

Philip H. Des Marais, Oral History Interview - JFK # 2, 5/4/1967
Administrative Information

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Biographical Note

Des Marais was a political organizer in Louisiana and Missouri during John F. Kennedy's presidential in 1959 and 1960. After the election, he was appointed Deputy Assistant Secretary for the Department of Health, Education, and Welfare, a position he held from 1961 to 1969. This interview focuses upon Des Marais' education and welfare policy and legislation during the Kennedy Administration, among other issues.

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Philip H. Des Marais
JFK #2

Table of Contents

<u>Page</u>	<u>Topic</u>
86	Workings of the Department of Health, Education, and Welfare (HEW)
89	Federal Aid to Education Bill
94	Welfare legislation of 1962
97	HEW strategies for preparing and presenting legislation
100	HEW's relationship with the House Rules Committee
101	1962 drug bill
102	Federal Aid to Higher Education Bill of 1963
103	Vocational education legislation
105, 112	Other important HEW legislation
106	Impressions of Sterling M. McMurrin, first Commissioner of Education
109	Impressions of Francis Keppel, second Commissioner of Education
113	Medicare bill

Second of Two Oral History Interviews

with

Philip H. Des Marais

May 4, 1967
Washington, D.C.

By William McHugh

For the John F. Kennedy Library

MC HUGH: Mr. Des Marais, could you tell us when you began your work in legislative liaison?

DES MARAIS: Well, actually I wasn't working in legislative liaison as such, but rather in legislative program development.

MC HUGH: I see.

DES MARAIS: In the Department of Health, Education and Welfare we have two staff offices in the Office of the Secretary. One is called the Congressional Liaison Office, which handles the day to day informational servicing of Congressional offices on programs of the Department. And then we have the Office of the Assistant Secretary for Legislation, which works on the development of legislative proposals for the programs of the Department, and that's where I was assigned approximately, oh, something like the 27th of January, 1961.

MC HUGH: I see. So each year you would get together with the White House, presumably you submitted your program and it was decided which bills each would introduce. How was that worked out?

DES MARAIS: Well, each year the Secretary and the Assistant Secretary for

Legislation would receive a schedule from Ted Sorensen [Theodore C. Sorensen] at the White House about the legislative program for the HEW. We would be told – or we would be invited to come over and discuss with him areas in which we thought there could be new legislation that the President could support relating to improvements in the current programs of the Department or in new programs. And, of course, the schedule was very hectic at the beginning of the Kennedy Administration because the Congress was already in session. So I think I arrived here two days after the new Assistant Secretary for Legislation did, that was Wilbur Cohen [Wilbur Joseph Cohen]. I was assigned as his Deputy, as his assistant. We started in on an almost continuous round of consultations with people in the Department on two areas. That is, we were told, the Secretary, Mr. Ribicoff [Abraham Alexander Ribicoff] was

[-86-]

told by the President and by Ted Sorensen that he wanted a federal aid to education bill and he wanted a medicare bill, or a bill that would provide hospital benefits for people retired under Social Security. Mr. Cohen, who was a former longtime staff member in the Social Security Administration took the leadership in the development of the specifications for that bill, and both of us worked on the education bill.

MC HUGH: I see.

DES MARAIS: We had very little time to work on it in the first go-around because, as I said, the Congress was already in session, the President wanted to send up his program as soon as possible.

MC HUGH: I see. So you would have been working also with Larry O'Brien's [Lawrence F. O'Brien] office?

DES MARAIS: Well, yes. Our contact with Larry O'Brien's office would develop primarily after a bill had been introduced, although he would sit in, I think, on the discussion of legislative proposals and give his views as to how acceptable they might be to the members of Congress, the political acceptability of them. He was always very careful to confine himself pretty much to saying, "Well, you know, that is politically good, but you do not want to get into the professional programmatic aspects of legislation."

MC HUGH: Who was usually present at those meetings?

DES MARAIS: Well, usually the meetings were convened by Ted Sorensen in his office, at least the ones that I ever attended. Usually Mike Feldman [Myer Feldman] was there, oftentimes Larry O'Brien, those were the principal...

MC HUGH: Were Charles Daly [Charles U. Daly] or Mike Manatos [Michael N. Manatos] both there?

DES MARAIS: Not at that time, not in 1961-62.

MC HUGH: Was there any....

DES MARAIS: Our contact was very close with Mr. Sorensen because he was a former employee of this Department. His first job in the government was as a young lawyer in the HEW General Counsel's Office, right down the hall here. So he felt he knew a lot about this place.

MC HUGH: That was when it was known as the Federal Security...

DES MARAIS: Security Administration, right.

[-87-]

MC HUGH: How was it decided which legislation that you would sponsor and which the White House would sponsor?

DES MARAIS: Well, in the Kennedy Administration they sponsored practically all the legislation of this Department. I can't think of any the White House didn't sponsor, any major legislation.

MC HUGH: At one time now, legislative liaison was under James Quigley [James M. Quigley], isn't that correct?

DES MARAIS: That was Congressional liaison, that's right.

MC HUGH: Oh, Congressional liaison.

DES MARAIS: That's correct.

MC HUGH: He didn't continue in that position throughout the.... Or did he? I had the impression that he left that function.

DES MARAIS: No. After Mr. Celebrezze [Anthony J. Celebrezze] became Secretary, he consolidated the Congressional Liaison Office and attached it to the Office of the Assistant Secretary for Legislation. But it still was a separate staff, but reporting to the Assistant Secretary for Legislation.

MC HUGH: So the President let you know early that he was interested primarily in education and in...

DES MARAIS: Social Security.

MC HUGH: Yes, Social Security.

DES MARAIS: Right.

MC HUGH: Now, also the Hoode Report had been done, the task force report on education.

DES MARAIS: That is correct.

MC HUGH: How much effect did that have on legislation?

DES MARAIS: Well, we took the Hoode Report and started off with that as sort of a basic document on which to base what are called, you know, the legislative specs, specifications. But we were not bound by it. But, in general, the initial federal aid to education bills carried out most of the recommendations of the Hoode Report. In general, but not in detail.

[-88-]

MC HUGH: Do you know why it failed to consider private or parochial schools?

DES MARAIS: Well, of course, this was one of the big controversial issues.

MC HUGH: But the report – one might have thought that there would have been some consideration even if he felt that there was nothing they could do.

DES MARAIS: I wouldn't be able to speak about the report. I had no contact with the Hoode committee. Mr. Hoode [Frederick Hoode], I think, paid one visit to the Department after the election, after the Inauguration. Mr. Keppel [Francis Keppel], who was a member of that committee and subsequently became Commissioner of Education, came down here a few times and gave us the benefit of his thinking. But the general guidelines for the legislative specifications for federal aid to education were given to us by Mr. Sorensen.

