Any recollections of this? Did you see him as a supporter of Community Action?

S: I did, but my recollection is that he understood it as an outgrowth of the experience of the juvenile delinquency operation, in which he had been very interested and in which he had worked with Dave Hackett, and that he advocated the idea from that perspective.

G: I gather to the extent that he did have input it must have gone through Hackett rather than you though. He didn't ask you to take ideas to the committee or the task force or things like that?

S: No.

G: Okay. What sort of White House involvement was there in the group?

S: Well, I think that the most important White House connection was between Shriver and the President. All the presidential assistants were at times incidentally involved, but I don't remember that there was anybody at the White House who was really deeply involved in the formulation of the legislation. Once it became legislation they were very much involved in the lobbying effort and marshalling the testimony and that sort of thing.

G: During the task force stage, did you yourself or other members of the task force have a feeling for what President Johnson envisioned in this legislation?

S: No, I think we just knew what he said in his--was it the State of the Union Message?

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G: Yes.

S: That he wanted a major marshalling of the resources of the federal government to try to do something about poverty in the United States, and he put Sargent Shriver in charge of developing the details.

G: Did the task force members consider what I suppose is an inevitable tendency of federal programs to spread themselves too thin? Rather than having a few target areas with a lot of resources, to become spread out very thin over a wider area?

S: Well, I think that idea undoubtedly got expressed. Maybe that's what gave such an appeal to the idea of the Community Action Program, because the Community Action Program can take on anything and everything. It absolves you of the necessity of picking and choosing between the problems on which you ought to focus.

G: There was another proposal in the original group that was essentially a land reform provision that would make grants to farmers to buy acreage or redistribute large acreage that was up for sale. Do you remember this provision?

S: Vaguely, yes.

G: It didn't make the cut, as I recall.

S: I agree.

G: Do you know what happened to it or why it was tossed out?

S: Well, I think at some stage before we got drafting, it became clear that there would be enormous opposition to it, enormous problems, and that if we ever were going to do anything in that area it would

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take a heck of a lot more study than we would be able to give to it in the time that we had. So I think it was just clear almost right at the outset that that would be biting off more than we could chew.

G: Do you think the task force members focused more on urban poverty than they did on rural poverty?

S: I think yes, but I think that a very conscious effort was made not to exclude the problem of rural poverty and to give some consideration to that. As I recall, we were not too satisfied with what we wound up doing, but it was hard to get hold of that problem.

G: One issue that was discussed in the House hearings was the question of minimum wage for migrant workers. Do you remember this issue at all?

S: Well, it's an issue that I remember from half of my life but I don't really think of anything specific in connection with this effort.

G: Okay, okay. Was the 1964 presidential election at all a consideration when you were drafting this legislation?

S: I really don't think so. I think that any time you are drafting an administration proposal you are conscious of the fact that the president has to get elected, but I don't think we thought of it in any way different because it was 1964 than we would have if it was 1963 or 1962.

G: Let me ask you to expound on the issue of separation of church and state, and the aid to parochial schools or children going to parochial schools.

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S: I remember being very significantly involved in that controversy, but it's been so long ago that I really would have to talk about it a while or read a while to put myself back there and remember just what the focus of the controversy was at the particular times we're talking about. That was a thread that ran through my whole service in the Justice Department. It's hard for me to think back--that must be sixteen, seventeen years--and place it.

G: It seems as though the parallel was drawn between this program and one of the guidelines in an education act or something, that allowed for aid in nonsectarian activities or something of this nature.

S: Yes, that sounds familiar to me. It was my position--which was expressed as the administration's position--that there was no constitutional infirmity involved where you assisted people even through sectarian institutions if there was no sectarian content to what you were doing. If you're going to make milk available to children, the fact that you find some of them in a parochial school is not an establishment of religion. If you give Catholic kids milk as well as the non-Catholic kids, particularly if the program makes the milk available to all children, and it just is the fact that they're found in the institutions that involves the institutions.

