

PRESIDENT LYNDON BAINES JOHNSON AND
THE COMMON SCHOOL, 1963-1969

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CHAPTER I

PROBLEM DEFINITION

Introduction

The purpose of this study is to analyze the extent to which President Lyndon Baines Johnson promoted federal aid to the common schools between 1963 and 1969.¹ In order to place the study in proper perspective a survey of Presidential and Congressional action in the area of federal aid will be conducted. Following the survey the study will proceed to encompass the maneuvers of the Johnson administration in obtaining passage of the Elementary and Secondary Education Act of 1965, the influence of the executive staff upon the Act, the leadership in Congress in education matters during the Johnson Administration, and the eventual modification of the Act between 1966 and 1969.

The vast volume and scope of the education legislation enacted under the leadership of President Johnson offers a tremendous opportunity to attempt to evaluate its significance historically in terms of past developments, current needs, and future changes. But some limits must be set in order to present a topic which is digestible.

Almost any discussion of the elementary and secondary schools during the Johnson period brings forth immediately the Elementary and

¹The common school is defined as the elementary and secondary schools of the United States.

Secondary Education Act of 1965.² A specific policy such as the Elementary and Secondary Education Act is not enacted in a vacuum, nor is it a product of one event, decision, or cause. The sequence of decisions, conflicts, and agreements of a complex political environment leads to a necessity of placing any act in its proper historical perspective. In order to do this with the Elementary and Secondary Education Act and President Johnson, the larger issue of federal aid to education throughout this nation's history must be encountered, because the debates over passage of the Elementary and Secondary Education Act brought to the forefront again many old issues affecting federal aid such as states' rights, separation of church and state, and fear of federal control. These larger national issues affecting federal aid to education are at least as old as the Republic; therefore, federal aid to education has probably stimulated as much controversy as any other domestic aid program, and any specific act regarding federal aid to education must be placed within this larger framework of controversy.

There are a number of points of view a writer may use in approaching the history of federal aid. Since the formal institutions of the federal government (Legislative, Judicial, Executive) are the most frequent areas where official decisions are made, educational historians works must encompass the influence of the decisions made by these respective branches of the federal government. Such historians usually indicate which branch they feel has had the most impact upon

²To demonstrate the potential in this area for researchers, the Elementary and Secondary Education Act is probably the one law of the Johnson administration which has received the most attention from the standpoint of origin and legislative process, yet only the surface has been scratched.

federal aid by the amount of time spent discussing each respective branch's decisions.³ Very few writers present a balanced history of the influence of the three branches of government upon federal aid to education. Most authorities working with federal aid to education have presented the coverage from the legislative side, that is, analyzing major legislation and debates in Congress regarding the passage of these acts,⁴ Historical coverage, although by no means complete, is more pronounced on the legislative side, leaving two areas which especially need study.

The judicial branch of the federal government is becoming more and more influential upon federal aid to education and its ramifications. The results of recent state Supreme Court decisions upon methods of financing the public schools, for example, offer an excellent opportunity for further study.⁵ The leading case of these recent court decisions is Serrano vs. Priest, decided by the Supreme Court of California on August 30, 1971. The court held that the state's system of financing its schools, based largely upon local property taxes, violated the equal protection clause of the Fourteenth Amendment, and that this type of financing discriminates because it "makes the quality of a child's education a function of the wealth of

³See Eugene Eidenberg and Roy D. Morey, An Act of Congress (New York, 1969), pp. 3-9.

⁴Ibid. Also note Phillip Meranto, The Politics of Federal Aid to Education in 1965 (New York, 1967).

⁵See regular articles on "Legal Developments in Urban Education" in issues of Education and Urban Society. For Serrano vs. Priest, 5th Cal. 3rd. 584.96 Cal. Rptr. 601; 487 P. 2nd. 1241. See the February issue, 1972, p. 249.

his parents and neighbors."⁶ With over ninety per cent of the funds allocated to the public schools coming from state and local sources, and the majority of these funds being based on the property tax, it is easy to see the impact the case can have upon financing the common school. In addition to the question of the constitutionality of the traditional methods of financing the schools, the judiciary is still involved in enforcing the Civil Rights Act of 1964 which prohibits discrimination in education based on race. Also, the question of whether federal funds should be allocated to public schools only, or to public and parochial schools, will necessitate further court involvement in education matters. Therefore, opportunity is abundant for those educational historians who wish to devote the major part of their discussion to the role of the judicial branch and federal aid to education.

In addition to the fact that the impact of the judicial branch of the federal government on federal aid to education is an area which is lacking in historical coverage is the realization that the executive branch has also been neglected. There have been a few works, mostly unpublished doctoral dissertations, concerning the executive

⁶"Legal Developments in Urban Education," Education and Urban Society (February, 1972), p. 249. In addition, the U. S. Supreme Court agreed to hear a case similar to the California case during the 1973 session. This one is Rodriguez vs. San Antonio Independent School District, decided by a Texas District Court on December 23, 1971. For the details of this case and possible ramifications of the Court's decision, see Richard M. Pious, "The Judiciary and Public School Financing," Current History, LXIII (August, 1972), p. 57. Also note Edwin A. Roberts, Jr., "The Fourth R: Rodriguez," The National Observer (February 24, 1973), p. 1.

branch and federal aid, but they have in general focused on only one or two Presidents, and in the main, relied primarily on public speeches of the President for source material.⁷ Over the past twenty years, the President's role as initiator of legislative items had gradually changed so that this approach of studying the President's public speeches is no longer sufficient to portray the total significance of Presidential influence on legislative matters.

A variety of factors, including the emergence of America as a world power, the growth of the executive branch, the communications revolution, and the industrialization and urbanization of American society, have contributed to the expansion of the Presidential office far beyond the limits conceived by the authors of the Constitution.⁸

To help carry out his varied duties, the President has, out of necessity, had to develop a certain amount of dependency on executive aides. Thus, it is obvious that many actors with different roles are to be found in the executive branch, with each participant having some influence on the final result. But documented works which deal with the role of the executive staff are few. Beginning with the report of the President's Committee on Administrative Management, chaired by Louis Brownlow, in 1936, the office of President has undergone several studies dealing with the Presidency from legal, historical, and constitutional viewpoints. However, such studies of the "institutionalized Presidency" have not explored in detail the personalities in the formal and informal network of advisors who facilitate Presidential leadership.

⁷Most noteworthy is Don Thomas Martin, "The Public Statements of Presidents Truman and Eisenhower on Federal Aid to Education." (Unpub. Ph.D. dissertation, Ohio State University, 1970).

⁸Meranto, p. 100.

With reference to the executive branch, the Johnson administration was chosen because, as will be shown later, it has been the most successful in efforts to promote federal aid for elementary and secondary schools.⁹ President Johnson's administration almost doubled the amount of support for elementary and secondary schools in one year. General federal aid to education (excluding health, veterans' benefits, national defense expenditures) jumped from 1.6 billion dollars to 2.9 billion dollars from 1965 to 1966.¹⁰ Also, this administration, more than any other, took the major initiative in sponsoring school aid legislation for the elementary and secondary schools to the point of almost dominating Congress. However, such initiative on the part of the President was not without its detractors as voiced by Senator Winston Prouty (Republican, Vermont) during the debates over the Elementary-Secondary Act in 1965: "Today may be the day when the Senate of the United States, after 176 years of greatness, yields to the insistent demand of a Chief Executive its right and duty to perform its true legislative function."¹¹

⁹The Johnson administration provides an excellent opportunity to portray the growing importance of the executive staff. See Chapter III, "The Pervasive Executive" in Stephen K. Bailey, The New Congress (New York, 1966), pp. 28-38, for coverage of the recent expansion of the roles of the executive branch and liaison officers. Also, Thomas E. Cronin and Norman C. Thomas have published an analysis of the membership of twenty-six advisory bodies who helped to guide the Office of Education and the Johnson administration during the period 1966-69, in Thomas E. Cronin and Norman C. Thomas, "Educational Policy Advisors and the Great Society," Public Policy (Fall, 1970).

¹⁰Bureau of the Budget, "Federal Education Programs Special Analysis," Aides Files, Califano Folder, The Public Papers of Lyndon Baines Johnson, Johnson Library. Reprint of pp. 113-33.

¹¹Congressional Record (April 7, 1965), pp. 7064-65.

But, "the fact that some may view President Johnson's role in the proceedings as 'presidential leadership' and others as 'political armtwisting' is secondary. The primary fact is that he pushed for federal aid as no other postwar President had, and he was successful."¹² The President's success with Congress can be illustrated by the fact that of a total of 469 legislative proposals submitted to Congress in 1965, 323 were approved, an approval rate of 68.9 per cent, which exceeded all Presidents since Franklin D. Roosevelt.¹³ In addition, the Johnson administration was chosen because the history of what one does with an issue in the past is an important precedent for what one is likely to do with the same issue in the future. Recent controversies concerning federal aid have shown that the traditional national issues of racial segregation, separation of church and state, states' rights, and fear of federal control, did not die with the passage of the Elementary and Secondary Education Act.¹⁴ These issues are to remain alive, just as potentially explosive as ever, and they will have to be reconsidered in the future, no matter what method of financing the schools is proposed.¹⁵

¹² See Appendix H, p. 322.

¹³ Eidenberg and Morey, p. 228.

¹⁴ For example, see President Nixon's action in regard to bussing in 1972, see Conclusion, p. 263.

¹⁵ The tax credit, and the voucher, are two current proposals which are undergoing considerable debate. See Conclusion for further explanation of these two proposals, and possible ramifications on federal aid to education. Also note Education U.S.A. (May 1, 1972), for information on tax credit proposals, and for the Office of Economic Opportunity "Education Vouchers Experiment", see Education Recaps (June, 1970).

There are two theories regarding President Johnson and his success with the Eighty-Ninth Congress.¹⁶ One is that most of the bills passed during Johnson's term were originally proposals made by President Kennedy, and if President Kennedy had lived, they would have been passed anyway. The reason that they had not passed during Kennedy's term was that Congress was determined to make the youthful President sweat a little, and that Congress is a cumbersome mechanism which operates slowly.¹⁷ "Lyndon then, inherited a ready made situation to exploit, and he merely kept the legislative ball rolling."¹⁸ The other theory credits President Johnson's leadership as the key to obtaining passage of legislative proposals, and maintains that "Johnson's fabled legislative skills took an obstructionist Congress and made it work his will where Kennedy had failed."¹⁹

Giving due credit to Kennedy's support of education, with respect to the Elementary and Secondary Education Act, the choice of this writer is the position that Johnson's leadership was most influential in the formation, as well as the final passage, of the bill. This position will be elaborated upon further on in the study, so it will

¹⁶Eidenberg and Morey, pp. 29-33.

¹⁷Ibid., p. 31. Also, Bailey, in The New Congress, p. 29: "the first session of the 88th Congress was so unfriendly to President Kennedy's legislative agenda that news commentators and serious students of government talked of a constitutional crisis. The first session of the 89th Congress was so friendly to President Johnson's legislative agenda as to create concerns that Congress had become too permissive, too deferential."

¹⁸Eidenberg and Morey, p. 31.

¹⁹Ibid., p. 32.

Giving due credit to Kennedy's support of education, with respect to the Elementary and Secondary Education Act, the choice of this writer is the position that Johnson's leadership was most influential in the formation, as well as the final passage, of the bill. This position will be elaborated upon further on in the study, so it will suffice to say at this point that although both Presidents did support federal aid to education more than their predecessors, President Kennedy's "willingness to exert his full resources on Congress to enact a program has been questioned."²⁰ According to Hugh Douglas Price's study of the 1961 school-aid legislative battle: "The President was simply not prepared to jeopardize his whole legislative program--and perhaps his chances for re-election--by a bitter fight to the death for aid to education."²¹

The Elementary and Secondary Education Act has undergone a great deal of criticism recently because it supposedly has not lived up to its provisions.²² There is some justice to these remarks, and hopefully the Elementary and Secondary Education Act will be given more perspective by studying briefly what happened to the program once it became law. Traditionally Presidents have had a more difficult time implementing programs because one type of leadership is required to

²⁰Meranto, p. 103.

²¹Hugh Douglas Price, "Race, Religion, and the Rules Committee," in Allen F. Westin, ed., The Uses of Power (New York, 1962), p. 68.

²²Arthur J. Taylor, "Federal Financing of Education, 1945-1972," Current History, LXII (June, 1972), p. 300, and Joel S. Berke, et al., Federal Aid to Public Education: Who Benefits? U. S. Senate Select Committee on Equal Opportunity (Washington, D.C., 1971).

push a program through the legislative process, and another to implement it. Such programs sometimes become bogged down in bureaucratic paperwork and usually involve many additional compromises, problems, and issues.

Scope and Limitations

There were more reports, recommendations, and comments made public on education legislation and programs during the years 1963-69 than anyone could possibly digest thoroughly. For example, some 200,000 documents were released for the public at the Lyndon Baines Johnson Library on education alone, not to mention the many United States Office of Education reports, and a plentiful supply of newspaper and journal articles.

This study is primarily concerned with the influence of the Johnson administration on the passage and the implementation of the Elementary and Secondary Education Act. Those educational programs which are not directly concerned with the common school, such as higher education and adult education, are omitted.

An area which is an issue to some students of federal aid is the definition of the Elementary and Secondary Education Act as a "general" aid to public education bill. The Elementary and Secondary Education Act has been compared to "categorical" programs, i.e., programs such as the Smith-Hughes Act of 1917, which promoted vocational education; or to "impacted" legislation, such as the Lanham Act of 1940, which provided funds for school districts heavily "affected" by increase in

enrollment due to the presence of federal personnel.²³ The Elementary and Secondary Education Act does have some "categorical" and "impacted" characteristics, designed by President Johnson to gain support, but even so it could be classified as a general aid to education bill, i.e., one which gives money to schools for the general support of educating the local youth. The reason for this choice of the Elementary and Secondary Education Act being classified as a general aid bill is that more than ninety per cent of the total school districts in the United States received aid under the Act, and the local school districts were given a great deal of flexibility in the programs and funds they could use.²⁴ For example, Title I funds were specified to be spent on aiding the poverty student at the local level, but the local school district decided what poverty program to promote with the money. But regardless of whether the legislation should, or should not, be termed general, it was a major new school bill and ranks among the most important school legislation in our nation's history.

Sources of the Data

This paper was conceived due to the opening of the Lyndon Baines Johnson Library in Austin, Texas, in February of 1972. The Johnson papers on education were opened to the public at that time, and subsequent studies at the Library by this author have proven very

²³Meranto, p. 4.

²⁴See Ibid., pp. 3-7, for further elaboration on this position. Also, note the administrative provisions in Appendix A, pp. 287-288.

fruitful.²⁵ Primary source materials obtained from this library were oral histories, executive memoranda, task force reports, and speeches of President Johnson and his staff.

The Oral History Project at the University of Texas has taped over one thousand interviews with persons involved in the Johnson administration in one way or another. Twenty of these oral history reports, directly concerning education, proved very useful in the completion of this work. Additional reports concerning other topics will be available when the papers dealing with civil rights and poverty are opened. A list of the oral histories consulted is provided in the bibliography.

In addition to oral histories, there are twelve task force reports which are now opened to the public. These task force reports made between 1964 and 1969 offer a golden opportunity for study by someone as a separate topic in itself. The use of the task force (a group of specialists in various fields related to education from all over the United States brought in by the White House to study a particular problem and issue recommendations for a course of action) began to increase during the Kennedy administration. Prior to that time, the pattern normally involved the formulation of a legislative program almost exclusively on the basis of proposals developed by the departments and agencies of the executive branch and submitted to

²⁵The education papers are the first category of Presidential Papers to be opened to the public, constituting over 200,000 documents. Still undeveloped, the Library offers a great potential for future researchers.

the President through the Office of Management and Budget.²⁶

The task forces brought together some of the nation's best minds and focused their efforts on the initial problems of the day. They functioned primarily to aid the President in formulating his legislative program.

The roots of the task force idea lay in the "brain trusts" of President Franklin Roosevelt's administration. Following Roosevelt, President Eisenhower used a similar idea when he called a White House Conference on Education in 1955. President Johnson used the task forces even more than President Kennedy, and to avoid some of the problems that President Kennedy had about the publicity of the task forces and their recommendations, he kept the reports secret.²⁷

The first task force called by President Johnson was in 1964 on education problems and was primarily responsible for many of the items that later appeared in the Elementary and Secondary Education Act.²⁸ Because of the success of the Task Force on Education, President Johnson utilized this procedure and called several other task forces during his administration. All of these task force reports were kept

²⁶Norman C. Thomas and Harold L. Wolman, "Policy Formulation in the Institutionalized Presidency: The Johnson Task Forces," in Thomas E. Cronin and Sanford D. Greenberg, The Presidential Advisory System (New York, 1969), p. 125. The old Bureau of the Budget underwent a name change, July 1, 1970.

²⁷For further elaboration on this point, see William E. Leuchtenberg, "The Genesis of the Great Society," The Reporter, XXXIV (April 21, 1966), pp. 36-39.

²⁸See C. Phillip Kearney, "The 1964 Presidential Task Force on Education and the Elementary and Secondary Education Act of 1965," (unpub. Ph.D. dissertation, University of Chicago, 1967).

secret until their release in the Johnson Library, and now provide an untapped resource of original material on the Johnson administration. The task forces on educational problems examined in connection with this work include: the 1964 Gardner Task Force, the 1966 Early Childhood Task Force, the 1967 Friday Task Force, and the 1967 Inter-agency Task Force. The bibliography contains further details on the task force reports in addition to their use in the body of this study.

A number of documents were obtained from the Aides' Files at the Johnson Library, which contained a variety of miscellaneous documents which were pertinent to education and the specific duties of the individual staff members.

Other primary source materials used were the Congressional Quarterly, which provided an excellent source on issues within the legislative branch, along with the Congressional Record. The most important document along this line regarding federal aid to education is "Federal Role in Education," published by the Congressional Quarterly in 1965. Another document, "The Federal Government and Education," U. S. Congress, House Document Number 159 (88th Congress, First Session, 1963), along with several United States Office of Education publications, provided an abundance of statistics about the federal government's involvement in education.

A good explanation of the Elementary and Secondary Education Act is contained in United States Senate, Committee on Labor and Public Welfare, Elementary and Secondary Education Act of 1965: Background Material with Related Presidential Recommendations, (89th Congress, First Session, 1965).

Also, Educational Research Information Clearinghouse on Education

(ERIC) provided a tremendous service in locating many articles and publications during the past few years on federal aid to education, especially those areas concerning problems in implementing the Elementary and Secondary Education Act.

In the area of secondary source material a number of noteworthy works were consulted. One of best volumes which presents a concise analysis of the historical background of the role of the federal government in education, as well as representative arguments for and against the government's involvement in education, is Sidney Tiedt's The Role of the Federal Government in Education (New York, 1966). A number of other sources consulted regarding the history of federal aid to education are listed in the bibliography.

For the origin of the Elementary and Secondary Education Act and the issues facing the nation regarding federal aid during the years immediately prior to the Johnson administration, Frank J. Munger and Richard F. Fenno, National Politics and Federal Aid to Education (Syracuse, 1962); and H. Douglas Price, "Race, Religion, and the Rules Committee," in Allen F. Westin, ed., The Uses of Power (New York, 1962); and Robert Bendiner, Obstacle Course on Capitol Hill (New York, 1964) were consulted.

Phillip Meranto, The Politics of Federal Aid to Education in 1965 (Syracuse, 1967), deals extensively with the intricacies of political maneuvering by the Johnson administration and Congress in 1965 and is an excellent source for gaining insight into the legislative process involved in the school aid fight. Meranto's book was published before the Elementary and Secondary Education Act was fully implemented and therefore, the passage of time has left a gap.

Stephen K. Bailey and Edith K. Mosher, ESEA: The Office of Education Administers a Law (Syracuse, 1968), and Eugene Eidenberg and Roy D. Morey, An Act of Congress (New York, 1969) fill the gap left by Meranto by covering the problems faced in implementing the Elementary and Secondary Education Act and the various changes that have occurred since 1965. Testimony by former staff members of President Johnson indicates that Bailey and Mosher's work is highly regarded in its effort to present the changes that occurred in the Office of Education after 1965 in its effort to implement the Elementary and Secondary Education Act. Eidenberg and Morey's book includes an analysis of the federal aid to education controversy prior to 1965, as well as a brief coverage of subsequent events. It is an excellent work, and by far the best encountered.

Insofar as educational programs and policies are changing and will continue to change in the future, the papers made available at the Presidential Library should contribute to a better understanding of the dynamics of educational politics. The education record of the years 1963-1969 cannot be viewed in any final sense. If this study has contributed in any way to adding material for future studies, it has served its purpose.

Organization of the Study

It may be noted that the vastness of the education legislation during the Johnson Years offers an opportunity for many types of studies. Therefore, studies will be extremely specific and will not be afforded the luxury of comprehensiveness. So the organization of this study has left out many areas which will be brought out in other

studies and included some areas covered by past works. Such a fact is a necessity for a work to become that which can be handled in a legitimate manner.

In order to portray the magnitude of the events regarding federal aid between 1963 and 1969, Chapter II presents a historical survey of federal aid to education prior to the Johnson Years. There are two parts; part one traces the history of legislation in the area of federal aid to schools; and part two traces the efforts of past Presidents in initiating, or supporting, federal aid.

Chapter III attempts to show the influence of President Johnson's supporting company between 1963 and 1969. This coverage of the supporting cast is divided into two parts; part one deals with the role of the aides in the executive branch, and part two covers the role of key men in Congress in obtaining passage of the Elementary and Secondary Education Act.

Chapter IV presents the immediate background to the Elementary and Secondary Education Act of 1965. It encompasses the Kennedy proposals for education, the issues facing federal aid during the Kennedy years, and the eventual formation of an education platform by President Johnson in 1964.

Chapter V deals with the Elementary and Secondary Education Act itself, how and why it succeeded in passing through Congress, and the role of President Johnson in removing the obstacles which had been blocking such a measure in the past.

Chapter VI deals with the Elementary and Secondary Education Act after it became law, and the eventual modifications and amendments that occurred between 1965 and 1969. The nation's attention, as well

as the President's, had been gradually diverted to other areas during the latter part of the Johnson Administration, and the Elementary and Secondary Education Act encountered many difficulties in the implementation process.

The Conclusion presents recommendations for the uses of the information treated in the body of the study. Financing public education, as well as the financing of many other social services, is undergoing rapid changes. No study can anticipate, nor predict, the changes that will occur. But in dealing with whatever changes we might have to introduce in the future, a study of our past efforts may prove fruitful in our endeavoring to try to provide an equal educational opportunity for all.

CHAPTER II

HISTORICAL BACKGROUND

Introduction

Elementary and secondary education in the United States is a fifty billion dollar business serving more than fifty million students at approximately one hundred thousand locations. Nearly ninety per cent of this enterprise is "public," financed through a number of methods ranging from local taxes, bond issues, and state grants to federal grants and matching funds.¹ Financing education, like a number of public services, has been a center of controversy which can be traced to a time before the founding of the Republic.²

Providing funds for the operation of public elementary and secondary schools has historically been a local matter; however, the federal government has become more and more concerned with public education. The Elementary and Secondary Education Act of 1965 highlighted this increasing federal activity in the field of public education, and constituted a major breakthrough in the long and controversial fight over federal aid to education.

¹D. Bruce Johnstone, "Financing American Education Today: An Overview," Current History, LXII (June, 1972), p. 1.

²Ibid.

In order to portray the significance of the Elementary and Secondary Education Act as a legislative measure in aiding the common schools, as well as President Johnson's initiative in obtaining passage of the bill, a framework of past activities of the federal government in the field of education must be understood. The magnitude of the measure passed in 1965 cannot be adequately judged unless one looks at both the past actions of Congress, as well as Presidential initiative, in the field of federal aid to education.

Education Congress

Former House Speaker, John McCormack, was hinting at the role of history when he stated: "The business of Congress today was conceived yesterday and will be amended tomorrow" ³ Such a statement reflects the fact that one of Congress's most effective tools in performing present functions is past experience. The Eighty-Ninth Congress has been called the "Education Congress" because of its cooperation with President Johnson in passing many education measures, but the Eighty-Ninth Congress was not the first to be noted for its role in education. President Johnson indicated this when, in 1964, he summarized the accomplishments of another so called "Education Congress," the Eighty-Eighth Congress.

The Eighty-Eighth Congress established new landmarks in the field of education: aid for academic facilities in higher education and community colleges; vocational education; improvements and extensions of the National Defense Education Act; manpower development and training; medical, dental, and nursing education; educational television;

³Quoted in Eugene Eidenberg and Roy D. Morey, An Act of Congress (New York, 1969), p. 15.

education for the handicapped; library services and construction; the education provisions of the recently passed anti-poverty program; and other special programs. For these outstanding accomplishments, the Congress has earned our gratitude. This Congress will go down in history as "The Education Congress."⁴

The accomplishments of the Eighty-Eighth Congress were indeed impressive, but even more were the accomplishments of the Eighty-Ninth. The Eighty-Ninth Congress authorized more than a billion dollars annually for improving the education of the handicapped alone.⁵ Many other areas of education, such as higher education and international education, were aided by the many legislative measures that were enacted by the Eighty-Ninth Congress. In addition, for the first time in history, a bill for the support of elementary and secondary schools was enacted by Congress.

Speaking at the White House following the enactment of the Elementary and Secondary Education Act, President Johnson stated:

I am very proud of your House of Representatives and your United States Senate, and I know every American who looks to our future will join me in applauding the historic action that Congress has just taken. Since 1870, almost a hundred years ago, we have been trying to do what we have just done--pass an elementary school bill for all the children of America.⁶

And again two days later, April 11, 1965, the President declared

⁴Quoted in American Association of School Administrators, The Federal Government and Public Schools (Washington, 1965), p. 7.

⁵Ibid., p. 413.

⁶Lyndon Baines Johnson, Public Papers of the Presidents of the United States, Containing the Public Messages, Speeches, and Statements of the President, 1965 (Washington, 1965), p. 407. (Hereafter cited as Johnson, Public Papers).

upon signing the bill, that the measure represented a "major new commitment of the Federal government to quality and equality in the schooling we offer our young people."⁷ The President then applauded the members of Congress who had supported the legislation saying: "They will be remembered in history as men and women who began a new day of greatness in American Society," and that no measure had "signed or ever will sign, means more to the future of America."⁸ So it can be seen that the Eighty-Ninth Congress did have a legitimate claim to being called the Education Congress. But this claim, like all others, has roots deep in the past.

Although the financing of education has been for the most part a state and local matter, the politics of education on the national scene has been a persistent part of our history. Since even before the founding of the Republic, the national government has acted in many areas to promote the cause of education.

For example, the delegates to the Constitutional Convention had not mentioned education in the drafting of the Constitution.⁹ There has been considerable scholarly discussion about this omission of education from the United States Constitution, and it is an issue which will be examined later.

⁷ Johnson, Public Papers, p. 413.

⁸ Ibid.

⁹ Sidney W. Tiedt, The Role of the Federal Government in Education (New York, 1966), p. 16: ". . . of the many reasons for the omission the most plausible appears to be that the writers of the Constitution could not foresee the complexity and immensity of the present system of education." See this chapter, pp. 42-44.

The fact that delegates to the Constitutional Convention did not mention education did not necessarily mean a lack of interest in education. There has always been a national interest in education. However, this interest in education has been the result, in a number of cases, of more pressing concerns with other areas such as war, poverty, and unemployment. Thus, education legislation has been typified as a "broken front" approach in which various gaps in education are filled as a result of pressures only indirectly related to education.¹⁰

Land Grants

The first example of legislation specifically involving the national government in education was the Land Ordinance of 1785. The act set aside one section of every township of the Northwest Territory for the support of public schools by the states or territories. This policy was reaffirmed with the passage of the Northwest Ordinance of 1787 which stated: "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education should forever be encouraged."¹¹ Thus a policy of granting land for the support of the public schools was established. This policy of land granting was continued under the Statehood Acts, beginning with the Ohio Enabling Act of 1802.¹²

¹⁰Howard R. Jones, Financing Public Elementary and Secondary Education (New York, 1966), p. 102.

¹¹Quoted in Tiedt, p. 16.

¹²Ibid., p. 17.

The policy of setting aside the sixteenth section of each township for the public schools was followed for states admitted between 1802 and 1848. When the Oregon territory was established in 1848, Congress set aside two sections of each township for the public schools. This policy was continued until 1896, when Utah was granted four sections in every township. Similar grants were made to other western states, admitted after that year.¹³

According to a study of the land grants by Fletcher H. Swift, the land granted to schools by the Federal government under the land grant policy totalled over one hundred thousand square miles.¹⁴ For a few states, the income from these lands was substantial, but in a number of other states, the money was wasted due to poor handling of the funds. Swift classified eleven of the thirty land grant states as ones which badly handled their funds from school lands.¹⁵

It was the hope of some in the early days that the income from school lands would be sufficient to pay for most of the cost of the public schools. However, this was a vain hope and would have been so even if the public lands had been well managed in all cases. But the early grants of land and of funds had great significance for the public schools. These Federal grants stimulated the interest of the states in public schools. When the states found that income from Federal grants was insufficient to support their schools, they began to provide state grants-in-aid. Therefore, the early Federal grants in effect established the precedent for state aid for the public schools.¹⁶

Besides aiding in the area of state aid to the public schools, other items of significance regarding these early land grants which

¹³Roe L. Johns and Edgar L. Morphet, The Economics and Financing of Education (New Jersey, 1969), p. 418.

¹⁴Fletcher Harper Swift, Federal and State Policies in Public School Finance in the United States (Boston, 1931), p. 59.

¹⁵Ibid., p. 62.

¹⁶Johns and Morphet, p. 421.

affected the federal aid to education issue. First, these land grants were classified as general aid to the schools; and second, the federal government had no control over the way the money was spent. This was the first, and last time that the federal government gave aid for general school purposes without any controls until the passage of the Elementary and Secondary Education Act. Yet even here the federal government had some control over the method of allocating the funds. The departure from the policy of general aid with no control came with the passage of the Morrill Act of 1862.

The Morrill Act of 1862 is considered to be the first attempt to establish through Congressional action a national policy with regard to federal aid to education.¹⁷ The act is a departure from the earlier land grants in that the federal government enumerated a specific type of education to be supported, i.e., Colleges of Agriculture and the "Mechanic Arts."

The original provisions of the act granted thirty thousand acres of land to the individual states for each of its Senators and Representatives. Under the Morrill Act seventeen million acres of land was given to the various states for the support of education.¹⁸ This act is of great significance because it again demonstrated the national interest in education. It also showed that "when existing educational

¹⁷Gordon C. Lee, The Struggle for Federal Aid (New York, 1949), quoted in Tiedt, p. 18. For the contrasting Presidential views of Presidents Lincoln and Buchanan on the Morrill Act, see pp. 48-49 of this Chapter.

¹⁸Don Thomas Martin, "The Public Statements of Presidents Truman and Eisenhower on Federal Aid to Education" (unpub. Ph.D. dissertation, Ohio State University, 1970), p. 2.

institutions did not provide adequately for the 'general welfare,' the federal government could and would take action."¹⁹

At the time the Morrill Act was passed education was, in the main, academic in character. The institutions of higher education that existed at that time were aiming at training the select few in classical pursuits. The new colleges authorized under the Morrill Act marked a turning point in the nature of the curriculum of higher education institutions. Their curricula now included subjects that broadened the scope of higher education, and as a result their educational programs grew in popularity, stimulating other phases of education such as secondary education. "The influence of these land grant colleges has been so great that they have contributed substantially to liberalizing the educational programs of many nonland-grant colleges."²⁰ In addition, a land grant college is also the principal state university in thirty-two states.²¹

Also, because of the importance placed upon science and agriculture, the land grant institutions evolved into major research stations for agricultural and scientific experimentation and have been credited as a major factor in helping promote a rising industrial nation.²²

Because of their value in promoting education, Congress has continued to support the land grant institutions authorized under the

¹⁹ Johns and Morphet, p. 421.

²⁰ Ibid.

²¹ Ibid.

²² For further discussion on this point, see Frederick Harbison and Charles A. Myers, Education, Manpower, and Economic Growth (New York, 1964), p. 151.

Morrill Act: "Under this act and subsequent additions and amendments, the present total annual appropriations by Congress to the 68 existing land grant colleges in the United States and Puerto Rico is 14.5 million dollars a year."²³ Following the Morrill Act, no new federal act of any major significance to the public schools was passed by Congress until 1917.

Vocational-Categorical

As mentioned, land grants were obviously a general aid to education measures because the federal government did not have a great deal of control over how the revenue was spent. The move toward specific, or "categorical," aid came with the passage of the Smith-Hughes Act of 1917. Originally the act authorized "approximately seven million dollars annually for the promotion of vocational education in agriculture, in trade and industrial education, and in home economics."²⁴ The funds provided by the act were for educational institutions below college level and provided the first special purpose grants made available to the public schools by Congress.²⁵

²³ John J. Whealen, Ph.D. "A History of Federal Aid to Education, 1785-1965;" Legislation, Federal Aid to Education File (Ex/Le/Fa2), The Public Papers of Lyndon Baines Johnson, Johnson Library, p. 7.

²⁴ The Federal Government and Public Schools, p. 20.

²⁵ Johns and Morphet, pp. 422-423. The original Smith-Hughes Act required dollar-for-dollar matching by the states and local units. Some states provided all the matching funds required from state revenues. Other states required local units to match the state funds dollar-for-dollar and thereby provide half the matching funds required by the federal government. This retarded the development of vocational education in some of the least wealthy districts because of their inability to provide the required matching funds.

The passage of the Smith-Hughes brought the federal government into curriculum planning of the public schools in that it changed the nature of the high school from an academic setting to a more comprehensive school. In other words, the Smith-Hughes was doing a similar thing to the public schools that the Morrill Act had done for the higher education institutions. The development of vocational education, promoted by the Smith-Hughes Act, expanded the public schools in the direction of becoming a mass educational institution.

"Between 1917 and 1963 the pattern of Smith-Hughes assistance was extended somewhat by a series of acts: the George-Reed Act (1929); the George-Ellzey Act (1934); the George-Dean Act (1936); and the George-Barden Act (1946)."²⁶ As a result of these acts, by 1965 "the annual Federal appropriation for vocational education rose to about 57 million dollars."²⁷

National Crisis - War and Poverty

One of the patterns of federal aid to education which has evolved has been the tendency of the federal government to pass legislation affecting education during a war or national emergency. This has, of course, tended to accentuate the staggering front of educational legislation. For example, the Morrill Act was passed during the Civil War,

²⁶Howard R. Jones, Financing Public Elementary and Secondary Education (New York, 1966), p. 87.