MC HUGH: I see. Did he draw up most of the bills himself?

DES MARAIS: No, no. All the drafting was done over here by the staff in the Office of the Secretary. But he would review all the work on a weekly basis which we were developing the specifications. But, of course, the issue of the participation of private schools was a big issue in drafting the bill. I might just say, if you want me to say it, what I know about that.

MC HUGH: Surely. I would appreciate it if you would.

DES MARAIS: I might say, first of all, that the bills were preceded by Presidential messages. There was a President's message on education which went up before the bills went up. So the final determination not to provide federal funds for non-public schools was made when the President's message was being drafted because it was determined that this was going to be touched on in the President's message.

MC HUGH: Well, was this because he had made a pledge prior when he was campaigning, for instance, that...

DES MARAIS: No, I don't think we felt that there was any really strict campaign commitment, but we did bring the issue up. And it came up first in connection with the President's message on education – President Kennedy's first message on education in 1961. We had a meeting at the White House, and it was made quite clear at that meeting

[-89-]

that there was not going to be any funds in the education program for private and parochial schools. I remember very well a line in the message: the key line on that went something like this – I tried to find the message today, but I couldn't find it; it must be home. But it said something like this: "In determining the formula for grants to the states, this will be based on a count of the number of children currently enrolled in public schools of each state."

MC HUGH: That was not limited to high schools or...

DES MARAIS: The public schools, the elementary and secondary schools of each state.

MC HUGH: Elementary and secondary, I see.

DES MARAIS: "The number of children enrolled in the non-public schools will not be counted because those schools will not participate in the grant program." Well, I remember we had a big discussion about that sentence. I remember our General Counsel objected to it. He said, "That's a very inflammatory sentence to say that we will not count children in non-public schools." Well, sure enough, his prediction was right. When the President's message came out, I think that sentence alone signaled the opposition of the parochial school people to the bill because we got hundreds of letters immediately; the White House did, we did, saying, "So, our children don't count, huh?" We would get pictures sent in from families with seven and eight kids saying, "President Kennedy says our children don't count. But we think they count for something." I myself felt right then that that was the end of the bill. Now of course, there

were many other factors that developed. It was very interesting to see how this word, this language, triggered the opposition.

MC HUGH: Was there significant protest from other private schools?

DES MARAIS: Yes, from some of the Orthodox Jewish schools, but the major protest was from the Roman Catholic parochial school people.

MC HUGH: Did the hierarchy themselves bring any direct pressures, or was this...

DES MARAIS: Well, Cardinal Spellman [Francis J. Spellman] issued a very strong statement criticizing the bill saying it was undemocratic and discriminatory. That was the major hierarchical statement. Then the education department of the National Catholic Welfare Conference testified against the bill very vigorously on behalf of the hierarchy, the Roman Catholic hierarchy.

[-90-]

MC HUGH: What was the President's reaction to this, were you aware? Did he feel that they were deliberately putting him on the spot?

DES MARAIS: Well, I had very few opportunities to, you know, to personally be aware of the President's reaction. I do know that Secretary Ribicoff felt that he was being somewhat inhibited in this ability to advance the legislation by the fact that there would be no aid for parochial schools. He made that quite clear within, you know, within Departmental meetings, but he was a good soldier and went up and testified on the bill as it was very vigorously. I did have one opportunity to hear the President make a very definite statement about it. I went over to the White House one afternoon with the national committeeman from Louisiana, Camille Gravel, who was also the lawyer for two of the dioceses of the state of Louisiana, the Roman Catholic dioceses. We visited with Ralph Dungan, assistant to the President, about some patronage matters in Louisiana and socially. Then we got through – Dungan had arranged this unbeknownst to us – the President walked in just as we finished our business and greeted everybody and invited us to come into his office. And we chatted about, oh, the campaign in Louisiana and other things like that. So the President asked Camille Gravel, who is a good friend of his, a longtime political friend, "Well, Camille, how do you think we're doing?" And Camille said, "Well, Mr. President, I think you're doing pretty well except that I think your federal aid bill is very unpopular because it doesn't provide any aid for parochial schools." He said, "Now my client, Bishop Greco [Charles P. Greco], told me just before I came up here yesterday to be sure and tell the President it's causing a lot of trouble." And the President said, "Well, now, Camille, you know that as the first Roman Catholic President it would be politically very difficult for me to propose aid to Catholic schools. I just can't do it." And Camille said, "Well, Mr. President that may be, but I can just tell you that none of our people are going to support that bill." And there wasn't a single member of the Louisiana delegation who voted – well, they never got to vote for it as a matter of fact. But I remember in the vote count that

we took, we couldn't get a single member of the Louisiana delegation to support the bill. That was one chance where I did have the chance to hear the President give his rather, you know, off-the-cuff view.

MC HUGH: Now the President also had a brief prepared at the Department of Justice...

DES MARAIS: That's correct.

MC HUGH: ...which supported his position. I think some members of the National Catholic Welfare

[-91-]

Conference, as it was then known, felt that this was a rather gratuitous act and that he was really only concerned to get a bill passed and wasn't so much concerned about the constitutionality of it actually. Could you comment on that?

DES MARAIS: I'm not sure I understand your question.

MC HUGH: Well, that he had this brief prepared to support a position that he had taken, not one which he necessarily believed in but one that would allow him to get a bill passed.

DES MARAIS: Well, let's see. I just saw a reference to that famous brief the other day. Let me just check it; it might help me.... As I recall, the brief which was submitted to the Congress by Secretary Ribicoff – and it was prepared over at the Justice Department but it was signed by Alanson Wilcox, the General Counsel of this Department.

MC HUGH: Oh, I see. I see.

DES MARAIS: The import of that brief was that there were certain limited forms of federal aid which were constitutional for church-related schools – such as some kinds of loans and services, welfare service, health services – but in the view of the brief the direct grants for construction or funds for paying teachers' salaries in church related schools would be a violation of the first amendment to the Constitution, the no-establishment clause. Now as to the real beliefs of the President on this brief, I don't know. I never heard any discussion that indicated.... I certainly think that among the many lawyers in this Department who worked on that brief, as well as those in the Justice Department, there was a difference of opinion. I would say that on the whole issue I think that – it's easy to say in hindsight what should have been done, but I think it was one of the major strategic legislative errors of the Kennedy Administration because subsequently the Johnson Administration was able – all the same people that worked on the other bill worked

up another elementary and secondary education bill which did provide a considerable amount of assistance for children in parochial schools which everybody felt was constitutional.