It becomes more difficult if you are providing some sort of facility to the institution itself. Suppose you are going to build hot lunch facilities so that all schools can feed their kids a hot lunch, because that's in the interests of the national health,

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then you begin to have a problem because some people feel if you aid the sectarian institution you cannot help but aid their sectarian purposes. I know that at one point we took the position that so long as the facilities and assistance provided were totally unrelated to any sectarian activity or purpose it was all right. I think that that idea was involved in the problems that arose in connection with the Economic Opportunity Act.

G: This must have been a thorny political problem, because on the one hand you have people like Hugh Carey that had large parochial constituencies, and on the other hand you had other members that were dead set against any sort of aid. Do you recall trying to thread this particular needle between the two factions?

S: I recall testifying a time or two. Basically it was a Catholic versus Protestant split--well, a lot of Protestants in the middle. The Jewish point of view is very much against any kind of government assistance to religious institutions. The Protestant view varies, basically is against. The Catholic view tends to favor it because the Catholics are, it seems, the ones who have their own schools the most, their own colleges, and are struggling to keep them alive. So when you hear from a politician who is a Catholic or who has a lot of Catholic constituents, you can expect to hear a tolerant attitude toward assisting religious institutions. When you hear from a rural legislator whose constituents are mostly Protestant, when you hear from a legislator whose constituents are primarily Jewish or very much interested in civil liberties, you'll

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get a very strongly "anti" point of view in relation to assisting religious institutions.

G: During the course of the task force stage there was also a proposed cigarette tax--do you recall that?--to fund I think it was a jobs program or something like that, in the White House?

S: It sounds vaguely familiar to me but it was an idea that was shot down so swiftly that it didn't loom very large.

G: Let me ask you about the funding level. Did the amount of funding available determine what sort of program went into the legislation? In other words, if you'd had an additional six billion or twelve billion to spend would that have meant that you would have hammered out a different program to take to the Hill?

S: Well, it may have. But I have the recollection of getting to quite a late stage in the drafting of the bill before becoming conscious of the discussions of how much money was going to be available. And the thought struck me that it was interesting that I should have been formulating this program without having the slightest idea how much money was going to be available, or how much was going to be allocated to the programs. I was struck with the thought that there should have been more discussion in formulating the program of what money was available, how much could be devoted to this and to that. But I think that the discussions of the amount of money available, except in a very gross overall sort of way, came at the end after it had become pretty well thought through what we were going to try to do.

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- G: But some of the people who have written about this experience have made the argument that had there been more money available a massive jobs program would have been the result, or more emphasis on education, job training, and that sort of thing. But you don't recall any discussion of this in your involvement?
- S: It may be that the people in charge from a policy standpoint had certain financial parameters in mind and simply confined the discussion to the area of what was feasible. I can only say that I was not conscious in the discussions of policy and the discussions of the provisions of the bill, of any large role of funding availability in the discussions until a late stage.
- G: Okay. Do you recall a theme throughout the discussions that perhaps the old line agencies were not really focusing on the poor in their own programs, say the Office of Education, and the Labor Department and that sort of thing?
- S: Well, I think they were not focusing very effectively on the poor. I think that's true. And I think that observation was made in the discussions. I don't know of anything much that the program did except for the monitoring function of the director to end that. I don't think it ever really got completely remedied.
- G: Was the Peace Corps experience at all applicable in your deliberations? Was it brought in?
- S: It was constantly referred to, because we had Shriver and various other Peace Corps veterans--[Frank] Mankiewicz--around there.
- G: How did the Peace Corps experience affect your decision-making on the task force?