²⁷Whealen, p. 21. This figure included appropriations for the Vocational Education Act of 1963 which could also be considered an extension of this type of assistance. Under the 1963 act, 806 million dollars over fiscal years 1964-68 was authorized, plus 225 million dollars for every year thereafter.

and the Smith-Hughes Act was enacted during World War I. Educational activities by the federal government during times of crisis have been justified on the basis that they were necessary to provide for the common defense and to promote the general welfare of the nation. In terms of money expended, these activities have been very large and, for the most part, have passed Congress with little opposition.²⁸

One of the major pieces of legislation affecting the schools in the twentieth century was the Serviceman's Readjustment Act (G. I. Bill of Rights) of World War II. The act was enacted in order to promote education and training for returning veterans whose education had been interrupted by the war. The G. I. Bill was a departure from previous veterans' legislation in that instead of providing cash and land, this legislation attempted to provide training.²⁹ The G. I. Bill was extended following the Korean War to include servicemen from this conflict, so that there was a total of four basic pieces of legislation covering educational benefits for veterans.³⁰

The impact of the G. I. Bill was both immediate and long range in nature. "The immediate impact on the colleges by returning veterans

²⁸ Johns and Morphet, p. 425.

²⁹ Alice M. Rivlin, The Role of the Federal Government in Financing Higher Education (Washington, 1961), pp. 64-70.

³⁰ Ibid., p. 65. (1) Public Law 16 (78th Congress) provided vocational rehabilitation and training for disabled veterans of World War II; (2) Public Law 894 (81st Congress) extended similar benefits to disabled veterans of the Korean War; (3) Public Law 346 (78th Congress), as amended, provided educational and training allowances for all veterans for periods up to 48 months, depending upon length of service; (4) Public Law 550 (82nd Congress) extended similar benefits to Korean veterans for periods up to 36 months.

of World War II was tremendous. Male enrollment, which had already regained its prewar level by 1945-46, jumped from 928,000 in that year to 1,836,000 in 1947-48, almost all the increase being accounted for by returning veterans."³¹ The huge increases in enrollments caused tremendous shortages in classroom space and facilities. The G. I. Bill created an almost instant demand for higher education far beyond the expectations of anyone connected with education. The stimulation the G. I. Bill provided for higher education was also felt in the common schools. There were benefits available through the veterans program for less-than-college level education, but the main stimuli came from the fact that the huge increase in the availability of higher education created larger enrollments for the public schools because a high school education was necessary to enter college. Too, popularization of higher education by veterans raised the expectations of their children and created an increasing demand for education by the public.

The G. I. Bill was a very successful venture on the part of the federal government. "Approximately 7,800,000 veterans of World War II were sent to school under this act, which cost the government in the neighborhood of 14.5 billion dollars."³² In addition, some 2.3 million veterans of the Korean War attended school under veteran benefits.³³

Federal aid to veterans has undergone some significant changes since its inception in World War II. "Initially, financial support

³¹Rivlin, p. 69.

³²Tiedt, p. 25.

³³The Federal Government and Public Schools, p. 34.

was paid to the individual as well as the institution in which he was receiving his education or training. For Korean conflict veterans, the total payment was made directly to the individual."³⁴ Presently, not only Vietnam veterans, but all veterans are receiving benefits at an ever increasing rate. Also President Nixon recently authorized a raise in the basic benefits for veterans and their families.³⁵ Thus it can be seen that the experiences of veterans' legislation has had a tremendous impact upon the American educational scene, and these legislative measures connected with war set an important precedent for another educational measure which is also linked with a national crisis, the National Defense Education Act of 1958.³⁶

Congress explicitly recognized the relationship between education and national defense in the National Defense Education Act.

The Congress reaffirms the principle and declares that the states and local communities have and must retain control over and primary responsibility for public education. The national interest requires, however, that the Federal government give assistance to education for programs which are important to our defense.³⁷

The National Defense Education Act was an omnibus act, one which grouped together somewhat unrelated provisions, containing ten separate

³⁴The Federal Government and Public Schools, p. 34.

³⁵"News You Can Use," U. S. News and World Report, LXXIII (October 30, 1972), p. 69.

³⁶For further discussion, see Sidney Suffrin, Administering the National Defense Education Act (Syracuse, 1963).

³⁷Quoted in The Federal Government and Public Schools, p. 41.

titles.³⁸ The various titles of the bill affected both secondary and higher education in the United States, and authorized the expenditure of federal funds for the following purposes:

- 1) Providing loans to students in institutions of higher learning;
- 2) Providing equipment for and remodeling of facilities for science, mathematics, and foreign language teaching;
- 3) Providing graduate fellowships for those interested in teaching in institutions of higher learning;
- 4) Providing assistance for guidance, counseling, and testing services and for identification and encouragement of able students;
- 5) Providing centers for teaching modern foreign languages;
- 6) Providing assistance for research and experimentation in the more effective use of television and other related audio-visual media;
- 7) Providing assistance for certain area vocational programs.³⁹

The primary reason for the formulation of the program came from the scientific advances made by Russia, dramatized by the launching of Sputnik I in 1957. The military significance of such advances by the Soviet Union at the height of the Cold War spurred the United States into action, and the result was the National Defense Education Act. In total over one billion dollars was authorized under the program:

Although NDEA was later criticized for warping the educational curriculum away from the humanities and the social studies, it was nonetheless an important harbinger of the kinds of Federal support for American education that blossomed in the mid-1960's. It was categorical aid; it affected both secondary and higher education; it was substantial in the volume of funding; some of its titles included religious affiliated institutions among NDEA's beneficiaries; and it proclaimed that education was a matter of national concern.⁴⁰

³⁸ Jones, pp. 92-93. There were ten titles in the original bill, the eleventh was added in 1964. Less than one-half of the titles provided money for the common school.

³⁹ Johns and Morphet, p. 430.

⁴⁰ Stephen K. Bailey and Edith K. Mosher, ESEA: The Office of Education Administers a Law (New York, 1968), p. 20.

One of the biggest criticisms aimed at the Act was the fact that many of the titles required matching funds in order to receive federal aid.

. . . the Act tended to strengthen superior and wealthier secondary schools that had the staff, the equipment, the matching funds, and the students to profit from marginal infusions of Federal money for science, mathematics, and foreign languages. Poorer schools in the countryside⁴¹ and in the urban ghettos were left largely untouched.

Despite the criticisms aimed at the National Defense Education Act, it was an important forerunner of the Elementary and Secondary Education Act of 1965 and was a major commitment on the part of the Federal government to aid education.

It does not solve all of today's educational problems, yet never before in the Nation's history has there been so comprehensive a program of federal assistance to strengthen education at critical points from the elementary grades through graduate school.⁴²

During World War II large military posts were built rapidly in many locations throughout the United States. These installations created hardships for schools because of the unusually large number of school children (dependents of servicemen) who flooded local school systems. The rise in the number of children was not followed by a rise in the tax base of the school district because of the tax-exempt status of these military installations. To aid these communities, Congress passed the Lanham Act of 1941 which authorized aid for those "affected" or "impacted" districts in direct proportion to the number

⁴¹ Stephen K. Bailey and Edith K. Mosher, ESEA: The Office of Education Administers a Law (New York, 1968), p. 20.

⁴² Lawrence G. Derthick, "Box Score on the National Defense Education Act," NEA Journal, XLVII (Sept. 1959), p. 37, quoted in: Jones, p. 95.

of children involved.⁴³

This policy was continued in the postwar years with the passage of Public Laws 815 and 874 in 1950.

Approximately 5,100 school districts qualify for aid under the federally impacted programs. They enroll about 11 million children, or about one-third of all public elementary and secondary school students in the United States. Of these students, approximately 1.7 million are termed federally connected.⁴⁴

Since 1950 the growth in popularity of the "impacted aid" programs has paralleled the growth in size and numbers of federal installations.

Even the most implacable foes of federal aid share this enthusiasm--Senator Barry Goldwater, for example, whose state of Arizona received more than \$84 million in impacted aid funds between 1951 and 1965. During this same period the federal government spent over \$3.5 billion on this program and has obligated almost \$3 billion for future use.⁴⁵

Another area in which the federal government has enacted legislation which affected education as a result of a national crisis has been in the area of poverty and unemployment, i.e., economic crisis.

During the depression years of the 1930's, several programs were established which aided education, but were set up as a means of coping with other national problems. These programs included the Civilian Conservation Corps, the National Youth Administration, the Federal Emergency Relief Administration, the Public Works Administration, and

⁴³I. M. Labovitz, Aid for Federally Affected Public Schools (New York, 1963).

⁴⁴U. S. Congress, House, Committee on Education and Labor, The Federal Government and Education (88th Cong., 1st Sess., 1963) (Washington, 1963), p. 63.

⁴⁵Eidenberg and Morey, p. 17.

the Federal Surplus Commodities Corporation.⁴⁶

As indicated, many of these specific programs ended after the immediate crisis was over, but the principle remained and other measures were substituted. For example, the National School Lunch Act of 1946 was inaugurated as a result of surplus agricultural supplies and the experiences gained under the Federal Surplus Commodities Corporation program. Also, the justification of giving lunchroom assistance to both private and public schools was based on the concept that the assistance was going to the child and not the school. President Johnson used this same principle to help get around the religious issue in distributing funds for the Elementary and Secondary

⁴⁶ Johns and Morphet, pp. 424-25: The CCC was established in 1933 and abolished in 1943. This agency carried on organized educational activities for men in CCC camps, with over 2.7 million men participating. The NYA was established by executive order of the President in 1935 and was liquidated in 1944. This organization provided work relief for thousands of secondary school and college students and enabled them to continue their education. The NYA also established special schools in some states. The FERA was established in 1933, superseded by the Works Progress Administration in 1939, and abolished in the early 1940's. These organizations carried on extensive programs of school building construction, maintenance, and repair; paid the salaries of many teachers on a relief basis in a number of states; supported educational projects for adult education, nursery schools, vocational rehabilitation, part-time employment of college students, and literacy and naturalization classes; and provided labor for school lunchrooms. The PWA was established in 1933 and abolished in the early 1940's. It made grants for school buildings (first on the basis of 30 per cent federal funds and 70 per cent state and local funds and later on a 45-to-55 basis) and made loans for school building construction. This matching requirement limited the benefits of the PWA largely to the school districts of greatest wealth. The FSCC was established in 1935. It purchased and distributed surplus commodities to school lunchrooms operated on a nonprofit basis. Some cash assistance to lunchrooms was also provided primarily for the purchase of surplus foods locally. This organization was administered by the Department of Agriculture. These aids were made available for lunchrooms operated by private, as well as by public schools. This was justified on the basis that lunchroom assistance is an aid to the child and not the school.

Education Act of 1965.

In summary, there are several characteristics of the actions of the federal government in the area of federal aid to education which can be garnered from the preceding survey of past legislation. Although education is primarily a state function, there has always been concern at the national level that each state assume its function of providing an adequate educational program. This concern was early shown in land grants for educational purposes and was voiced in the Northwest Ordinance: "The means of education shall forever be encouraged." In addition, federal grants-in-aid have frequently been pointed toward those parts of the educational program which appear to have been lagging in terms of national interest. The Smith-Hughes Act encouraging vocational education is a case in point. And too, many of the federal programs which have entailed the greatest expenditure of money have been by-products of pressing problems on national concern other than education. Witness the National Defense Education Act of 1958. Also, when the federal government through its action creates conditions which place a hardship on local school districts, federal assistance is invoked. The "federally impacted areas" program illustrates this point. And finally, federal programs have been developed on a piecemeal basis, and there has been no over-all coordination.⁴⁷

Thus it can be seen that President Johnson was following a well beaten path when he labeled his educational program of 1965 as a

⁴⁷This summary based on Jones, p. 102.

"war on poverty." Congress appears to have operated most effectively by basing its actions on past experiences, and President Johnson, being a former member of Congress, used those past experiences of Congress which were most favorable toward gaining the passage of his program. The time honored principles of "impacted aid," "national interest," and "categorical" programs were used by the President because he knew how Congress would respond.

Not surprisingly, the Eighty-Ninth Congress proved receptive to this approach and responded with one of the major legislative landmarks in American history, the Elementary and Secondary Education Act of 1965.

The relationship of past legislation affecting the common schools and the Elementary and Secondary Education Act is best illustrated by a recent study which showed that more than 80 per cent of total federal revenues actually going to school districts are appropriated for the eight programs listed below:

- 1) Title I of the Elementary and Secondary Education Act of 1965 (ESEA), financial assistance to local educational agencies for the education of children of low-income families;
- 2) Title II of ESEA, school library resources, textbooks, and other instructional materials;
- 3) Title III of ESEA, supplementary educational centers and services;
- 4) Title III of the National Defense Education Act of 1958 (NDEA), financial assistance for strengthening instruction in science, mathematics, modern foreign languages, and other critical subjects;
- 5) Title V-A of NDEA, guidance, counseling, and testing;
- 6) Vocational Education (aid for vocational education from all federal programs);
- 7) School Lunch and Milk Program; and

- 8) School Assistance in Federally Affected Areas, including Public Law 874 (general aid to offset increased school costs related to federal employees) and Public Law 815 (school construction money for similar purposes).⁴⁸

To underline the magnitude of the Elementary and Secondary Education Act and its relationship to its forebears, of the total revenue receipts from federal sources for the school year 1970-71, which totalled a little over 3.1 billion dollars, the appropriations for Elementary and Secondary Education Act programs totalled over one-third of this amount.⁴⁹

However, Congress does not act alone in passing legislation. Much of the credit for the passage of the Elementary and Secondary Education Act in 1965 must go to President Johnson for his sponsorship of the bill, and pressing Congress to action. If this were true of President Johnson and the Eighty-Ninth Congress, some truth can be held for past legislative action by Congress. So before an accurate judgement is possible concerning President Johnson and the Eighty-Ninth Congress, a survey of past Presidential initiative regarding federal aid to education must also be made.

Education President

Taking office in the fall of 1963, President Lyndon Baines Johnson

⁴⁸ Joel S. Berke et al., Federal Aid to Public Education: Who Benefits? U. S. Senate Select Committee on Equal Educational Opportunity (Washington, April, 1971), quoted in Arthuryne J. Taylor, "Federal Financing of Education, 1945-1972," Current History, LXII (June, 1972), p. 300.

⁴⁹ Taylor, p. 301.

brought to the White House an image of an "Education President." With a legislative record of support for education and a background of some teaching experience, he had reason to be watched by educators for continued support of educational programs.

Johnson demonstrated continuously that he deeply cared about maximizing educational opportunities, particularly for the disadvantaged. As a young elementary and secondary school teacher, and later as regional administrator of the National Youth Administration, he had seen at first hand the difficulties of teaching in poverty areas with inadequate facilities.⁵⁰

This concern with the educational opportunities of the disadvantaged was very much evident while he was President, as he indicated: "I believe that every child has the right to as much education as he has the ability to receive."⁵¹

Personal and political ambitions are often interwoven so closely in a politician that it is difficult to comprehend what motivates that individual.⁵² Sometimes key issues are seized as an opportunity to promote self-interest.

When Lyndon assumed the presidency, education was both a major political item and the source of cleavage and tension among Congressmen and education lobbies. Kennedy's stand on the issue had attracted understanding, some support, and unprecedented public attention . . .⁵³

⁵⁰Thomas E. Cronin, "The Presidency and Education," Phi Delta Kappan, XLIX (February, 1968), p. 295.

⁵¹Johnson, "Presidential Policy Paper Number One: Education," Public Papers, 1964, p. 754.

⁵²For further discussion on politics and personal ambition see Joseph A. Schlesinger, Ambition and Politics (Chicago, 1967).

⁵³Cronin, p. 295.

No doubt the President was aware of the political gains to be made from promoting education, but that is speculation. What is known is that most of his contemporaries testify to the fact that his interest in education was genuine. Typical of this testimony is one given by Douglass Cater, Special Assistant to the President, and primarily responsible for drafting Johnson's speeches:

Question: Did you find the President receptive to your ideas about education?

Cater: I found he was very receptive, yes. I would not say "my ideas." He was receptive to ideas which I forwarded for his consideration.

Question: So his reputation for interest in this area was genuine?

Cater: Oh, very genuine, yes. He was in fact always urging me on to bigger and bolder ideas in the education field.⁵⁴

However, Presidential involvement in education is as old as federal aid to education, so perhaps a better perspective of Johnson's claim as an education President might be better served by a glimpse of past Presidential support of education. Although rankings of Presidents according to their comparative achievements have been made,⁵⁵ these rankings have not held true to form in regards to federal aid to education. For example, Presidents like Franklin D. Roosevelt, who have normally ranked high on the charts of great accomplishments regarding domestic issues, have taken a somewhat smaller part in

⁵⁴Douglass Cater Folder, Oral Histories File, Johnson Papers, Johnson Library (interviewed by David G. McComb, April 29, 1969, Tape Number One), p. 12.

⁵⁵See Arthur M. Schlesinger, Sr., Paths to the Present (New York 1949), pp. 93-111, and Arthur M. Schlesinger, Sr., "Our Presidents: A Rating by 75 Historians," The New York Times Magazine (July 29, 1962), p. 12.

promoting education; whereas Presidents like Ulysses S. Grant, who normally rank low on most measuring scales of Presidential greatness, have taken a great deal of initiative in the field of federal aid to education. Although there are some exceptions to this rule, for example, Presidents like George Washington and Thomas Jefferson would rank high on both types of scales, it does point out the inherent weakness of any type of scale which purports to measure Presidential greatness.

Early Presidents

Lyndon Johnson was the tenth President to enter the White House with a background of classroom teaching. James Madison, John Adams, John Quincy Adams, Millard Fillmore, James A. Garfield, Chester A. Arthur, William McKinley, Woodrow Wilson, and Warren G. Harding at one time or another had taught school.⁵⁶ In addition, numerous Presidents have voiced public support of education, beginning with George Washington's support of a proposed national university.⁵⁷ The idea that the promotion of education is an obligation of the national government, and that it should provide a national seat of learning was very close to the President's heart.

The first word on the subject of a national university appeared in an article written by Benjamin Rush entitled "Address to the People of the United States," in The American Museum, a new magazine

⁵⁶"Washington News," The Education Digest (January, 1964), p. 57.

⁵⁷For a complete and thorough discussion of the national university in American history see David Madsen, The National University (Detroit, 1966).

published in Philadelphia in 1787. In this article Rush laid out his proposal for the university:

To conform the principles, morals, and manners of our citizens to our republican form of government, it is absolutely necessary that knowledge of every kind should be disseminated through every part of the United States.

For this purpose, let Congress, instead of laying out half a million of dollars in building a federal town, appropriate only a fourth of that sum in founding a federal university. In this university, let everything connected with government, such as history--the law of nature and nations--the civil law--the municipal laws of our country--and the principles of commerce--be taught by competent professors⁵⁸

The article was published four months before the convention of the Constitutional Convention, and possibly was read by some of the delegates, because the topic was discussed during the convention.⁵⁹ It came up during the debates at the Convention in the form of a question to the chair relating to the power under the proposed Constitution to establish a national university.⁶⁰ Apparently,

Washington, Madison, Pickering and others desired to have a provision inserted for the creation and maintenance of a national university at the seat of government, but the general opinion was that the federal power to do so was ample without specific mention.⁶¹

Despite subsequent proposals by both James Madison and Charles Pinckney to authorize the establishment of a university, nothing came out of the

⁵⁸From Benjamin Rush, "Address to the People of the United States," American Museum I (January, 1787), pp. 8-11.

⁵⁹Madsen, P. 21.

⁶⁰Ellwood P. Cubberly, Public Education in the United States (Cambridge, 1934), p. 84.

⁶¹Ibid., p. 266.

Convention on the subject.⁶²

Based on the opinions of the people at the Constitutional Convention that the federal government had the power to establish a university, President Washington sought support from Congress to establish the institution beginning with his first message to Congress on January 8, 1790, in which he mentioned the national university and the need to establish one. Speaking about the need for promoting education, Washington said:

Whether this desirable object will be best promoted by affording aids to seminaries of learning already established, by the institution of a national university, or by any other expedients will be well worthy of a place in the deliberation of the Legislature.⁶³

Despite the President's urging however, Congress did not respond until 1796 when a bill to create a national university was brought before Congress, but it failed.⁶⁴ The argument against the institution was based largely on the idea that it was too expensive and that the federal government had no right to interfere in state and local education efforts.⁶⁵ Despite the general opposition of Congress, Washington continued throughout his two terms of office to press for a national university but to no avail.⁶⁶ Following President Washington,

⁶²Madsen, p. 22.

⁶³James D. Richardson, A Compilation of the Messages and Papers of the Presidents, 1789-1897, I (Washington, 1899), p. 66.

⁶⁴Madsen, p. 36.

⁶⁵Ibid., p. 37.

⁶⁶Ibid., pp. 25-34. In addition, Washington donated stock in the Potomac Navigation Company in his will to be used in developing a university, but the Company failed in 1828.

Presidents John Adams, Thomas Jefferson, James Madison, James Monroe, and John Quincy Adams all voiced support of the university, and proposed such a program to Congress, but nothing ever came of the program.⁶⁷

Despite the wishes of the 'founding fathers,' interest in the proposal seems to have lapsed until after the Civil War. In 1869, John W. Hoyt began a long and ardent campaign for a national university by winning the support of the National Teachers Association (later called the National Education Association) for the measure. A whole series of bills in the 1870's called for the establishment of a national university. Presidents Grant and Hayes called on Congress for favorable action, but still without results. Another flurry of legislative proposals occurred in the late 1890's and another around 1905-07
 . . . In recent years, support for the proposal seems to have died out, although bills calling for the establishment of a national university were introduced as late as the 1930's, and proposals for national institutions of more limited scope have appeared from time to time since World War II.⁶⁸

So Washington's dream remained a dream, but the idea of federal involvement in education, and Presidential support of education measures, did not and has not, disappeared.

Of the founding fathers, the one that promoted the establishment of public schooling the most was Thomas Jefferson. As a member of the Virginia State legislature, prior to becoming President, he had sponsored three important bills regarding education: one for the establishment of religious freedom (enacted in 1785); another for the creation of free public libraries; and a third for the establishment

⁶⁷Rivlin, p. 116.

⁶⁸Ibid., pp. 116-117.

of free public schools.⁶⁹ Introduced in 1779 the plan for the free public schools was, and since has been, the cause of considerable debate.

Jefferson's plan, like Jefferson himself, has been the cause of considerable contention. That its underlying ideas are not original, but probably French, is not unlikely--but it is also beside the point. That it accepts the doctrine of an intellectual elite, that it approaches the problem of educating the poor in the spirit of charity, that it fails to make school attendance compulsory, that it would have naught to do with the useful and practical subjects so necessary for the economic well-being of the masses--all this can be easily supported. Yet it is also true that Jefferson's proposal embodies the first thoughtful specific summons in America for the general diffusion of knowledge at public expense. And if Jefferson inclined toward an elite--something which in our current democracy has acquired a connotation of contempt--then let it not be forgotten that he did not assume, as did nearly all the others of his era, that the common people have no business within this cultivated circle. For them the door was left ajar--narrowly to be sure--but nevertheless ajar.⁷⁰

The plan failed, and in 1817 Jefferson drew up another similar plan, but it also failed. Only one of Jefferson's educational ideas was ever realized--the establishment of the University of Virginia. Most of Jefferson's accomplishments regarding education were fulfilled outside the office of President, and on the state level. But that does not necessarily mean that he did not try to obtain federal aid to education while he was President. In fact, Jefferson went so far as to propose in 1806 the use of a tariff on imports for public improvements, including the support of education.

⁶⁹Adolphie E. Meyer, Ph.D. An Educational History of the American People (New York, 1967), p. 127.

⁷⁰Ibid., p. 128.

. . . but the great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement⁷¹

However, Jefferson did hedge on the possibility of the federal government having the power to promote such activities under the Constitution. He indicated that he thought an amendment to the Constitution might be in order:

I suppose an amendment to the Constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the Constitution, and to which it permits the public moneys to be applied.⁷²

Both Thomas Jefferson and James Madison believed that the federal government should go beyond land granting to actual granting of money to improve the states' educational system. Madison felt that the national government should spend more money for the public schools and also tried to get a national university established in the District of Columbia.

. . . I cannot presume it to be unseasonable to invite your attention to the advantages of superadding to the means of education provided by the several States a seminary of learning instituted by the National Legislature within the limits of their exclusive jurisdiction, the expense of which might be defrayed or reimbursed out of the vacant grounds which have accrued to the nation within those limits.⁷³

⁷¹Richardson, p. 409.

⁷²Ibid., p. 410.

⁷³Ibid., p. 485.

But a great deal of fear was present over whether the federal government had the power to spend public money for something that was not enumerated in the Constitution, so nothing was done regarding Madison's recommendations.

Another President of significance who affected our early educational pattern was Andrew Jackson. His impact however, came in a different way:

His election was a reaction against trained leadership in governmental affairs and was a precursor of a change in the character of education itself. The period when the people were to follow men of education and good breeding was now for a time largely past. The people had become impatient of the old claims as to the superiority of any class, and the demand for equal suffrage and for full participation in the functions of government now became too insistent to be disregarded longer.⁷⁴

The extension of suffrage under the Jackson administration abruptly changed the role of the common schools:

With the extension of the suffrage to all classes of the population, poor as well as rich, laborer as well as employer, the whole situation was changed, and there came to thinking men, often for the first time, a realization that general education had become a fundamental necessity for the State⁷⁵

The demand for equality of educational opportunity created new demands for support of the common schools, mostly on the state level, but the demand was present. The new feeling toward education brought about by the election of Jackson is best illustrated by the eloquence of Daniel Webster, in an address in 1837:

⁷⁴Cubberly, p. 152.

⁷⁵Ibid., p. 153.

Education, to accomplish the ends of good government, should be universally diffused. Open the doors of the school houses to all the children in the land. Let no man have the excuse of poverty for not educating his offspring. Place the means of education within his reach, and if he remain in ignorance, be it his own reproach. . . . on diffusion of education among the people rests the preservation and perpetuation of our free institutions.⁷⁶

But despite the eloquence of Daniel Webster and the stimulus to education provided by the election of Andrew Jackson, the move was toward upgrading education by state and local efforts, not by federal aid. President Jackson opposed aid to education on the national level, believing it to be a responsibility of state and local governments. In addition he vetoed a measure which called for utilizing proceeds from the sale of public lands to further education in the states in 1833, stating: "The leading principle then asserted was that Congress possesses no constitutional power to appropriate any part of the moneys of the United States for objects of a local character within the States."⁷⁷

President Jackson was not the only President who opposed the national government's involvement in education. President Buchanan voiced doubts about the constitutionality of federal aid in his veto message of the first Morrill Bill in 1859:

But does Congress possess the power under the Constitution to make a donation of public lands to the different States of the Union to provide colleges for the purpose of educating their own people?

⁷⁶Cubberly, p. 156.

⁷⁷Richardson, III, p. 65.

I presume the general proposition is undeniable that Congress does not possess the power to appropriate money in the Treasury, raised by taxes on the people of the United States, for the purpose of educating the people of the respective States.⁷⁸

Thus an old issue regarding federal aid--its constitutionality - and an issue which had caused some doubts among Congressmen when Washington's national university proposal was made, was raised again. The same question was raised again and again far into the twentieth century without settlement.

Three years after Buchanan's veto of the Morrill Bill, President Lincoln apparently seeing no constitutional barrier, signed the Morrill Act of 1862 into law. Lincoln, however, was an avid supporter of federal aid to education, as witnessed as early as 1832 in an article written by the future President when he was campaigning for a local Congressional seat in Illinois.

To the People of Sangamo (N) County:

Fellow citizens: Having become a candidate for the honorable office of one of your Representatives in the next General Assembly of this State, in accordance with an established custom and the principles of true republicanism, it becomes my duty to make known to you, the people whom I propose to represent--my sentiments with regard to local affairs

Upon the subject of education, not presuming to dictate any plan or system respecting it, I can only say that I view it as the most important subject which we as a people can be engaged in. That every man may receive at least a moderate education, and thereby be enabled to read the histories of his own and other countries, by which he may duly appreciate the value of our free institutions

⁷⁸The Federal Government and Public Schools, p. 8.

. . . For my part, I desire to see the time when education, and by its means, morality, sobriety, enterprise, and industry, shall become much more general than at the present, and should be gratified to have it in my power to contribute something to the advancement of any measure which might have a tendency to accelerate the happy period.

A. Lincoln⁷⁹

President Lincoln's efforts in promoting education for the newly freed Negro are well known, but it is of interest to note that a little over one hundred years later President Lyndon Johnson in his program to establish equality of educational opportunity, was still attempting to provide education for those deprived of a full opportunity to participate in the American experience.

Following Lincoln, the majority of the Presidents in the late nineteenth century felt federal aid to education was a necessity. Presidents U. S. Grant, James Garfield, Chester Arthur, and Rutherford Hayes all supported some form of federal aid to education. Their reasons for supporting federal aid is best reflected by President Hayes in 1877 in an Annual Message to Congress:

The wisdom of legislation upon the part of the Congress, in aid of the States, for the education of the whole people in those branches of study which are taught in the common schools of the country is no longer a question. . . . It is vain to hope for the success of a free government without the means of insuring the intelligence of those who are the source of power. No less than one-seventh of the entire voting population of our country are yet unable to read and write. . . . I shall be glad to give my approval to any appropriate measures which may be enacted by Congress for the purpose of supplementing with national aid the local systems of education in those States and in all the States.⁸⁰

⁷⁹Quoted in Cubberly, pp. 156-157.

⁸⁰Richardson, VII, p. 479.

President Hayes also indicated in his speech that the concept of a national university was not dead. In connection with his discussion of some particular needs of the public school system of the District of Columbia, he said:

I here add that I believe it desirable, not so much with reference to the local wants of the District, but to the great and lasting benefit of the entire country, that this system should be crowned with a university in all respects in keeping with the national capitol, and thereby realize the cherished hopes of Washington on this subject.⁸¹

For those who feared the constitutionality of federal aid as voiced earlier by President Buchanan, President Benjamin Harrison gave an answer in 1889 in his annual State of the Union Message:

National aid to education has heretofore taken the form of land grants, and in that form the constitutional power of Congress to promote the education of the people is not seriously questioned. I do not think it can be successfully questioned when the form is changed to that of a direct grant of money from the public treasury.⁸²

Despite the passage of over one hundred years, during which time the majority of American Presidents supported federal aid to education, only a few legislative measures granting federal funds for the support of education had been enacted. The question that comes to mind, of course, is some possible reason for this lack of activity on the part of the federal government toward granting federal aid to education.

There is a difference between Presidential support of education, and Presidential initiative in sponsoring aid bills and working for

⁸¹Richardson, VII, p. 479.

⁸²Fred L. Israel, ed., The State of the Union Messages of the Presidents, 1790-1966, II (New York, 1966), p. 1650.

their passage. The number of Presidents who have exercised Presidential initiative in actively working for federal aid to education is relatively small. One of the possible reasons for this is that until the Second World War, federal aid to education was not a major national domestic issue. With the advent of World War II and the ushering in of a new technological age, education became a major means of coping with the New World:

Although many Presidents from Washington through Roosevelt gave some support for federal aid to education, and some federal aid was provided, it was not until Truman came into office that a President began to speak frequently about the subject and that it became an important national political issue. Henceforth, Presidents have included federal aid to education more frequently in their public statements, especially in their messages to Congress, and significantly more federal aid has been appropriated.⁸³

Post World War II Presidents

President Harry S. Truman was the first to face the serious crisis in the common schools across the nation following World War II and called for federal aid to alleviate the shortages in educational facilities. In his State of the Union Message of 1946, he indicated that he felt the federal government should aid those areas which could not support elementary and secondary schools.⁸⁴ And again in his Annual Budget Message of 1947 he stated: "I have long been on record

⁸³Martin, p. 5.

⁸⁴Harry S. Truman, Public Papers of the Presidents of the United States, Containing the Public Messages, Speeches, and Statements of the President, 1946 (Washington, 1964), p. 65.

for basic legislation under which the Federal Government will supplement the states to assist them to achieve satisfactory educational standards."⁸⁵

With Truman's Presidency, education became an issue which was tied up with many other major national problems, such as race, religion, and states' rights. In 1949, a bill was introduced into the legislature, and:

Although a school-aid bill did pass the Senate during that year, the House proposal launched a bitter controversy over parochial school aid that has only been matched by the 1961 conflict. . . . When the bill created a deadlock over aid to private schools at the full committee level, the issue gained nationwide attention as Francis Cardinal Spellman and Mrs. Eleanor Roosevelt became involved in a public conflict over the dispute.⁸⁶

President Truman, although favoring federal aid to education, was caught in the middle of the argument without much hope of successfully obtaining any aid for the common school:

Although President Truman did not engage in a major effort to resolve the impasse, the intensity of the conflict makes it doubtful that action on his part would have settled the question. Additionally, his attention to school aid was necessarily limited because other aspects of his domestic program, such as his compulsory health insurance plan, the establishment of a new executive Department of Health, Education, and Security, the repeal of the Taft-Hartley Act, and abolishment of the poll tax, were all experiencing difficulties. Consequently, although President Truman favored federal assistance, his difficulties with his

⁸⁵ Harry S. Truman, Public Papers of the Presidents of the United States, Containing the Public Messages, Speeches, and Statements of the President, 1947 (Washington, 1964), p. 76.

⁸⁶ Meranto, p. 101.

over-all domestic program, and the heated religious conflict surrounding the aid issue during his term, afforded him little opportunity to assume a leadership role in federal aid for education.⁸⁷

Because of Congressional opposition, Truman was unable to provide much aid for the common school, but "he was instrumental in establishing the National Science Foundation and in preparing the way for the creation of the Department of Health, Education and Welfare."⁸⁸ Also, under Truman's administration, the full effect of the G. I. Bill was beginning to be felt on the national educational scene.

In contrast to Truman, Dwight D. Eisenhower came to the Presidency opposed to federal aid to education. "With his concept of federal aid, and given the fact that he was elected on a platform clearly opposing aid to education, it is not surprising that President Eisenhower was opposed to school aid during his first term."⁸⁹

An idea of what was coming under the Eisenhower administration was expressed in his Budget Message to Congress in 1954:

I do not underestimate the difficulties facing the states and communities in attempting to solve the problems created by the great increase in the number of children of school age, the shortage of qualified teachers, and the overcrowding of classrooms. . . . At the same time, I do not accept the simple remedy of federal intervention.⁹⁰

⁸⁷Meranto, p. 101.

⁸⁸Martin, p. 96. The history of the Department of Health, Education and Welfare can be traced back to 1867 when Congress established, and President Andrew Johnson approved of a Federal Department of Education. In 1869 Congress reduced the Department to a Bureau of the Department of the Interior. In the 1930's it was moved to the Federal Security Agency and finally, in 1953, under Eisenhower, the Department of Health, Education and Welfare was created with a Bureau of Education.

⁸⁹Meranto, p. 102.

⁹⁰Ibid.