MC HUGH: Was this supported by the National Education Association?

DES MARAIS: Yes, it was.

MC HUGH: And the first one was not?

[-92-]

DES MARAIS: The first one was supported by the NEA.

MC HUGH: Oh, it was?

DES MARAIS: Oh, yes. The first one was really an NEA bill.

MC HUGH: Oh, that's interesting. Which lobbies were against it, can you....

DES MARAIS: Were against what?

MC HUGH: Well, were against...

DES MARAIS: The first Kennedy bill?

MC HUGH: Yes.

DES MARAIS: Well, primarily, the two major lobbies against the first Kennedy elementary and secondary education bill were the National Catholic Welfare Conference, the parochial school group, and the U.S. Chamber of Commerce. Those were the two major national organizations that vigorously opposed the bill for different reasons. The U.S. Chamber was opposed to it because they said direct funds for schools construction and teachers' salaries is undue federal intrusion into local education.

MC HUGH: And the other organizations apart from this?

DES MARAIS: Most of the other educational organizations supported the Kennedy bill, like the National Education Association, the chief State School Education Association, the American Association of School Administrators, they were all very strongly for the bill, the National PTA supported the bill.

MC HUGH: Was it about this time that the Citizens for Educational Freedom was formed?

DES MARAIS: Well, they had been formed earlier, but they didn't really become active nationally until about 1963.

MC HUGH: Oh, is that so? I see.

DES MARAIS: That was on the second Kennedy bill.

MC HUGH: Did these lobbies work together generally, were you able to get them to work together?

DES MARAIS: Oh, yes. They worked pretty well together.

[-93-]

MC HUGH: There wasn't too much pulling and hauling between people, say, in elementary interests; elementary or secondary?

DES MARAIS: No, there was no problem there that I recall. That would never be an issue in.... There would be an issue between elementary and secondary people and higher education people. There was a great deal of pulling and tugging between these two elements in the education field, particularly as to which bill was to go first.

MC HUGH: I see. Speaking of what bills to go first, within HEW, how did you decide on priorities on legislation?

DES MARAIS: Well, we had our d'ruthers but it usually was the Congress that made the determination. You mean as to the scheduling of the hearings on this?

MC HUGH: Scheduling of hearings. Also, I was thinking of different bureaus of HEW who would have their pet projects, so to speak.

DES MARAIS: Oh, yes, I see what you mean. Well, we have a mechanism in the Department for this purpose. It's chaired by the Assistant Secretary for Legislation. It meets regularly every Thursday on a continuous year-round basis, and at various stages throughout the year each agency's representative on the committee presents the agency's priorities.

MC HUGH: Were there any significant differences of opinion in that group developed?

DES MARAIS: Well, I would say no, I think we.... Mr. Cohen, of course, became the new chairman of the legislative committee as Assistant Secretary for

Legislation, and he wielded that into a very unified group I think. There would be oftentimes differences of strategy and tactics. But, for the most part, in the field of education and social security there was very little difference of opinion. When it came to some areas of public health legislation or welfare legislation, however, or public assistance legislation, there were often differences of opinion between the Office of the Secretary people and the agency people.

MC HUGH: Could you give me an example of that, is there anything that occurs to you at the moment? I imagine that, for instance, the bill to aid children of unemployed fathers would have been a controversial one.

[-94-]

DES MARAIS: Well, let me be more specific. Let's take, for instance, the public welfare amendments of 1962, which was one of the major Kennedy Administration bills that passed. The big innovation in that bill that was developed under the leadership of Secretary Ribicoff and Mr. Cohen, and with the support of the White House, was to provide federal funds for welfare services as well as federal funds for welfare payments to people on public assistance. There was a strong minority of professionals in the fields as well as in the staff of the Department who felt that public assistance programs should be limited to cash payments. So we had a big issue on this to bring...

MC HUGH: Cash payments as opposed to government providing services?

DES MARAIS: Exactly.

MC HUGH: I see. Well, how did they envision having government provide the services?

DES MARAIS: Well, we would provide the funds to the state agencies to hire the social workers and counselors to provide the services, you see. In the past the federal funds used by the states and county welfare departments had been limited primarily to cash payments. We proposed to provide up to 75 per cent of the costs of welfare services from federal funds in the 1962 amendment.

MC HUGH: How did you resolve the differences?

DES MARAIS: Well, it took endless hours of meetings, arguing out the validity of this concept of federal support for welfare services. There were many issues, for instance, the availability of the skilled personnel to provide the welfare services if we made the funds available: the issue that the money would be wasted because there was no sufficient personnel who could do it adequately; that this was an interference with the state responsibility; that welfare services were the responsibility of voluntary associations. These were some of the issues that we had to hammer out.

MC HUGH: I see. You mentioned...

DES MARAIS: Another issue was, in that bill, that the initial proposal provided for the abolition of the Children's Bureau and the transfer of its functions to Bureau of Public Assistance, within the Public Health Service.

[-95-]

MC HUGH: Why were they...

DES MARAIS: And this resulted in a tremendous storm of protests from people throughout the country, so we had to abandon this.

MC HUGH: Why wasn't it made to have that after...

DES MARAIS: Well, this was a task force proposal.

MC HUGH: Oh yes. To abolish the...

DES MARAIS: To abolish the Children's Bureau.

MC HUGH: What was the reason for that?

DES MARAIS: I think that there was a feeling that the Children's Bureau as an autonomous separate entity was not getting at the most difficult problems in child welfare. It was tending to provide assistance to people who least needed it as compared to those who needed it the most. And that we should concentrate child welfare services in low income families rather than just across the board, and it was too proliferated. And that the child health services could be better provided through the Public Health Service rather than through its separate child health service program.

MC HUGH: So the opposition that you encountered, was this political opposition?

DES MARAIS: It was professional.

MC HUGH: It was professional.

DES MARAIS: Right.

MC HUGH: I see.

DES MARAIS: Primarily professional. The lady social workers of the country arose en masse.

MC HUGH: Does that suggest the lady workers didn't believe that the bulk of the services should go to the poorer children?

DES MARAIS: Well, they just didn't want to get into the business of.... I never understood all of the controversies except that I think they felt that the child welfare services supported from the Children's Bureau had a high professional quality to them. Nobody disputed this fact. They felt that by folding in child welfare services into public welfare that they would dilute the high professional

[-96-]

quality.

MC HUGH: Oh yes. I see. You mentioned before that you planned certain strategies for different pieces of legislation. Could you give me an example of how this would work given a piece of legislation?