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- S: I think it had an important bearing on the development of the volunteer proposals and programs that were embodied in the poverty program. I was not involved in the Peace Corps so my own thinking wasn't affected much by it, but it's just that people would talk about their experience in the Peace Corps and say, "And therefore I am in favor of this," or "I am against that."
- G: What about the National Service Corps concept, what turned out to be VISTA? How did this get into the act, do you know?
- S: Well, I think it was thought of as the domestic Peace Corps. Shriver had been successful with the Peace Corps internationally, and he thought that the harnessing of people's desire to help their fellow man was something that could make an important contribution, and he wanted to embody that idea in the program.
- G: Glen Olds [?] I believe helped formulate some of this part of the program, VISTA. Do you recall his participation there?
- S: Not by that means. I think that most of what I got out of that I got through Pollak.
- G: Was VISTA at all considered a liability since it had had some problems with the Congress in the year before?
- S: Well, I seem to recall somebody raising that objection and somebody else saying, "Well, but this is a part of a whole different approach, and the fact that it had trouble by itself last year doesn't mean that it won't work as a part of this much greater, much larger thing that addresses the whole picture."

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G: Do you think the Peace Corps saw VISTA as a potential competitor in getting recruits, getting appropriations, things like this?

S: I do seem to recall that idea coming through at some point, but that was not something that kept us awake nights.

G: Let me ask you about the Adam Yarmolinsky affair. Do you know what happened in terms of how he was excluded from the program?

S: My understanding, all of which is based on hearsay, is that a congressman, an important congressman from South Carolina, I believe, said that Adam Yarmolinsky was anathema to him and a number of other people that he knew, and that unless he were assured that Adam Yarmolinsky would not be the deputy administrator, he could not vote for the program and neither could the people that he was able to influence. My understanding is that Sarge, after talking to the President, and not really being told by the President which way to come out, decided that the support of that fellow and his votes was critical. He agreed that Adam would go out. The President either went along with that or didn't disagree with it, and that's what happened. Now it turned out that there was an adequate margin, but I think it's fair to say that many times once you're over the top you get a lot more votes that you wouldn't have got if you weren't over the top. So I am not in a position to say that it was an unnecessary decision. But I think it was a wrong decision.

G: Was it demoralizing for the people involved?

S: Yes.

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G: Now this was in August I believe that this happened. Were you still working with the group at this time?

S: Well, I was still working with them to some extent. I don't remember the exact extent but I do remember going to a dinner for Adam--

G: Right afterwards.

S: --when that happened. I recall its being sort of right in the middle of my period of work with the bill and the program.

G: What was his reaction, Yarmolinsky's reaction, to this?

S: I think he felt sort of crushed and really let down and puzzled in a way, because he had had this trouble before in his life, these people hating him for no apparent reason. They would make speeches about how his mother was a communist poet or something like that. His mother happened to be a poet, but the charges about her politics were a) false, and b) amazingly irrelevant to anything, because after all, Adam Yarmolinsky was who he was and what difference did it make what his mother thought.

But anyway, being confronted with this irrational hatred is a demoralizing thing, number one, and number two, to have it actually prevail with people that you have been very close to and worked hard with and for, I think it was a terrific kick in the face. And he was quite downcast, even though he was given a substantial position in the administration. It was a kind of a thing that was really a personal blow.

G: Anything else on that aspect of the [program]?

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S: Well, I think that Adam was a key figure in the development of the legislation and the program and the building up of the staff. He was a key figure in what made it good, because he supplied some elements that Sarge lacks. Sarge has tremendous enthusiasm and charm and he can persuade people. He's tremendously creative, has lots of ideas. But he has more ideas, by far, than he has good ideas, and he needs somebody who is close to him who can shoot down the bad ideas and preserve the ones that are brilliant and good. Sarge is not able, like many people, to do that himself.

Secondly, Sarge is not a good, methodical administrator. He works in bursts of tremendous creativity and energy, and then he has to regroup and do his thinking and so on. When he had Adam the whole operation kept right on going because Adam administered it and made it all happen and went around picking up the pieces. When he left I felt that the whole operation began slowly to unravel, and I think that he was a very, very significant loss to the whole concept, the whole operation.

G: Do you think in particular that the Community Action Program would have been different if he had stayed?