Throughout his administration, President Eisenhower stressed the concept that the federal government should only aid in school construction, and he went so far as to propose a seven million dollar program in 1955 for aid in school construction.⁹¹ Nothing came of the proposal, however. According to one supporter of federal aid to education it was the President's inaction which hurt most in the killing of the President's subsequent proposals:

It was what the administration did--or didn't do-- that killed the legislation. The truth of the matter was that Eisenhower never wanted federal aid. I think some of his friends on the golf course must have told him that it was creeping socialism. I really do. In 1957, the bill lost in the House by five votes. He could have had a bill. A few phone calls to Members of Congress, 'This is the President of the United States calling Congressman So and So'--and he'd have gotten the votes. If he had called Charlie Halleck and Joe Martin and said 'I want the votes,' he could have gotten them. The struggle would never have been as close as it was. He just didn't want a bill. He did nothing and in that situation inaction meant 'NO.'⁹²

One thing that President Eisenhower did which promoted the cause of federal aid to education was the calling of a White House Conference on Education in 1955. This conference did bring to the forefront the idea that education was in dire need of some type of help by the federal government, although the report generally favored, as the President did, aid for school construction.⁹³

⁹¹ Dwight D. Eisenhower, Public Papers of the Presidents of the United States, Containing the Public Messages, Speeches, and Statements of the President, 1955 (Washington, 1959), pp. 243-50.

⁹² Quoted in Meranto, pp. 102-103.

⁹³ For contents of the report see The Committee for the White House Conference on Education, A Report to the President (Washington, 1956).

As a result of the White House Conference on Education which pointed out the need for federal aid, and the Cold War tensions with the Soviet Union, the President moderated his stance somewhat on federal aid during the latter part of his administration. It had become more and more linked with national defense. At any rate, the President signed into law the National Defense Education Act of 1958, which ranks among the largest of federal aid bills ever passed by Congress. The result was that federal funds for the public schools increased much more rapidly under Eisenhower's administration, than under any other previous administration, despite the President's fiscal conservatism.

One writer has aptly compared the Truman and Eisenhower administrations by saying that Truman saw the need for federal aid to the schools and had conviction in trying to obtain this aid, but was hampered by Congress, while Eisenhower saw the need, but due to his fiscal conservatism, did not take advantage of the opportunities to promote education that were available.⁹⁴ As a result "neither President was an overly enthusiastic supporter of federal aid to education."⁹⁵

Yet, these Presidents had voiced an increased concern for the crisis that was apparent in education in the United States. They had spent considerable more time than any of their predecessors on the education issue, and more money had been appropriated for the public schools under their terms of office than any other. But the surface

⁹⁴Martin, p. 239.

⁹⁵Ibid., p. 241.

had only been touched, and the next President would certainly have to deal even more with the problem of adequately financing the common school.

With the election of John F. Kennedy to the Presidency in 1960, a new era in federal aid to education was born. The youthful President was vitally concerned with education and felt that "our progress as a nation can be no swifter than our progress in education . . . the human mind is our fundamental resource."⁹⁶ President Kennedy came to the White House after eight years of Republican rule during which time supporters of federal aid were without the help of strong Presidential support, and he had an outstanding record for support for education while in Congress.⁹⁷ As a result, he was in a position of being able to strongly aid education, and he wasted little time in attempting to do so. Even before he assumed office, he called into being a Task Force on Education to help guide him on a course of action.⁹⁸ Following the recommendations of this Task Force, he requested from Congress in his first education message a program of over five billion dollars for aid to education over a five-year period.⁹⁹ Since the Kennedy program will be discussed further in Chapter IV, it will

⁹⁶ John F. Kennedy, Public Papers of the Presidents of the United States, Containing the Public Messages, Speeches, and Statements of the President, 1961 (Washington, 1962), p. 107.

⁹⁷ For President Kennedy's voting record see Congressional Quarterly Weekly Report, 1960 (Washington, 1960), p. 1280.

⁹⁸ For the task force report summary see U. S. News and World Report (January 23, 1961), p. 59.

⁹⁹ Kennedy, Public Papers, 1961, pp. 107-110.

suffice to say at this point that, as in the case of President Truman, federal aid to education again became mixed in with other national issues and the program was defeated. Similar requests were made in 1962 and 1963 but no aid to the common schools resulted. Concerning the common school, Kennedy, in his Education Message of February 6, 1962, had this to say:

Elementary and secondary schools are the foundation of our education system. There is little value in our efforts to broaden and improve our higher education, or increase our supply of such skills as science and engineering, without a greater effort for excellence at this basic level of education. With our mobile population and demanding needs, this is not a matter of local or State action alone--this is a national concern.¹⁰⁰

But despite the zealous support of education as a national concern by the President, many of his educational programs were defeated. The common school program never made it out of committee. The scene was thus set for President Johnson when he assumed the Presidency following Kennedy's assassination:

All the ingredients of the current scene appear propitious to the educators. They have a president who lacks the handicap of being Catholic, as John Kennedy was, or ambivalent on the issue of federal aid to the schools, as Dwight Eisenhower was.

The educators see Lyndon Johnson as a one time teacher who is genuinely intent upon his opportunity to break the long impasse and wily enough to accomplish this objective.¹⁰¹

¹⁰⁰ Kennedy, Public Papers, 1961, pp. 107-110.

¹⁰¹ Charles Bartlett, "News Focus," Chicago Sun-Times (Washington, January 10, 1965), pre-release paper located in Legislation-Federal Aid to Education Files (Ex/Le/Fa2), Johnson Papers, Johnson Library.

The educators were not disappointed, because it soon became apparent that the new President intended to lead in the educational field. The difference in Presidential leadership and simple public support of education is best described by Richard Neustadt:

the very senior chairman of a major House Committee reportedly admonished an administration witness, 'Don't expect us to start from scratch on what you people want. That's not the way we do things here-- you draft the bills and we work them over.'¹⁰²

Thus one can see that the President and the executive branch is expected to initiate a number of the legislative items. Without such initiative action, a program is not likely to gain much support.¹⁰³

In addition, the President is the top political figure in the United States, and his active support of a program lends more influence to the program than might ordinarily be the case.

President Johnson was an experienced legislator, and he knew how Congress and public opinion operated. Add to this skill a need for educational change and a President committed to support of education, and the result is what educators and columnists alike called "the most historic legislation in the past hundred years."¹⁰⁴

¹⁰²Richard E. Neustadt, "Planning the President's Program," in Theodore J. Lowi, ed., Legislative Politics, USA (Boston, 1965), pp. 123-24.

¹⁰³Stephen K. Bailey, The New Congress (New York, 1966), pp. 28-38.

¹⁰⁴Whealan, p. 1.

CHAPTER III

THE ARCHITECTS: THE PRESIDENT, THE EXECUTIVE STAFF, AND THE CONGRESS

Introduction

When Lyndon Baines Johnson won a four-year Presidential term in his own right in 1964, he garnered the largest vote of any Presidential candidate in history. The landslide victory made him a "consensus President," both in his own eyes and in the public's view of his conduct of the nation's affairs. "Consensus politics" became not only a description of the Johnson Administration, but also a key to the President's mode of operation.

The historic record of the first session of the Eighty-Ninth Congress stands as a lesson in Presidential power and leadership, as it was as a lawmaker that Johnson realized his full potential. Among the legislative accomplishments of 1965 were medical care for the aged, a voting rights act, and federal aid for elementary and secondary schools.

However, by 1966 the status of Johnson as a "consensus" President was a topic of national debate, as well as a growing concern to the President. His policies, especially in foreign affairs, were undergoing increasing challenges by both the public and Congress.

By 1968 the President had reached an intolerable position of disappointment and frustration, and announced that he was not going

to run for re-election in the fall, becoming the seventh President of the United States not to seek re-nomination to a second full term of office.¹

One of the reasons given for the President's decision not to run for re-nomination was the awesome burden that the office of President had placed upon him:

With America's sons in the fields far away, with America's future under challenge right here at home, with our hopes and the world's hopes for peace in the balance every day, I do not believe that I should devote an hour or a day of my time to any personal partisan causes or to any duties other than the awesome duties of this office--the Presidency of your country.²

The efforts of President Johnson to obtain federal aid for the nation's school children between 1963 and 1969 cannot be totally separated from the larger concept of the relationship of the office of President to the nation and Congress. As a result of his effort to conduct both an expanded foreign and domestic spending program, President Johnson experienced the full scope of a President's powers and limitations. And in the process of carrying out his legislative program, President Johnson touched upon some fundamental changes that have occurred in the American system of government. The office of

¹The other Presidents were James K. Polk (1845-49), James Buchanan (1857-61), Rutherford B. Hayes (1877-81), Calvin Coolidge (1923-29) and Harry S. Truman (1945-53). President Theodore Roosevelt announced he would not seek re-election in 1908, but did run unsuccessfully for the Presidency in 1912.

²Lyndon Baines Johnson, "The President's Address to the Nation Announcing Steps to Limit the War in Vietnam and Reporting His Decision not to seek Re-Election," March 31, 1968, The Public Papers of the Presidents of the United States, Containing the Public Messages, Speeches, and Statements of the President, 1968 (Washington, 1970), p. 476.

President of the United States has grown so enormous since its inception that it has been said that no one man can possibly fill the office.³ This view is best reflected by one author, who recently wrote: "The Presidency may no longer be manageable by one single individual, however wise and resourceful," and furthermore, "No one can stand up against that type of pounding, or deal with such powerful cross-currents, or have the emotional and physical resiliency to cope with the demands of the office."⁴

As a result of the growing responsibilities of the office of President, an executive branch of increasing magnitude had been created to enable the President to implement his programs. Therefore, any study of a President must encompass those staff personnel who were key contributors to the President's program. This study of the Johnson years must also take into account those individuals who were especially important to Johnson's educational program. This will be accomplished by studying Johnson's advisors on education matters in two separate categories: those within the official organization of the Cabinet, such as Secretaries of Health, Education, and Welfare, Anthony Celebrezze (1962-65), and John Gardner (1965-68); and those personnel who are a part of the President's personal staff, such as Special Assistant to the President, Douglass Cater.

The power of the Presidency is such that it may no longer be meaningful to characterize Presidents as "strong" or "weak." In the

³See Chapter I, p. 5.

⁴Norman Cousins, "Is the Presidency Manageable?", Saturday Review, LI (April 13, 1968), p. 23.

modern age the President is forced by the nature of his job to be a strong executive in order to be in command of his many responsibilities. The powers of the office of President are not only those enumerated in Article II of the Constitution, but also those established by precedent, or authorized by Congress.⁵ It is in the President's relationship with Congress that some of the most frustrating battles occur over what the President can, or cannot, do. Presidents themselves often contend that their power is more potential than real. For example, in 1952 President Harry S. Truman, describing the problems Eisenhower would encounter if elected President, said: "He'll sit here and he'll say, 'Do this! Do that!' And nothing will happen. Poor Ike--it won't be a bit like the Army. He'll find it very frustrating."⁶ President Johnson also echoed this feeling when he stated: "Power? The only power I've got is nuclear--and I can't use that."⁷

On the other hand, every activist President has been accused of being domineering and assuming too much power. President Johnson's experiences with the unusually active Eighty-Ninth Congress were not unique, because comparisons can be made with the Seventy-Third Congress of 1933-34 (the first two years of the Franklin D. Roosevelt Administration) and the Sixty-Third Congress of 1913-14 (the first two years

⁵For a historical survey of the office of President, see such works as Richard Neustadt, Presidential Power: The Politics of Leadership (New York, 1960), and James MacGregor Burns, Presidential Government: The Crucible of Leadership (Boston, 1966).

⁶Quoted in Neustadt, p. 9.

⁷Quoted in Saul K. Padover, "The Power of the President," Commonweal, LXXXVIII (August 9, 1968), p. 521.

of the Woodrow Wilson Administration). One writer has expressed this view of the President having too much power this way:

Liberal advocates of an aggrandizing Presidency now sense uneasily that they have created a Frankenstein; an executive which, in the name of leadership and patriotism may respond to the demand for spectacular Presidential direction by acting in the only untrammelled way open to it--belligerently.⁸

The second session of the Eighty-Ninth Congress was less responsive to President Johnson than the first, and the Ninetieth Congress often displayed considerable antagonism toward the President's proposals. For example, the President's request for a ten per cent surcharge on income taxes was approved only after Johnson agreed to a provision calling for a six billion dollar reduction in his budget proposal.⁹

Hence, the education legislation obtained by President Johnson between 1963 and 1969 is tied up with many other issues between the Congress and the President, and it is a tribute to Presidential leadership in that there were significant gains made for the common schools during those years. But in doing so, President Johnson had to rely on congressional help and became involved in the power struggles within this branch of government. For example, Representative Adam Clayton Powell (Democrat, New York), Chairman of the Committee on Education and Labor whom the President had always counted on as a friend of education, became involved in a power struggle over the

⁸ Marcus Cunliffe, "A Defective Institution?" Commentary, XLV (February, 1926), p. 32.

⁹ See Chapter VI, p. 254.

right of Congress to seat an individual member.¹⁰ As a result, President Johnson's education proposals encompassed a wider area of conflict than simply the educational issues. And too, in the Senate, Senator Wayne Morse (Democrat, Oregon), Chairman of the Senate Subcommittee on Education, challenged the President's power to send troops to Vietnam, and the result was a split between the Senator and the President which affected education proposals.¹¹ Therefore, those key members of Congress who became essential ingredients to successful education legislation will have to be examined for the role they played in obtaining federal aid to education.

The Executive Branch

Until recently, the many studies of the Presidency have rarely explored in any detail the multitude of advisors and aides that the President must utilize, as well as supervise, in order to properly execute his legislative programs.¹² One of the reasons for this lack of coverage has been that the executive branch has undergone tremendous changes in the modern age. Every President has had his entourage of advisors, but none to the extent that recent Presidents have employed. For example, speaking in 1964 on the use of advisors by President Johnson, Stephen K. Bailey, a noted authority on Presidential politics, stated: "Within a few weeks time the President and

¹⁰See this chapter, pp. 97-99.

¹¹See Chapter VI, pp. 225-227.

¹²See Chapter I, p. 5.

White House staff organized the largest, most detailed, and most highly differentiated ad hoc mobilization of expertise in our country's history."¹³ In comparison, most Presidents in the past had very little help from outside their cabinet:

Andrew Jackson had to turn to his 'kitchen cabinet' for advice. Lincoln had to pay a single male secretary out of his own pocket. Theodore Roosevelt (who had a 'tennis cabinet') managed to expand the White House . . . by adding the west wing, but not to staff it adequately. Herbert Hoover had to battle with Congress to add a third secretary to his staff, which otherwise consisted of a military aide, a naval aide, and fewer than 40 clerks. The Presidency was still a powerhouse without transmission lines.¹⁴

President Johnson's staff, on the other hand, was the biggest in United States history. It consisted of 250 workers in the White House office, and another 1,350 in the Executive office of the President.¹⁵

As in any play, there are several characters who compose the cast in addition to the lead. This is especially true of the common schools relationship with the federal government between 1963 and 1969. Essential to the President's program were a group of skilled professional innovators, both in the Cabinet and members of the White House staff. This section will cover briefly some of these key people, realizing at the same time that there are many other individuals who played a smaller, but still important, role. One of the difficulties

¹³Stephen K. Bailey, "A White House-Academic Dialogue," in Bertram M. Gross, A Great Society? (New York, 1968), p. xii.

¹⁴Charles Roberts, LBJ's Inner Circle (New York, 1965), pp. 33-34.

¹⁵Congressional Quarterly Service, Congress and the Nation, 1965-1968 (Washington, 1969), p. 655.

in attempting such a task is the fact that most Presidential advisors are kept in the background, and their true roles are seldom fully exposed. Because of their anonymity the following evaluation of the Johnson men important to education is only a partial one.

The President's Cabinet

The President's Cabinet is a creation of tradition and necessity, dating back to George Washington's Presidency. By custom, it consists of the heads of the executive departments, which now number twelve with the inclusion of the Department of Housing and Urban Development in 1965 and the Department of Transportation in 1966. Cabinet members are appointed to office, not elected, and their influence normally depends upon the use made of them by the President. The Constitution states in Article II, Section Two, the President "may require the opinion . . . of the principal officer in each of the executive departments," but gives no details on how such opinions may be obtained. President Washington secured advice by presiding over a Cabinet made up of such intellectual opposites as Hamilton and Jefferson:

By staying somewhat above the battle, Washington consolidated the people's support for him, lent his name and prestige to the new republic, and ultimately helped convert his charismatic appeal and authority into the popular and constitutional legitimacy so badly needed by the new country.¹⁶

Following Washington, the Cabinet became permanent, but many of Washington's successors thought somewhat less than he about its wisdom. President Jackson took advice from his kitchen cabinet rather

¹⁶Burns, pp. 8-9.

than his official one, and President Lincoln once polled his Cabinet and determined, "Seven noes, one aye--the ayes have it."¹⁷

Recent Presidents have used the Cabinet to varying degrees. President Eisenhower made Cabinet meetings formal, named a Cabinet secretary, and attempted to obtain major policy decisions from the group. President Kennedy relied heavily on staff assistants for advice rather than the Cabinet.¹⁸

President Johnson's view of Cabinet meetings was similar to Eisenhower's in that he kept the tradition of formal meetings and an agenda. He met regularly with the Cabinet and encouraged full participation from all of the members. Often summoned to some of these Cabinet sessions were other officials within the various agencies such as the head of the Bureau of the Budget or, in the case of education, the Commissioner of Education.

In connection with his education program, there were four prominent individuals within the executive branch who played important roles during Johnson's administration. These people are in the order of discussion: Secretary of Health, Education, and Welfare (1962-65), Anthony Celebrezze; his successor, John Gardner (1965-68); United States Commissioner of Education (1962-65), Francis Keppel; and his successor, Harold Howe, II (1965-69).

Anthony Celebrezze. Anthony Celebrezze, an Italian and Roman Catholic, was an ideal selection by President Kennedy in 1962 to bridge the gap between the religious groups and the education

¹⁷Quoted in Roberts, p. 128.

¹⁸Ibid.

associations who were fighting over federal aid to education.¹⁹

Replacing Abraham Ribicoff, who resigned to run for the Senate from Connecticut, the popular Ohioan had served four terms as mayor of Cleveland and was serving his fifth term when appointed to the Cabinet post as Secretary of Health, Education, and Welfare, in July, 1962.

In addition to his experiences as mayor of Cleveland, Celebrezze had served both Presidents Kennedy and Eisenhower as a member of the Advisory Commission on Inter-governmental Affairs. With such a broad background in government experience, the new Secretary took over the Cabinet post's duties at the height of the religious conflict over federal aid to the schools.²⁰ Along with Francis Keppel, Celebrezze remained in the Cabinet of President Johnson long enough to be instrumental in steering the 1965 Elementary and Secondary Education Act through Congress. In addition to his duties as coordinator of the many sub-agencies within the Department, as well as testifying before several Congressional hearings, the Secretary was primarily responsible for obtaining support from the Catholic groups for federal aid in 1965.

In reflecting on those years in the White House, Celebrezze stated that he felt his greatest successes were in participating in the decision-making process involving the Elementary-Secondary Act and the Medicare Bill:

I think the greatest breakthrough was the passing of the secondary and primary education bill. Of course, the other great piece of legislation which had been

¹⁹ See Chapter IV, pp. 117-122.

²⁰ Ibid.

pending for twenty years and no one could get it through Congress was medicare. They were both passed.²¹

Celebrezze's performance in support of the two measures was, according to President Johnson, "phenominal". As a lobbyist for the education bill, and as a Catholic who pulled a great deal of religious support, he was important to the success of the proposal. At one point he sent identical 520 word telegrams to every member of the House voicing support of the President's program, especially medicare.

In July of 1965 the President rewarded Celebrezze for his efforts by appointing him as a federal judge in Ohio²² and, in a letter to the retiring Secretary, praised him for his outstanding work in health and education:

You leave this Administration to sit on the bench of one of the highest courts in the land. I am aware that this new calling coincides with your own desires, and no man is more deserving.

You go with my reluctance. No Cabinet officer has worked longer, harder, with a more zestful spirit, than you. The results of what you have done are plainly evident in the Congress, and will leave even larger imprints in the objective scrutiny of history.²³

²¹Anthony Celebrezze Folder, Oral Histories Files, The Papers of Lyndon Baines Johnson, Johnson Library. (Hereafter cited as Johnson Papers). (Interviewed by Page Mulhollen, January 26, 1971), p. 11.

²²Johnson, "Remarks on Announcing the Nomination of Anthony J. Celebrezze as Judge, U. S. Court of Appeals, Sixth Circuit," July 27, 1965, Public Papers, 1965, p. 788.

²³Lyndon Baines Johnson, "Letter Accepting Resignation of Anthony J. Celebrezze as Secretary of Health, Education, and Welfare," July 28, 1965, Executive Files, Johnson Papers, Johnson Library. Also located in Johnson, Public Papers, 1965, p. 803.

To replace the Secretary, President Johnson appointed John W. Gardner, the fifty-two year old president of the Carnegie Corporation.

John Gardner. As president of the Carnegie Corporation from 1955 until his appointment to the Cabinet post in 1965, John Gardner was recognized as a leader in the field of education. President Johnson was obviously pleased with his choice of Gardner, as he quoted from one of Gardner's books, Excellence: Can We Be Equal and Excellent Too?²⁴ as he announced his appointment:

The Society which scorns excellence in plumbing because plumbing is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water.²⁵

Gardner became the sixth Secretary of Health, Education, and Welfare since it was created in 1953, and the fifth former college professor in the Johnson Cabinet.²⁶ A graduate of Stanford, he held a Ph.D. from the University of California. The appointment of Gardner to the Cabinet post was considered a reversal of the aims of that department, as compared to the history of Health, Education, and Welfare Secretaries:

President Eisenhower appointed three Secretaries, President Kennedy two. None got more than minimal White House support. Indeed both Presidents sometimes put political considerations first in making their HEW appointments. Though Anthony Celebrezze had been a

²⁴John W. Gardner, Excellence: Can We Be Equal and Excellent Too? (New York, 1961).

²⁵Johnson, "Remarks Announcing the Nomination of John W. Gardner as Secretary, HEW," July 27, 1965, Public Papers, 1965, p. 789.

²⁶The other college professors were Dean Rusk, Robert McNamara, Nicholas Katzenbach, and John J. Gronouski.

successful mayor of Cleveland, he was also 'the Italian appointment' of the Kennedy years, just as the capable Mrs. Oveta Culp Hobby, the department's first Secretary, was an Eisenhower way of saying 'Thank you, ladies,' after the 1952 election. Oddly, it was LBJ, the most political animal of them all, who turned to John Gardner, a man with no political following, no political claims,²⁷ no visible political talents--and a Republican to boot.

The appointment of Gardner as the Secretary of Health, Education, and Welfare was a reflection of President Johnson's concern for education and the Great Society. Gardner was widely respected at the time as a man of vision and concern for the ills of society. His appointment was Johnson's way of expressing his own concern for society and an indication of what the President envisioned his domestic program to be.

Gardner, in addition to his experiences with the Carnegie Corporation, had served on President Kennedy's Special Task Force on Education in 1960. He had also chaired President Johnson's Task Force on Education in 1964, which played a valuable part in the formation of the Elementary and Secondary Education Act.²⁸ President Johnson paid tribute to Gardner for his work in this area when he announced his appointment by speaking about the 1965 Act:

It has been successful because of the spadework and the thinking and the sacrifice of men like Mr. Gardner, and those thinkers and doers who had on the drawing boards months ahead of the assemblage of Congress the ideas and programs that the Congress has evolved.²⁹

²⁷"Gardner Hews Out the Great Society," Newsweek, LXVII (February 28, 1966), pp. 22-23.

²⁸See Chapter IV, pp. 139-141.

²⁹Johnson, Public Papers, 1965, p. 789.

In addition to chairing the 1964 Task Force, Gardner also chaired the 1965 White House Conference on Education.³⁰ It also helped that Gardner was a Republican since this type of appointment would enhance any education program because of the connotation of a non-political concern for society.

Although Gardner took no official part in the passage of the 1965 Act, he was responsible in 1966, 1967, and 1968 for applying continued pressure on Congress for enactment of the Great Society's programs. Like Celebrezze, Gardner's job as Secretary of the sprawling Department required constant attention. Describing his job as being one which covered "everything from Cuban refugees to thyroid modules," Gardner was responsible for dealing with eight committees in the House and nine in the Senate on Health, Education, and Welfare matters.³¹ Meeting with President Johnson anywhere from three times a week to three times a day, Gardner relentlessly pursued the aims of the Great Society. In fact, Gardner's pursuit of the Great Society's aims was so relentless that he soon grew to disagree with President Johnson over social legislation because he felt that the President was not devoting enough time and money to the Great Society. The disappointed Secretary, in a way a symbol of what the Vietnam conflict had done to Johnson's Great Society program, resigned his post in 1968.³²

³⁰See Chapter VI, p. 215.

³¹Quoted in Newsweek, LXVII (February 28, 1966), p. 25.

³²"Another Vacant Chair in LBJ's Top Circle," U.S. News and World Report (February 5, 1968). Gardner became a leader in the Urban Coalition following his resignation. The Urban Coalition was a group of leaders from business, labor, local government, religious and civil rights organizations that was formed to attack civic problems. See "Mr. Gardner Joins the Coalition," Time (February 23, 1968), p. 18.

Despite his eventual resignation the influence of John Gardner upon the Johnson Administration was profound. He has been a primary influence upon the formation of the 1964 task force proposals, and during his reign as Secretary he had continued to represent the Johnson image of an individual devoted to social improvement. John Gardner was an epitome of what the Great Society was all about--the improvement of the conditions of those people who were not a part of an enriched society.

Francis Keppel. Probably the most influential person in working out the political compromises prior to the passage of the Elementary and Secondary Education Act, aside from President Johnson, was the United States Commissioner of Education, Francis Keppel. Brought to Washington in late 1962 by President Kennedy, like Celebreeze, he arrived after the 1961 federal aid fight, but it did not take him long to see the obstacles facing federal aid legislation.³³ Keppel, unlike most of his predecessors at the Commissioner's post, did not come from the public school system. At the age of 23 he had become Assistant Dean of Harvard College, and in his early thirties he had become Dean of the Harvard Graduate School of Education. While Dean, he transformed a "sleepy institutional melocricity into a vibrant center of educational innovation."³⁴ And as a result of his efforts at Harvard,

³³A cover story was written on Keppel by Time (October 15, 1965), pp. 60-68. Time reported that in the first informal meeting, President Kennedy asked Keppel: "Weren't you in my brother Joe's class?" "Yes," replied Keppel. "Didn't you run against Joe for some office?" "Yes, for class marshall." "And didn't Joe beat you?" "Yes," recalls Keppel in 1965: "Those Kennedy's never forget an election."

Stephen K. Bailey and Edith K. Mosher, ESEA: The Office of Education Administers a law (Syracuse, 1968), p. 35.

"Kennedy called Keppel to Washington charging him to do for the U. S. Office of Education and for federal educational policy what he had done for the Harvard School of Education."³⁵ Also, Keppel, like Gardner, at one time had headed the giant Carnegie Corporation.

Keppel's major concern once he arrived in Washington was to find a path for federal aid through which he could avoid the thicket of race, religion, and fear of federal control that had defeated prior education proposals. An untiring negotiator and salesman, it was Keppel more than any other person who persuaded the National Education Association and the National Catholic Welfare Conference to accept the compromises in the 1965 Elementary and Secondary Education Act.³⁶ Both sides in the negotiations in 1964 credit Keppel's work with producing the "understandings" which led to the passage of the 1965 bill. As put by one participant:

He never made anyone feel he was shooting for the honor of authoring the first general aid bill. This was a magnificently orchestrated effort of many people of good will. The process was one of extended conferences aimed at achieving a legislative vehicle to which we could withhold objections.

By the time the bill was introduced all the formerly used pressure tactics were unnecessary. Our group gives credit for the bill from its origin to passage to absolutely nobody but the Administration, and particularly Mr. Keppel.³⁷

It was also Keppel who set in motion the re-organization of the

³⁵ Stephen K. Bailey and Edith K. Mosher, ESEA: The Office of Education Administers a Law (Syracuse, 1968), p. 35.

³⁶ See Chapter V, pp. 175-180.

³⁷ Quoted in Eugene Eidenberg and Roy D. Morey, An Act of Congress (New York, 1969), pp. 87-88.

Office of Education following the passage of the 1965 act and supported Henry Loomis, Deputy Commissioner of Education, in his efforts to revitalize the Office.³⁸ It was Keppel, too, who organized the efforts of the Johnson staff in regard to testimony presented to Congress in 1965 and who initiated the Tyler Committee project which aimed at studying national assessment.³⁹

One of the tools that Keppel used in his efforts to promote federal aid was his accessibility to the White House. He frequently called Special Assistant Douglass Cater and used his office when the physical presence of the White House would give him a psychological advantage over the people with whom he was meeting.

In essence, then, it was Keppel who was responsible for the conducting of the affairs surrounding the formation of the 1965 school bill from the time it came out of Gardner's task force proposals until it went to Capitol Hill. From that point Lawrence O'Brien, legislative consultant to the President, and Special Assistant Douglass Cater took over. Once the Act passed Congress Keppel began the implementation process, then turned the next stage of the operation over to his successor, Harold Howe, II. Testimony by most of Johnson's staff members indicates that Keppel was highly respected for his role in obtaining educational legislation during the Johnson years.⁴⁰

³⁸See Chapter VI, p. 212.

³⁹Ibid., p. 215.

⁴⁰See the testimonies of Joseph Califano, Douglass Cater, and Anthony Celebrezze in Oral Histories File, Johnson Papers, Johnson Library.

President Johnson praised Keppel's work when he appointed him to a new post as Assistant Secretary of the Department of Health, Education, and Welfare in September, 1965:

My appointment of Dr. Keppel recognizes his outstanding performance over the past three years in helping meet the greatest education tasks of the Nation.⁴¹

His appointment to a new position did not mean that Keppel's duties in regard to education legislation had ended, as the President noted:

His promotion to a new position of Assistant Secretary will enable him better to serve the needs of the Department and to stimulate education activities that do not lie strictly within the jurisdiction of the Office of Education.⁴²

Keppel's work in regard to the educational efforts of the federal government continued at his new post. In 1966 he headed a committee that studied the educational efforts of forty-three federal agencies. He also chaired a group that proposed the education amendments of 1966 and decidedly influenced the educational legislation of 1967, especially in the area of spreading research grants to the nation's institutions of higher education.

In essence Keppel's role was viewed both by himself and his colleagues as one of representing an effort by the federal government to successfully establish the concept of creative federalism. Keppel saw the federal government as being a junior partner to the state and

⁴¹ Johnson, "Statement of the President on Appointing Dr. Francis Keppel as Assistant Secretary, Department of Health, Education, and Welfare," September 4, 1965, Public Papers, 1965, p. 971.

⁴² Ibid.

local efforts in education,⁴³ and his colleagues saw Keppel as the leader in that effort, as best reflected here by Columbia University Professor of Education, Lawrence A. Cremin, talking about Keppel in 1965: "He is a political animal in the Aristotelian sense--a man who understands power and wants to use it for decent purposes."⁴⁴

Harold Howe, II. In a sense the appointment of Harold Howe, II to replace Keppel as Commissioner of Education by President Johnson was similar to his appointment of John Gardner to the Department of Health, Education, and Welfare. In Howe, Johnson felt that he had found an individual who was deeply committed to assuring every individual an equal opportunity for education. Just as Gardner had represented Johnson's visionary image of the goals of the Great Society, Howe represented the President's efforts to break the racial barrier in education. Howe's views in regard to educational change were expressed as early as 1960, when writing in the Saturday Review he warned that serious inadequacies existed in the public schools, and that such inadequacies "gave rise to the prediction that, unless radical changes occur, our boys and girls will receive poorer education in 1970 than they do today."⁴⁵

Howe's educational background prior to becoming Commissioner included three years as principal of Newton High School in Massachusetts

⁴³Francis Keppel Folder, Oral Histories File, Johnson Papers, Johnson Library, p. 16.

⁴⁴Quoted in Time (October 15, 1965), p. 61.

⁴⁵Harold Howe, II, "Needed: A Radical Change," Saturday Review, XLVII (September 17, 1960), p. 73.

(1957-60), superintendent of schools in Searsdale, New York (1960-64), and director of the Learning Institute of North Carolina (1964-65), a statewide research agency that was seeking new methods of improving the educational surroundings of the disadvantaged.⁴⁶

Once he arrived in Washington, it did not take Howe long to become embroiled in the politics of implementing the massive new federal aid programs authorized under the 1965 Elementary and Secondary Education Act and subsequent amendments to that Act. The massive infusion of federal money that was going into the public schools at the time of Howe's appointment was by itself a revolution in the structure and economics of education. Add to this the Civil Rights Act and the Office of Education's responsibility under this program, as well as the programs authorized under legislation initiating the War on Poverty, and the result was a tremendous involvement on the part of the Commissioner in almost every phase of education in American society. As a result of this increased activity, especially in the area of integration, the new Commissioner soon became unpopular, especially in the South.⁴⁷

Because of his actions, as well as the actions of the Office of Education, in setting up guidelines to determine the distribution of federal funds under the provisions of the Civil Rights Act, Howe was the object of several attacks on the part of the public and Congress.⁴⁸

⁴⁶For further background information on Howe, see "Education in America," Saturday Review (January 15, 1966), pp. 57-58.

⁴⁷See Chapter VI, p. 217.

⁴⁸Ibid., pp. 232-233.

He inherited the unpleasant duty of enforcing the rule prohibiting racial discrimination in the public schools. It is a tribute to both Howe and President Johnson that despite the constant criticism, the Commissioner remained in office throughout the Johnson Years. Howe, like Gardner, was committed to educational change, and he certainly did not retreat on the integration issue as reflected in his speech at Hampton Institute mentioned later in this work.⁴⁹ Howe saw in the 1965 Act a catalyst for change, and he certainly intended to spur the change on as far as possible.⁵⁰

Under the leadership of Howe, the Office of Education grew into one of the most active agencies of the federal government. Although he was in some cases a liability to President Johnson politically because of his views on integration, he represented the President's deep commitment to equality for the black man. Unlike Keppel, who was a smooth political compromiser, Howe irritated a number of colleagues as well as Congressmen in his steadfast insistence upon breaking down the barriers of racial isolation.

It was also Howe who was responsible for directing the process of evaluation of the 1965 Elementary and Secondary Education Act. A mammoth project, the implementation and evaluation of the program was a tribute to any man who could supervise such a project.⁵¹

⁴⁹See Chapter VI, p. 233.

⁵⁰Harold Howe, II Folder, Oral Histories File, Johnson Papers, Johnson Library, p. 10.

⁵¹See Chapter VI, pp. 210-211.

Although not as popular as Keppel, nor as respected as Gardner, the role Harold Howe, II played in the Johnson educational program is not to be minimized. It was Howe, more than any other person who was responsible for carrying out the revolution begun in 1965. And, as is true of most revolutionary programs, once the novelty wears off, the battle to resist change resumes.

The White House Staff

The President's Cabinet is a normal structure of government which each President has utilized in varying degrees. Outside of this formal structure is another core group of people who are vitally important to any President's program, as witnessed by Pierre Salinger, a former staff aide to President Kennedy:

The Presidency is indeed the 'center of power.' Everything that stems from the office is molded in the image and desire of the President. But collectively outside the President, the 'center of power' is his staff.⁵²

The importance of this inner circle of advisors cannot be minimized: "Members of the President's staff are extensions of the President's eyes, ears, and will; they are his political antennae, legmen, and ghost writers; they are conservators of his time and energy; they help him determine and articulate policy."⁵³

Forty-one men and two women served as special assistants, or aides, to President Johnson from the time he assumed office in 1963

⁵²Quoted in Roberts, p. 13.