DES MARAIS: Well, of course, I think you would divide the whole problem into strategy and tactics, and I got real...

MC HUGH: All right, fine, quite good, all right.

DES MARAIS: The overall grand strategy would be planned, obviously, on the highest level involving the Secretary, the White House, the head of the agency, in the case of educational legislation, the Commissioner of Education would be in on it, and the Assistant Secretary for Legislation. There would be many discussions, formal and informal, as to lining up support for the bill both inside and outside the government. By that I mean in the Congress and among the interested parties. The arrangements would be made to invite representatives of organizations to come to the Department and discuss the bills, explain them, we would explain them to them. Then there was the whole issue of whether.... There was always the issue of how much should the Administration consult with the committees of Congress about the development of a bill before it went up. And the policy during the Kennedy Administration was pretty much to confine the strategy in legislative development to the executive branch and then, as Secretary Ribicoff used to say, send the bill up and let the Congress work its will. The idea was that we wanted to exercise our judgment first, determine what we thought was the best possible program, but then we fully recognized that once we had done that, then the Congress would take over a bill and have the hearings and bring in witnesses and let it work its will. I mean we didn't feel that we had the last word. We felt that any commingling of congressional and executive branch planning might dilute the effectiveness of either branch. Some of the congressmen didn't like some of the bills. When they got up there, they'd say, "Now if you had consulted us, we could have avoided a lot of trouble, you know, by not having this in the bill."

MC HUGH: I think the view was once expressed that, "Health, Education, and

Welfare was making all this legislation and thought they could cram it down our throats, and they should have consulted us,” which is what you’re saying.

DES MARAIS: Well, this was obviously a White House decision. But I think also it was a strategic approach that

[-97-]

was very much supported by the Assistant Secretary for Legislation, Wilbur Cohen, who’d had a long experience in the legislative field as the legislative officer for the Social Security program for twenty years. He felt that each branch had an important role to play, but if they got mixed up with each other, then neither one would bring to bear the best thinking of its own branch. They had to work separately at certain points and together at other points, and that if you tried to do it all together you wouldn’t get as good a bill.

MC HUGH: What kind of relationships did Wilbur Cohen have with the legislative people?

DES MARAIS: Very good as far as I knew. I know he had very good relationships with the Ways and Means Committee, which handles social security legislation. Of course, Mr. Cohen is still here. He’s no longer in legislation, but he still works with the Congress. But I think I would say if he was sitting here that his relationships with the Ways and Means Committee were much more intimate than with the Education Committee.

MC HUGH: I see. Education and Labor?

DES MARAIS: Yes.

MC HUGH: It’s been said that there were certain – what shall we say? There was a personality clash between Wilbur Cohen and Edith Green [Edith S. Green]. Do you think there’s anything to that?

DES MARAIS: Oh, yes. I think that Mr. Cohen and Mrs. Green disagreed on substantive matters in the bills.

MC HUGH: Well, this was not exactly a matter of personalities then.

DES MARAIS: No, it wasn’t just a matter of personalities.

MC HUGH: Did it ever become...

DES MARAIS: I really don’t know. I mean, I think that Mrs. Green did not go along

with our approach to the legislative development.

MC HUGH: What are you referring to?

DES MARAIS: This is the idea that we would develop a bill completely as we thought it ought to be before sending it up to her committee.

MC HUGH: I think she was also concerned that some things

[-98-]

were sent to Cal Perkins' [Carl D. Perkins] committee that ought to have come before her committee.

DES MARAIS: Well, that was a matter for the committee to determine. I think, frankly, that these matters of relationships between the staff and the Department at that time and the Committee were rather irrelevant to what really happened. That's my own personal feeling for what it's worth. I think the difficulties we had with the Kennedy Administration legislation were much more important in the substance of the bills rather than the personalities of the people involved.

MC HUGH: Yes, I see. I'm working on these...

DE MARAIS: There were personality – you always have the human element. I think that is really not an important problem. The big issue with federal aid to education was that the bill was very controversial, and when something's controversial, personality problems are accentuated. The big issue with Medicare was that it was controversial, and the AMA [American Medical Association] launched an all-out attack on the Kennedy Medicare bill. Therefore, we got defeated on that because we didn't have enough support in the country for it yet.

MC HUGH: Yes. What were your relations with the Rules Committee?

DES MARAIS: Well, the Rules Committee was always a very sticky issue for the legislation. They were the chosen instrument to block the federal aid to education bill. It passed the Senate.

MC HUGH: You said it was the "chosen instrument."

DES MARAIS: The chosen instrument of the Roman Catholics and the Chamber of Commerce. They worked through their supporters on the Rules Committee to block the bill ever getting to the floor for full debate and vote. The key man on the Rules Committee in blocking the Kennedy bill from getting to the floor was Mr. Delaney [James J. Delaney] from New York. He voted with the Southern

Democrats and the Republicans, and they lacked a majority of one to get the bill out. They voted to send it back to the committee for further discussion.

MC HUGH: And that ended that.

DES MARAIS: And that ended that.

MC HUGH: I see. Did you feel generally that you should have paid.... Well, other than the education bill,

[-99-]

what problems did you have with the Rules Committee?

DES MARAIS: Well, it was always difficult to get them to move because Judge Smith [Howard W. Smith] was then the Chairman. He was opposed personally to all the new legislation, and he would try to delay it as much as possible, but we got Rules, eventually, for all the bills that could pass.

MC HUGH: What tactics did you use?

DES MARAIS: Well, it was just a matter of being patient and persistent and getting enough members of the Rules Committee informed about the pending bills for which we were seeking a rule, and then they would simply force a vote. But this meant that we really had to get supporters of the Administration on the Rules Committee fairly fired up because that meant they had to go to the meeting, they said to Judge Smith, "We want to put such and such a bill on the agenda for the Rules Committee, and we want to vote on it." Well, they had to take the initiative, you see, to do this, and so, therefore, the bills that we got through the Rules Committee had to be of some substance and some appeal in order to get enough members to take the initiative in insisting that they handle it.

MC HUGH: Did you feel that you had as much backing as you could use from the White House?

DES MARAIS: Yes, I think we got about as much backing as we could.... From my limited contact with that part of the operation, that is, the Rules Committee operation, I would say that the White House backing was what it should be. That is, I never felt, again, although some people used to raise this issue, that the President was afraid to use his full powers to get things out of the Rules Committee. I myself felt that this was not the real issue.

MC HUGH: I think that some people did feel that he was not using his personal popularity enough to get bills through Congress.

DES MARAIS: Yes.