S: Well, who can know? I think that the community action aspect of the poverty program did go awry. That's my personal judgment. I have a lot of admiration for Adam and his good judgment and I think he would have been a constructive force in keeping it from jumping the tracks.

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G: Anything on the members of the committee? Adam Clayton Powell and his role in the legislation?

S: No. I just have this picture of him striding into some meeting at some point having just arrived back from Bimini and I recall once being in Bimini and having a seaplane, or I guess I got out of a seaplane and I was standing there on the dock and a boat came roaring up and he jumped out. (Laughter) But I think that he was under tremendous fire then. I don't know whether I'm getting my times right. But he was under tremendous fire and he was really not functioning as the head of the committee in the way that he had been when the Civil Rights Act was sent up by the Kennedy Administration about a year before. He was not as dominant a figure in the whole thing as [he had been in the Civil Rights Act].

G: He seems to have inspired the ire of a lot of Republicans on that committee. Do you recall the [circumstances]?

S: Well, he eventually made almost everybody mad. There was a time when you could find him admirable, at least in some aspects of his personality and character. But he got to the point where he alienated just about everybody.

G: Edith Green?

S: Well, she was a lady of very strong opinions who could be incredibly tough and stubborn, determined to hold to a point of view.

G: She seems to have had some resentment for Sargent Shriver.

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S: Well, that sounds right, familiar, but I don't remember any details about it. I remember once dealing with her and finding her very difficult and sharp in her dealings with me and being very surprised by that, because we had had amicable relations in the past, and coming to think that the reason she was giving me a hard time was that she was at odds with Shriver or someone else with whom I was associated and presenting a point of view.

G: Carl Perkins? Did you have any contact with him on this?

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S: I was saying that the task force broke up, except that the people who it was contemplated would form the nucleus of the new agency did stay together and function out of an office with Sargent Shriver. Many of the members of the task force left. I was one of those who left, but we continued to be involved somewhat because we supplied support of various kinds to the legislative effort. We might provide a memorandum on church and state or on the meaning of maximum feasible participation or something like that, the meaning of some part of the bill, its legal effects in various areas. I am sure we produced and worked on the Attorney General's testimony. My recollection is I testified or conferred with legislators about various aspects of the legislation. I remember going to a meeting with Landrum, who wanted to talk about some aspects of the bill that he was getting protests about. I remember going to a meeting with Humphrey when the bill was on the Senate side and some problem or other arose. Most of that work I was only peripherally involved in,

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and then it would be Lindenbaum and the other people in my office who would crank out a memo on demand, because somebody needed some materials on some aspect of the bill that was causing problems.

G: Did you notice any change in the prevailing thinking of the task force during this period with regard to community action?

S: Yes. I heard a lot of talk about community action programs that made me wonder if it was the same concept that we had been talking about when I was in touch on a daily basis with the thinking. I think the whole concept began to evolve and it got to be much more this matter of putting the target population in charge, putting the local people in charge of the federal money. That sort of thing began to move along. I really hadn't understood that that was part of it.

G: This was while the program was still under consideration on the Hill, is that right?

S: I think so. I think that even while it was not yet passed there appeared some drift in the whole thinking about community action.

G: Who was articulating this new concept?

S: Well, some of it came out of Shriver. I would hear Shriver say things that made me feel that there had been some evolution in thinking since I was directly involved.

G: Can you recall any particular statements?

S: All I can recall is that the idea of putting the target population in a power position and the idea of putting the local government people in a power position seemed to me to be talked about like

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they were much more integral to the whole idea than I had understood originally.

G: How about Yarmolinsky? Did he articulate this view at all?

S: I don't recall his doing so.

Now in those days I had a young fellow working for me named Edgar Cahn, a young lawyer in my office, whose father was a professor at the New York University law school, a famous author of legal books and so on. He was married to a girl named Jean Camper Cahn. They had worked in poverty programs and in legal assistance programs at the local level, and they had what struck me as very revolutionary ideas about how the poverty program should function. It may be that my recollections--I was being exposed to their thinking during that period, and maybe I've got it all mixed together, but really, their ideas are the ones that ultimately prevailed in many areas of the country. That became the whole official version.