⁵³Ibid., pp. 32-33.

until the expiration of his term in 1969.⁵⁴

These men and women were key figures in the White House office, performing the many detailed duties required of them. Their role has been best summarized by Johnson's former Press Secretary, Bill Moyers:

Our job, after all, is to help gather facts and information for the President--to help him find and draw from Pierian springs, not to muddy those waters. We serve as a channel of communication with him, a channel that ought to be free of extraneous pressures and conflicts.⁵⁵

President Johnson inherited a staff that had been assembled by President Kennedy, and one of his first acts was to invite the Kennedy staff to stay with him. At first many of these staff members stayed on, but gradually they began to drift away. Theodore C. Sorenson was the first of the Kennedy aides to leave, resigning his post in January, 1964. By 1968 only one member of the Kennedy staff, Mike N. Manatos, administrative assistant, remained as a Presidential advisor.⁵⁶

As in the case of the President's Cabinet members, there were many key figures who advised the President. However, only those people who were directly responsible for working in the area of education will be discussed at this point. For example, Presidential aides Bill Moyers and Richard Goodwin were used by the President in many areas, including education, but their primary responsibility was not education legislation. The exceptions to this are that Lawrence O'Brien, legislative liaison, and Jack Valenti, Special Assistant, will be included because

⁵⁴For a capsule summary of The President's advisors, see Appendix I., pp. 324-325.

⁵⁵Quoted in Roberts, p. 51.

⁵⁶Manatos' job was keeping tabs on the itinerary of all fifty Senators, which proved very helpful to President Johnson if he wanted to contact a key senator in a hurry.

they were especially important to the passage of the 1965 education bill.

The primary responsibility for education legislation during the Johnson Years fell to two people in particular, Douglass Cater and Joseph Califano. To illustrate, when questioned later about the President's staff in relation to education, Francis Keppel named these two immediately:

Question: He had a good staff?

Keppel: Yes.

Question: You could work with them?

Keppel: Yes. Califano, Doug Cater. They were an able bunch.⁵⁷

The basis upon which O'Brien, Valenti, Cater, and Califano were chosen to be discussed in this unit was the fact that as a result of surveying the names of the people most often found in connection with federal aid in the communications between President Johnson and his staff in the Johnson Papers, at least one of these four was almost always involved when educational matters were brought up.

Lawrence O'Brien and Jack Valenti. These two individuals are discussed together because their roles in education legislation primarily revolved around the passage of the 1965 Elementary and Secondary Education Act, whereas Califano and Cater remained on the President's staff throughout Johnson's term of office.

Lawrence O'Brien came to the White House in 1961, as President Kennedy's Chief Assistant for Congressional Relations. He had served as President Kennedy's national organization director for the

⁵⁷ Francis Keppel Folder, Oral Histories File, Johnson Papers, Johnson Library, p. 26.

Democratic nomination in 1960 and soon became the key legislative architect of the New Frontier. He remained in the White House at President Johnson's request to direct the legislative program for Johnson. O'Brien, once called the "Knut Rockne of Congressional Relations," was one of the first Kennedy staffers that Johnson asked to stay on, and he was instrumental in marshalling support for Johnson's legislative program in 1965.⁵⁸ To illustrate how well O'Brien was respected in his job, Business Week in April, 1965, ran a story on O'Brien and called him "the 11th Cabinet member."⁵⁹ It can also be noted that O'Brien and his legislative liaison team kept tabs on almost every member of the Eighty-Ninth Congress as witnessed by the detailed account of Congresswoman Edith Green's activities in relation to the education bill.⁶⁰ O'Brien's job was to know at all times how each member of Congress stood on almost every piece of pending legislation, and this he did to perfection, especially on the Elementary and Secondary Education Act. Following the passage of most of President Johnson's legislative program in 1965, O'Brien was appointed, as a reward for his efforts, to Postmaster General. As he announced the appointment, President Johnson praised O'Brien for the excellent job he had done: "I know of no single individual who has contributed more to the enactment of legislation that touches the

⁵⁸Roberts, p. 122.

⁵⁹"They Twist Arms Without Hurting," Business Week (April 24, 1965), p. 84.

⁶⁰See O'Brien Memorandum in Appendix E, pp. 310-311.

lives of more Americans than Larry O'Brien."⁶¹

Jack Valenti was probably the closest to Johnson of all of the Johnson aides during his tenure as Presidential assistant. President Johnson reportedly stated in 1965 that Valenti was "the only man who sees every paper that crosses my desk."⁶²

Valenti, a native Texan, first met Lyndon Johnson while writing a weekly column for The Houston Post in 1956. Impressed by the then Senator, Valenti wrote in his next column, "If Henry Clay was justly called the Great Compromiser and Oliver Wendell Holmes the Great Dissenter, then Lyndon Johnson is the Great Persuader."⁶³

Obviously, the column pleased Johnson. Valenti met Johnson again when he worked in his campaign for the Democratic nomination for President in 1960, and in 1962 Valenti married Mary Margaret Wiley, Johnson's secretary of eight years. The then Vice-President gave the bride away at a big June wedding in Houston in 1962.

Valenti's role in the 1965 passage of the Elementary and Secondary Education Act was three-fold. First, he served as Johnson's liaison man to the Vatican's Apostolic Delegate to the United States, Archbishop Egidio Vagnozzi.⁶⁴ In this role, Valenti successfully persuaded the Catholic leader to support the 1965 education proposal. Second, he was also Johnson's liaison man with Senate Minority Leader Everett

⁶¹ Johnson, "The President's News Conference at the LBJ Ranch," August 29, 1965, Public Papers, 1965, p. 948.

⁶² Roberts, p. 83.

⁶³ Quoted in Ibid., p. 85.

⁶⁴ See Chapter V, pp. 168-169.

Dirksen, who became very important to Johnson's education proposals in 1966 when Senator Morse refused to cooperate with the President.⁶⁵

Third, Valenti served as a sort of contact man for the President in charge of keeping the President abreast of the work of all the other staff members such as Cater, O'Brien, Keppel and Califano.

Valenti's role in the Johnson Administration has been summarized by one observer: "Jack epitomizes the old saying that if you want something done give it to a busy man."⁶⁶ In 1966, after serving the President faithfully for three years, Valenti resigned his position to become the president of the Motion Picture Association of America.⁶⁷

Douglass Cater. A native of Alabama, Douglass Cater graduated from Harvard with a masters degree in Public Administration. Similar to Jack Valenti, he first met Lyndon Johnson in 1952 when he wrote several stories for the magazine, The Reporter, about the then Texas Senator.⁶⁸ Shortly after Johnson's heart attack in 1955, Cater visited the Senator at the LBJ Ranch. "There has been speculation," Cater recalls, "that Johnson was becoming a regional figure, the new leader of the nation's conservative forces."⁶⁹ After visiting with Johnson, Cater reported that Johnson's "interests were still national interests," a report that

⁶⁵ See Chapter VI, p. 226.

⁶⁶ Quoted in Roberts, p. 87.

⁶⁷ "Revolving Door at 1600," Newsweek, LXVII (May 9, 1966), pp. 26-27.

⁶⁸ For example, see "Lyndon Johnson, Rising Democratic Star," The Reporter, VII (January 20, 1953), pp. 34-37.

⁶⁹ Douglass Cater, "The Trouble in Lyndon Johnson's Back Yard," The Reporter, XIII (December 1, 1955), p. 31.

pleased Johnson.⁷⁰ As a result in 1959, when Cater was appointed to a one-year visiting professorship in public affairs at Princeton, Lyndon Johnson rose on the floor of the Senate to congratulate him.⁷¹

Then in 1964 Cater published a book called Power in Washington.⁷² Reportedly, while leafing through the book, President Johnson remarked to an aide, "He's pretty rough on Kennedy," and then a few pages later stated: "And he's pretty rough on me, too."⁷³ At any rate Cater and Johnson were well acquainted when he was appointed Special Assistant to the President in May of 1964. His duties were to think ahead about health, education, and welfare problems and be a part-time speech writer. It was Cater who wrote the President's campaign speech which he delivered at the Coliseum in Denver in the fall of 1964 which was devoted entirely to education matters.⁷⁴ In addition, Cater worked with Francis Keppel in meetings with the National Catholic Welfare Conference in late 1964.⁷⁵ Cater, along with Richard Goodwin, was also responsible for writing the President's 1965 State of the Union Message and the Special Message on Education.

Following the passage of the 1965 school aid bill, Cater was assigned a new task--that of exploring the possibility of stamping

⁷⁰Douglass Cater, "The Trouble in Lyndon Johnson's Back Yard," The Reporter, XIII (December 1, 1955), p. 31.

⁷¹Congressional Record (April 16, 1959), p. A6884.

⁷²Douglass Cater, Power in Washington (New York, 1964).

⁷³Quoted in Roberts, p. 105.

⁷⁴Douglass Cater Folder, Oral Histories File, Johnson Papers, Johnson Library. Also note Denver Speech, Chapter IV, p. 147.

⁷⁵See Chapter V, pp. 164-165.

out poverty on a global basis. The results of Cater's efforts in this area show up in President Johnson's international education proposals of 1966.⁷⁶

Just as Keppel was the most influential of the men in the formal structure of the executive branch in the formation of the 1965 education proposals, Douglass Cater was the most important of the Johnson aides outside the formal structure in connection with education issues. Not only was Cater influential in 1965, but he remained prominent throughout the Johnson Administration, as evidenced in a description of his duties in 1968 by one authority:

Cater's assignment has evolved informally since he joined the staff just prior to the 1964 campaign, initially involving speech--writing and editing functions, but soon including responsibility for acting as the "eyes and ears" for the President in education and health matters--with other specialized interests such as international education, public television, and student affairs. Generally acknowledged as the White House liaison with HEW, he is especially charged with trying to keep the President's program from bogging down at key points where congressional or bureaucratic resistance threatens.⁷⁷

It was quite evident in the communications found in the Johnson Papers between Cater and other White House officials, that Cater and his staff were constantly in communication with Health, Education, and Welfare officials, other White House aides, and representatives from the National Education Association and the American Federation of Teachers throughout the Johnson period. President Johnson

⁷⁶ Johnson, "Special Message to the Congress Proposing International Education and Health," February 2, 1966, Public Papers, 1966, p. 128.

⁷⁷ Thomas E. Cronin, "The Presidency and Education," in Thomas E. Cronin and Sanford D. Greenberg, The Presidential Advisory System (New York, 1969), p. 227.

recognized Cater's abilities in this area and called him a man who had the ability to "scholarly analyze the issues."⁷⁸ He might have added a note to that and included his ability to reach compromises between opposing ideas, an asset similar to that exhibited by Keppel.

Joseph Califano. Joseph Califano, a graduate of Holy Cross College and Harvard Law School, joined the White House staff in July, 1965. The appointment of Califano was unusual in that he was already employed by the executive branch as a special assistant to the Secretary of Defense when President Johnson tapped him to be a part of the President's staff. His duties as a White House aide included coordination of policies on domestic issues with department heads, direction of staff work on Presidential messages, and management of the President's legislative program.

When Bill Moyers, President Johnson's ace troubleshooter, resigned in early 1966,⁷⁹ Califano gradually replaced Moyers as the top-notch expert on all around domestic affairs. His increasing prestige within the Johnson Administration is illustrated by the fact that at a Cabinet meeting in 1966, while discussing the make-up of the new Department of Transportation, President Johnson stated: "When Joe speaks, that's my voice you hear."⁸⁰ One of the reasons for Califano's popularity with the President was the fact that he applied the systems-analysis approach to domestic affairs similar to McNamera's national

⁷⁸ Quoted in "Inside the White House," Newsweek (March 1, 1965), p. 29.

⁷⁹ Moyers became publisher of Newsday, a Long Island newspaper.

⁸⁰ Quoted in Patrick Anderson, "Joseph Califano: Deputy President for Domestic Affairs," New York Times Magazine (March 3, 1968), p. 34.

defense program. However, other than with President Johnson, Califano was not very popular. One of the reasons for his unpopularity was the fact that he often times appeared to be the hatchet man for the President on domestic affairs, as one veteran news reporter wrote in 1968: "Part of Califano's job is to knock heads together, and this wins him no friends among those whose heads are knocked."⁸¹

Actually, one might compare Califano and Moyers to the two United States Commissioners of Education, Francis Keppel and Harold Howe, II. Keppel and Moyers were in on the creative part of Johnson's Great Society (1964-66), while Califano and Howe inherited the jobs of implementation (1966-68). And as a result neither Howe nor Califano were very popular except with the President who backed them both.

Regardless of his popularity, Califano was a problem solver and a great asset to the Johnson program, as one aide so aptly put it, "You can't imagine how many hang-ups are straightened out at that big table in Joe's office."⁸²

Congress

During the first session of the Eighty-Ninth Congress, President Johnson went further than any other recent President in cultivating a harmonious relationship with Congress. Both personally and through the White House legislative liaison staff he had kept in close touch

⁸¹Quoted in Patrick Anderson, "Joseph Califano: Deputy President for Domestic Affairs," New York Times Magazine (March 3, 1968), p. 114.

⁸²Ibid., p. 34.

with Democratic members. But by 1966, the President's relationship with Congress had begun to decline. Newspapers of September 23, 1966, noted on that date Johnson's occupancy of the White House equaled that of President Kennedy--1,037 days and looked ahead to what they called the "second thousand days."⁸³ However, the future did not look as rosy for President Johnson as had been his first thousand days. Protests against the war in Vietnam were being conducted on college campuses throughout the country, and almost daily the President's credibility was being questioned. The best reflection of the attitude of the country in 1966 was summed up by Senate Republican Leader Everett M. Dirksen on October 14, 1966: "Today, what appeared to be a golden glow only two years ago has been broken by rolls of thunder. . . . and uncertainty, queasy doubts, bewilderments, have spread across the country."⁸⁴

In 1967 Congress began to debate more heatedly the budget submitted by the President, mainly over the stepped up war effort and on expansion of the Great Society domestic programs. Despite the fact that in 1966 President Johnson maintained that the country could afford both, Congress in 1967 and 1968 threatened to cut into the funding of new social legislation as war costs rose.⁸⁵

The President nevertheless persuaded Congress to pass consumer-oriented legislation, including a strong meat-inspection bill, in 1967.

⁸³Quoted in Congress and the Nation, p. 626.

⁸⁴Congressional Record (October 14, 1966), p. 26748.

⁸⁵See the Vietnam issue, Chapter VI, p. 223.

The Senate in 1967, and the House in 1968, passed a comprehensive truth-in-lending bill requiring creditors to disclose the true cost of borrowing. A civil rights open-housing bill, proposed by the President in 1966 and 1967, became law in 1968. The President also managed to increase funding for the nation's educational system. Reflecting upon the growth of federal activity in social legislation, the President struck back at his critics in 1968:

In health, education, welfare and security, President Eisenhower was spending \$19-billion. President Kennedy moved that up to \$24-billion. The budget this year has \$48-billion, and some people think that we are neglecting the home front while we defend freedom.⁸⁶

However, without some form of Congressional help, it would not have been possible for President Johnson to have accomplished as much as he did in the area of common school legislation. This help came in the form of cooperation, especially in 1965, from the key committee chairmen in both chambers of the legislature. In the House it was chairman of the Committee on Education and Labor, Adam Clayton Powell, and his subcommittee chairman, Representative Carl Perkins (Democrat, Kentucky), who were the most prominent figures in connection with federal aid during the Johnson Years. In the Senate, the federal aid advocates were led by Senator Wayne Morse. The importance of these three individuals to federal aid is well documented by Johnson's former staff members. For example, asked later who he thought were the most important people in Congress in connection with the 1965 Elementary and Secondary Education Act, Douglass Cater replied:

⁸⁶ Max Frankel, "On the Trail: Johnson Has Answers," The New York Times Magazine (March 3, 1968), p. 45.

. . . In the House there was Chairman Powell--Adam Clayton Powell. The subcommittee chairman was Perkins of Kentucky--Carl Perkins. He was quite a force for good in getting the bill passed.

. . . In the Senate I worked closely with Wayne Morse, who was the sub-committee chairman for education.⁸⁷

Commissioner Howe also felt that the top three were Perkins, Powell and Morse.⁸⁸ Francis Keppel was especially complimentary to Senator Morse:

. . . The tactic on the Elementary and Secondary Education Bill was a tactic that really was an unusual one politically, which was to get one bill as drafted, up there and get it through the House and past the Senate without a change of a single word, so that you wouldn't have the problem of the conference committee, because we'd been burned on conference committees before. Now, that required obviously the whole-hearted collaboration of Wayne Morse. And this may be an important part of history because of Morse's relations with the President on the Vietnam thing. But Wayne Morse was magnificent in this⁸⁹

Hence it can be seen that the importance of these individuals to the President's program is not to be minimized. Each played his part with the skill that only he could provide, and together they made up the supportive cast that is so necessary to the success of a good drama.

In a way the relationship between President Johnson and the three committeemen is reflective of the problems, as well as the successes, that education legislation experienced under the Johnson Administration.

⁸⁷Douglass Cater Folder, Oral Histories File, Johnson Papers, Johnson Library, pp. 13-14.

⁸⁸Harold Howe, II Folder, Ibid., p. 13.

⁸⁹Francis Keppel Folder, Ibid., p. 9.

By examining their roles briefly, one can get a glimpse of the quagmire that federal aid to education became embroiled in during Johnson's term of office, as well as the initiative the President took to promote federal aid for the common schools.

Wayne Morse

First elected to the Senate in 1944, the former dean of the University of Oregon Law School soon made a name for himself in Congress. A Republican until his switch to the Democratic party in 1955, Senator Morse was a constant critic of America's foreign policy throughout the 1950's and early 1960's.⁹⁰ When the United States began to increase its commitment of arms and troops to Vietnam in 1965, the Senator's attacks on Presidential foreign policy became even sharper. As one writer described him in the 1960's, he was: "the Senate's Lecturer in Residence on the Higher Disciplines of Good Government and World Peace, and commands more pages in the Congressional Record than any other member of Congress."⁹¹

But despite his constant criticism of American foreign policy, the Senator was well known for his promotion of efforts to aid the common schools. This unique combination of attitudes is best illustrated by one writer who described Senator Morse's relationship with President Johnson:

⁹⁰For Senator Morse's background, see A. Robert Smith, The Tiger in The Senate (New York, 1962).

⁹¹A. Robert Smith, "Senator Morse's Advice and Consent," The New York Times Magazine (April 17, 1966), p. 128.

The verbal cat-o-nine-tails he uses almost daily on the Chief Executive concerning foreign policy is laid aside occasionally just long enough for him to steer a major Great Society bill through the Senate--with astonishing tact, adroitness, and appeals to sweet reason and unity. ⁹²

In the Senate the escalation of the war in Vietnam caused serious dissention between the President and key Senatorial leaders. By 1966, in addition to Morse, Senator J. W. Fullbright (Democrat, Arkansas), chairman of the Senate Foreign Relations Committee, and Senator Mike Mansfield (Democrat, Montana), the Majority Leader, had begun to criticize the Administration's war policies. Such dissension made passage of educational legislation even more difficult for President Johnson. The effect of the embroiling of the Vietnam issue into the educational arena is exemplified by two events in 1966. First, Senator Morse displayed hostility to President Johnson's education budget in 1966, and as a result the Republican Minority Leader, Senator Dirksen, became the chief spokesman for the Administration's position on education. ⁹³ Second, despite the fact that in the 1966 hearings John Gardner publicly paid tribute to Senator Morse's role in the passage of the 1965 Elementary and Secondary Education Act, ⁹⁴ the gulf between Senator Morse and President Johnson grew wider. The quarrel culminated in the fall of 1966 involving the Oregon Senatorial race. The other

⁹²A. Robert Smith, "Senator Morse's Advice and Consent," The New York Times Magazine (April 17, 1966), p. 129.

⁹³See Chapter VI, pp. 226-227.

⁹⁴U. S. Congress, Senate, Sub-committee on Education, Committee on Labor and Public Welfare, Hearings on Elementary and Secondary Education Amendments of 1966 Part I (89th Cong. 2nd Sess., 1966) (Washington, 1966), p. 344.

Senate seat from Oregon, formerly occupied by Maurine Neuberger, was open. Democratic Congressman Robert A. Duncan sought the vacant seat with President Johnson's backing. Senator Morse, on the other hand, endorsed Republican candidate Mark Hatfield, the former Governor of Oregon.⁹⁵ Hatfield won the Senate seat, and as a result the relationship between Senator Morse and President Johnson continued to be strained.

Despite their differences of opinion over foreign policies and the Oregon Senatorial race, it is somewhat of a tribute to both men that the promotion of education was vital to both their interests. It would be pure speculation to hypothesize about accomplishments that might have occurred if other ingredients had not been injected into the educational arena, but at least one is sure that such an occurrence would have enhanced educational legislation during the Johnson period. But one should not dwell long on things that might have been. The differences of opinion between Johnson and Morse did not totally prevent them from agreeing on educational issues, as exemplified by Senator Morse in 1968 in response to President Johnson's education proposals:

There is nothing more basic to the welfare of the American people than insuring the quality of education. This is the task of the Ninetieth Congress. President Johnson has told us how to achieve this purpose--and we now must act quickly to pass this vital legislation.⁹⁶

In a sense, the difficulties experienced between President Johnson

⁹⁵Smith, The New York Times Magazine, p. 128.

⁹⁶Congressional Record (February 5, 1968), p. 2064.

and Senator Morse are also a reflection of the difficulties experienced by the entire nation over an unwanted war in Southeast Asia, and to detract from either man's accomplishments in the educational field because of it would be a difficult, if not an unwarranted, task.

In the fall of 1968, Senator Morse lost his bid for re-election to a fifth term in the Senate, and as a result, proponents of federal aid lost an old friend.

Adam Clayton Powell

The entanglements of federal aid to education and Vietnam did at times spark heated debates during the Johnson Period. But one of the stormiest episodes of modern Congressional history was the precedent-shattering case of Representative Adam C. Powell.

Powell was first elected to the House of Representatives from New York in 1944, and from then on was regularly elected by large majorities. In 1961 he became chairman of the Education and Labor Committee, the second Negro chairman in Congress. His position as a powerful Negro in politics and his flamboyant style attracted considerable publicity for the Harlem Democrat.

During the 1960's the controversial Powell came under fire on a variety of counts, ranging from a libel action against him in New York State, to charges of misusing government funds. However, his downfall began in 1966 as a result of a revolt by his Education and Labor Committee.

As chairman of the Education and Labor Committee, Powell angered a number of Congressmen by delaying action on bills in return for

House action on other measures.⁹⁷ As a result, and following a preliminary investigation by a House subcommittee, Powell was stripped of his chairmanship of the Education and Labor Committee and temporarily denied a seat. In March of 1967 the Ninetieth Congress continued the battle when they excluded Powell. He was then re-elected at a subsequent special election but did not present himself for swearing in.

Re-elected to the Ninety-First Congress in 1968, Powell was seated in January, 1969, but he had lost his seniority.⁹⁸ Although the Powell issue was an internal problem over parliamentary procedure, it had repercussions for education, as well as other social issues.

For example, the Johnson forces filled Powell's position as chairman of the Education and Labor Committee with Congressman Carl Perkins, a staunch supporter of federal aid, but the rules adopted while Powell was chairman handicapped the new chairman.⁹⁹ Also, the Powell issue was in a sense, like the Vietnam problem, a reflection of Johnson's problems with civil rights and education in general. Powell was long known for his stringent anti-discrimination riders which he often placed on liberal-backed bills and often spoke out against segregation.¹⁰⁰ President Johnson, a strong advocate of civil rights legislation, supported the efforts of his staff in promoting desegregation in the schools, and as a result, education and civil rights

⁹⁷See O'Brien Memorandum, Appendix E

⁹⁸The Supreme Court declared in 1969 that Congress had acted illegally in unseating Powell. For more details on this issue, see "Powell Decision," Newsweek, LXXIII (June 30, 1969), pp. 45-46.

⁹⁹See Chapter VI, p. 244.

¹⁰⁰See Powell Amendment, Chapter IV, Footnote 59.

became intermixed, and the explosive debates over Adam Clayton Powell spilled into the education arena.

Despite the fact that on some occasions Powell did more harm than good, his efforts to insure an equal educational opportunity for all will be long remembered.¹⁰¹ The magazine The U. S. News and World Report paid one of the highest tributes, although unintentional, that could be awarded to Powell in 1967 when it labelled him as simply "a friend of education."¹⁰²

Carl Perkins

Elected to Congress in 1948, and subsequently every election thereafter, Carl Perkins was totally different than Powell or Morse in his attitude toward education, as well as politics. Whereas Morse and Powell were at times mavericks of the party system and somewhat uncontrollable, Perkins was always a "team player."¹⁰³ Assuming the post of sub-committee chairman of the Education and Labor Committee in 1963, he quietly supported and worked throughout the post-war era for federal aid to education. And it was Perkins who served as floor leader in the House for Johnson's education proposals.

Whereas Johnson experienced continuous difficulties with Powell and Morse, Perkins was a constant supporter of the President and his policies. It was, according to testimony from Johnson's former staff

¹⁰¹ Powell died following abdominal surgery, April 4, 1972.

¹⁰² U. S. News and World Report (January 23, 1967), p. 14.

¹⁰³ Ibid.

members, Perkins more so than Powell, who led in the 1965 education debates.¹⁰⁴ And, despite the fact that his powers as chairman of the Education and Labor Committee were somewhat limited after 1966, Perkins continued to push for education legislation throughout Johnson's term of office. Perkins' attitude is best reflected in his response to President Johnson's Education Message of 1968:

We in the Congress who have supported the President on historic acts such as elementary and secondary education, the higher education facilities, economic opportunity, and many others, now will stand with him as he proposes the fulfillment of America's pledge to give its children the best in education.

I am proud to be a leader in this effort. I am proud to serve a President who does not believe in looking back, but always forward.¹⁰⁵

The last line of that statement is, in a sense, the true Carl Perkins, a quiet but steadfast Congressman, always looking forward with optimism.

In summary, the emergence of the Elementary and Secondary Education Act as well as subsequent educational policy during the Johnson Years was in part a result of a great deal of teamwork. Aside from President Johnson who, as President, was in a way responsible for initiating the educational program, there was no master draftsman--not Keppel, not Gardner, not Morse, not Powell. The real draftsman was the bargaining process between the President and his political surroundings, informed and influenced at intervals by the skills of a few participants sensitive to the emerging designs of a new era.

¹⁰⁴ See, for example, Cater's testimony on Perkins.

¹⁰⁵ Congressional Record (February 5, 1968), p. 2004.

CHAPTER IV

THE GROWING NEED FOR AID

Introduction

Although federal aid to education is not new from a common school financial point of view, it is rather new as a major topic of interest on the part of educational historians. Prior to the Second World War the financing of education was considered a local matter and did not attract nationwide attention as a domestic issue. Therefore, there were very few works of consequence regarding federal aid to education. But in a short period of twenty years (1945-1965), the financing of education became not only a nationwide concern, but also a top item in Congressional debates as well as a major issue in Presidential campaigns.

Consequently, federal aid to education has become a lively topic for educational historical research and discussion. This chapter will examine briefly some of the reasons for the sudden concern over the financing of education and also look at some of the factors which caused a rising demand for some type of financial assistance to the common schools by the federal government.

In addition, despite over one hundred years of failure in enacting a federal aid bill for the common school, Congress, in 1965, enacted what has been called "the first program of general aid for elementary

and secondary education in America's history."¹ In view of the history of the failures of such proposals in the past, it should be more enlightening to examine some of the larger national issues which led to consistent defeats of education bills in order to show how the Elementary and Secondary Education Act was a departure in national educational policy.

And too, no piece of legislation is passed through Congress without some sort of framework for the bill constructed beforehand. In the case of the 1965 education bill, it would be impossible to tell how many influences entered into its formation. However, some major determinants, or background events, can be related to the bill which might throw some light on the task of understanding the process of Presidential influence upon Congressional action.

New Educational Demands

The time period between 1961 and 1965 was the era in which federal aid to education received as much, or more, attention than any other domestic issue. Those hectic four years of renewed concern over federal aid to education was partially brought about by an increased demand by the nation's hard pressed schools for financial assistance. The post-war years had produced a number of events which brought about a gradual realization that the public schools were in dire need of financial aid from the federal government in order to provide an adequate education for the nation's school children.

¹ Phillip Meranto, The Politics of Federal Aid to Education in 1965 (Syracuse, 1967), p. 3.

Numbers and Technology

One of the biggest strains placed upon the local schools was the sheer pressure of numbers. The increase in enrollments in the public schools was brought about by two major factors; that of an increasing number of children, and an increased attendance rate of school age children.

One of the more sobering reasons for the increased numbers enrolling in the public schools was the rapid growth of the total population in the United States following World War II. Medical science, aided by new methods and improved instruments for diagnosis and treatment, was responsible for reducing the death rate, especially among children, and to prolong life. Other developments in the United States also contributed to the rapid population growth. Prosperity enabled young people to marry earlier and to raise larger families. A postwar babyboom also contributed to the swelling numbers. This upward surge of population in the United States promised not only pressure for immediate finances for the public schools, but an ever increasing need for future resources to meet continued growth in public school attendance.

For example, on the secondary level in 1949-50, there were some 6.4 million students, but by 1965 this number had almost doubled. In the elementary schools the enrollments during the decade following World War II did double.² This expansion is compared with total public

²U. S. Department of Health, Education, and Welfare, Progress of Public Education in the United States of America, 1963-64 (Washington, 1964), p. 10; U. S. Department of HEW, Projections of Educational Statistics to 1975-76 (Washington, 1964), p. 5. Also quoted in Stephen K. Bailey and Edith K. Mosher, ESEA: The Office of Education Administers a Law (Syracuse, 1968), p. 4.

school enrollment statistics which show that enrollment actually declined between 1930 and 1950 from 25.6 million to 25.1 million. Total school enrollment, on the other hand, by the school year 1959-60 jumped to 36.1 million, an increase of about 43 per cent in ten years.³ The greatest increases came between 1951 and 1965 when the growth rate averaged over one million per year.⁴

Parallel with the rapid rise in total population, was an increased retention rate of school age children in the public schools. For every 100 persons aged 17 in 1945, 47.9 graduated from high school. In following years this rate increased to 59.0 in 1949, 65.1 in 1959, and 78.4 in 1968. Also, in the decade from 1954-55 to 1964-65, the number of students graduating from high school jumped from over 1.3 million to almost 2.6 million.⁵

In addition, education was expanding at the other end of the scale. Kindergartens were available to 74.4 per cent of the population in 1950, and to over 80 per cent in the 1960's.⁶ In an automated and computerized world it was becoming apparent to many that education was assuming a major role in enabling youngsters to participate in that world.

³U. S. Department of Health, Education, and Welfare, Office of Education, Digest of Educational Statistics, 1965 (Washington, 1965), p. 10; also quoted in Meranto, p. 14.

⁴Peter D. Veillette, "State and Local Efforts to Finance Schools since 1945," Current History, LXII (June, 1972), p. 294.

⁵U. S. Department of Health, Education, and Welfare, Office of Education, Digest of Educational Statistics, 1970 (Washington, 1970), p. 49.

⁶Ibid.

The effect that the pressure of numbers was having on the public schools is best reflected in testimony given by Abraham Ribicoff, Secretary of Health, Education, and Welfare, before the Senate Subcommittee on the School Assistance Act of 1961:

It is evident that we do not have enough classrooms to meet our needs. We should not allow a condition to continue in which several million pupils are studying under overcrowded conditions, in half-day or curtailed sessions, or in substandard, obsolete, or dilapidated classrooms.

The problem of meeting the need for instructional space is complicated and made more difficult by the fact that the bulge of school age population has now begun to be felt to the fullest extent in the secondary schools, thus increasing the cost of instructional facilities.⁷

The need for school buildings, as testified by Ribicoff's statement, is made more evident by a survey conducted in the spring of 1962 by the Office of Civil Defense, the U. S. Office of Education, the Bureau of the Census, and state departments of education. Covering ninety-six per cent of the elementary and secondary schools of the nation, this survey revealed a need for over one-third of a million new classrooms to replace those which were not fireproof, were temporary, or built before 1920.⁸

In addition to the pressure of numbers on the public schools, there was an increased concern voiced over the adequacy of the American educational system to meet a challenging technological world.

⁷U. S. Congress, Senate, Subcommittee on Education, Committee on Labor and Public Welfare, Hearings on the Public School Assistance Act of 1961 (87th Cong., 1st. Sess., Part I, March, 1961) (Washington, 1961), p. 95.

⁸Sidney W. Tiedt, The Role of the Federal Government in Education (New York, 1966), p. 35.

As a result of highly organized scientific activities following World War II, new knowledge began to accumulate so rapidly that educators began to speak of the "knowledge explosion." The amount of information becoming available to the human race was staggering to even the boldest imaginations. In addition, the launching of the Soviet sputnik in 1957 instigated a drive to advance even more rapidly in science and technology.

As the educational system tried to adapt to the pressure of technology, writers and educators began questioning the value of the methods utilized in educating the youth for a new age.⁹ In brief, the writers were asking questions such as "what kind of education should the schools provide to equip the students for life in a rapidly changing world?" "How could the schools best prepare young people to grasp the opportunities and to meet the challenges of the modern world?"

Peter T. Schoemann, vice-president and chairman of the Education Committee of AFL-CIO, indicated the magnitude of the challenges of the modern world and their influence on the public schools, in his testimony before the Subcommittee on Education in 1961:

We are seriously concerned today with the status and the immediate future of public education in the United States. The challenge confronting the public schools is different and critical. Education must prepare us to solve the problems of a new age. Americans of the 1940's and 1950's helped to fight the greatest of wars, establish the United Nations, provide unprecedented aid to

⁹See John Hersey, The Child Buyer (New York, 1960); David Riesman, Constraint and Variety in American Education (New York, 1958); James B. Conant, The American High School Today (New York, 1959); Slums and Suburbs (New York, 1961).

less fortunate peoples and fight the Communist world tyranny. These were monumental jobs. Compared to the jobs facing Americans of the 1960's and 1970's, however, these past accomplishments shrink in proportion

. . . The critical vehicle for advancing our way of life and rolling back the menaces of totalitarianism, ignorance, and hunger is our education system.¹⁰

At the same time, other writers played with the concept that education was an important economic investment.¹¹ The evidence was overwhelming that poorly educated, poorly trained men and women had little hope of earning an adequate living in an increasingly complex society.

As a result of these new pressures on the public schools, demands for vast increases in federal money became more insistent. It was obvious that the educational crisis confronting the United States could not be solved without additional money.

Poverty, Urbanization and Civil Rights

The enrollment explosion and technological change of the post-war years with their resultant fiscal strain on the public schools were several of the major factors that proponents of federal aid to education were using to plea for more money for the schools. Equally important as catalysts for promoting federal aid were three other larger social issues which were becoming visible on the American scene: the increasing recognition that large segments of the American

¹⁰U. S. Senate Hearings, p. 390.