MC HUGH: Was there ever the feeling that the President might be sending up too much, too many legislative proposals?

DES MARAIS: Yes, I think there was that feeling, but still, by the time that the Congress got through scheduling them and sifting them, it wasn't an impossible job

[-100-]

that they were presented with I don't believe. They worked very hard, I really think the Kennedy Administration was the beginning of a new era in legislative activities for the Congress, in the sense that it was the commencement of a period in which Congress now runs twelve months a year for all practical purposes. The legislative load is so large that they have to work a five day week practically twelve months a year. This is a new thing, and I think the big legislative program that President Kennedy sent up was of sufficient challenge and variety and scope that they sort of worked themselves into this new schedule of work. And they'll never get out of it as far as I can see. [Laughter]

MC HUGH: Did you work on the 1962 drug bill? Were you involved in that at all?

DES MARAIS: No. This was a very technical matter, and Mr. Cohen and Secretary Ribicoff decided that they needed somebody, some lawyer, who had some technical knowledge about this. So we employed Jerry Sonosky [Jerome N. Sonosky], who was an assistant to Congressman Blatnik [John A. Blatnik] and had worked on this legislation on the House side for a number of years. And he came over and joined our staff as a special assistant and handled that bill. That was handled exclusively by Mr. Sonosky and Mr. Goodrich [William W. Goodrich], the assistant General Counsel for the Food and Drug Administration and Mike Feldman, who was Assistant Counsel to the President. They were the principal technicians from the Administration's standpoint on that bill.

MC HUGH: One of the things that had been, well, promised in the Democratic platform was to do something about the flagrant profiteering in the drug industry. But, of course, the patent proposals were dropped from the bill. Do you have any idea of why that was done?

DES MARAIS: Well, no, I don't. There's been a lot written about that, books have been written about that episode. I do feel, however, that here was another area in the Department in which there was a strong difference of opinion between the staff people in the agency, in this case the Food and Drug Administration, and the Office of the Secretary and the White House.

MC HUGH: Did you feel that Commissioner Larrick [George P. Larrick] wanted to

back a strong bill that would have limited profits in the drug industry?

DES MARAIS: No, he made his views very clear. Mr. Larrick and his top staff did not think it was the function of the Food and Drug Administration to become involved in the economic aspects of the drug industry. They felt that the role of the FDA should be confined to one of regulating the purity

[-101-]

and validity of the drugs, and should not get into the economic and pricing policies. This was a very clear difference of policy opinion between the head of the agency and the staff and the Department and the White House.

MC HUGH: Now you said that certain people in the Department probably had strong feelings about – is this what you were referring to? – about the separating the efficacy of the drugs from profits made on the drugs? So that there was no... What about the Secretary? Was he very concerned about the profit aspects of the thing?

DES MARAIS: Well...

MC HUGH: It would seem to be an issue that would have had immediate impact on the consumers, one would think, and could whip up a lot of votes.

DES MARAIS: I don't know. I was working almost exclusively on education legislation and, peripherally, on Medicare and Social Security, so I never became involved in the... I very seldom ever attended any meetings on the drug bill, to put it specifically. So it's hard for me to – I had some ideas because I knew Sonosky well and he used to tell me what he was doing. But I don't recall precisely at all many of the issues – other than big, big ones – in that program.

MC HUGH: When you were working on education legislation and the setting of priorities and so forth, did you ever find that things were sabotaged by someone who had a good connection with the White House or with particular Congressmen or Senators?

DES MARAIS: Well, I don't know who you mean. I remember a sabotage situation, but I'm not sure it's the kind that you're looking for. I think President Kennedy and the Administration felt that the NEA sabotaged his aid to higher education bill in 1963, which provided federal assistance to both privately supported and publicly controlled colleges and universities.

MC HUGH: Why did he feel that they had sabotaged it?

DES MARAIS: Because when the bill came up for a vote in the House, the day before,

the NEA sent telegrams to all the House members condemning the bill, opposing the bill, saying it was unconstitutional in their view. We lost by a very close vote in the House. I remember I walked back from the House chamber to the House office building with Mr. Boggs [Thomas Hale Boggs], the Democratic whip who was formerly my congressman and he was furious. He said that nobody from NEA would ever get into his office again on any matter, and I understand that the head of the

[-102-]

NEA was more or less blackballed at the White House, too, as a result of this.

MC HUGH: I think I remember hearing that, in fact, they got a new head of the NEA, didn't they?

DES MARAIS: Well, no, they changed their legislative staff.

MC HUGH: Oh, I see. Was that Mr. Wilson of the NEA, do you remember that?

DES MARAIS: Well, Dr. Carr [William G. Carr] signed the telegram, the executive director.

MC HUGH: Oh, I see. Dr. Carr.

DES MARAIS: He's still there. He's about to retire.

MC HUGH: Do you know why they took this position?

DES MARAIS: Well, I think they were opposed to.... They felt that if the Congress passed a bill providing federal aid to church related institutions of higher education, this would be an opening wedge that would set a precedent for passing federal aid to church related elementary and secondary education. This was undoubtedly their main belief.

MC HUGH: Oh, I thought you had said they had supported aid to private schools.

DES MARAIS: Oh, they changed.... No they had not. Up until that time, up until the elementary and secondary education bill of 1965, the NEA had categorically opposed any federal aid to non-public schools.

MC HUGH: I see. And they were, I would gather, the most effective lobby that you had to deal with.

DES MARAIS: Well, they were the largest. I wouldn't say they were the most effective.

MC HUGH: Which one would you say was the most effective?

DES MARAIS: The two most effective education lobbies were the federally impacted school districts superintendents, the vocational education state boards, and the audio-visual manufacturers. They were by far the most effective lobbyists in terms of their particular interests – well organized, very professional.

MC HUGH: Is that so? When the legislation for vocational

[-103-]

education was passed was there any conflict with the Labor Department on that?

DES MARAIS: Well, yes. The Labor Department I think, and justifiably so, had a strong belief that vocational education, generally, was inadequate....

[TAPE II; SIDE II]

DES MARAIS: ...that its curriculum was not up to date, and that the federal government should exercise much more leadership in encouraging the state programs to develop new curriculums.

MC HUGH: This is true of the Labor people, now?

DES MARAIS: Yes. The Department of Labor, and labor unions, too.

MC HUGH: Was there any conflict between the Manpower Development and Training Act and the vocational education...