G: There was no initial provision for legal services.

S: I think that's right. I don't recall any.

G: The Cahns themselves are given credit for generating a lot of the legal services idea.

S: Yes.

G: Did they advocate that at the time, do you know?

S: Yes.

G: At the task force stage?

S: No, I think they were a little too late. I think I hired Ed at a time when it was too late really for them to get involved in the

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drafting and I started listening to him, hearing his ideas after the legislation was already sliding down the ways. It was no longer up for change.

G: How about pre-school education? Was this considered initially?

S: Well, I remember a lot of talk about that. I can't remember offhand whether it got into the legislation, but it always struck me as one of the most promising ideas that was talked about, namely, to enrich the educational experience of very small kids, because we were told that by the time a kid is six years old and he doesn't know what an orange is and has never seen anybody read, never even had anybody read to him, it may be too late to turn that kid into a fully functioning adult. And one of the things that causes the poverty cycle to repeat itself is that the small children are deprived in their educational experience. So it always seemed to me that that was one of the best ideas we heard about. But whether it got involved in the legislation or not, I don't know.

G: I think it didn't come up until 1965, is my understanding.

S: It was certainly talked about in the early stages but I guess it ultimately was determined that that would just be something that the community action programs would implement.

G: Shriver could not legally serve as both director of Peace Corps and OEO if he was salaried in both. Did you have to alter the legislation in some way to enable him to serve as head of OEO without taking his salary?

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- S: I have some dim recollection to that effect. I think there is a regulation or a law that prohibits people from working for the federal government without pay. So I guess we had to make an exception to that.
- G: Anything else on this stage of the program that we haven't discussed?
- S: I guess not.
- G: Do you think we've left anything out? Do you have any memories of other meetings?
- S: I'm sure I'll have a few good ideas tomorrow, but at the moment I don't think of anything that we should have talked about that we didn't.
- G: Anything on the implementation of the program that you may have been involved with?
- S: Well, I really wasn't very much involved in the implementation of the program. Once the program was enacted by Congress it was out of our bailiwick.
- G: You spent some time on the Hill during the course of the deliberations. Do you think the Congress knew what it was doing when it voted this legislation?
- S: I think it probably knew a little less than usual, not a great deal, but somewhat, because after all, we were asking them to authorize some things that would have to be given shape by the people who put them into effect. It was really very hard to determine what a community action program was going to look like when Congress had to vote on it. But we had a situation there where the program

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had been made the principal focus of the President's program. He had a tremendous fund of goodwill at that time. He had taken over when President Kennedy was killed. The Democratic majority was pretty cohesive. So I think Congress gave him what he wanted. That frequently happens. I think a lot of times the Congress votes things that only key people have a clear understanding of. People vote for things because colleagues that they trust have studied it carefully and they say, "I've checked this out and it's okay." This was a type of legislation where they probably understood it a little less because it was so new, because it was in its nature so experimental.

G: Well, that's all I have unless you [have anything to add].

S: I don't think of anything, but if I do I'll get back in touch with you. If I think of any lovely anecdotes or the like I'll share them with you.

G: Thank you.

[End of Tape 2 of 2 and Interview I]

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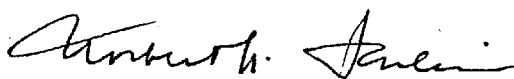
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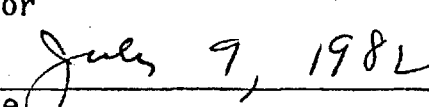
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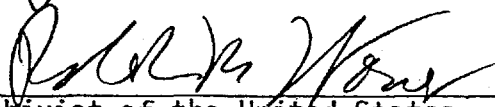
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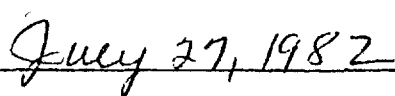
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