¹¹See Theodore W. Schultz, The Economic Value of Education (New York, 1963).

population were in poverty, the emergence of the United States as an urban society, and the civil rights movement.¹² All three issues became so inter-related that action in one area affected the condition of the others.

Following World War II most Americans were convinced that the United States had conquered the problem of poverty. It was easy to convince oneself that the elimination of poverty had occurred. The United States was the richest nation in the world, and general prosperity reigned supreme. Encouraged by mass purchasing power, the American consumer believed that, except for a few isolated cases, poverty had been forever removed from America. "Such was the prevailing American faith throughout the 1950's. It was encouraged by many spokesmen for the Eisenhower Administration and by the mass media (press, radio, TV)"¹³

However, by the early 1960's, the existence of poverty among a large number of Americans was becoming apparent. Two books were especially effective in focusing the attention of the nation upon poverty or, as one writer called it, "the rediscovery of poverty."¹⁴ The first book was John Kenneth Galbraith's The Affluent Society (1957) which, although the major portion of the work was devoted to elaborating upon American prosperity in general, did contain a

¹²For a more complete coverage of these three areas see Meranto, pp. 16-33.

¹³Kenneth S. Davis, ed., The Paradox of Poverty in America, The Reference Shelf, Volume 41, No. 2 (New York, 1969), p. 4.

¹⁴Meranto, p. 16.

section on the new poor in the age of affluence.¹⁵ The other work was Michael Harrington's The Other America (1962) which argued that Galbraith, although recognizing that poverty existed, had grossly underestimated the extent to which it existed in the United States. Harrington's point was that poverty was largely invisible in the United States, and thus people tended to underestimate its severity. He argued that during the Depression of the 1930's, it was easy to find the poor. They could be seen everywhere. But during the late 1950's and early 1960's they were becoming more diversified and out of the social mainstream and thus harder to see.¹⁶

Both books stimulated much activity among economists and sociologists. And both books, Harrington's especially, affected national policy as regards the poor. John F. Kennedy as a presidential candidate had been shocked by what he had seen and heard when campaigning in the crucial Democratic primary in West Virginia in the spring of 1960. John F. Kennedy as President was therefore peculiarly vulnerable to the message of The Other America when he read it in 1962.¹⁷

With the realization that poverty existed in larger numbers than most Americans had imagined came the question of the relationship of education to the nation's economic well-being. People wanted to know what the schools were doing, or not doing, to meet the needs of the poverty student.¹⁸ The result was an increased emphasis upon using

¹⁵ John Kenneth Galbraith, The Affluent Society (New York, 1958).

¹⁶ Michael Harrington, The Other America: Poverty in the United States (Baltimore, 1962).

¹⁷ Davis, pp. 5-6.

¹⁸ See Frank Riessman, The Culturally Deprived Child (New York 1962); and C. W. Hunnicutt, ed., Urban Education and Cultural Deprivation (Syracuse, 1964).

education as the vehicle with which the poverty student could break out of the poverty cycle. The educational implications of poverty were the subject of several studies which attempted to bring out the relationship of a low educational achievement to a low income.¹⁹ As a result of all of the concern over the new poverty areas, more pressure was placed upon the public schools, and therefore more pressure was developed for federal aid to alleviate the financial shortages.

Closely tied with the existence of large "pockets" of poverty in the United States was the establishment of another social pattern, that of the urbanization of America and its resultant effect upon large city schools.

For example, from 1950 to 1970, the number of persons living in urban areas increased from 64.0 per cent to 73.5 per cent of the total population. Even more significant for the public schools was the rapid growth of suburban areas around central cities. The percentage of persons living in those areas rose from 13.8 per cent in 1950 to 21.2 per cent in 1960.²⁰ One veteran school administrator describes the effect the process of decentralization had upon the city school system:

The new automated industry or business which had moved to the suburb leaves behind in the city many citizens least able to move with the business or to be retrained for new jobs. It removes from the city as residents increased numbers of those whose leadership in business, industry, and the professions has been important to the economic and cultural life of the city The economic problem

¹⁹See Patricia Sexton, Education and Income: Inequalities in our Public Schools (New York, 1962).

²⁰U. S. Department of Commerce, Bureau of the Census, Statistical Abstract of The United States, 1971 (Washington, 1971), p. 16.

of the city schools is thus one of decreasing supporting base, greater difficulty in mobilizing support from units of large taxpaying ability that are controlled by absentee landlords, an increasing proportion of the voters who are retired home owners who resent increased property tax²¹

As a result the city schools spent less money per student than the surrounding suburban areas. This trend was exemplified by a recent study of twelve metropolitan areas by the Civil Rights Commission, which found that in ten of the twelve areas, central cities spent more per pupil than did the suburbs in 1950. However, by 1964, in seven of the areas, the average suburb spent more dollars per pupil.²²

. . . These basic population trends take on even greater significance for the education function when they are examined in relationship to such factors as race, income, and educational attainment The population shift is not only a matter of number of people, it also involves a sorting out process. In general, it is the poor, less-educated, non-white Americans who tend to remain in the central city and the higher-income, better-educated whites who tend to move out²³

The publication of Harrington's volume, The Other America, was an important catalyst in creating renewed interest in eliminating American poverty. James B. Conant's work Slums and Suburbs (1961) performed a similar function for the big city school systems. Conant stated:

²¹Taken from an address delivered by S. M. Brownell, superintendent of public schools, Detroit, Michigan, and former United States Commissioner of Education, at a symposium on urban problems at John Carroll University, Cleveland, Ohio, January 27, 1965. Vital Speeches of the Day (April 1, 1965), p. 382.

²²Report of the National Advisory Commission on Civil Disorders (New York, 1968), p. 435, quoted in Veillette, p. 294.

²³Meranto, p. 22.

. . . The building up of a mass of unemployed and frustrated Negro youth in congested areas of a city is a social phenomenon that may be compared to the piling up of inflammable material in an empty building in a city block. Potentialities for trouble--indeed possibilities of disaster--are surely there.²⁴

The forces that plagued the cities, and the consequent pressure on the city school systems, is best summed up in 1966 by Detroit's Mayor Jerome P. Cavanagh, president of the National League of Cities:

We have four great revolutions going on today--that of urbanization, the population explosion, the startling revolution of science and technology, and the civil rights revolution. The impact of any one of these by itself would be awesome, but we have the impact of all four in the cities of America.²⁵

The only way out of the financial problems of the big cities and their school problems seemed to be massive infusion of federal aid.

Directly related to the plight of the large cities and doing a great deal to attract attention to the educational system was the civil rights movement. As in the case of poverty and city schools, the question was raised concerning the extent to which the schools were perpetuating, instead of reducing, the problem of providing equal opportunities for the underprivileged.

Black Americans by the end of World War II had made--although still drastically limited--progress toward fuller political and social rights. During the postwar years the movement to end discrimination began to accelerate. Under President Truman's administration segregation was ordered to end in the armed forces and in the government.

²⁴Conant, p. 24.

²⁵Business Week (April 23, 1966), p. 36.

Under President Eisenhower, progress in civil rights continued. On May 17, 1954, the United States Supreme Court in the case of Brown vs. Board of Education of Topeka overturned the Plessy vs. Ferguson case of 1896 by ruling that segregation by race in the public schools was unconstitutional. This historic decision set up a series of events of closing dual schools, busing students, and integrating large city systems:

In terms of dynamics of national educational policy, Brown vs. Board of Education had a number of other consequences. Perhaps the most impressive of these was that it made visible the condition of Negro education in America and thereby highlighted the social and economic costs and consequences of prejudice, cultural deprivation, and poverty.²⁶

Encouraged by the Supreme Court ruling, civil rights supporters redoubled their efforts to break down discrimination:

The rallying cry of the early 1960's was that integration would provide quality education for all pupils in the city. The effects of segregation were so debilitating to Negro children that civil rights forces reasoned integration was the only way to grasp equal opportunity--as well as to open the multiracial world to whites.²⁷

Thus, the demand was placed upon Congress for legislation in the area of the public schools to prevent discrimination. This demand was culminated later in the Civil Rights Act of 1964. But the immediate effect was, of course, to place more pressure on Congress to do something in the area of federal aid to education.

²⁶ Bailey and Mosher, pp. 7-8.

²⁷ "The School Crisis: Any Way Out?", Newsweek, LXX (September 25, 1967), p. 71.

Inadequate Resources

The series of new demands on education just summarized fell on the educational system terribly short of resources:

The effects of World War II upon the American school system were manifold, but one of its most profound effects was to defer capital outlays for schools. This deferment came on top of ten years of depression during which time capital outlay for public elementary and secondary schools had dropped from \$370 million in 1929-30 to only \$258 million in 1939-40. By the late 1940's, America's school plant was by and large old, dilapidated, and overcrowded.²⁸

The public schools were in dire need of a massive number of construction projects to update school facilities. But this need came at a time when the United States was being hit with postwar inflation. "Between 1946 and 1953 the value of the dollar--including the tax dollar--was cut by 40 per cent."²⁹ Efforts by State and local school districts to close the gap caused by inflation were unsuccessful, even though well intended: "Revenue receipts of State and local governments for education jumped from just over \$2 billion in 1939-40 to over \$5 billion in 1949-50, to \$7.5 billion in 1953-54, and to \$11.7 billion in 1957-58."³⁰

The fiscal pinch for funds was felt not only on the local level, but all along the scale to the federal level:

. . . the demands for new buildings, equipment, staff, and services continued to outrun revenues. As local school districts and their property-tax payers came to feel the

²⁸ Bailey and Mosher, p. 11.

²⁹ Ibid.

³⁰ U. S. Department of Health, Education, and Welfare, Statistics of State School Systems, 1963-64 (Washington, 1964), p. 21.

fiscal pinch, both local and professional educational interests pressured State governments to increase both general and categorical aid to education. But States were also suffering from fiscal rigidities and inadequacies and were forced increasingly to turn toward the federal government.³¹

As a result, in 1960, the pressure of fiscal need for federal money to aid the common school was to assume national attention with the election of John F. Kennedy to the Presidency. His election and subsequent introduction of a general aid bill to Congress began a four-year struggle which resulted in the Johnson Administration's triumph of the Elementary and Secondary Education Act of 1965.

National Issues Affecting Education

In 1961, largely in response to increased pressures for federal aid from school officials and to fulfill his campaign promises, President Kennedy introduced a proposal to Congress which called for general federal aid to education. The three key provisions of the plan were: (1) to grant states 2.3 billion dollars over a three-year period for aid to public schools; (2) to grant states some 577 million dollars over a five-year period to be used for granting college scholarships on the basis of ability and need; and (3) to expand the federal loan program for college dormitories to 250 million dollars a year, and to set up a new 1.5 billion dollar program for a five-year period for loans for new college buildings.³²

³¹Bailey and Mosher, p. 11.

³²John F. Kennedy, "Special Message to the Congress on Education," Public Papers of the Presidents of the United States, Containing the Public Messages, Speeches, and Statements of the President, 1961 (Washington, 1962), pp. 107-111.

In May of 1961 the Senate approved the President's request by a vote of 49-34. But trouble developed in the House of Representatives where a similar proposal was under consideration. The House proposal was a three-part bill consisting of: (1) 2.4 billion dollars for public schools; (2) 300 million dollars for college scholarships; and (3) a 325 million dollar extension of the National Defense Education Act. The House bill became bottlenecked in the powerful Rules Committee and was tabled by a vote of 8-7.³³ "When an attempt was made in August to present a compromise bill (H.R. 8890), the House refused to consider the bill (termed 'hastily conceived' and 'woefully inadequate') by a floor vote of 242 to 170."³⁴ The President's school aid plan went down to defeat.³⁵

From the beginning Congress put major emphases upon the money earmarked for the public schools, and surrounding the public school aid proposal was a whole host of larger national issues affecting the federal aid question. If the issue of federal aid to education could have been isolated from other important national issues, it probably would have been settled. But federal aid to education has become the battleground for testing many other questions regarding government, law, economics, and philosophical values. And, more often than not, debates over these other questions resulted in forcing the federal aid

³³Ronald Steel, ed., Federal Aid to Education (New York, 1961) p. 41.

³⁴Tiedt, p. 146.

³⁵For a complete account of the 1961 federal aid fight see Hugh Douglass Price, "Race, Religion, and the Rules Committee," in Allen F. Westin, ed., The Uses of Power (New York, 1962); and Robert Bendiner, Obstacle Course on Capitol Hill (New York, 1964).

to education proposals in the middle, and the consequence being a quick death for federal aid bills. And this was essentially what happened in 1961.

It is the purpose of this section to analyze briefly some of the major issues involved in the 1961 debate and to cover some of the reasons for the defeat of the President's proposal. The larger national issues involved are old questions which have appeared throughout American history whenever federal aid to education has been brought before Congress. Therefore, the issues are too lengthy to be given full coverage here. To illustrate, from 1948 to 1961

the Senate has formally debated federal aid bills five times. During that period the relevant House and Senate committees have conducted hearings whose published record, by conservative estimates, runs to over 10,000 pages and includes more than six million words of testimony.³⁶

Thus, only the major highlights which affect the 1961 debate will be subjected to analysis at this time.

Religion

The Senate and House hearings on the legislation proposed by President Kennedy in 1961 reveal that the major issue involved was the conflict over aid to private and parochial schools.³⁷ Proponents of aid to private and parochial schools wanted both types to share in any

³⁶ Frank J. Munger and Richard F. Fenno, Jr., National Politics and Federal Aid to Education (Syracuse, 1962), p. 2.

³⁷ Senate, Hearings, Parts I and II: U. S. Congress, House, Subcommittee on Education, Committee on Education and Labor, Hearings on Federal Aid to Schools (87th Cong., 1st Sess., H. R. 4790 and H. R. 19180, March, 1961) (Washington, 1961).

federal program, while opponents wanted federal aid limited to public schools. However, beneath their arguments lay the broader issue of the question of the separation of church and state.

The relationship of the public schools to religion, and to the separation of church and state, is regulated by the First Amendment to the Constitution which states in part: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Also, in Supreme Court cases involving this Amendment and the public schools,³⁸ the Court had declared that the Federal and State governments could not levy any tax, large or small, to support religious activities. Nor could they use for religious instruction property provided from tax funds; or provide for an established church.³⁹ But these cases did not resolve the argument over the separation of church and state and the public schools. No one argued with the Supreme Court that separation of church and state was essential, but the issue that caused debate was the meaning of the word "separation." The crux of the problem centered on the question of when a parochial school taught subjects common to a high school curriculum, was it performing the role of a religious institution, or a school?

To illustrate the effectiveness of this issue in blocking school aid, following the Second World War:

³⁸Illinois ex reI McCollum vs. Board of Education, 333 U. S. 0203 (1948); Everson vs. Board of Education, 330 U. S. 1 (1947).

³⁹Edgar L. Morphet, Roe L. Johns and Theodore Reller, Educational Organization and Administration (New Jersey, 1967); p. 215.

Major proposals for substantial federal aid to public schools were seriously advanced by Senator Robert A. Taft (in 1947 and 1948), strongly backed by President Truman (in 1948 and 1949), and requested--somewhat reluctantly by President Eisenhower (in 1955, 56, and 1957).⁴⁰

All of these programs went down to defeat due in large part to the unsettled religious issue. And with the election of John F. Kennedy in 1960, the religious question was raised again.

During the presidential campaign, Kennedy, a Catholic, had endorsed federal aid to education. He also left no doubt concerning his opinion on aid to the parochial schools: "I believe in an America where the separation of church and state is absolute--where no church school is granted any public funds or political preferences."⁴¹

Following his election, Kennedy established several advisory task forces to study problems confronting the nation, and included in these areas was one on education. The Task Force Report on Education, made public on January 6, 1961, recommended a program of over three billion dollars for education, none of which would be available to the parochial schools.⁴² The report drew an immediate response from Cardinal Spellman

⁴⁰Price, p. 3.

⁴¹New York Times (September 13, 1960), p. 22.

⁴²For a summary of the Task Force Report see U. S. News and World Report (January 23, 1961), p. 59. The report recommended three major legislative proposals regarding education. They were (1) federal support for the public schools of over 1.5 billion dollars per year; (2) federal support for colleges and universities of amounts close to one billion dollars; and (3) federal support to strengthen the National Defense Education Act of 1958. The report's proposals are similar in nature to those that are eventually debated in Congress and proposed by the President, except that the task force recommendations called for larger amounts.

(who earlier had led a fight to defeat a similar proposal made by President Truman):

I believe and I state that these recommendations are unfair to most parents of the nation's 6,800,000 parochial and private school children. Such legislation would discriminate against a multitude of America's children because their parents choose to exercise their constitutional right to educate them in accordance with their religious beliefs.

I cannot believe that Congress would enact a program of financial assistance to secondary education unless all children were granted equal educational privileges, regardless of the school they attend⁴³

On February 20, 1961, despite knowledge of Catholic opposition,⁴⁴ President Kennedy sent his proposal to Congress in a special message on education. On the issue of federal aid to the parochial schools, he stated:

In accordance with the clear prohibition of the Constitution, no elementary or secondary school funds are allocated for constructing church schools or paying church school teachers' salaries, and thus non-public school children are rightfully not counted in determining the⁴⁵ funds each State will receive for its public schools.

⁴³Quoted in Price, pp. 22-23.

⁴⁴Within the United States, "parochial schools" refers in popular usage almost exclusively to the Catholic parochial system. It is a unique characteristic of the American school system. In Europe, and in a number of other countries of the Western World, substantial numbers of Protestant religious schools exist, and the Protestant churches have not relinquished to the State their claims to control the educational system. In the nineteenth century this was also true in the United States when school systems were maintained at one time or another by Quakers, Presbyterians, Lutherans, and Episcopalians. But these systems failed to keep pace with increases in population and most were abandoned. The causes of this development are discussed in Francis X. Curran, The Churches and the Schools: American Protestantism and Popular Elementary Education (Chicago, 1954).

⁴⁵Kennedy, Public Papers, 1961, p. 109.

Reaction from Catholic leaders was immediate and forceful. On March 1, 1961 Archbishop Karl J. Atter, chairman of the Administrative Board of the National Catholic Welfare Conference stated in part: "In the event that a federal aid program is enacted which excludes children in private schools, these children will be victims of discriminatory legislation. There will be no alternative but to oppose such discrimination."⁴⁶ Other Roman Catholic individuals and groups echoed this criticism of the bill. The National Council of Catholic Men passed a resolution which said that exclusion of parochial school children from the aid bill placed "a price on the exercise of religious freedom."⁴⁷

On the other hand, most Protestant and Jewish groups adamantly opposed the principle of federal aid to nonpublic schools. Gerald Knoff, representing the National Council of the Churches of Christ, echoed an opinion prevalent among Protestants when he appeared before a Congressional committee to state in part that: "We do not ask for public funds for elementary or secondary education under church control," and "to encourage such a general development would be tragic in its results to the American people."⁴⁸

For several weeks the question of federal aid to parochial schools was so heated that it almost superseded the problem of whether there would be aid for any schools: "Matters culminated on July 18. On that

⁴⁶New York Times (March 3, 1961), p. 18.

⁴⁷Ibid.

⁴⁸House, Hearings, p. 1025.

day the public school and NDEA bills were awaiting rules, as was the President's aid to higher education bill."⁴⁹ The powerful Rules Committee⁵⁰ voted to table all three education bills by an eight to seven margin. A motion to reconsider the decision received the same fate, thus killing education legislation for 1961.⁵¹

Thus, it can be seen that the religious issue was a major factor in the debates over the 1961 federal aid proposal. In fact, Newsweek assessed the Catholic effort against the bill as being the strongest since church groups had pushed through the Eighteenth Amendment in 1919.⁵² At any rate the 1961 debates "pointed out the absolute necessity of resolving the church-state issue if the proponents of federal aid for education were to realize their objective."⁵³

Race Relations

Ever since the Civil War and subsequent efforts to expand public schooling for Negroes which resulted from this conflict, the effect of federal aid to education upon relations between the races has been a major ingredient in congressional debates:

⁴⁹Meranto, pp. 65-66.

⁵⁰In the House of Representatives once a bill has been granted a committee hearing it must also obtain a rule from the Committee on Rules which determines consideration of the bill on the House floor and establishes the condition of debate. Since World War II, the Rules Committee has been a very powerful body, especially in regard to federal aid to education.

⁵¹Meranto, p. 66.

⁵²Newsweek (August 21, 1961), pp. 58-59.

⁵³Meranto, p. 66

One major change has occurred in the terms of the debate, however. In the 1870's and 1880's the Republican party posed as the champion of the Negro. Today the Negro speaks for himself and through his own organizations.⁵⁴

Since the founding of the National Association for the Advancement of Colored People (NAACP), the Negro has had a major organization which had not only provided leadership on the federal aid question, but one which has consistently supported federal aid which has purported to equalize educational opportunity. This is reflected as early as 1909 at the "First National Conference on the Negro Question," a conference which led to the founding of the NAACP, in an opening address by William E. Walling, which reads in part: "That there be equal educational opportunities for all and in all states, and that public school expenditures be the same for the Negro and the white child."⁵⁵

One of the major problems faced by Negro leaders in regard to education has been whether or not to support federal aid which has no provision concerning racial segregation. As one writer has put it, the conflict arises "when the goal of federal aid to common school education comes into conflict with the goal of equal expenditures for white and Negro education, which should be given priority?"⁵⁶ Since the historic 1954 Brown Supreme Court decision which prohibited racial discrimination in the public schools, the NAACP, and most Negro spokesmen, have taken a position of preferring no federal aid bill at all to

⁵⁴Munger and Fenno, p. 65.

⁵⁵Ibid., p. 66.

⁵⁶Ibid.

bill without any provision concerning racial discrimination.⁵⁷

The NAACP has not been the only organization which has supported racial desegregation provisions in federal aid bills. For example, in 1955, the American Jewish Congress and the Congress of Industrial Organizations (CIO) supported the NAACP in its stand against the use of federal funds for segregated facilities.⁵⁸

In addition to the opposition of the NAACP, federal aid proposals in the postwar years faced another imposing obstacle in the form of an amendment which had been often introduced, or threatened to be introduced, by Representative Adam Clayton Powell (Democrat, New York) calling for desegregation of schools in connection with the use of federal funds for aiding the common schools. The so-called Powell Amendment⁵⁹ kept the racial issue connected with federal aid to education throughout the 1950's and early 1960's.

As a result, the racial issue was still very much alive in 1961, as indicated by a representative of the NAACP testifying before the House Subcommittee on Education in 1961:

We shall never cease to resist the dishonest and undemocratic idea that the taxpayers of all the States should be called upon to build segregated schools in a few States; nor shall we be silent when such proposals are made.⁶⁰

⁵⁷Munger and Fenno, p. 69.

⁵⁸Ibid., p. 71.

⁵⁹The Powell Amendment stipulated that funds for any federal aid program could not be used by states engaging in racially discriminatory practices in the administration and application of such a program. The amendment was offered recurrently to social legislation during the postwar years. Many times it was supported by those who opposed the original legislation as a method of killing the particular program in question.

⁶⁰House, Hearings, p. 666.

However, much to the dismay of the NAACP, other supporters of federal aid have been more willing to concede the point in their enthusiasm to obtain Southern support for federal aid bills: "Although condemning segregation in schools, many of the groups (such as the NEA and the AFL-CIO) have opposed, at one time or another, an anti-segregation amendment to pending bills."⁶¹

In 1961, despite the fact that Representative Powell withheld the introduction of the Powell Amendment, there were four amendments that dealt with segregation introduced into Congress in connection with the federal aid proposal. All four were voted down, but the damage inflicted by the racial issue was substantial. The racial problem prevented any type of united front of organized groups from operating effectively. Although opinion differs as to whether it was the racial issue, the religious issue, or some other problem that did the most to block federal aid to education in 1961, it is obvious that dissension resulting from the racial problem prevented total cohesion among the proponents of federal aid.

States' Rights and Fear of Federal Control

One of the earliest issues causing the formation of political parties in the United States arose over differences of opinion concerning the comparative roles of the Federal and State governments.⁶² It seems that it was inevitable that federal aid to education would become involved in this larger issue.

⁶¹Meranto, p. 33.

⁶²Johns and Morphet, p. 409.

The controversy arose over the Tenth Amendment to the Constitution which reads in part: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people" Since the Constitution does not contain any specific reference to education, it would under this Amendment, be the legal responsibility of the States. This provision is usually cited by those favoring a local system of education. The major spokesman for this school of thought during the Kennedy years was Senator Barry Goldwater (Republican, Arizona). In a speech before Congress in 1961, he pointed out: "There can be no question but that federal intervention in our school system through aid programs is unconstitutional," and that "No constitutional amendment to extend federal powers or responsibilities into education has ever been considered" ⁶³

Also, one of the largest interest groups which opposed the Kennedy bill in 1961, the Chamber of Commerce, testified against federal aid on the basis of its unconstitutionality. Dr. K. Brantely Watson, who testifying on behalf of the Chamber of Commerce before the Subcommittee on Education, Committee on Labor and Public Welfare in 1961, stated in part that: ". . . public education is and should continue to be a State and local responsibility. It is our belief that the intrusion of federal support and consequent control into the discharge of this responsibility is unwarranted." ⁶⁴

⁶³ Barry Goldwater, "Historic and Current Federal Role in Education," Congressional Record (September 23, 1961), p. 21010.

⁶⁴ Senate, Hearings, p. 338.

On the other hand, those who have favored federal aid to education have used Article I, Section VIII of the Constitution as a basis for justifying action on the part of the federal government. This section reads in part: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general welfare of the United States" Commonly called the "General Welfare Clause," it has been used for a number of activities by the federal government to justify action on constitutional grounds. Basing their arguments on the theory of general welfare, proponents of federal aid have argued that education is connected with the general welfare of the United States as a whole, and thus it is a legal and humanitarian area in which the federal government should be involved. This particular view is best illustrated by the late Senator Robert H. Taft (Republican, Ohio) in a speech during the Senate debate on federal aid in 1946 when he said:

Education is primarily a state function--but in the field of education, as in the fields of health, relief, and medical care, the federal government has a secondary obligation to see that there is a basic floor under those essential services for all adults and children in the United States.⁶⁵

There is little doubt that the unsettled controversy over states' rights cost some votes for the proponents of federal aid in the 1961 battle, especially when such an issue becomes mixed up in a number of other related questions. For example, the possibility of federal control also worked against the measure. Many local officials feared

⁶⁵Quoted in Eugene Eidenberg and Roy D. Morey, An Act of Congress (New York, 1969), p. 13.

centralized direction of the nation's schools.⁶⁶ They felt that:

Control inevitably goes with the purse strings. With the advent of general aid to education must certainly come federal control. When the last strong bastion of states' rights, the school, falls to federal control, individual rights will soon diminish. Aid to education is simply the opening wedge for an all encompassing move on the part of the federal government to enslave the American people and to seize control in all areas of endeavor.⁶⁷

These individuals were given strong support by a publicized letter from former President Dwight D. Eisenhower to Representative Charles A. Halleck of Indiana.⁶⁸ In the letter the President expressed fear of federal control and indicated that he felt that federal aid, if passed, would become permanent.

Such pressures were partially counteracted by the educational journals which asserted that fear of federal control had to be overcome, and that it was an irrational fear.⁶⁹ Examples were cited regarding the history of federal aid to prove that federal control was, in cases where it did occur, beneficial. But the opponents were not convinced by this argument as witnessed by a spokesman for the Chamber of Commerce at the 1961 hearings: "While the present Congress may deny most

⁶⁶For an example of their position see Anthony Marinaccio, Superintendent of Schools, Davenport, Iowa, "We reject Federal Aid," Nations Business (September, 1961), pp. 34-35.

⁶⁷Tiedt, pp. 73-74.

⁶⁸"Eisenhower Hits School Aid Plan," The New York Times (June 28, 1961), p. 18.

⁶⁹For examples of their positions see William G. Carr, "Federal Support: A Clinical Survey," NEA Journal, L (January, 1961), pp. 19-21; George Hecht, "Federal Aid for School Construction is Now a Must," Parents Magazine, XXXVI (February, 1961), p. 37; and "Masters of our Schools," editorial, New Republic, CXLIV (January 9, 1961), pp. 3-4.

sincerely any intention of Federal 'takeover' in education, subsequent Congresses will find that both more Federal money and more Federal direction are necessary"70

Therefore this issue, similar to those already discussed, caused dissension among the ranks, and was damaging to hopes of federal aid in 1961.

Interest Groups

One of the characteristics of the movement for federal support of education in the post-war years has been the variety of interest groups and coalitions for and against federal aid proposals that have been presented to Congress.⁷¹ The presentation of clear-cut interest group alignments on the issue of federal aid is further complicated by the fact that the specific features of a bill, especially in regard to segregation and parochial schools, have often resulted in mixed groupings. However, despite the fact that variations exist, it is possible to identify some of the major groups that have been for or against federal aid with some consistency.

The major organizations that have supported federal aid for education are: National Education Association, AFL-CIO and its affiliates, American Federation of Teachers, National Association for the Advancement of Colored People (to nonsegregated schools), and the National Farmers Union.

⁷⁰Senate, Hearings, p. 340.

⁷¹For a more complete coverage of interest groups and federal aid see Meranto, pp. 52-84.

Those that have been opposed included United States Chamber of Commerce, National Association of Manufacturers, Investment Bankers Association of America, American Farm Bureau, American Legion, and the Daughters of the American Revolution.

The religious organizations that have supported federal aid without funds for parochial schools are: The American Jewish Congress, Baptist Joint Committee on Public Affairs, National Council of Churches, National Association of Evangelicals, National Lutheran Church, Protestants and Other Americans United for Separation of Church and State, and Unitarians for Social Justice.

Those groups which have supported federal aid only for both public and nonpublic schools are the National Catholic Welfare Conference, National Council of Catholic Men, National Council of Catholic Women, and Citizens for Educational Freedom.⁷²

By far the largest of the interest groups is the National Education Association. It represents well over a million members, throughout the United States and has a representative assembly of over six thousand delegates:

Ever since the end of World War I, NEA had pressed-- at least intermittently--for Federal aid to schools. In the post-World War II years, NEA's philosophy on Federal aid to education was marked by two attitudes; first, Federal aid should be general rather than categorical--leaving decisions on specific resource allocations to State and local educational agencies; second, no Federal aid should be given to parochial schools.⁷³

It is the latter stance which prevented the NEA from forming a

⁷²Meranto, pp. 54-55.

⁷³Bailey and Mosher, pp. 15-16.

unified front for federal aid in 1961. The position of supporting federal aid for public schools only alienated the major Catholic groups immediately. In addition, the NAACP, which supported federal aid for integrated schools, accused the NEA of being too lax on this particular issue. Thus, in view of the multiplicity of conflicts among the supporters of federal aid, it is not surprising that federal aid encountered difficulties in 1961.⁷⁴

Although the supporters of federal aid stressed such factors as the population explosion, fiscal strain, and classroom shortages of the public schools, their efforts were offset by the opposing organizations.

One of the best organized and most vocal opponents of federal aid legislation has been the United States Chamber of Commerce:

The Chamber is well financed, broadly based, and adept at exercising its constitutional right of petition. Its techniques of congressional influence range from direct lobbying and presenting testimony before congressional committee to organizing letter writing campaigns.⁷⁵

Another major group which has joined the Chamber in numerous federal aid fights has been the National Association of Manufacturers.⁷⁶ In 1961, they stated their reasons for opposing federal aid on several grounds:

⁷⁴For further elaboration on these conflicts see Munger and Fenno, pp. 66-75, and Meranto, pp. 52-85.

⁷⁵Eidenberg and Morey, p. 13.

⁷⁶For more representative statements, both pro and con, see U. S. Senate, Committee on Labor and Public Welfare, Proposed Federal Aid for Education: A Collection of Pro and Con Excerpts and a Bibliography (Washington, 1961).

The National Association of Manufacturers, throughout its organizational history, has supported the expansion of both public and private education. Why, then, are we opposed to federal aid?

Because, as a matter of governmental principle, education is not a federal function but a responsibility of state and local governments and voluntary bodies.

Because, as a matter of fiscal principle, state and local governments are in a better position to finance tax-supported education than is the federal government. Non-public education, which is a matter of choice, should be voluntarily supported.

Because, as a matter of political principle, intellectual and political freedom are best nurtured by the education system which is least subject to conformity

Because, as a matter of educational principle, federal aid is more likely to aggravate than to solve our educational problems.⁷⁷

The opposition of such major interest groups were substantial enough in 1961 to constitute another reason for the defeat of President Kennedy's proposal and to bring about a realization by proponents of federal aid that without a unified effort among the major interest groups, not much hope existed for federal aid.

In summary, then, as a result of the education issue in 1961 becoming involved in other problems, the passage of a federal aid measure was doomed to failure. Not only was the education proposal of 1961 doomed, but also observers predicted that passage of any type of legislative measure regarding the public schools in the near future was also unlikely. For example, Hugh Douglass Price, after an analysis of the 1961 confrontation, wrote:

⁷⁷Quoted in Tiedt, p. 85.

The bitterness of the 1961 legislative struggle and the difficulties of reaching a consensus on the status of nonpublic schools will not soon be forgotten. In private, many school-aid supporters admitted that federal aid of the sort proposed by President Kennedy was dead, not just for the 87th Congress, but probably for the decade of the 1960's.⁷⁸

Other writers shared this pessimistic view.⁷⁹ But in a period of four short years, federal aid to education did occur, and in massive proportions, in the form of the Elementary and Secondary Education Act of 1965.

Formation of the ESEA

The formation of the Elementary and Secondary Education Act was not an overnight occurrence. Although it would be virtually impossible to indicate all of the significant ingredients that helped in the formation of the Act between the years 1961 and 1965, it is significant to note that the experiences of the last two years of the Kennedy Administration were very important to the eventual passage of a federal aid bill. Out of the ashes of the 1961 defeat, President Kennedy tried in 1962, and again in 1963, to build a program of federal aid to the common schools. Even though he failed to do so, Kennedy's efforts to aid the schools provided valuable experiences for the Johnson Administration, the very least of which was a knowledge of techniques that would not work. And, too, the United States Commissioner of Education, Francis Keppel, and the Secretary of Health, Education, and Welfare, Anthony Celebrezze, were members of both President Kennedy and President

⁷⁸Price, p. 67.

⁷⁹See Munger and Fenno, p. 170, and Bendiner, p. 7.

Johnson's Administrations. The experiences of these two individuals, along with a number of others who served under both Presidents, were valuable assets to the Johnson Administration.