DES MARAIS: Yes, there was. That was another bill which I worked on. I was the primary staff person over here on the Manpower Development and Training Act and worked on that from the beginning to the writing of the regulations at the end. Initially, the American Vocational Association opposed the Manpower Development and Training Act because they felt it would result in bypassing the old programs. But a compromise was effected so that the law provided that the Secretary of HEW in contracting for training would give first option to the state boards of vocational education. Only if they were unable or unwilling to provide the training requested could the Secretary then contract with other agencies to provide the training. So they accepted this compromise and supported the bill, and it passed.

MC HUGH: You mentioned the effectiveness, can you give me an example of the effectiveness of the superintendents of the impacted area?

DES MARAIS: Well, it's very specific. Every president from Eisenhower [Dwight D.

Eisenhower] to Johnson [Lyndon Baines Johnson] has recommended either abolishing or drastically limiting the grants to so-called federally impacted districts. And every time this has been done, the appropriation has been increased as a result of their lobby.

MC HUGH: This is the work of their lobby, I see. There was no tactic that you could use to.... I think, I understand the President was quite angry about this.

[-104-]

DES MARAIS: Yes. What it amounts to is that there are about three hundred and forty-six Congressmen who have these school districts in their districts, and they simply concentrate on the members of Congress. That's more than enough to pass the bill, and it's bipartisan. Republicans have supported it just as much as the Democrats, even more so.

MC HUGH: Are there any other pieces of legislation that you'd wish to comment on in terms of significant....

DES MARAIS: Well, I think, for instance, the Juvenile Delinquency Act of 1961 was a very important bill. It was not a large bill. This was one of the first new pieces of legislation in this Department that had been proposed by President Kennedy and had passed. It was extended again in, let's see, 1963 and in '65, and there's a new bill up now. I think this launched a whole new program of federal aid to preventing and combating delinquency. Here again, I think another landmark legislation during the Kennedy Administration was the mental health-mental retardation amendment.

MC HUGH: Was that something that the President supported very strongly?

DES MARAIS: Well, this had the very close personal attention of the President.

MC HUGH: Oh, is that so? How did he make this interest felt?

DES MARAIS: Well, he made his interest felt by, first of all, personally – I think he devoted more personal attention to this bill than any other bill in the three year period that he served because the matter of mental retardation was an issue in his own family, and he made this very clear. He also nationally called attention to the fact that we had something like nine million mentally retarded children of school age for which practically nothing was being done and really focused national attention on this problem and succeeded in getting the bill passed.

MC HUGH: So you feel that his main contribution here would have been educating the public to the necessity of this legislation?

DES MARAIS: Right. Very dramatically and very personally.

MC HUGH: Was that one of the main factors in passing this legislation?

DES MARAIS: Oh, undoubtedly. I think it was, yes. It was a very popular bill. He touched an issue that had

[-105-]

great appeal, and the response from the parents of the mentally retarded throughout the country was tremendous. They all got behind the legislation.

MC HUGH: What about the National Defense Education Act, have you got anything?

DES MARAIS: Well, we did some perfecting amendments there, and President Kennedy proposed substantial increases in the appropriation authorization. That's what that amounted to.

MC HUGH: Did you work on the disclaimer affidavit on that? Was that part of the....

DES MARAIS: Yes, yes we did. That was included. One of the things we wanted to do was to eliminate the disclaimer affidavit. It seems to me I brought that out here. No, I didn't bring that file out, here's the bill file on the amendments of 1961. Let's see. Actually, the disclaimer affidavit was handled pretty much by the Commissioner of Education, who personally felt very strongly on it. Of course, he was a philosopher. He thought this was a very gross violation of academic freedom. He personally pushed that himself very much.

MC HUGH: What kind of relations did Mr. McMurrin [Sterling M. McMurrin] have with the Secretary and the President?

DES MARAIS: Well, as far as I understand it the agreement was the Mr. McMurrin would concentrate his efforts on strengthening the quality of the Office of Education, which was a big issue behind the scenes. And that the leadership in developing education legislation would be handled from the Office of the Secretary. This was a very clear understanding, and he was very agreeable to this. We worked very closely with Mr. McMurrin; he testified on all the major bills very eloquently. He was an excellent writer; he's one of the few program administrators that I have known in six years in the Department who could write his own testimony.

MC HUGH: Is that so?

DES MARAIS: An excellent writer, and he did a good job on that.

MC HUGH: When you say that this problem of the caliber of the personnel existed, now, was this referring to Civil Service people?

DES MARAIS: Yes. The regular Civil Service staff at the Office of Education. Many of them had been there twenty,

[-106-]

twenty-five years. I think they had a very narrow concept of what education was. Most of the people in the Office of Education were methods oriented. That is, they had degrees in education, and very few of them were subject matter oriented. Mr. McMurrin, being a professor of philosophy and a man interested in the humanities, of course, felt that this concept should be injected into the staffing in the Office of Education.

MC HUGH: This would seem to oppose – what shall we say? – probably the major philosophy, I suppose of education in the country. Progressivism was primarily...

DES MARAIS: Yes, as a matter of fact, McMurrin ran into a strong opposition for his personnel policies and some of his program policies from the NEA. They publicly denounced him and he was quite bitter about it, not personally but he just felt that.... This is an interesting side conflict that I think was somewhat related to the federal aid fight.

MC HUGH: In what way?

DES MARAIS: The most ardent supporters of President Kennedy's federal aid to elementary and secondary education bill was the NEA professional group. But, at the same time, many of the new people in Kennedy Administration felt that the NEA was also the stronghold of the people most opposed to improving quality of education. This made somewhat ambiguous their relationship with the Administration.

MC HUGH: Well, was Commissioner McMurrin able to improve his staff in spite of this opposition?

DES MARAIS: I think he did make some headway in bringing in new people. But you really don't make headway in bringing in new people until you have new programs, which gives you new positions. So he concentrated on – when we got the NDEA amendments passed, for instance, which enlarged those programs – into bringing in some new people there in the area of support for foreign languages and counseling and guidance. He launched a large program called Project English to develop a

new curriculum in secondary school English. He came under very strong fire from the NEA for this. They said this is federal interference and federal control of education.

MC HUGH: Yes, I can imagine that would have been a very hard issue. This, of course, implied a certain philosophy about things, and I suppose including English. Did he make any attempt to say just what this meant? I mean it wasn't just an administrative difference. They felt this was a...

[-107-]

DES MARAIS: They felt this was a fundamental conflict in philosophy.

MC HUGH: Did Admiral Rickover's [Hyman G. Rickover] criticisms have anything to do with this at all?

DES MARAIS: Not very much.

MC HUGH: He was very vociferous at the time.

DES MARAIS: Yes.

MC HUGH: He was saying that he felt European education was better than American education.

DES MARAIS: No, I don't think.... I think he certainly helped to develop a climate of opinion more favorable to federal categorical support for strengthening, you know, science, foreign languages, social sciences curriculums. But I think he made a very important contribution in preparing public opinion for acceptance of this.

MC HUGH: Do you think that the public's attitude or understanding of the need for quality, say, if it can be contrasted with, say, methods, was changed? Do you think there was any during the Administration, or was that a rather limited thing, would you say?

DES MARAIS: Well, I think President Kennedy's education messages, which emphasized the importance of excellence in education, clearly came down on the side of strengthening curriculums rather than strengthening educational methods – strengthening and improving the quality of the subject matter and the curriculum resources. And I think this did have a very important effect. I mean, that's a very subjective evaluation on my part, but I know these messages were widely heralded as being very important state papers and were reproduced and reprinted. They were beautiful works of rhetorical prose, and I think they were very well done. People were very impressed by them. Educators were – not professional educators as such, but people interested in quality education.

MC HUGH: Generally, were progressive educators accepting of these statements?

DES MARAIS: Well, I think it's very difficult now to identify who's a progressive educator in the old Columbia Teachers College sense. [Laughter]

MC HUGH: Did these conflicts that McMurrin had on this problem have anything to do with his leaving his

[-108-]

position?

DES MARAIS: I think they did, yes. I think he felt that.... I think the fact that two education bills failed to pass and that the NEA was being so troublesome. He felt that he couldn't do much more with the situation; he preferred to go back and become a college teacher again; he'd done about as much as he could; and it might be better to bring in somebody different to make a new try.

MC HUGH: That identification with these controversial matters limited his effectiveness?

DES MARAIS: Yes.

MC HUGH: Were there any changes when Commissioner Keppel came in? Were there any changes immediately evident that you recall?

DES MARAIS: Well, one that became very evident was that Keppel was going to be an active participant in legislative development, as contrasted to McMurrin.

MC HUGH: He was more concerned with administration, you say?

DES MARAIS: Yes.

MC HUGH: In what ways did Keppel participate?

DES MARAIS: Well, in that he had his own ideas about legislation.

MC HUGH: What were some of his ideas?

DES MARAIS: Well, he contributed very substantially to the omnibus education proposal of 1963. The major gimmick there was that we would provide funds for improvement of teachers' salaries, but in a very special way. The school district would have an option of using the federal money either to substantially

increase the salaries of experienced teachers – that meant anywhere from a 10 to 50 per cent increase – or substantially increase the salary scale for entering teachers, which would attract good people into the teaching profession. The theme was we will give federal funds to attract new people and hold good people. And he worked this whole scheme out very, I thought, rather brilliantly, and conceived of it and participated in the development of the specifications and the criteria for it, and defended it very ably on the Hill, and it got tied up with the Rules Committee just like the other bills. He became convinced himself, as a result of his intense personal participation with the legislative process, that no federal aid bill could pass the Congress without some participation in its benefits by private

[-109-]

school pupils. This was the big lesson he learned, I think. Now, I don't know if he would agree with that or not.

MC HUGH: Did he attempt to communicate that to the President?

DES MARAIS: Well, yes, I think he was in the process of communicating that to the President when the President was shot. I think Frank realized.... He was certainly a big public school man. I mean he was strongly committed to the prior claim of public schools on public funds. He was somewhat skeptical of the continuing validity of a large parochial school system.

MC HUGH: Oh, is that so? That's interesting.

DES MARAIS: At least that's the view I got from him as a result of many conversations.

MC HUGH: Was this because he felt this was divisive; that it wasn't doing the job?

DES MARAIS: Exactly. He felt it was divisive. That's exactly the word I heard him use many times. Privately, of course. He was very careful never to get on record with a statement like this. But I think he learned a lot by going through that exercise of being defeated by the parochial schools.

MC HUGH: These were two different things now. On the one hand, personally, he felt they would be divisive, and yet on the other hand, dealing with the legislators, as a practical matter, he felt that it couldn't get through.

Was that the situation?

DES MARAIS: Right. But then I think he realized, furthermore, that the parochial schools were really not a divisive as he thought they were after he began dealing with some of their people.

MC HUGH: Is that so? Who was he dealing with particularly?

DES MARAIS: Well, he was dealing with the head of NCWC, the assistant director of the staff of Monsignor Hurley [Francis T. Hurley], many of the Catholic school superintendents, their General Counsel over there. They're all very savvy, knowledgeable people, and he found that these people had a going program...

MC HUGH: And that they spoke English or something? [Laughter]

DES MARAIS: And they spoke good English, exactly. They were very sophisticated, urbane people, and he'd really never known them before, and I think it was a very

[-110-]

interesting experience for him. And he found that they were very great believers in quality education. So I think he was changing his views.

MC HUGH: There was something else I wanted to ask you about here. It seems to have slipped my mind momentarily. What success did Commissioner Keppel have with trying to upgrade the quality of the Department? Was this a concern that he had, too?

DES MARAIS: Definitely! And I don't think he was able to do much because he spent so much time on legislation. It bothered him greatly. His argument was well, the thing to do is to get these new programs on the books which will require an augmented staff, and then we'll simply bring in a lot of good new people and sort of surround the troglodytes.

MC HUGH: Did this problem with the quality originate – was it that the Civil Service standards were outmoded or were not...

DES MARAIS: Some of the situations, I think, in the Office of Education were fantastic. To give you one specific example, the Division of Vocational Education, which administered those federal grants, had been a long-time preserve of the Masonic order. It was almost hilarious. I remember when I first met the head of the Division, he gave me the grip. Not being a Mason, I didn't – oh, I was a fraternity man, I knew what a grip was when it was offered. It didn't quite dawn on me. But I soon began to see that all of the people in that staff were the rings and the cheese and the knives and so on. Well, it was kind of ludicrous. And Keppel soon caught on to this, and I remember he once made a classic statement in a hearing. Somebody asked him up at a hearing on the vocational education amendments, "Well, what are you going to do about this staff?" And he said, "Well, that's a problem. I think there are a lot of people who have been there from the beginning and they've progressed from the bottom ranks to the top, just like through the chairs of the lodge." And everybody roared, but he didn't realize how accurate he

was. No, this, really, was unbelievable to me, a somewhat naive outsider, to realize that, you know, a clique could get complete control of a government bureau like that. This was spread throughout the country.

MC HUGH: Why were the Masons so concerned with the...