An example which shows that the Johnson Administration was well aware of the problems that President Kennedy experienced in 1961 is to be found in a White House memorandum to Douglass Cater, Special Assistant to the President, from a White House aide in 1964. The memo concerned an analysis of the book published by Robert Bendiner, Obstacle Course on Capitol Hill, which had analyzed the 1961 defeat:

To Douglass Cater from Bob Hunter:

I infer from Robert Bendiner's analysis the following propositions:

1. Priority: An education bill must be either top priority, or so close to top priority as to be 'must legislation;' beyond the first four bills, legislation is not a must.
2. Commitment: The President must be fully and completely behind the bills.
3. Attention: The attention of Congress must be focused upon the subject of education . . . this implies a galvanizing of very real constituent opinion
4. Civil Rights: Beware of the trap of permitting civil rights and education aid to become bound up with one another.
5. Parochial School Aid: The question of Constitutionality is not an open and shut one--it is to be played down, to be 'accomodated' out of the spotlight
6. Crucial Points: The Catholic issue is not crucial to the passage of aid to education legislation--control of the critical points in the House/Senate process are--principally the Rules Committee; the more the Catholic and other

peripheral issues are kept out of the controversy, the less the opponents of aid to education (for whatever reason) have to seize upon as their raison d'etre.⁸⁰

In addition to the last two years of the Kennedy Administration, the first two years of the Johnson Administration (1963-64) are also important years to be examined regarding the groundwork performed for the eventual passage of a federal aid bill. Those two years were used by President Johnson as a time of careful study and planning for a federal aid proposal which would be well defined and well executed through the numerous pitfalls which traditionally killed such proposals. As it will be seen, that time was not wasted.

1962 and 1963 Proposals

Following the defeat of his 1961 federal aid proposal, President Kennedy sent a similar proposal to Congress in 1962. On February 6, 1962, he sent a special message to Congress on education which essentially asked Congress to reconsider the program that he had offered the preceding year.⁸¹ And once again Catholic leaders indicated they would fight federal aid if their schools did not receive a share of the funds.⁸² Basically the opposition to federal aid in 1962 was the same as in 1961. As a result, neither President Kennedy, nor the Democratic leadership in Congress, pushed very hard for aid in 1962.

⁸⁰ White House Memorandum, Bob Hunter to Douglass Cater, December 24, 1964 (Ex/Le/Fa2) Papers of Lyndon Baines Johnson, Johnson Library.

⁸¹ Kennedy, "Special Message to the Congress on Education," February 6, 1962, Public Papers, pp. 110-117.

⁸² "School Aid: Catholic Views," Time, LXXIX (March 2, 1962), p. 58.

Chances are, with the memory of the 1961 defeat still fresh on the mind, that even if federal aid had been pressed in 1962, there would not have been much hope of passage of such a proposal.

A new technique was badly needed. Some approach had to be found to, either meet the individual arguments against federal aid, or get enough support behind aid legislation to pass it despite the opposition of individual interest groups. An indication of what was coming in regard to federal aid in 1963 was revealed late in 1962 by Anthony Celebrezze in a news conference. Celebrezze indicated that, even though at this point the Administration saw no constitutional way to provide aid to parochial schools and thus gain the support of the Catholics, the Administration was planning to make a real fight for aid to elementary and secondary schools in the next Congress.⁸³ Since the odds of passing the old program were close to nil, it was apparent that the administration had something new in mind.

This new approach was revealed in President Kennedy's special message to the Congress on January 29, 1963.⁸⁴ In this message President Kennedy proposed an omnibus bill with provisions to help educate all age groups. This approach was a throwback to the popular National Defense Education Act in that the President put all of his program regarding education into one bill. It was a sort of all-or-nothing approach.

⁸³"Celebrezze Ready to Battle for Aid to Public Schools," The New York Times (October 14, 1962), p. 119.

⁸⁴Kennedy, "Special Message to the Congress on Education," January 29, 1963, Public Papers, 1963, pp. 105-116.

Title IV of the omnibus bill contained a four-year program to provide 1.5 billion dollars for the elementary and secondary schools. It was essentially the same type of measure Kennedy had promised during his presidential campaign of 1960 and the Congress had defeated in 1961. The President apparently thought that by including this and other controversial proposals in an omnibus bill he could get enough support from the different areas of education to overcome pressure groups which opposed federal aid.

Reaction to the proposal was somewhat less than positive. For example, Time magazine, in its issue of February 8, 1964, called the move an attempt to get the education legislation passed at "one big gulp," and "The President's plan is apparently to try to get federal aid through Congress by wrapping it all up in a big package containing something for everyone. His omnibus bill has in it the kind of general aid to public schools that runs into constant trouble."⁸⁵ The magazine further predicted that "Congress inevitably will try to untie the big package and pass the selective-help items it likes."⁸⁶ Other editorials from the press were similar in their attack on the bill on political grounds:

If one were to criticize Mr. Kennedy's presentation to Congress it would be primarily on political, not educational grounds. Congress is today convinced that education bills haven't a chance. When the President submits a group of proposals most of which died in committee only last year, Congressional apathy inevitably grows even greater.⁸⁷

⁸⁵ "One Big Gulp," Time (February 8, 1963), p. 49.

⁸⁶ Ibid.

⁸⁷ Christopher Jencks, "Education Stalemate," The New Republic, CXLVIII (February 9, 1963), p. 6.

Reaction in Congress was also negative to the omnibus approach. Representative Adam Clayton Powell, chairman of the House Committee on Education and Labor, stated that he thought the omnibus approach was politically unrealistic.⁸⁸ The only hope for aid to the common schools, as Powell saw it, was to separate Title IV from the rest of the bill. Other members of the House agreed with Powell.⁸⁹

But Secretary of Health, Education, and Welfare, Anthony Celebrezze, testifying before the House, said that the Administration was not willing to change its proposal, and that it was up to Congress to accept all of it, or reject all of it.⁹⁰ Francis Keppel, U. S. Commissioner of Education, recalls the reaction of Congress to this approach:

So what we did was to put up what we called an omnibus bill in 1963 that had everything in it. The Congress roared with laughter and had a lovely time chasing it around, saying 'you don't really mean that there are no priorities-- between higher education in the schools and between books and whatever.'

And we solemnly got up there and said, 'yes, indeed we do, it's all in one piece, and we won't cut it up for a minute.'

At any rate, most of the arguments used against the federal

⁸⁸ U. S. Congress, House, Committee on Education and Labor, Hearings on the National Education Improvement Act (88th Cong., 1st Sess., 1963) (Washington, 1963), pp. 1-2.

⁸⁹ See *Ibid.*, pp. 86, 90, and 104 respectively.

⁹⁰ For Celebrezze's testimony, see *Ibid.*, pp. 61-85.

⁹¹ Francis Keppel Folder, Oral Histories File, Johnson Papers, Johnson Library (Interviewed by David G. McComb, April 21, 1969), p. 6.

aid proposal in 1961 were rehashed in 1963. As the session progressed, the omnibus proposal continued to lose ground. Congressional leaders agreed that prospects for some elements of the package bill were good, but that aid to elementary and secondary schools was unlikely.⁹² At this point the Administration had a choice of either keeping the bill in one package and risk losing it all, or consenting to breaking up the proposal into separate categories. In late May, Adam Clayton Powell announced what The New York Times called a "surprise" move on the part of the White House.⁹³ The Administration had finally given in to split the omnibus bill. Francis Keppel recalls this decision:

What happened, practically, was that with Wayne Morse's help it was kept as a single bill for quite awhile until finally it looked as if there was a chance in the summer of '63 to spring out a higher education version. And we sprung it out and got it passed, knowing we'd have to go back later on the elementary, secondary side.⁹⁴

But instead of President Kennedy, it was President Johnson who went back to aid the common schools. Kennedy's attempt to use the omnibus approach to aid the common schools had failed. Thus, Lyndon Johnson inherited the problem of federal aid to the common schools that was found to be unsolvable by President Kennedy.

Johnson Lays the Groundwork

President Johnson demonstrated during the early months of his Presidency that he was concerned about the elementary and secondary

⁹²The New York Times (May 3, 1963), p. 64.

⁹³Ibid., (May 23, 1963), pp. 1, 34.

⁹⁴Keppel, Johnson Papers, Johnson Library, p. 6.

schools. While signing the Higher Education Facilities Act in mid-December of 1963, he stressed that Congress should try for "early, positive action on the unfinished portion of the National Education Improvement Act, particularly those programs which will assist elementary and secondary schools."⁹⁵ And in late December he suggested in a news conference curtailment of some military expenditures as a possible source of funds with which to finance the education legislation.⁹⁶ And again, speaking in early 1964, he stressed the need for work on the common school problem:

Bills enacted last year for Federal assistance to higher education make important milestones in efforts to improve our educational system on a national scale. . . . but much remains to be done. Important elements of the education program prepared last year have not yet been enacted. In particular, attention must be turned to the basic foundation of our educational system--the elementary and secondary schools.⁹⁷

There is no indication given in either Lyndon Baines Johnson's book, The Vantage Point, nor in testimony given by Johnson's former staff members, that anyone knew at this point just what type of legislation regarding the common schools would be proposed.⁹⁸ This is also testified to by the fact that Johnson told reporters at the New York

⁹⁵Lyndon Baines Johnson, "Remarks Upon Signing the Higher Education Facilities Act," December 16, 1963, Public Papers of the Presidents of the United States, Containing the Public Passages, Speeches, and Statements of the President, 1963-64 (Washington, 1965), p. 58.

⁹⁶The New York Times (December 28, 1963), pp. 1, 22.

⁹⁷Johnson, "Annual Budget Message to Congress," January 21, 1964, Public Papers, 1963-64, pp. 189-190.

⁹⁸Lyndon Baines Johnson, The Vantage Point: Perspectives of the Presidency, 1963-1969 (New York, 1971). For testimony of the staff members, see Oral Histories File, Johnson Papers, Johnson Library.

World's Fair in early 1964 that he was not limiting his thinking to any one type of measure, but instead was exploring any avenue which appeared feasible.⁹⁹

The Task Forces

On May 22, 1964, at the University of Michigan, President Johnson called for help in his search for an avenue through which the common schools could be aided:

I intend to establish working groups to prepare a series of conferences and meetings--on the cities, on natural beauty, on the quality of education, and on other emerging challenges. From these studies we will begin to set our course toward the Great Society.¹⁰⁰

This is the first mention by the President of the eventual creation of the task forces. In addition to his remarks, the President told reporters afterwards: "I'm going to get the best minds in this country to work for me."¹⁰¹

There appears to have been no single point in time when the concept of forming task forces was born.¹⁰² But there were a number of

⁹⁹Johnson, "The President's News Conference at the New York World's Fair," May 9, 1964, Public Papers, 1963-64, p. 666.

¹⁰⁰Johnson, "Remarks at the University of Michigan," May 22, 1964, Ibid., 1963-64, p. 706.

¹⁰¹Quoted in William Leuchtenberg, "The Genesis of the Great Society," The Reporter, XXXIV (April 21, 1966), p. 36.

¹⁰²For an excellent coverage of the formation of the task forces, see Ibid. For those reports pertaining to Higher Education see Philip W. Semas, "Release of Lyndon Johnson's Higher Education Papers Brings Long-Secret Task Force Reports to Light," The Chronicle of Higher Education, VI (February 7, 1972), pp. 1-7. For the contents of all the reports, see Task Force Files, Johnson Papers, Johnson Library.

people on the President's staff who were familiar with the task forces set up by President Kennedy in 1960. These people included White House assistant Hayes Redmon, a former history instructor at the Air Force Academy; Press Secretary Bill Moyers; Walter Heller, chairman of the Council of Economic Advisors; Kermit Gordon, Director of the Bureau of the Budget; and Special Assistant to the President, Richard Goodwin. These staff members, although in general impressed with the work of the Kennedy task forces, had several criticisms to offer, such as: (1) the Kennedy study groups had been primarily composed of academicians, and their work had been too remote from the actual process of legislating; and (2) the Kennedy proposals had been published before the President had read them, and thus were exposed too soon. As Bill Moyers expressed it, "When an idea has surfaced too soon, before it has been examined from every vantage point, it can invite its assassin."¹⁰³

President Johnson, taking these criticisms seriously, instructed the task force groups to leave questions of feasibility to the President and the Cabinet, and to devote their efforts to generating ideas of real merit. Also, the members were instructed to keep the reports secret to avoid the pitfalls of the Kennedy task forces:

The task forces averaged about nine persons each, but they sometimes drew in temporary consultants as well, in all, more than 150 people were to become engaged in some aspect of the work. Task force members were told they would have to donate at least a full month. Each group had an executive secretary from the government (mainly the Bureau of the Budget) as a 'leg man'. . . . In addition, a member of the White House staff served with each task force.¹⁰⁴

¹⁰³Quoted in Leuchtenberg, p. 37.

¹⁰⁴Ibid., the leg man for the Task Force on Education was, in addition to Cannon, Francis Keppel from the White House.

The Task Force on Education was composed of thirteen members, most of them outside the government with the exception of William B. Cannon of the Bureau of the Budget serving as Executive Secretary. The group was chaired by John Gardner, then President of the Carnegie Corporation.¹⁰⁵ The Task Force on Education was probably the most significant of all the Johnson task forces,¹⁰⁶ in that almost all of the recommendations made in the report were eventually accepted by President Johnson.¹⁰⁷ Some of these recommendations included: (1) base the formula for distributing federal funds on the number of children from poverty families in each independent school district; and (2) create

¹⁰⁵The full membership of this distinguished body included the following: John W. Gardner, president, the Carnegie Corporation of New York (later Secretary of Health, Education, and Welfare); James E. Allen, Jr., Commissioner of Education, New York state (later U. S. Commissioner of Education under President Nixon, now deceased); Hedley W. Donovan, editor-in-chief, *Time, Inc.*; Harold B. Gores, president, Educational Facilities Laboratories, Inc.; Clark Kerr, president, The University of California (now chairman, The Carnegie Commission on Higher Education); Edwin H. Land, president, Polaroid Corporation; Sidney P. Marland, Jr., superintendent of schools, Pittsburgh (U. S. Commissioner of Education under President Nixon, succeeding James Allen); David Riesman, Henry Ford, II professor of social sciences, Harvard University; The Reverend Paul C. Reinart, president, St. Louis University; Raymond R. Tucker, mayor, St. Louis (later becomes professor of urban affairs, Washington University); Ralph W. Tyler, director, Center for Advanced Study in the Behavioral Sciences (later becomes director emeritus); Stephen J. Wright, president, Fisk University (later becomes vice-president, The College Entrance Examination Board); and Jerrold R. Zacharias, professor of physics, Massachusetts Institute of Technology.

¹⁰⁶It is interesting to note that in June, 1964, of the fourteen task forces commissioned by the President, only one concerned foreign affairs, while seven of the Kennedy task forces were connected with foreign affairs. See Leuchtenberg, p. 37. This fact reflects the attempt by the President to formulate his Great Society program by concentrating on domestic affairs in the early period of his Presidency.

¹⁰⁷In addition to the recommendations utilized in the ESEA, the Gardner Task Force report also contained most of the eventual provisions of the Higher Education Act of 1965.

supplementary centers to encourage innovation in education. As will be seen later, these recommendations become very important to the passage of the Elementary and Secondary Education Act.

In the summary of their report, the Task Force also commented on federal aid to education in general:

This is a fateful moment in the history of American education. For almost a decade, we have been engaged in a lively, argumentative reappraisal of our schools and colleges, and a search for new paths. The years of appraisal and innovation are just beginning to pay off in a clearer understanding of where we have failed and a surer notion of what our goals must be.

And now the President of the United States has said explicitly and repeatedly that education is at the top of the Nation's agenda.

. . . it follows that education will be at the heart of the Great Society.¹⁰⁸

The task force also commented on financing the elementary and secondary schools:

Population curves continue upward. Costs are skyrocketing, and we demand more of our schools than ever before. How are we going to pay for it? Today local sources pay about 56.4% of the bill for elementary and secondary schools, the State pays 40.1% and the Federal government pays 3.5%.

We favor general Federal aid to education. We particularly commend to the attention of the President and of Congress the pressing requirements in school construction.

Though we favor general Federal aid, we cannot comment on its political feasibility.¹⁰⁹

The political feasibility of promoting the task force proposals was left to the President and his staff to decide. Once completed, the task force report was circulated throughout the government agencies concerned with education, and then Presidential Assistant Bill Moyers

¹⁰⁸ Task Force Files, 1964 Folder, Johnson Papers, Johnson Library, p. 10.

¹⁰⁹ Ibid.

directed a review process with the White House staff. Results were then submitted to President Johnson for consolidation.

Even though Bill Moyers was in charge of the whole process, it was Francis Keppel, the Commissioner of Education, who really tied the program together.¹¹⁰ "In short, Keppel performed a key role as an intermediary broker of ideas, moving among various arenas; the task force; HEW and USOE planning staffs; the White House; the Congress; the Press; professional associations, and interest groups."¹¹¹

Yet even more important than the proposals that came out of the task force report,¹¹² was the nature of the task force operation. According to Phillip S. Hughes, of the Bureau of the Budget under Johnson, the operations of the task forces were vitally important: "Johnson's use of the task forces was a major innovation whose significance has been missed The task force was the basic tool which made much of the success of the Eighty-Ninth Congress."¹¹³ In essence, the task force procedure circumvented the old routine way of going through departmental lines for proposals by working outside the respective governmental agencies. Such a procedure allowed for a more

¹¹⁰Keppel served as an ex officio member of the task force. His role in the Johnson Administration's educational program will be the subject of an analysis later on in this work.

¹¹¹Bailey and Mosher, p. 41.

¹¹²For the proposals which were eventually used, see C. Phillip Kearney, "The 1964 Presidential Task Force on Education and the Elementary and Secondary Education Act of 1965," (unpub. Ph.D. dissertation, University of Chicago, 1967).

¹¹³Quoted in Leuchtenberg, p. 38.

innovative approach, especially in regard to old problems such as federal aid to education.

The Campaign of 1964

According to President Johnson it was during the late summer of 1964 that he decided to make education a high priority for the presidential campaign.¹¹⁴ A number of approaches were open to him at this point, and education was sure to be an issue in the campaign. The national party platforms of 1964 indicated that wide differences of opinion existed between the two parties in regard to federal aid.¹¹⁵ The Democratic party took a firm stand in favor of federal aid. The portion of the platform dealing with domestic issues began:

There can be full freedom only when all of our people have opportunity for education to the full extent of their ability to learn, followed by the opportunity to employ their learning in the creation of something of value to themselves and the nation¹¹⁶

On the other hand the Republican platform pledged to block "the Democratic efforts which endanger local control of schools."¹¹⁷ They took the position that federal aid was an encroachment upon the rights of local control of the educational system.

The party platforms were widely separated on the federal aid issue, but the candidates from the respective parties were even wider

¹¹⁴Johnson, The Vantage Point, p. 203.

¹¹⁵For the Democrat and Republican party platforms, see Kirk H. Porter and Donald B. Johnson, National Party Platforms, 1840-1964 (Illinois, 1966), p. 664, and p. 684, respectively.

¹¹⁶Ibid., p. 644.

¹¹⁷Ibid., p. 684.

apart on the issue. Barry Goldwater, the Republican candidate, was strongly opposed to federal aid. In the 1961 debate over federal aid, Goldwater had joined the opposition in trying to kill the measure. At that time he stated: "I wish to make it clear that I do not believe that we have an educational problem which requires any form of federal grant-in-aid program to the States."¹¹⁸ This position was reiterated by the candidate in 1964.¹¹⁹

In contrast to Goldwater, President Johnson was a strong advocate of federal aid. The President believed that when the states could not finance their own educational system, it was the duty of the federal government to step in to insure that every child received an equal opportunity to be educated.¹²⁰ During the campaign the President spoke over and over on the issue of federal aid. In Denver, Colorado, in October, 1964, he spent the major part of his speech on education. He stated in part:

But I make this pledge to you and to the people of America. I make it to the parents and I make it to all of their children. I intend to put education at the top of America's agenda. And if you do not quite understand the details of what I mean by the top of America's agenda, I will say this: That regardless of family financial status, education should be open to every boy and girl born in America up to the highest level they can take.¹²¹

¹¹⁸ Senate, Hearings, p. 539.

¹¹⁹ The New York Times (July 18, 1964), p. 1. For a detailed look at Goldwater's position, see Barry Goldwater, The Conscience of a Conservative (Shepherdsville, Ky., 1960).

¹²⁰ Johnson, "Remarks in Boca Raton at the dedication of Florida Atlantic University," October 25, 1964, Public Papers, 1964, p. 1429.

¹²¹ Johnson, "Remarks at the Coliseum in Denver," October 12, 1964, Ibid., p. 1317.

With his landslide victory in November of 1964, Lyndon Johnson obtained popular support for his program of the Great Society. Education was a very vital part of that program. The groundwork had been built for an education program; possible success of such a program depended upon the President's ability to build upon that framework.

Related Events--Civil Rights and Poverty

Besides the fact that President Johnson's landslide victory in 1964 gave him a safe majority in Congress with which to work with,¹²² there were two other important antecedents to the emergence of the Elementary and Secondary Education Act. These two developments were the passage of the Civil Rights Act of 1964, and poverty legislation. Since the Civil Rights Act will be covered later, this section will examine briefly the effect of poverty legislation upon the federal aid issue.

During the Kennedy administration, a number of laws were passed to upgrade the job skills of the poverty residents. The Area Re-development Act of 1961; the Manpower Development and Training Act of 1962; and the Vocational Educational Amendments of 1963 were all aimed at helping economically depressed segments of the population to become self-supporting through education and training.¹²³ The success of

¹²²For example, there were 295 Democrats elected to the House as compared to only 140 Republicans. Of these 295 Democrats, 69 were freshmen. For the effect of the President's victory in the Congressional elections, see Eidenberg and Morey, pp. 33-36, and Stephen K. Bailey, The New Congress (New York, 1966).

¹²³Bailey and Mosher, p. 31.

these programs, as well as their popularity, gave President Johnson something with which he could associate his educational program. President Johnson was aware of this opportunity as shown in his messages delivered to Congress in January, 1964. His Annual Message stressed the importance of improving education in the hardest hit areas of the country.¹²⁴ And his Annual Economic Report went even further and tied education specifically with an attempt to help "the children of the poor, so that they need not follow their parents into poverty."¹²⁵ Also, the Economic Opportunity Act, passed in August, 1964, created a number of programs such as the Job Corps, the Neighborhood Youth Corps, and Adult Basic Education Program.

The Economic Opportunity Act presaged the Elementary and Secondary Education Act of 1965 in at least two respects: its stress upon the importance of variety and innovation, and its acknowledgement of the special needs of educationally disadvantaged children.

At this point the type of aid and the specifics of a proposal were yet undetermined, but the concept of relating education to the fight against poverty was to remain a part of the President's strategy. Early response from church leaders and the press was favorable to the President's proposal of linking education to poverty,¹²⁷ so it became

¹²⁴ Johnson, "Annual Message to the Congress on the State of the Union," January 8, 1964, Public Papers, 1963-64, p. 112.

¹²⁵ Johnson, "The Economic Report of the President," January 20, 1964, Ibid., p. 164.

¹²⁶ Bailey and Mosher, p. 33. For a complete look at the President's poverty program, see John C. Donovan, The Politics of Poverty (New York, 1967).

¹²⁷ Marjorie Hunter, "President to Seek More School Aid," The New York Times (January 4, 1964), p. 22.

apparent to the President that this development could be useful in obtaining support for an educational proposal later on.

Douglass Cater, Special Assistant to the President, gives an account of the procedure followed by President Johnson.

When we came to the preparation of the first messages to Congress, I was assigned the education one. I served as the White House coordinator in preparing the education message. This had grown out of the task force report which had been chaired by John Gardner. Then there had been a White House review that included people from H.E.W. and the Budget Bureau and others. So by late December the President had chosen his options on his education program that was to go up. Then it was my job to be the draftsman for the message.¹²⁸

The task of choosing the options regarding an education program by the President was a deliberate process, yet it shows that the President was determined to pass an educational bill. The testimony to the ability of the President is best given by one who worked closest to him, Special Assistant, Bill Moyers. The occasion was a briefing on strategy regarding the elementary-secondary proposal with the President in the front yard of the LBJ Ranch:

I thought I was being especially articulate, but when I looked over at the hammock, the President appeared to be asleep. So I stopped speaking, and for five minutes we sat in silence. Then bang, bang, bang, the President spoke--he had obviously heard everything that had been said--and he told us precisely why the recommendation would not work and how it should be packaged. All the mulling in silence had paid off. The President had been able to chart the political terrain on education better than anyone else.¹²⁹

¹²⁸ Douglass Cater Folder, Oral Histories File, Johnson Papers, Johnson Library, p. 12.

¹²⁹ Quoted in Leuchtenberg, p. 39.

The option which the President chose was the proposal for the Elementary and Secondary Education Act of 1965, which he presented to Congress in January, 1965.

CHAPTER V

THE POLITICS OF AN ACT

Introduction

The normal process for most major legislation that is enacted by the United States Congress follows a distinct pattern. First, the proposed legislation is introduced to Congress in the form of a Presidential message or proposal; second, it is introduced into the respective branches of the Congress in the form of a bill by a member of the party of the President; third, through an elaborate process of committee hearings and floor debates, the bill is finally voted on by Congress. The President then signs the bill into law. This is a time consuming process; and in most cases, the product that emerges from Congress has been altered somewhat from the original proposal that was made by the President.

Most of the early decisions regarding what should, or should not, be in a proposal, are made at the White House level. Once the particular proposal in question has reached Congress however, a whole new process usually begins. Through committee hearings and floor debates, the two or more sides to the proposal in question discuss the particular parts of the bill that are questionable. This is a vital part of the process and allows for differences of opinion to be aired, as well as compromises to be added to, or detracted from, the bill. Under normal conditions, it would be impossible for the original draftees

of the proposal to know, or anticipate, all of the problems that would occur in a bill's journey through Congress.

However, the Elementary and Secondary Education Act of 1965 differed somewhat from the normal process of legislation in that once it reached Congress, ". . . there was extraordinary little congressional consideration given the bill."¹ The act was proposed by the President in a special message on January 12, 1965,² and introduced into the House by Representative Carl Perkins (Democrat, Kentucky) on January 22,³ and introduced in the Senate by Senator Wayne Morse (Democrat, Oregon) on January 26.⁴ It then sped through Congress with little opposition and was signed into law virtually unchanged less than three months later by the President on April 11, 1965.⁵

If Congressional compromise and debate is a vital phase in the decision making process regarding legislation, why then was there so little congressional consideration given the Elementary and Secondary

¹Eugene Eidenberg and Roy D. Morey, An Act of Congress (New York, 1969), p. 76.

²Lyndon Baines Johnson, "Toward Full Education Opportunity," January 12, 1965. Public Papers of the Presidents of the United States, Containing the Public Messages, Speeches, and Statements of the President, 1965 (Washington, 1966), pp. 25-33.

³U. S. Congress, House, Subcommittee on Education, Committee on Labor, Hearings, Aid to Elementary and Secondary Education (89th Cong., 1st Sess., 1965) (Washington, 1965).

⁴U. S. Congress, Senate, Subcommittee on Education, Committee on Labor and Public Welfare, Hearings, The Elementary and Secondary Education Act of 1965 (89th Cong. 1st Sess., 1965) (Washington, 1965).

⁵Johnson, "Remarks in Johnson City, Texas, Upon Signing the Elementary and Secondary Education Bill," April 11, 1965, Public Papers, 1965, pp. 412-414.

Education Act, and virtually no changes made from the time the proposal was introduced and the time it became law? The answer to these questions lies in the fact that the major problems and issues regarding this particular piece of legislation were worked out before the program ever went to Congress. Obviously, with most major legislation, the White House would attempt to anticipate most problems regarding a proposal before going to Congress. But very few pieces of legislation reached the point of success with this process as did the Elementary and Secondary Education Act.

The normal process of congressional debate was circumvented in this instance by allowing both the proponents and the opponents of the issue to feel that they had some input into the actual drafting of the bill. This was no simple task in that it took a considerable amount of coordination between the various interest groups and the White House staff. This coordination speaks of the organizational ability of President Johnson, as well as his ability to utilize the principles of political compromise at their utmost. President Johnson in 1965 was determined to pass a federal aid bill to aid the common schools; and, in order to do so, he had to know the pitfalls of such a proposal. So, beginning with the task force reports in November of 1964, the President carefully studied and planned his program in almost every detail to avoid any major conflicts within Congress over the legislation.

Once the proposal was presented to Congress, the President pushed the program hard. The combination of early groundwork, a well-written bill, and relentless political pressure paid off in a bill that was almost unmarked from the President's original proposal; a feat seldom performed in congressional history. As one observer put it,

"The 1965 bill, in all candor, does not make much sense educationally; but it makes a hell of a lot of sense legally, politically, and constitutionally."⁶

The Preliminaries

Following the landslide victory in the November election, preparation for the 1965 legislative session began in earnest for the White House staff. The biggest problem facing the President and his staff was to transform the ideas of the task force reports (which the President received November 15) into a viable program for congressional consideration:

When the reports were finally filed, it was Moyers who took charge of the second round of operations. On November 15 the reports were circulated to all the government agencies involved for their responses, including suggested revisions and additions. At this stage the Cabinet officers to whom the President had spoken in July were given their first opportunity to make their views known.⁷

Following this round of group conferences and sessions, another series of meetings were set up:

Moyers now set up a second group of task forces composed of government officials with an occasional outsider that met at a series of sessions in his office. These men were to decide which of the propositions of the original task forces had merit, and also which stood a fair chance of winning Congressional approval.⁸

To advise the group on what would be politically feasible, "Lawrence O'Brien, then the President's assistant for Congressional

⁶Quoted in Eidenberg and Morey, p. 93.

⁷William E. Leuchtenberg, "The Genesis of the Great Society," The Reporter, XXXIV (April 21, 1966), p. 38.

⁸Ibid.

relations, and his staff were worked into the operations at an early stage."⁹ This process was essentially the same one followed for all the task force proposals, and according to one source, "The ultimate success of the Johnson program in Congress owed much to the fact that it was offered in such a way as to minimize political friction."¹⁰

The transforming of the Task Force Report on Education into a legislative program occurred at a faster rate than most of the other Great Society programs because of the spadework already performed by President Johnson in 1963 and 1964.¹¹ Immediately following the round of reviews of the Task Force Report on Education with White House Cabinet members, President Johnson assigned Francis Keppel, U. S. Commissioner of Education, and Douglass Cater, Special Assistant to the President, to work up a number of recommendations from the task force report. "Once the education task force filed its report and Keppel and Cater had developed their proposals, the actual legislation was drafted by the Office of Education and the Bureau of the Budget."¹²

The process sounds rather simple, but in actuality it was a maze of activity directed at the top by the President, as illustrated by an account of the meetings between Kermit Gordon, Budget Director, and the President at the LBJ Ranch:

⁹William E. Leuchtenberg, "The Genesis of the Great Society," The Reporter, XXXIV (April 21, 1966), p. 38.

¹⁰Ibid.

¹¹See Chapter IV.

¹²Leuchtenberg, p. 38.

You just don't sit down and work out a program with the President at formal sessions. He gets restless if he sits for too long. He's always wanting to go out to look after the livestock or talk to the foreman. You've got to trail him around. We made a lot of budget decisions as the President drove a car around the neighboring Lewis Ranch. While I read, he would give his response with his hands on the wheel.¹³

In recalling all of this preliminary activity, the President indicated that during this process a number of people were working on various solutions to potential problems:

In the meantime, other concerned people were working on similar solutions--Anthony Celebrezze, Secretary of Health, Education, and Welfare; Wilbur Cohen, then Assistant Secretary of HEW; Senator Wayne Morse; Francis Keppel, Commissioner of Education; members of the White House staff; and staff men from the Bureau of the Budget. They met regularly during this period--probing, searching, and testing ideas.¹⁴

Out of all this preliminary activity came a tentative proposal which was submitted to the President in the form of a memorandum so that he could write his message to Congress. In this memorandum, the staff outlined a basic strategy to be followed by the President regarding the program:

Basic Strategy: By proposing a package of legislative programs, not including 'general aid' as usually defined, you will provide a middle way through the church-state conflict which has stalemated aid to lower education in the past. Commissioner Keppel believes this package could be more effective educationally and larger fiscally than previous 'general aid' proposals. The Office of Education estimates that non-public schools could receive as much as 10.1% to 13.5% of the dollars

¹³Leuchtenberg, p. 38.

¹⁴Lyndon Baines Johnson, The Vantage Point: Perspectives of the Presidency, 1963-1969 (New York, 1971), p. 208.

contained in this package. (Parochial schools have 15% of total school enrollment). For most of the titles the Office of Education has submitted 'high' and 'low' authorization requests.¹⁵

In addition to the basic strategy of the program, the report also outlined the specifics of the proposal made up of five separate titles, with expected opposition listed under each category.¹⁶

Between the forming of this tentative proposal and the actual drafting of the legislation there was a flurry of activity at the White House level. President Johnson and his staff knew what had traditionally hurt federal aid proposals, as well as the opposition they were facing with their proposal, so they set out to try to eliminate those problems. President Johnson recalls how a coalition of support was built up:

Various members of the administration met with Catholic groups. Education Commissioner Francis Keppel met with high ranking prelates of the church--Jack Valenti served as our liaison with the Vatican's Apostolic Delegate to the United States, Archbishop Egidio Vagnozzio

Similarly, Lee White of the White House staff dealt with the Jewish organizations; Henry Hall Wilson worked with the Southern leaders; Douglass Cater and Commissioner Keppel remained in close touch with the powerful education lobbies.¹⁷

All of this activity was aimed at, according to the President, "lining up all available support in advance so that the bill would

¹⁵Memorandum to the President, "Legislative Program for Education," 1964, Papers of Lyndon Baines Johnson, Johnson Library (Cross-referenced in (Ex/Le/Fa2), p. 1.

¹⁶Ibid., pp. 2-4. For the complete text of the memorandum, see Appendix F, pp. 314-317.

¹⁷Johnson, The Vantage Point, p. 209.

move speedily through the deliberative process and not be killed or crippled by amendments."¹⁸

The overall design of these meetings with the opposition was to give them an opportunity to feel that they were going to have some say in the actual drafting of the bill. Thus the problem became an administrative tactic of trying to reach some sort of compromise with the issues that had traditionally killed aid to education bills.

Compromising Old Problems

Most of the major problems that led to the defeat of federal aid bills in the past were still in existence in 1964.¹⁹ The problem for President Johnson became one of attempting to eliminate those major obstacles by either resolving the issues by compromise in the actual contents of a proposal, or by gaining support from the opposition by political lobbying. In most cases the content of the proposed legislation contained the compromises necessary to prevent major disputes. In some cases the issue was ignored or smoothed over by political bargaining. In this section each one of the major obstacles to federal aid to education will be examined to see how President Johnson handled the situation.

Religion

The recognition that the issue of religion was prominent in 1964 was made by the Task Force Report on Education when it warned that the

¹⁸Johnson, The Vantage Point, p. 209.

¹⁹The only exception being that the Civil Rights Act of 1964 had tempered the racial issue somewhat.

nation could not afford to go through another socalled "tug-of-war" over the church-state issue in regard to federal aid to education.²⁰

The dispute over religion had always been a formidable issue facing federal aid bills, and the Johnson administration knew that some type of settlement would have to be reached regarding this thorny problem.

Ironically, although the task force's job was not to solve political issues, the report did contain the basis for the solution to the religious problem. As President Johnson points out, the report:

. . . did not offer a specific solution for avoiding that issue, but it threw the spotlight of public attention on one of education's special needs, assistance to disadvantaged areas. It pointed out the possibility of sending federal funds to elementary and secondary schools not on a general aid basis, as earlier plans had specified, but on a selective formula related to the poverty of an area.²¹

Thus, the administration seized upon this task force idea and developed the concept which called for federal aid to be allocated to the student--and not to the school, based on the poverty level of the school district. This child benefit approach, used during the Depression years of the 1930's, circumvented the question of separation of church and state:

The compromise resulted primarily from the painstaking efforts of Johnson Administration officials who acted as political brokers. The task of HEW-OE personnel such as Wilbur Cohen, Francis Keppel, and Samuel Halperin was to identify educational provisions and legislative language with which spokesmen of previously antagonistic church-state interest groups could agree.²²

²⁰Task Force on Education, Task Force Files, 1964 Folder, Johnson Papers, Johnson Library.

²¹Johnson, The Vantage Point, p. 208.

²²James W. Guthrie, "A Political Case History: Passage of the ESEA," Phi Delta Kappan (February, 1968), p. 305.

The result of their efforts was several provisions within the contents of the proposed legislation which called for parochial students to benefit from public funds under the child benefit approach. The biggest amount of money going to the schools would come under Title I. According to the tentative proposal which was worked up by the Johnson Administration late in 1964, funds under this provision would:

Provide payments based on number of low income children in counties. This would be the largest single item in the education package

. . . Most school districts in the country would receive payments after submitting plans to state educational authorities to assure funds are spent for improving schools serving the poor. Special encouragement would be given to 'shared services' for children in non-public schools. There would be no matching requirements.²³

President Johnson explains how the formula by which the funds were to be distributed worked:

We found it in a simple equation: $\frac{A}{2} \times B = P$. In that formula A represented a state's average expenditure per pupil, B the number of poor schoolchildren in a local school district, and P the payment to that district. The formula was based on an old concept familiar to the Congress: aid to impacted areas.²⁴

However, the religious problem was still not solved as the aid provided in the proposed Title I did not go directly to the parochial schools but to the student:

These compromise provisions were not as extensive or generous as Catholic interest groups spokesmen desired. They were, nevertheless, accepted as a necessary political compromise in hopes that later gains would be forthcoming.

²³"Legislative Program for Education," Johnson Papers, p. 10.

²⁴Johnson, The Vantage Point, p. 208.

These same church-state provisions engendered considerable uneasiness for National Education Association and National Council of Churches spokesmen fearing that they encroached too far upon the ideological wall separating church and state.²⁵

The administration was well aware of this tightrope position as indicated in the same memorandum with the proposal by a statement regarding the expected opposition to Title I:

Since no aid provided directly to parochial schools, Cardinal Spellman and others in Catholic hierarchy may attack this Title. (Other parts of the package provide more direct help to private schools). Office of Education is exploring ways of making 'shared services' more attractive to Catholics, especially through supplementary education centers described in Title III.²⁶

Title II of the proposed legislation also contained provisions which would benefit the parochial schools. As the memo outlined the program:

Books and other materials, chosen under public auspices and held under public title, would be available to all students through a state agency. Representative Hugh Carey, of New York, and other Catholics have shown a lively interest in such a program. There will be no matching requirements.²⁷

And in regards to the opposition to this Title, the memo indicated that:

The best estimate is that this would be the least controversial part of the program so long as federal government is not involved in selection of instruction materials. Provides most direct form of aid to parochial students. Justice Department lawyers believe constitutional issue will depend on mechanism used by states.²⁸

²⁵Guthrie, p. 305.

²⁶"Legislative Program for Education," Johnson Papers, p. 1.

²⁷Ibid., p. 2.

²⁸Ibid.

Title III of the proposal was geared extensively toward compromising the church-state issue. "This was the major 'new' idea of the Task Force headed by John Gardner."²⁹ Title III would set up Supplementary Education Centers throughout the country. "These centers, established by consortia of public and private schools in each community, would develop according to community needs."³⁰ This concept utilized the "shared time" idea that both public and private schools could more effectively utilize educational equipment. Regarding the Catholic reception to this proposal, the memo stated: "Keppel believes these centers will receive Catholic support and encourage greater cooperation between public and parochial school education."³¹

However, the Johnson Administration had not resolved all of the conflicts yet. Now that Francis Keppel and others had identified areas in which the contents of the proposal could be used to gain Catholic support, the problem turned to one of persuading the religious groups that the proposed bill was indeed a sound proposal. This concern was indicated in a memorandum to the President on December 19, 1964:

As soon as you have made your decision on the education program, I recommend that we begin immediately behind-the-scene work to convince Catholic leaders it represents the best and most logical start in federal aid to lower education.³²

²⁹"Legislative Program for Education," Johnson Papers, p. 1.

³⁰Ibid.

³¹Ibid.

³²Memorandum, Douglass Cater to the President, December 19, 1964, (Ex/Le/Fa2) Johnson Papers, Johnson Library.

The administration began working behind the scene immediately. Francis Keppel and Douglass Cater worked feverishly in a series of meetings with the two largest interest groups, the National Education Association and the National Catholic Welfare Conference, in order to try to establish a political alignment between these two groups so that a broad front of support for the program could be presented:

The details of the legislation as introduced by the administration were never discussed in an organized fashion at these meetings. It was rather a matter of sensing moods, of feeling out how far the several groups would be willing to go. A central question, to put it bluntly, was whether the Catholic group could afford to come out in public opposition to an administration bill proposing an educational program for the children of the poor. The NEA, at the same time, would be in a difficult position to come out in opposition to a program that focused on poor children and that put the responsibility for the management of money in the hands of public bodies.³³

Although no agreements were reached during these meetings with the interest groups by the representatives of the White House staff, the Johnson Administration did learn the limits of what it could or could not do.

It might be interesting to note that at this point no one connected with the negotiations with the religious groups ever saw a draft bill during these meetings. Nor had anyone but the White House staff seen the task force reports:

In part this was a deliberate tactic not to have anything in writing that could cause misinterpretations and objections, or to give any of the participants any reason to feel that prior decisions had been reached before the consultations had taken place.³⁴

³³Eidenberg and Morey, p. 84.

³⁴Ibid., p. 88.

The administration had simply tried to give the religious groups assurances that they would receive aid money under a formula based on the children from poverty areas. In return wished to have assurances that the religious conflict would not flare up again in Congress.

This technique was successful to a certain extent as is reflected in a note to the President from Douglass Cater following a series of meetings with Catholic groups. In this note he reported that "The Catholic leaders were not at all eager for a direct aid message which would lead unavoidably to a court test."³⁵

Despite all of the precautions against having the issue of religion flare up again, events soon proved that the Administration used good judgement in concentrating so heavily on the religious issue because the problem was not totally solved. Following the President's message to Congress that presented the program to the public for the first time, Douglass Cater reported to the President that, "The telegrams on the Message are running 3-1 in favor. The opposition is exclusively directed to aid to parochial schools."³⁶

The first indication that the efforts by the Johnson Administration were aimed at a compromise in the religious issue was quick in appearing. On the same day that the President delivered his education message, Monsignor Frederick G. Hochwalt, director of the Department of Education of the National Catholic Welfare Conference, indicated that the message had won support from the Catholic hierarchy:

³⁵Cater Memo, December 19, 1964, Johnson Papers, Johnson Library.

³⁶Memorandum, Douglass Cater to the President, January 14, 1965 (Ex/Le/Fa2) Johnson Papers, Johnson Library.

The major purpose of the President's message is to meet the educational needs of the children. This emphasis on the child, the student, I applaud. Priority is given to children in areas of economic distress. This is as it should be.³⁷

And the Monsignor also commented on the President's appeal for unity:

Of great significance is the fact that the President calls for cooperation between the Nation's public and private schools. I have always considered the public and private school systems of this country to be partners, not competitors in education.³⁸

As a further public expression of compromise, on the same day Robert E. McKay, chairman of the National Education Association's Legislative Commission, commented that the Association was pleased with the proposal and that he saw no problem with the traditional church-state issue in the President's proposal.³⁹ It was obvious that the timing of these statements was not coincidental.

The work of the Johnson Administration was further revealed in the House hearings which began on January 22. Protestant groups who had in the past opposed aid to parochial schools now said that they supported federal aid to "all schools which are recognized by the State as fulfilling its educational requirements and thus performing a public service,"⁴⁰ and that the inclusion of parochial schools in receiving aid was "consistent with the American tradition of church-state separation and interaction."⁴¹ One of the reasons that these

³⁷The New York Times (January 13, 1965), p. 1.

³⁸Ibid.

³⁹Ibid.

⁴⁰U. S. Congress, House, Hearings., p. 738.

⁴¹Ibid.

Protestant groups were supporting the bill was the shared-time proposal.⁴² Dr. Bernard Donovan, Executive Superintendent of the Public Schools in New York City, and Monsignor Eduward T. Hughes, Superintendent of Schools for the Archdiocese of Philadelphia, both testified that they had used the "shared-time" concept and expressed optimism that it would be a simple matter to expand this cooperation to include programs under the Elementary and Secondary Education Act.⁴³

However, not all religious groups supported the bill. The American Jewish Congress, the Jewish War Veterans, and the National Council of Jewish Women all expressed opposition to the proposal.⁴⁴ Rabbi Richard G. Hirsch, director of the Religious Action Center of the Union of American Hebrew Congregations, said that the bill was the same type of program which John F. Kennedy had rejected as unconstitutional and that the bill merely evaded the church-state issue.⁴⁵ In response to this opposition, Douglass Cater sent a memorandum to the President which indicated that the Administration was concerned but not to a great extent: "Celebrezze and Keppel are keeping a close eye on the opposition of certain Jewish groups. They are

⁴²For examples of the positions of these groups see the testimony of H. B. Sissel, secretary for national affairs of the United Presbyterian Church; Arthur Fleming, first vice-president of the National Council of Churches of Christ; and C. Emanuel Carlson, executive director of the Baptist Joint Committee on Public Affairs, in U. S. Congress, House, Hearings, pp. 785-89, 736-44, 764-71, respectively.

⁴³For their testimony see Ibid., pp. 477-78, 555.

⁴⁴The New York Times (February 18, 1965), p. 20.

⁴⁵U. S. Congress, House, Hearings, pp. 1501-1503.

convinced that it is only a small minority and that we should not over react in dealing with them."⁴⁶

Other problems regarding the church-state issue appeared during the debates over the proposal, but President Johnson and his staff kept close watch on the bill to prevent major problems. President Johnson recalls how one problem was settled regarding the religious issue:

Objection was raised to a provision that would provide schoolbooks to students in parochial schools. I told Larry O'Brien, Cater, and Cohen to get together with Hugh Carey, a Catholic Congressman from New York who was on the committee and work out a solution.

They met late into the night in Larry O'Brien's office, above mine, and the next morning O'Brien called me and said that he thought they had found the answer. The Supreme Court in 1947 had decided that busing of parochial school students was aid to the pupil and not to the Catholic schools. We sought a way to make this "child benefit" theory apply to this case. Why not, Carey asked, give ownership of the books to the public school boards and let them lend them to the pupils? The bill was amended to include this provision and one more hurdle was cleared.⁴⁷

Although there were several problems mentioned by the President, the major portion of them were solved due to the extensive planning that had been done prior to the bill's introduction in Congress. The biggest success of the Presidential planning was in obtaining almost complete support of the Catholic hierarchy as indicated by a memo to President Johnson from Jack Valenti, White House Aide:

I spent 45 minutes with the Apostolic Delegate Archbishop Egidio Vagnozzi

. . . The Delegate is in favor of the bill and says that the great majority of the Catholic hierarchy shares

⁴⁶Memorandum, Douglass Cater to the President, February 15, 1965, Johnson Papers, Johnson Library.

⁴⁷Johnson, The Vantage Point, p. 210.

his opinion. Archbishop McIntyre of Los Angeles may possibly be the only prelate who might oppose the bill. Spellman is for it and so is the Catholic Cardinal Shehan of Baltimore.⁴⁸

In fact, the Johnson approach was very successfully reflected in the final vote for passage of the bill:

There were more Roman Catholic Congressmen in the 89th Congress than any of its 88 predecessors. In the House of Representatives, 93 Congressmen were present and voted in final passage of the ESEA. They voted overwhelmingly for the bill, 84 to 9. If this bloc had voted negatively with the same degree of cohesion, it would have been sufficient to sink the ESEA.⁴⁹

Race

The Civil Rights Act of 1964 clearly prohibited racial discrimination in school districts receiving federal funds. This legislation stated that:

. . . no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participating in, and be denied the benefits of, or be subjected to discrimination under any programs or activity receiving federal financial assistance.⁵⁰

Thus, President Johnson did not have to concentrate too heavily upon solving the racial issue in connection with his federal aid proposal. The Civil Rights Act did not eliminate hostile feelings about racial desegregation, but it did lessen the controversies over desegregation in most of the education proposals.

⁴⁸Memorandum, Jack Valenti to the President, February 26, 1965, Johnson Papers, Johnson Library.

⁴⁹Guthrie, p. 305.

⁵⁰Quoted in Guthrie, p. 303.

In addition Title IV of the Civil Rights Act authorized the United States Commissioner of Education to:

. . . conduct a survey concerning the lack of equal educational opportunities in public educational institutions because of race, color, religion or national origin.
 . . . render technical assistance to a school board, or other state or local governmental units, on request of the applicant, in order to assist in the desegregation of public schools make grant to school boards, on request, to provide school personnel with inservice training and to permit the school boards to employ specialists in order to deal with desegregation problems.⁵¹

As a result, Congress gave the United States Office of Education some eight million dollars in 1964 to begin this project, with more to be funded in 1965.⁵² Thus racial desegregation was already partially settled in a separate bill and would not become part of Johnson's proposed federal plan to aid the schools since his plan would automatically be applied. Therefore, the threat of the divisive Powell Amendment was removed from consideration as an obstacle to education bills because it was no longer needed.⁵³

President Johnson, however, did not ignore the potentiality of race becoming a problem. He anticipated the possibility of such an occurrence by lining up the early support of Representative Adam Clayton Powell (Democrat, New York). This move was both a political and psychological weapon against race becoming an issue. Powell, a recognized Negro leader from Harlem, gave the Elementary and Secondary Education Act an early boost by indicating to news reporters in late

⁵¹Quoted in "Washington News," Education Digest (September, 1964), p. 56.

⁵²Ibid.

⁵³See Powell Amendment, Chapter IV, p. 124.

December of 1964 that he would do his utmost to enact federal aid legislation during the Eighty-Ninth Congress. He also pledged that he would not entangle school aid with segregation and stated that: "If we don't get federal aid to education in this Congress, we might as well forget all about it for another generation."⁵⁴

The use of the poverty formula in Title I of the proposed legislation was also a psychological weapon in overcoming any racial problems. Theoretically, the money to be extended under this proposal would benefit most of the poverty-stricken school districts. Since a large number of predominantly black communities also contained a substantial number of poverty families, the weapon used to combat such areas was not racially stigmatized by the use of the poverty formula as a tool to eliminate such districts.

This strategy by President Johnson was successful as is shown by the records of the debates in 1965. These records reveal that race was seldom mentioned in connection with federal aid programs. It is true that of the 57 Democratic votes cast against the Elementary and Secondary Education Act in the House of Representatives, 54 were cast by Southerners from the Deep South; Southern Republicans voted 15 to 2 against the measure.⁵⁵

Ordinarily, a vote of this type would be a reflection of deep anti-desegregation sentiment from this section of the country. However, since the prevention of racial discrimination in the public schools

⁵⁴The New York Times (December 24, 1964), p. 10.

⁵⁵Guthrie, p. 303.

was already on the books, it would be difficult to attribute the negative votes to anti-desegregation feelings alone. Opposition to federal control and states' rights sentiments was also strong in the Deep South.

It is difficult to analyze how many votes were gained by the fact that the racial question was not brought up in 1965, but there were 43 affirmative Southern votes for the Elementary and Secondary Education Act.⁵⁶ Almost all of the positive votes came from border states who might have voted negatively if the racial issue had flared up. A number of the border states could possibly have shifted to the affirmative side of the question because President Johnson's strategy did not equate federal aid with desegregation.

States' Rights--Fear of Federal Control

The fear that the passage of the Elementary and Secondary Education Act would establish the federal government as a center of power in educational matters and constitute an intrusion by the federal government upon states' rights was combatted by President Johnson in two areas.

First, the contents of the bill were written as an attempt to compromise this issue and alleviate the fear of federal control of the local school systems. Title IV of the Act included a provision (Section 604) which stated:

⁵⁶Guthrie, p. 303.

Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.⁵⁷

Also, Section 509 of the Act provided that any veto of a state plan by the Commissioner of Education was subject to judicial review. And, to further assure protection against federal control, the money appropriated under the Act was to be funded as a supplement to State expenditures and not as a substitute.

In addition, Title V provided for

. . . grants to stimulate and assist States in strengthening the leadership resources of their State educational agencies, and to assist those agencies in the establishment and improvement of programs to identify and meet the educational needs of States.⁵⁸

This provision assured the states of receiving funds by which they could strengthen their own role in the participation of the funding programs under other titles. Such a program called for more federal-state-local cooperation than had heretofore been accomplished and quieted some fears regarding possible federal take-over in education. President Johnson recalls how one element in the proposal was aimed at lessening fears of federal control:

⁵⁷The most complete section-by-section analysis of the Act is found in U. S. Congress, Senate, Elementary and Secondary Education Act of 1965. Background Material with Related Presidential Recommendations (Washington, 1965), pp. 181-93. For a summary of the provisions of the Act, see Appendix A., pp. 287-290.

⁵⁸Ibid.

Another element in our legislation suggested by the Gardner task force provided for a number of innovations to upgrade the quality of education in elementary and high schools. It called for the establishment of community-wide organizations to offer services that individual schools could not provide--such as special courses in foreign languages, music, and art, science laboratories, and programs for the physically and mentally handicapped. Private as well as public school students would be able to take advantage of these programs.

Making the educational grants directly to the states would, we hoped, reassure doubters that the federal government would not endeavor to take over local school boards.⁵⁹

In addition to the compromises written into the bill, President Johnson sought through his formal proposal to Congress to assure everyone that his federal aid proposal did not constitute any more federal control. In this message the President said that he saw no possibility of federal usurpation of state power in the program and quoted an earlier champion of federal aid to education, Senator Robert Taft of Ohio, to substantiate his position:

In all that we do, we mean to strengthen our state and community education systems. Federal assistance does not mean federal control--as past programs have proven. The late Senator Robert Taft declared: 'Education is primarily a state function--but in the field of education, as in the fields of health, relief and medical care, the Federal government has a secondary obligation to see that there is a basic floor under those essential services for all adults and children in the United States.'⁶⁰

President Johnson went on to say that he felt that the locally controlled schools were the foundation of the educational system, and the federal government's role was to help the local systems revitalize

⁵⁹Johnson, The Vantage Point, p. 209.

⁶⁰Johnson, "Toward Full Educational Opportunity," January 12, 1965, Public Papers, p. 26.

their programs.⁶¹

But despite these assurances against federal control, the issue did appear in the Congressional hearings on the Act. Dr. Edgar Fuller, executive secretary of the American Council of Chief State School Officers, testified that he thought the evasion of the church-state issue in the proposed legislation would result in a loss of power on the part of state and local officials. He felt that in most states, it was clearly unconstitutional to use public monies for items which would become the property of sectarian schools. Thus, many state educational agencies would not be legally qualified to administer funds for these schools. This would mean that the federal government would be compelled to distribute the funds directly to the school systems and thus the local authorities would lose their control.⁶²

However, since most of the religious groups were in favor of the proposal and testified that the bill did not violate the tradition of the separation of church and state, the argument concerning the unconstitutionality of state actions was largely ignored. As a result the issue of federal control was not a substantial obstacle for the federal aid proposal.

Interest Groups

The Johnson Administration essentially solved two problems when the formula for appropriating federal aid to both public and private

⁶¹Johnson, "Toward Full Educational Opportunity," January 12, 1965, Public Papers, p. 26.

⁶²House, Hearings, p. 1125.

schools was devised in 1965. By including some form of assistance to the parochial schools in the proposal, the Administration gained the support of the Catholic organizations; and, at the same time managed to keep from alienating the Protestant groups and education associations. Thus, both the church-state issue and major interest group pressure was resolved in favor of the Johnson proposal. This solution was complicated by the fact that the two largest interest groups, the National Education Association and the National Catholic Welfare Conference, had traditionally been split over the church-state issue and had historically been on opposite sides of the federal aid controversy. Any proposed legislation which attempted to solve the church-state problem would certainly require the support of these two powerful groups.

In order to gain the support of the interest groups, President Johnson decided to include representatives from both sides of the federal aid question in working out a solution with the Administration in the fall of 1964.⁶³ Douglass Cater, who was in charge of these meetings, assessed the key tactical problem facing the Administration this way:

The problem we faced was not one of having to mold public opinion. Public opinion had been generally in favor of such a bill for at least several years. The problem continually facing the bill was the opposition of the two major interest groups: the National Education Association and the National Catholic Welfare Conference (now the United States Catholic Conference). The overwhelming victory of the President and the (Democratic) party in 1964 had the effect, beyond expanding Democratic majorities in the Congress, of forcing the pressure

⁶³See this chapter, pp. 163-164.

groups to come to terms with each other. Both had to know that a bill was going to be passed; and as a consequence the legislative goal for both groups was to maximize their gains while minimizing the gains of the other side . . . with the major difference that now they both accepted the fact that the other side had to be given something.⁶⁴

The psychological effect of the Democratic victory in 1964 had a tremendous impact upon both major interest groups and made them more susceptible to bargaining as pointed out by one writer:

The USCC was particularly afraid of the overwhelmingly urban Democratic House of Representatives which could, if it wanted, pass a bill identical to the Kennedy program. The changes in the rules and the new party ratios left the Catholics no procedural foothold from which to stop a bill that ignored their needs and interest

The NEA on the other hand, had supported the Kennedy program all the way to its defeat in the Rules Committee. The NEA's influence in the Office of Education was waning, and they were afraid of losing access to the administrative machinery on education matters if they persisted in opposing any aid for the private educational sector.⁶⁵

Also, the heated debate over federal aid in 1961 had a lasting impact upon the interest groups, as one spokesman pointed out: "No one wanted another eyeball to eyeball episode like '61--a repeat of that would have meant the end of federal aid for a long time."⁶⁶

Thus, the Johnson forces took advantage of the willingness on the part of the pressure groups to compromise and launched the meetings in an attempt to reach a settlement prior to the President's message to Congress. The success of this strategy is reflected by the fact that the President received a simultaneous endorsement from both

⁶⁴Quoted in Eidenberg and Morey, pp. 79-80.

⁶⁵Ibid., pp. 85-86.

⁶⁶Quoted in Meranto, p. 82.

pressure groups the day his proposal was publicized.⁶⁷ Such an announcement strengthened the President's hand even more by the psychological and political appearance of a strong united front in support of federal aid.

Opposition from other interest groups was also virtually non-existent. The sectarian opposition was led by the American Jewish Congress, but

. . . interestingly, the groups opposed to the legislation on church-state grounds received virtually no support from other non-religious organizations which traditionally have opposed federal school aid on the basis of fiscal consideration, federal control, and need.⁶⁸

These organizations included the U. S. Chamber of Commerce, the National Association of Manufacturers, the American Legion, and the American Farm Bureau. None of these groups testified on the proposed legislation in 1965. "Consequently, the handful of religious groups, the American Civil Liberties Union, and the Council of Chief State School Officers were the only major organizations overtly opposed to the legislation."⁶⁹

However, despite the weakened opposition, the Johnson Administration did not underestimate the Act's rivals as is revealed in a memorandum from Samuel Halperin, a White House official, to Douglass Cater in March of 1965 concerning the opposition of the U. S. Chamber of Commerce. Although the Chamber did not testify against the bill,

⁶⁷See this chapter, pp. 165-166.

⁶⁸The New York Times (February 18, 1965), p. 21.

⁶⁹Ibid.

it did, when the bill was before the Rules Committee of the House on March 17, indicate that it was opposed to the legislation. In answer to the Chamber, Halperin worked up a nine page response to the Chamber's statements in hopes of dashing any later efforts to hold up the bill by this interest group.⁷⁰ According to Halperin:

It is no news to any one that the United States Chamber of Commerce has opposed every general federal aid to education bill which has been proposed. It was certainly expected that their views would be no different than they have been in the past on this subject.⁷¹

At any rate, the Chamber's opposition appeared to be only nominal. In the face of the President's strong mandate, the members of the Chamber apparently decided that opposing the bill was a lost cause.

Despite the strong show of initial support, President Johnson did not diminish the pressure on the interest groups to support his legislative proposal once it was presented to Congress. Almost immediately after the Senate began hearings on the proposal, Senator Wayne Morse requested that the President meet with the leaders of the National Education Association to further explain his proposal.⁷² The President acknowledged the request and met soon after with the education leaders. The meeting was a success, as testified in a memorandum to the President from Douglass Cater:

⁷⁰Samuel Halperin to Douglass Cater, "A Response to the Chamber of Commerce's Commentary on Elementary and Secondary Education Legislation," March 22, 1965, Johnson Papers, pp. 1-9. See Appendix D.

⁷¹Ibid., p. 1.

⁷²Letter to Mr. Jack Valenti, Special Assistant to the President, from Senator Wayne Morse, February 3, 1965, Johnson Papers.

Secretary Celebrezze and Frank Keppel called in to report that your visit with NEA leaders was enormously effective. The NEA Board of Directors voted support of the program yesterday without a hitch⁷³

President Johnson's effort to align the major interest groups into a coalition of support for his program was indeed a successful operation. Consequently, the new group coalition formed in 1965 could be termed as a major factor in the eventual success of the President's program. This success was due primarily to President Johnson's ability to develop a favorable situation into a victory.

Rural-Urban Quarrel

The poverty formula devised by the Johnson Administration was also a successful device by which another problem area was removed from the path of the President's program--that of the argument between rural and urban constituents over the distribution of federal funds. The basis on which federal funds should be distributed, although sometimes a minor argument in comparison to the religious issue, had caused some doubts among Congressmen over federal aid proposals in the past:

The distribution controversy contains at its core a conflict between educational desirability and political feasibility. It is generally conceded among educators that federal school finance formulas should contain the principle of 'equalization'; that is federal revenues generated in wealthy states would be distributed in a compensating fashion to less wealthy states. However, congressional spokesmen for wealthy states have tended to oppose school aid bills which returned proportionately less to their constituents than the latter had contributed in taxes to the federal treasury. Conversely, congressmen

⁷³Memorandum, Douglass Cater to the President, February 15, 1965, Johnson Papers.

from poor states have seldom been favorably disposed to school aid bills which did not allow their states proportionately more than their federal tax contribution.⁷⁴

For years prior to 1965 this argument over equalization had continued without a politically acceptable solution. The poverty formula broke this long standing deadlock by compromising the issue and essentially "giving something to everyone." By basing the federal fund allocation on the basis of one-half of the states' average expenditure per child, multiplied by the number of poverty students in the area, the proposal gave proportionate amounts to a state based on both its expenditure and taxation level, as well as its poverty level. Thus, the formula was a mixture of both the rich and the poor states' arguments. At the same time the particularly heavy needs of poverty children in large city and rural schools was served.

This fact was publicized when the U. S. News and World Report ran an analysis of the legislation to determine exactly where the funds would go. The data used was based upon estimates obtained from the U. S. Office of Education.⁷⁵ The article pointed out that big city slums and depressed rural areas in the South would receive the greatest benefit, but eighty-five to ninety per cent of all school districts in the country would qualify for some aid. The article also noted that the larger richer states, such as New York, California, and Texas received twice the national average on a per capita basis.

⁷⁴Guthrie, p. 104.

⁷⁵"Who Gets the Billions in LBJ's School Plan." U. S. News and World Report (January 25, 1965), pp. 66-67. Also note the proposed distribution in Appendix E.

Thus, "the end result is an educationally sound and politically acceptable federal aid distribution formula, the first of its kind with both flat grant and equalization features."⁷⁶

However, one problem regarding the equalization formula did arise during the House debate on the proposal. During the subcommittee hearings, emphasis was placed on the fact that the formula set the poverty line at such a low level (\$2,000) that it fell below what some states were providing families on welfare. Thus, families on welfare would not be counted under the Title I formula.⁷⁷ When this was revealed, President Johnson authorized the chairman of the Subcommittee, Adam Clayton Powell, White House Aide, Douglass Cater, and Congressman Roman Pucinski (Democrat, Illinois) to meet and work out the problem.⁷⁸ The bill was changed to allow welfare recipients to be accounted for in the poverty formula, and another hurdle was cleared by the persistent initiative of the Johnson Administration.⁷⁹

The Presentation

The multiplicity of compromises written into the proposal for the Elementary and Secondary Education Act were indeed the result of master planning on the part of President Johnson and his staff. But the planning for the proposal did not stop with the alignment of a

⁷⁶Guthrie, p. 104.

⁷⁷Eidenberg and Morey, p. 102.

⁷⁸Ibid.

⁷⁹See Appendix A.

coalition of support, nor with the careful handling of traditional problematic areas concerning federal aid. The President turned, in January of 1965, to two other areas of planning for his program, that of shaping public opinion and obtaining congressional support.

Public Opinion

President Johnson's landslide victory in November of 1964 provided him with a public image of being a consensus President. This advantage was pressed to the fullest extent by the President in the preparation of his proposal to be submitted to Congress. For example, the presentation of the President's Great Society program was planned so that it would receive maximum exposure and impact. For the first time, the State of the Union address was delivered to Congress at a prime television viewing hour.⁸⁰ The Great Society program was outlined by the President in a series of one sentence proposals, and then supported in following weeks by special messages concerning each of the topics. "The education message was the second in this series of messages delivered in such rapid succession that they were called 'a drumbeat summons' to congressional action."⁸¹

In addition, a memorandum to the President on January 10, 1965, two days before the special message was to be presented to Congress, reveals that the White House staff was very conscious of the public impact of the President's program. In this memo the staff proposed that a television program be produced regarding the President's

⁸⁰Bailey and Mosher, p. 42.

⁸¹Ibid.

proposals on education. The television program would be outlined so that, according to the memo, it would:

. . . take cameras into carefully selected schools around the country to show just what the problems are. It would then drop back to review the history of federal legislation and its successes. It would climax with an exposition of the present proposed legislation, including some criticisms.⁸²

Evidently the President thought better of not producing the program because nothing came of the proposal. But the President did pre-set the stage for his address on education, as the announcement of the special message was managed with the public in mind. This was done by briefing the Cabinet on the legislative program for education on January 11 in a two-hour closed session. This was sure to attract news reporters, and it did, as they reported that Cabinet members came from the session using expressions like "revolutionary," and "exciting," to describe what they heard.⁸³ Following the session with the Cabinet, a special press conference was held at the White House the next morning on January 12. Reporters were told at this conference that President Johnson hoped to be known as "the education President."⁸⁴

Immediately after the press briefing at the White House, reporters were invited to an NEA press conference. NEA spokesmen, fresh from a January 9 and 10 meeting of their Legislative Commission concerning ESEA, expressed support of the President's bill.⁸⁵

⁸²Memorandum to the President, January 19, 1965, Johnson Papers, Johnson Library.

⁸³The New York Times (January 12, 1965), p. 20

⁸⁴Education Digest (February, 1965), p. 53.

⁸⁵Bailey and Mosher, p. 45.

Thus, with a maximum exposure of support for the bill, as well as presenting the image of a President who was following the mandate of the people in his Great Society program, the Johnson Administration was prepared for congressional action.

Congressional Support

The Democratic victory in 1964 presented the Johnson Administration with a substantial majority in Congress, and, therefore an opportunity, theoretically, to enact any type of legislative programs as long as they did not split the party. However,

Although a large numerical majority in the legislature may present a President with the opportunity for fulfilling his agenda, it is not axiomatic that large majorities equal great legislative records. Members of the party with a considerable edge are apt to decide that their votes on a particular sensitive question, such as federal aid, are not vital.

Therefore, President Johnson certainly was not going to be able to depend entirely on his margin of victory in the election to pass his legislative program. Keeping the party votes in line was going to require a great amount of pressure from the President. Also, there were a large number of new faces in Congress, and the President had to make sure they responded to his proposals.

Results from the voting on President Johnson's bills in the Eighty-Ninth Congress show that the President was successful in both problem areas. For example, of the 469 proposals he submitted to Congress, 321, or 68.4 per cent were approved--an all time high for

⁸⁶Meranto, p. 107.

Presidents.⁸⁷ Also, according to one source, of those proposals which called for roll call votes which presented "clear cut tests of support," President Johnson scored the highest rate of approval of any President since 1953.⁸⁸ The President was equally successful with the newcomers to Congress. The 71 Democratic freshmen in Congress supported the President on 89 per cent of 12 key roll call votes, and of a total of 66 roll call votes held by August, 1965, 83 per cent of the new Democrats supported the President.⁸⁹

One of the reasons for the President's success with the Eighty-Ninth Congress was the constant pressure and vigilance he supplied over the activities of the members of Congress. As one observer put it: "He supported it to the hilt. If a Congressman was not going to vote for the bill, Johnson wanted to know personally who he was and why he wasn't going to vote for it."⁹⁰

Another reason for the President's success with congressional support in regard to the Elementary and Secondary Act was that he lined up the support of the leadership in Congress for his proposal beforehand. As President Johnson recalls:

As we were hammering out the program, we were also developing a strategy to overcome congressional obstacles. The bill was placed in the highest-priority category. I resolved to put the entire power and prestige of the

⁸⁷ See Appendix H.

⁸⁸ Congressional Quarterly Weekly Report (November 19, 1965) p. 2341.

⁸⁹ *Ibid.*, (August 27, 1965), p. 1748.

⁹⁰ Quoted in Meranto, p. 105.

Presidency behind it. All the centers of power and control within the Congress were consulted.⁹¹

In the House of Representatives, these key leaders were Chairman of the Education and Labor Committee, Adam Clayton Powell; Subcommittee Chairman, Carl D. Perkins; and the Chairman of the House Rules Committee, Judge Howard W. Smith (Democrat, Virginia).⁹² The support of Judge Smith was very important because, as the President puts it, he had: "blocked the passage of so many previous education bills that a slogan had been coined for him: 'no rules for schools.'"⁹³

The President was successful in this attempt to obtain early support as exemplified by Powell's early endorsement of the proposal,⁹⁴ and Perkins calling the bill "the most outstanding proposal ever to come before this Congress."⁹⁵ The power of Judge Smith and his Rules Committee had been reduced somewhat by new rules adopted by the Eighty-Ninth Congress, so his eventual opposition to President

⁹¹Johnson, The Vantage Point, p. 209. For an account of the relationship between the President and House leadership, see Vernon Montgomery Goetcheus, Ph.D., "Presidential Party Leadership: Relations Between President Johnson and House Democrats in the 89th Congress." (Unpub. Ph.D. dissertation, The University of Wisconsin, 1967).