DES MARAIS: Well, you see, the people that administered vocational education came from the small towns and the rural areas, because the major component of vocational education is agricultural education, where the Masonic lodges were strong. It was just a circumstance, but it was a rather interesting one, I thought. Nobody could get a job in there

[-111-]

unless you were recommended by one of the brothers. It was as simple as that. This may sound like sort of a McCarthyite charge to make but it's a fact. It's almost unbelievable, but we started to.... They didn't try to hide it at all.

MC HUGH: Is there any other legislation that you feel was especially significant in the Kennedy Administration that you'd care to...

DES MARAIS: Well, from this Department you had the Juvenile Delinquency Act of 1961, the MDTA Act of 1962, and the public welfare amendments of 1962, the NDEA amendments of 1963, or was it in '62, the mental health, mental retardation amendments, the food and drug amendments, and the Clean Air Act. I think these are the most significant.

MC HUGH: Did you work on the Clean Air Act?

DES MARAIS: No, I didn't. I would consider these the most significant new legislative...

MC HUGH: How about the water pollution control?

DES MARAIS: Well, yes, that was also a very significant breakthrough in that it sort of was the beginning of a very vast enlargement of the federal program which is still going on. But you have to start somewhere, and this was a new start. Now, the vocational education amendments, I think, were also very important.

MC HUGH: Why did you feel that they were important?

DES MARAIS: Well, because the Vocational Education Act hadn't been changed in thirty years to amount to anything, and it needed a tremendous amount of updating in terms of the concept.

MC HUGH: Was this concerned with the problem of students who were drop-outs because of either academic course offerings or otherwise limited....

DES MARAIS: Well, we felt that it was preparing people for employment in an economic era that no longer existed. About 70 per cent of the federal money was going to support courses in home economics and agriculture.

MC HUGH: Oh, is that so? Very interesting. Well, do you have any other comments that you wish to make?

DES MARAIS: No. As I said, I think that the Kennedy Administration in terms of its legislative programs set a new style which I think is important. I think

[-112-]

style goes along with substance. You've got to have both. Sometimes you set the style first before you get your substance accepted in having a dynamic, diversified, positive program presented by the President to the Congress. It was the sense to challenge not only the Congress but the whole nation, the whole country with programs. The idea isn't that they're all going to be adopted, but it's a way of attracting the attention of the nation to important problems facing the country. I think this was a very important precedent, and President Johnson carried it on very successfully and expanded it. But I think it was a very exciting time. I know we found – those of us who were working here then thought we were involved in very important activities, and we certainly got a lot of attention. It got the whole country, I think, thinking about these important problems of education and health, for instance, which were large problems. Welfare is a very difficult issue, but it affects a relatively small proportion of the population, you know. There's about eight million people on the welfare rolls. These people are in pitiful condition, but that's a small proportion of the population. But the issue of adequate health for the elderly affected twenty million people and had an indirect effect on the cost of health care for the whole population. The issue of education had an immediate impact on fifty million school age kids and six million university students. So these were really large problems which the country had neglected for a period of twenty years, really – hadn't really faced up to what is the nation's program for providing adequate medical care going to be in the next twenty years, you see. We made these issues national issues where before they were private or state issues.

MC HUGH: Sorensen says that Kennedy's greatest disappointment was the fact that he was not able to pass the Medicare bill. Do you have any comments on that?

DES MARAIS: I know that was Ribicoff's greatest disappointment

MC HUGH: Is that so? Do you feel that if they had handled it differently that it might have passed?

DES MARAIS: I don't think so. Not being an expert in that field, I wasn't involved in the detailed development of the act, but I did do a lot of explaining of it. That is, I was one of those people who was used extensively to explain the bill...

MC HUGH: Who would you be explaining it to?

DES MARAIS: To members of Congress. I probably gave about thirty or forty speeches around the country on it to national and state organizations. I'm a good reader of speeches. [Laughter] And they were well done speeches, and I understood what I was reading so I could explain the bill

[-113-]

pretty well once it was drafted. So I had a lot of contact with the public opinion problem on that bill, and I think that the Congress underestimated the public support for it. I think that was one of the problems we had. Here it might be said that the President might have failed to use his personal popularity to arouse public opinion sufficiently. I would say this is a more possible – this is a valid criticism in this area more than in any other area because if my claim that the Congress underestimated public support for it is true, the President could have capitalized on that public support by stirring it up more than he did.

MC HUGH: Yet the President seemed to be very committed to it. But somehow he just didn't convert public support into congressional support.

DES MARAIS: It's an issue that is a gut matter to elderly people and to middle class people. The President was neither elderly nor middle class. I think he personally...

MC HUGH: It just escaped him.

DES MARAIS: It escaped him -- that's a good way to put it. It was something that he couldn't personally feel. I think he had a much stronger feeling for quality in education because he knew what quality education was. He was the beneficiary of the best our country had to offer in education. But to him medical care was something that, you know, was available in unlimited quantities. He didn't realize how difficult it is to get it and pay for it if you don't have unlimited amounts of money. And I think he just had difficulty in projecting this concern that the average family has when they are struck with medical disaster or health disaster in paying for the bills.

MC HUGH: Well, thank you very much for your comments, Mr. Des Marais.

[END OF INTERVIEW]

[-114-]

Philip H. Des Marais Oral History Transcript – JFK #2
Name List

B

Blatnik, John A., 101
Boggs, Thomas Hale, 102

C

Carr, William G., 103
Celebrezze, Anthony J., 88
Cohen, Wilbur Joseph, 86, 87, 93, 95, 97, 101

D

Daly, Charles U., 87
Delaney, James J., 99
Dungan, Ralph, 91

E

Eisenhower, Dwight D., 104

F

Feldman, Myer, 87, 101

G

Goodrich, William W., 101
Gravel, Camille F. Jr., 91
Greco, Charles P., 91
Green, Edith S., 97

H

Hoode, Frederick, 89
Hurley, Francis T., 111

J

Johnson, Lyndon Baines, 104, 113

K

Kennedy, John F., 87, 88, 89, 90, 91, 92, 100, 101,
102, 104, 105, 106, 107, 108, 110, 113,
114
Keppel, Francis, 89, 109, 110, 111

L

Larrick, George P., 101

M

Manatos, Michael N., 87
McMurrin, Sterling M., 106, 107, 108, 109

O

O'Brien, Lawrence F., 87

P

Perkins, Carl D., 99

Q

Quigley, James M., 88

R

Ribicoff, Abraham Alexander, 86, 91, 92, 95, 97,
101, 113
Rickover, Hyman G., 108

S

Smith, Howard W., 100
Sonosky, Jerome N., 101, 102
Sorensen, Theodore C., 86, 87, 89, 113
Spellman, Francis Cardinal, 90

W

Wilcox, Alanson, 92
Wilson, Mr., 103