⁹²Only the key committee leadership in reference to education are listed here. The traditional party leadership, such as the Speaker and Majority Whip were, as usual, important.

⁹³Johnson, The Vantage Point, p. 209.

⁹⁴See this chapter, p. 170.

⁹⁵The New York Times (January 23, 1965), p. 1.

Johnson's program was not as damaging as it might have been.⁹⁶ Also, Representative James Delaney (Republican, New York), who had cast the critical vote against Kennedy's education measure in the Rules Committee in 1961, gave President Johnson's program a boost when he indicated he thought the bill would make it through Congress with no problem.⁹⁷

Thus, the President was well prepared when the education message was finally delivered. All the legwork had been completed, and the President turned to another task, that of pushing the program through Congress.

Presidential Pressure

President Johnson's preliminary planning in regard to the Elementary and Secondary Education Act was a major factor in the

⁹⁶The rules change that the Eighty-Ninth Congress adopted which affected the Rules Committee was the so-called twenty-one day rule. This rule gave the Speaker the power to bring a piece of legislation to the floor after twenty-one calendar days passed from the date a standing committee had requested a rule from the Rules Committee. Thus, it was possible to bypass the Rules Committee in regard to the school aid bill if opposition developed. In addition, the vote to do so was changed from a two-thirds vote to a simple majority. Judge Smith's reaction to the changes was that he could see "the legislative skids were greased," and there was little point in his trying to stop the process, other than to protest the action. For an account of the rule change, see Eidenberg and Morey, pp. 42-44. For Judge Smith's speech against the education bill on the floor of the House, see the Congressional Record (March 24, 1965), p. 5553.

⁹⁷The New York Times (January 23, 1965), p. 1.

proposal's passage through Congress.⁹⁸ But an important part of the credit for steering the proposal through Congress must also go to the President for his relentless pressure on Congressmen to pass the bill once it was presented:

Minority blocs in Congress have a variety of opportunities to delay and amend bills which they oppose, and there are innumerable potential combinations of personal, partisan, and constituent concerns among lawmakers that can be mobilized by determined efforts of a few strategically placed leaders in committees or subcommittees.⁹⁹

To offset this possibility, President Johnson followed a basic strategy of pushing the bill through Congress as rapidly as possible without any amendments to delay or cripple the legislation. To preclude any such changes, Representatives Perkins and Powell, and Senator Morse, along with the White House, decided to try to rush the bill through each stage of the legislative process in the hopes of avoiding the flare-up of any major issues over federal aid. Francis Keppel gives an observation as to why the President wanted the legislation through Congress in a hurry:

. . . he came in, looking cheerful as can be, and said to the half-dozen or dozen people in the room who were responsible for various legislation, President Johnson said 'Look, we've got to do this in a hurry. We got in with this majority in Congress' (by however many million votes, he had as a majority). He said, 'It

⁹⁸A summary of the legislative progress of the Elementary and Secondary Education Act is included in Congressional Quarterly Service, The Federal Role in Education (Washington, 1965), pp. 34-38. For a full length study of the legislative politics surrounding the Act, see Meranto; and Eidenberg and Morey.

⁹⁹Bailey and Mosher, p. 60.

doesn't make any difference what we do we're going to lose them at the rate of about a million a month, and under those circumstances, get your subcommittee hearings going.' ¹⁰⁰

House Action

With the active support of President Johnson the bill moved rather quickly through the House hearings on the proposal. Carl Perkins, Chairman of the Subcommittee on Education, opened hearings on the proposal January 22.¹⁰¹ Representative Charles Goodell (Republican, New York) was the principal spokesman for the minority throughout the subcommittee hearings.¹⁰² Goodell's biggest charge against the bill was that "the Administration and its committee leadership had conspired to push the bill through Congress with barely enough time for the legislative amenities to be observed."¹⁰³ Goodell also stated: "This isn't going to be an education act; its going to be the Railroad Act of 1965."¹⁰⁴

The Administration's answer to the charge of too much speed was that elementary and secondary education legislation needed to pass Congress even if it meant that the bill would have some imperfections.

¹⁰⁰Francis Keppel Folder, Oral Histories File, Johnson Papers, Johnson Library, p. 6.

¹⁰¹House, Hearings.

¹⁰²For a full account of Goodell's actions in connection with the bill, see Meranto, pp. 71-84.

¹⁰³Eidenberg and Morey, p. 105.

¹⁰⁴The World in 1965, History As We Lived It, quoted in The Associated Press (New York, 1966), p. 77.

Andrew Biemiller, the chief lobbyist for the AFL-CIO, reflected this thought publicly before the subcommittee on January 29:

I repeat . . . let's get started . . . and get a bill through here, and begin to get some money into our school systems where we now know it is badly needed, and then we can take another good look and get closer to the goal that both you and I want; and we make no bones about it, that we want a general education bill.¹⁰⁵

At any rate, on February 2, 1965, twelve days after the hearings began, Perkins closed them. Representative Goodell reacted angrily against the closing because he said that he still had several witnesses to call, and they had to be all crammed into the last day. "Interestingly, Goodell does not blame Perkins personally for this state of affairs so much as he does the White House who, he maintains was issuing the marching orders."¹⁰⁶ On February 5, with the Republicans boycotting the meeting because they were protesting the handling of the subcommittee hearings, the bill was reported to the full committee where Adam Clayton Powell took charge.

The Powell Caper

The power of President Johnson to put pressure on Congress to act is best seen in the events surrounding the conducting of the business of the House Committee on Education and Labor by Representative Adam Clayton Powell in regard to the Elementary and Secondary Education Act. Powell had said that he would take up the bill in full committee immediately following the subcommittee mark up. But, instead

¹⁰⁵House, Hearings, p. 977.

¹⁰⁶Eidenberg and Morey, p. 106.

he used the opportunity to demand that the expense account be raised for his staff or he would delay action on the bill.¹⁰⁷ President Johnson recalls what happened next: "He cancelled the February 8 meeting and rescheduled it for February 17, the day after the House was slated to consider his expenses. Then he left for Puerto Rico."¹⁰⁸ The device worked for the Chairman because the House voted to increase the expense level for him and his staff. In a memorandum to the President from White House aide Jack Valenti, the next action by Powell is related to the President:

Adam Clayton Powell called . . . asked to pass along his apologies to the President for delaying the full committee meeting, but he had to turn the screws on the House leadership to get his full appropriations. He has that now. He pledges the President that he will meet beginning tomorrow morning--both morning and afternoon and hopes to report the bill on Saturday.¹⁰⁹

Powell did meet with the Committee, and on March 2 the House Committee on Education completed its work, only seven days following the bill's entrance. Powell really rushed the bill through once he began to work.

The handling of the House hearings on the bill, and the Administration's response to Powell's caper, is best reflected in the memorandum from Larry O'Brien, legislative liaison, to the President of March 8, 1965. The memorandum reflects the close watch over the bill conducted by the White House.¹¹⁰

¹⁰⁷The New York Times (February 25, 1965), p. 16.

¹⁰⁸Johnson, The Vantage Point, p. 211.

¹⁰⁹Memorandum, Jack Valenti to the President, February 24, 1965, Johnson Papers, Johnson Library.

¹¹⁰See Appendix E., p. 305.

Edith Green--A Surprise

Another surprise headache for the Administration was the sudden opposition of Congresswoman Edith Green (Democrat, Oregon). Green had generally been identified with those who supported the concept of federal aid to education and had not been counted on as an opposing force in the House. However:

Mrs. Green quickly came to support the position that a judicial review amendment was required to maintain the equity of the allocation process, and that the formula needed to be amended to distribute the funds more directly to the poor districts. She began to assert herself at the full committee sessions and quickly found herself articulating the Republican position on these points.¹¹¹

The Democratic leadership and the White House assumed that she was organizing an effort with the Republicans to sabotage the legislation and, as reflected in the O'Brien memorandum, they were keeping a close watch on her.¹¹²

The Administration's concern over Mrs. Green mainly revolved around the fear that her stand would attract other liberal Democrats to her side in opposing the bill. As a result, "When the bill got to the full committee, the Office of Education asked only one thing of Chairman Powell: that he keep the subcommittee bill intact and not let Mrs. Green's efforts get lengthy consideration."¹¹³ And Chairman Powell did just that, as, according to one spokesman, "by and large he did a beautiful job of this."¹¹⁴

¹¹¹Eidenberg and Morey, p. 107.

¹¹²See Appendix E., pp. 308-309.

¹¹³Eidenberg and Morey, p. 109.

¹¹⁴Ibid.

The continuing concern of the Administration with Mrs. Green is also indicated in a memorandum to Douglass Cater following the bill's passage out of the Committee on to the floor of the House. The memorandum outlined several arguments which could be used against Mrs. Green if she caused any problems during the House debate.¹¹⁵

At the same time, according to the memorandum, a caucus was held in which "a rough division of labor on the defense of the Administration's bill on the floor was decided."¹¹⁶ Once the bill reached the floor of the House, Presidential pressure for passage continued at an ever increasing pace as reflected in a memorandum to the President from Jack Valenti, in which he indicated that Anthony Celebrezze, Secretary of Health, Education, and Welfare, was "working hard on the bill."¹¹⁷ President Johnson also recalls the tactics of the Administration those last few days:

On March 24 Secretary Celebrezze's head count showed 248 votes for the bill and Valenti told me that 'Celebrezze's people were working feverishly.' The White House estimate that day was 229 votes in favor, but twenty members of the House had not expressed themselves one way or another. Our special task force was busy on the Hill, concentrating on 148 wavering Democrats. Valenti reported that a frantic struggle was in progress: 'Carl Albert is staying on the floor supporting Carl Perkins. Its been hell today' Finally, on March 26, by a roll call vote of 263 to 153, the House passed the education bill and sent it to the Senate.¹¹⁸

¹¹⁵Memorandum, Samuel Halperin to Douglass Cater, March 22, 1965, Johnson Papers, Johnson Library. See Appendix G., pp. 319-320.

¹¹⁶Ibid.

¹¹⁷Memorandum, Jack Valenti to the President, March 23, 1965, Ibid.

¹¹⁸Johnson, The Vantage Point, p. 211.

Senate Action

The Senate Subcommittee on Education began its hearings on its version of the Elementary and Secondary Education Act January 26. To prevent the possibility of the Senate and the House from passing two versions of the President's proposal, and thus forcing a joint conference between the two chambers which would delay the proceedings, Senator Morse and Representative Perkins, had introduced identical bills into their respective chambers.¹¹⁹

In the Senate, the bill received a great amount of immediate support in that there were thirty-six Senators acting as sponsors.¹²⁰ Senator Morse had done his groundwork well. In addition, Senator Jacob K. Javits (Republican, New York) indicated he thought the bill ought to be a bi-partisan measure in a message to the subcommittee.¹²¹

As a result the Administration had very little trouble in passing the Elementary and Secondary Act through the Senate. One of the reasons for this is that the Senate has traditionally demonstrated a greater degree of bi-partisan support for federal aid than has the House of Representatives.¹²²

¹¹⁹When the two chambers in Congress pass two versions of the same bill, a joint conference is held to work out differences. The conference results is then re-submitted in both chambers for voting. If the conference bill is defeated, the bill is dead.

¹²⁰Senate, Hearings, p. 4.

¹²¹Ibid., pp. 75-76.

¹²²Bailey and Mosher, p. 66.

The opposition to the education bill was basically aimed at the speed with which deliberations were being pushed, as pointed out by Senator Winston L. Prouty (Republican, Vermont):

The intent of the sponsor of this legislation--the President of the United States--is that the Senate passively accept his decree and pass this bill in exactly the form voted upon by the other body

Today may be the day when the Senate of the United States, after 176 years of greatness, yields to the insistent demand of a Chief Executive, its right and duty to perform its true legislative function.¹²³

Before the Eighty-Ninth Congress convened Senator Wayne Morse had decided, with the concurrence of President Johnson, that the Senate would postpone action on floor debates regarding the education bill until final passage in the House and that no amendments should be accepted at any stage. President Johnson recalls why he especially did not want any changes to occur in the Senate on the bill:

The danger lay now with the Senate amendments, which could upset the delicate balance of the bill's various provisions. I talked with Wayne Morse, the floor manager, and with other Senate leaders of both parties. They agreed that no matter how much they might like to change some aspects of the House bill, the dangers of scuttling it in conference were too great to risk. As Morse said on the Senate floor: 'The stakes are too high for the children of America for us to run the risk of jeopardizing this legislation in conference.' After eleven amendments were beaten down, the measure moved through the Senate with no changes. The vote was 73-18.¹²⁴

The President also took an interest in the speed and timing of the passage of the bill in the Senate:

¹²³Congressional Record (April 7, 1965), pp. 7064-65. Also see Roger A. Freeman, "How to Railroad a School Bill," National Review (May 18, 1965), pp. 419-22, and "Through the Back Door," The Nation (April 26, 1965), p. 434.

¹²⁴Johnson, The Vantage Point, p. 211.

He let the Senate leaders know that he hoped to sign the bill at his Texas ranch during Easter vacation. The fact that the entire process of floor consideration in the House and Senate required only 16 days (March 24 to April 9) was testament, in part to White House and HEW aggressiveness.¹²⁵

Victory

On the same day that the Senate acted, Johnson spoke in the White House Theater concerning the importance of the bill. Calling it "the most significant step of this century to provide widespread help to all of America's schoolchildren," he saluted Congress for their actions on the legislation.¹²⁶ Then, on April 11, 1965, he signed the bill into law at the President's first school in Johnson City, Texas.¹²⁷

President Johnson's part in the passage of the Elementary and Secondary Education Act must be viewed as a key thread in the bill's success. In reflecting on the role of President Johnson, one official who worked in both the Kennedy and Johnson Administrations, commented on Johnson the following way:

I don't know what other Presidents think and care about but this one really cares about education. With all due respect to Kennedy we never had the cooperation or pressure from the White House like we've had with Johnson. He simply was determined to get this thing through and everyone knew it.¹²⁸

¹²⁵Bailey and Mosher, pp. 64-65.

¹²⁶Johnson, "Remarks Following Enactment of the Elementary and Secondary Education Bill," April 9, 1965, Public Papers, pp. 407-08.

¹²⁷Johnson, "Remarks in Johnson City, Texas, Upon Signing the Elementary and Secondary Education Bill," April 11, 1965, Ibid., pp.412-14.

¹²⁸Quoted in Meranto, p. 105.

On the other hand, opponents of the measure claimed that the President railroaded the bill through the legislative process. In reaction to this accusation, Douglass Cater had this to say:

He had the notion that we wanted the elementary-secondary to be a fast moving piece of legislation. I think a great deal of exaggeration has been written about the fact that the President demanded that it be steam rolled through. If he did, he didn't do it in my presence. I know, for example, that Wayne Morse, when it got to the Senate, presented it as his own idea that the bill from the House should be passed without amendment. And Wayne Morse was not the kind of guy that you could just lay down the law to and say, 'do it this way.'¹²⁹

Regardless of whether the President did or did not railroad the bill through Congress, his political skill in utilizing compromise and gageing the political winds was extraordinary, as testified by Francis Keppel: ". . . he knew the machinery of Congress. He knew how to play it. Boy, he was good at that!"¹³⁰ Presidential Press Secretary Bill Moyers echoed this claim as he stated the President had "a great natural gift for knowing, feeling, and sensing the mood of the American people I think he has antennae that give or take one or two degrees, keeping him pretty closely attuned to the problems, moods, and attitudes of the people."¹³¹

¹²⁹Douglass Cater Folder, Oral Histories File, Johnson Papers, Johnson Library, p. 16.

¹³⁰Francis Keppel Folder, Ibid., p. 27.

¹³¹Quoted in The New York Times (November 1, 1965), p. 3.

CHAPTER VI

BOOKS, BULLETS, BUSSES, AND BUREAUCRACY

Introduction

An act of Congress is rarely permanent. Normally, it is not a resolution of an issue. In most cases Congress reserves the right to change its mind and review, or alter, previous legislation. In some cases this is accomplished by simply authorizing an act for only a certain length of time. This forces the problem, or act, to be re-evaluated. As one writer has put it:

In one sense the task of guiding public policy is much like that of catapulting a space vehicle to the moon. In both cases one is not apt to hit a predetermined target without correcting the course after the launching phase.¹

Parts of the Elementary and Secondary Education Act were authorized for one year only.² That meant that Congress would be taking up the issue of federal aid again. And, just as environmental changes prior to 1965 had formed a favorable atmosphere in which President Johnson could maneuver the school aid bill through Congress, changes in the environment occurred after 1965 which affected the relationship between President Johnson and subsequent Congresses.

¹Eugene Eidenberg and Roy D. Morey, An Act of Congress (New York, 1969), p. 177; also note Malcolm E. Jewell and Samuel C. Patterson, The Legislative Process in the United State (New York, 1966).

²For the length of authorization for each section, see Appendix A, pp. 287-290.

In addition to the fact that the political atmosphere was changed following the passage of the 1965 school bill, was the fact that the bill itself created an impact upon other sectors of society. The nature of American society is so complex that it is difficult, if not impossible, to disentangle the various components. As a result, action taken in one sector of society is usually accompanied by a reaction in other parts of society. For example, in 1965 the passage of the Elementary and Secondary Education Act constituted an action on the part of the political sector--and it had a tremendous impact upon the education phase of American society. The reaction in the educational area to the political action taken by Congress went through a feedback process to reinforce, and in some cases alter, the political arena. Thus, before the efforts of President Johnson to promote federal aid between 1966 and 1969 can be adequately examined, one must look at the impact of the Elementary and Secondary Act upon the American education scene.

Financial Impact

The year 1965 was an unusual one in financing elementary and secondary schools. Local school districts found that money for badly needed projects was available for the first time in many years. The mass infusion of federal money turned out to be a windfall for some districts, while others struggled with the multiplicity of forms, statistical data, and application procedures, in order to qualify for those funds. Therefore, any type of evaluation of the impact of the Elementary and Secondary Act upon the common schools is fraught with the dangers of over generalization. Therefore, this section will

first examine the total impact of the Elementary and Secondary Education Act, then look at some of the specific applications of the various titles of the Act.

Appropriations for the Elementary-Secondary Act were signed into effect by President Johnson on September 23, 1965:³ "Act now. Get your plans made. Open your schools to the promise of these new programs. I hope that not a single day will be lost. For in education, the time we waste today can mean a life tomorrow."⁴ Authorized expenditures under the Appropriations Bill amounted to 1.2 billion dollars for the fiscal year 1965-66.

Table I shows the financial impact the school aid bill had upon the relationship of federal expenditures by level. And as shown, expenditures on elementary-secondary schools in relation to other

³The official numbering system for the Elementary-Secondary Act lists the law as PL89-10. The system used by Congress in numbering laws it passes is relatively simple. The first two numbers represent the Congressional number, and the second series of numbers represents the order in which laws were passed. Thus, PL89-10 was enacted by the Eighty-Ninth Congress, and it was the tenth law passed by that Congress.

⁴Lyndon Baines Johnson, "Remarks After Signing Bill Providing Funds for Programs Under the Elementary and Secondary Education Act," September 23, 1965, Public Papers of Presidents of the United States, Containing the Public Messages, Speeches, and Statements of the President, 1965 (Washington, 1966), p. 1013.

The Congressional phase of obtaining federal funds in 1965 was actually two-fold; first, Public Law 89-10 signed by the President in April of 1965 only authorized an amount to be appropriated; second, President Johnson then sent an authorization request to Congress to appropriate the full amount authorized under Public Law 89-10 in the form of two laws--Public Law 89-156, and Public Law 89-199. This procedure allows for the President, or Congress, to vary the amount actually funded in the original proposal.

levels showed the greatest increase.⁵

TABLE I
FEDERAL OUTLAYS FOR EDUCATION BY LEVEL
(in millions)

	1964 (act.)	1968 (act.)
Secondary and Elementary Education	546	3,228
Higher Education	1,742	4,363
Adult and Continued Education	108	306
Training and Public Employees	309	402
Foreign	169	242
Other	<u>247</u>	<u>223</u>
Total	3,121	8,764

Table II shows the overall federal outlays for education between 1960 and 1970. Note the dramatic increase starting with the year 1965, when aid to education jumped from 1.6 billion dollars to 2.9 billion dollars.⁶

Table III indicates the impact the school bill had upon the relationship between federal, state, and local expenditures. Again, note the dramatic increase in federal expenditures starting with 1965.⁷

⁵Bureau of the Budget, "Federal Education Programs Special Analysis," Califano Folder, Aides Files, The Public Papers of Lyndon Baines Johnson, Johnson Library (January, 1969), p. 115. Reprints of pp. 113-133.

⁶Ibid., p. 113.

⁷National Education Association, Financial Status of the Public Schools (Washington, 1966), p. 53.

TABLE II
 FEDERAL OUTLAYS FOR EDUCATION--1960-1970
 (in billions)

Category	'60	'61	'62	'63	'64	'65	'66	'67	'68	'69	'70
Aid to Education	.9	.9	1.1	1.2	1.3	1.6	2.9	4.4	5.0	4.8	5.3
*Other Education Activities	1.1	1.2	1.3	1.6	1.8	2.1	2.8	3.1	3.8	4.2	4.5
Total	2.0	2.1	2.4	2.8	3.1	3.7	5.7	7.5	8.8	9.0	9.8

*Health, Veterans', National Defense, etc. 40 per cent of growth since 1964.

TABLE III
 PER CENT OF REVENUE RECEIVED FROM FEDERAL,
 STATE, AND LOCAL SOURCES FOR PUBLIC
 ELEMENTARY AND SECONDARY SCHOOLS

School Year 1	Federal Sources 2	State Sources 3	Local Sources 4
1955-56	4.6%	39.5%	55.9%
1957-58	4.0	39.4	56.6
1959-60	4.4	39.1	56.5
1961-62	4.3	38.7	56.9
1962-63	3.6	39.3	57.1
1963-64	3.7	40.0	56.3
1964-65	3.8	39.7	56.5
1965-66	7.8	39.1	53.1
1970-71	7.0	41.0	52.0**

**Since about 1968, the percentage of federal aid to education in relation to state and local sources has been on the decline.

In an attempt to study the impact of federal funds upon education, Representative Edith Green conducted a study in 1967 of the U. S. Office of Education and its activities.⁸ The results of her study showed that in the fiscal year of 1967, the Office of Education handled twice as much money as the Department of Housing and Urban Development, four times as much as the Department of Commerce, and ten times as much as the Department of State. But even though it was the largest federal contributor to education, it handled only one-third of all federal aid.⁹

Perhaps as an addition to the overall look at the impact of the Elementary-Secondary Act, it would be helpful to briefly examine the specifics of each title of the bill. Since each title is essentially a separate program, most evaluations of the school bill concentrate only on one title at a time.

Appropriated funds for Title I (959 million dollars) constituted by far the largest amount to be spent under the Elementary-Secondary Act. The monies appropriated under this title were to be spent for financial assistance to local educational agencies for the education of children of low-income families. Table IV shows the activity of school districts in regard to Title I.¹⁰

⁸The Honorable Edith Green, Study of the United States Office of Education, U.S. Congress, House (89th Cong., 2nd Sess., 1966) (Washington, 1967).

⁹Quoted in Education Digest (February, 1968), p. 55.

¹⁰U. S. Office of Education, First Annual Report, Title I, Elementary and Secondary Education Act of 1965, in U.S. Congress, Senate, Subcommittee on Education, Notes and Working Papers. . . Title I of Public Law 89-10 (90th Cong., 1st Sess., 1967) (Washington, 1967), p. 914.

TABLE IV

SUMMARY OF FIRST-YEAR PARTICIPANTS IN TITLE I

Total LEA's (School Districts), Fall, 1965	26,983
Total LEA's eligible for Title I	24,926
Total LEA's participating in Title I	17,481
Total LEA's eligible, but not participating in Title I	7,445

Of the 7,445 local school districts not participating in Title I, 104 had not complied with Title VI of the Civil Rights Act of 1964.

The remainder had either failed to apply, or had been turned down because of failure to meet federal or state application standards.¹¹

The total program results are summarized below:

In all, during the first year of operation, 813 million children were served by Title I and some \$987.6 million was expended, including almost \$11 million for handicapped children under Public Law 89-313. Expenditures totalled 84 per cent of the allocations.

The average Title I expenditure per pupil was \$119, but the expenditures ranged from about \$25 to \$227. For many states, this represented a substantial increase over average current per pupil expenditures, the national average being about \$532 for 1965-66.

Nearly 52 per cent of the \$987.6 million in Title I funds the first year was spent on instruction; about two-thirds of that amount was spent for language arts and remedial reading, which were identified as the top priority by the majority of local educational agencies. . .

Some 20 per cent of the total was spent on educational equipment, and about 10 per cent was spent for construction. Food and health services accounted for 4.5 per cent of the total expenditures.¹¹

¹¹U. S. Office of Education, First Annual Report, Title I, Elementary and Secondary Education Act of 1965, in U. S. Congress, Senate, Subcommittee on Education, Notes and Working Papers. . . Title I of Public Law 89-10 (90th Cong., 1st. Sess., 1967) (Washington, 1967) p. 914.

Nearly 65 per cent of the participants in Title I programs were in pre-school through grade six. Ninety-two per cent of the students were enrolled in public schools and six per cent in non-public schools. About two per cent of the students were not enrolled in school.¹²

It is obvious from the foregoing statement that by the end of the first year, Title I was having a great amount of impact upon thousands of school districts and millions of children.

Appropriated funds under Title II (100 million dollars) were to be spent on school library resources, textbooks, and other instructional materials. In 1965, one-half of the schools in the nation lacked a centralized library. At the elementary level, the figure was much higher.¹³ As U. S. Commissioner of Education, Gordon Howe, II reported in April, 1966:¹⁴

In the 56,000 schools with central libraries, there are approximately 192 million books. If those libraries were to meet minimum standards, they would have to acquire 233 million more volumes. Schools which have made valiant efforts to maintain adequate libraries are falling behind because of rapidly growing enrollments and the increased costs of construction and library materials.

¹²U. S. Office of Education, First Annual Report, Title I, Elementary and Secondary Education Act of 1965, in U. S. Congress, Senate, Subcommittee on Education, Notes and Working Papers . . . Title I of Public Law 89-10 (90th Cong., 1st Sess., 1967) (Washington, 1967), p. 914.

¹³Stephen K. Bailey and Edith K. Mosher, ESEA: The Office of Education Administers a Law (New York, 1968), p. 167.

¹⁴Howe replaced Keppel as U. S. Commissioner of Education in September, 1965.

U. S. Congress, Senate, Subcommittee on Education, Hearings on the Elementary and Secondary Education Amendments of 1966 (89th Cong., 2nd Sess., April, 1966) (Washington, 1966), p. 477.

The condition of textbooks was equally bad, as Howe states:

A survey of the needs of our schools for modern textbooks reveals that many children must use textbooks which are out of date and grossly inadequate for this era of expanding educational horizons. It is a sad fact that 'modern history' books often have nothing to teach our children after WWI, and that physics texts frequently deal with the state of our knowledge in the forties and fifties¹⁶---ignoring the atomic revolution and the space age.

However, as a result of Title II, by July, 1967, 3,600 new public libraries had been opened; 1,545,000 students were being served by these libraries; 89 per cent, or 43 million school children were enrolled in 91,000 schools participating in Title II.¹⁷

Title III authorized 75 million dollars to be used for making grants to establish supplementary educational centers and establishing innovative projects in education. Measurement of the impact of these funds, like the measurement of a number of the other titles, is made more difficult by the fact that it takes a considerable amount of time to get a program started, and once started cannot be measured in statistics alone. The first report of projects approved under Title III appeared in 1966.¹⁸ At the end of the fiscal year 1966, 2706 project applications had been received, requesting a total of over 250 million dollars. As of September 30, 1966, 1,030 of these requests had been

¹⁶U. S. Congress, Senate, Subcommittee on Education, Hearings on The Elementary and Secondary Amendments of 1966 (89th Cong., 2nd Sess., April, 1966) (Washington, 1966), p. 477.

¹⁷U. S. Congress, Senate, Subcommittee on Education, Committee on Labor and Public Welfare, Hearings on Education Legislation, 1967 (90th Cong., 1st Sess., 1967) (Washington, 1967), p. 971.

¹⁸U. S. Office of Education, Projects Approved Under Title III, Elementary and Secondary Education Act (Washington, 1966).

approved for a total expenditure of 75 million dollars.¹⁹

Title IV authorized 70 million dollars to be spent on developing cooperative research centers in education. Like Title III, measurement here proved to be difficult because only projects started, not their total effect, could be evaluated. By the end of the first fiscal year, 12 regional educational laboratories had been approved, and eight university-based research and development centers created, or their support increased and extended.²⁰

Title V authorized 17 billion dollars to be spent on strengthening state departments of education. Actually, this title was more important than most people realized because the use of funds under the other titles depended upon how well the state departments of education functioned in distributing funds and aiding the local school districts in preparing project applications.²¹

The major portion of Title V funds were spent on adding personnel. For example, over 1800 new positions were created in the States under Title V. Over 1,000 of these positions were professional.²² As one writer put it:

¹⁹U. S. Office of Education, Projects Approved Under Title III, Elementary and Secondary Education Act (Washington, 1966).

²⁰Bailey and Mosher, p. 170.

²¹Stephen K. Bailey, "BSSR Survey of 937 School Administrators on ESEA," in *Ibid.*, p. 332. For example, a survey of school administrators conducted in 1968 revealed that 72.1 per cent of the local school districts depended upon the state education agency for help in applying for Title III funds.

²²*Ibid.*, p. 172.

Progress has been made under Title V . . . the progress is already being felt in classrooms across the nation, as for instance, more and new curricula specialists move out from State agencies to assist teachers in improving what they teach and how they teach it. Such progress, however, will remain difficult to measure in concrete terms.²³

Evaluations of each title of the Elementary and Secondary Act will probably continue for many years to come, and each new evaluation will initiate a new search for more and better techniques to evaluate the financial impact of the Act.²⁴ At this point, however, the overall effect of the Elementary-Secondary Act is best summed up by Francis Keppel:

Whether the obvious fact that these various bills scarcely reformed American education in three years is to be regarded as a failure of the act is a question in part of what you think eight per cent leverage means on a huge enterprise, and that's about the leverage. About eight per cent federal money was going into primary and secondary schools. Well, that's not an awfully long crowbar, and there are an awfully lot of big boulders around. So I don't know how you measure it²⁵

Administrative--Educational Impact

Most laws that are passed by Congress normally go through some sort of evaluation procedure following their enactment. Sometimes this evaluation is purely political in nature, and informal, while on other occasions both informal and formal evaluations are conducted.

²³Robert L. Hopper, "Strength Where It Counts," American Education, II (June, 1966), p. 20.

²⁴For the purposes of this chapter, only the immediate financial impact of the Elementary and Secondary Education Act was given. For a total look at the spending under each title through the years 1966-70, see Appendix C., p. 294.

²⁵Francis Keppel Folder, Oral Histories File, Johnson Papers, Johnson Library, p. 16.

On some occasions the requirement for an evaluative study of the law is written into the bill, while other laws are given no specific requirement in regard to evaluation and, if conducted, are purely speculative. The Elementary and Secondary Education Act was unique in regard to evaluation. As one writer has put it:

Perhaps no piece of social legislation in American history has placed a greater premium upon the reporting and evaluating of results than ESEA
 . . . the legislative mandate for formal reports and evaluations of programs was loud and clear, and unprecedented in scope. Each of the operating titles of the act provided either for the establishment of procedures for making continuing and periodic evaluations of the effectiveness of the programs; or for annual and other reports; or for both, including reports among various levels and branches of government.²⁶

The fear that the federal money going to the local school districts would be wasted had been a major topic during the hearings on the original proposal, and a number of congressmen had voiced fears that without some sort of evaluation of the program, efforts would be wasted by inefficient administration.²⁷ As a result, Congress established a formal structure in the bill for evaluation.²⁸

²⁶Bailey and Mosher, pp. 162-63.

²⁷Most notable of these was Senator Robert Kennedy (Democrat, New York). During the Senate Subcommittee hearings on the school bill, he advocated that evaluation was necessary to upgrade local school district administration. He felt that especially Title I funds would be wasted unless school operations were upgraded. U. S. Congress, Senate, Subcommittee on Education, Hearings on the Elementary and Secondary Education Act of 1965 (89th Cong., 1st Sess., February, 1965) (Washington, 1965), pp. 511-16.

²⁸This structure consisted of requiring the following: one, local school districts to report to the state education agency (Section 205a); two, the state education agency to report to the U. S. Office of Education (Section 206a); and three, the creation of the National Advisory Council on the Education of Disadvantaged Children to report to the President and Congress (Section 212c).

In addition to the fact that the Congress required formal reports on the progress of the Act, the bill itself was a complicated piece of legislation which required a great deal of study in attempting to implement the programs authorized. All of this placed a tremendous burden upon the Office of Education, whose responsibility was to implement the Act. As a result, passage of the bill changed a relatively small Office of Education to one of the busiest and most controversial agencies of the federal government.²⁹ A glance at the voluminous amount of literature which was published in 1966 and 1967 in regard to the Elementary and Secondary Education Act by various agencies concerned is testament enough to the complexity of the program.³⁰

In an effort to make implementation of the program much more efficient, Commissioner Keppel in March of 1965 appointed to the position of Deputy Commissioner of Education Henry Loomis, Director of the Voice of America, for the purpose of helping to re-organize the Office of Education:

²⁹The complexity of the impact of the Elementary-Secondary Act is demonstrated by the fact that Bailey and Mosher have written an entire volume on the impact and reorganization of the Office of Education. Check their work on details of the reorganization.

³⁰Among the dozens or so of the largest publications of the Office of Education are the following: U. S. Office of Education, A Chance for a Change (Washington, 1966); Education, 65: A Report to the Profession (Washington, 1966); Fact Book: Office of Education Programs (Washington, 1966). In addition to these publications, the National Education Association, American Association of School Administrators, and the Department of Education of the National Catholic Welfare Conference published numerous magazine articles regarding the Act. For their publications, see the respective regular publication journals for those years.

With a rich background in the administration of science, defense, and foreign policy, and with national recognition for his public service accomplishments, Loomis seemed ideally prepared for his new role. Upon joining the Office of Education, however, he began what was probably one of the most extraordinary, bruising, controversial, if in some ways effective administrative operations in the recent annals of the Federal government.

Loomis took office on March 8, 1965. He began immediately to re-organize the Office of Education. Several personnel changes were made and new faces appeared.³² In addition, with President Johnson's support, Loomis and Keppel reached an agreement with Douglass Cater in the White House that the President, following the signing of the Elementary-Secondary Education Act, would appoint a special task force to conduct a full scale review of the administrative re-organization of the Office of Education. As a result, a task force was formed to study the Office on April 15.³³ Dwight Ink, then assistant general manager of the Atomic Energy Commission, was chairman of the new task force. A report called "Recommendations of the White House Task Force on Education," was completed on June 14, 1965. Loomis and Keppel, after receiving the report, began immediately to

³¹Bailey and Mosher, p. 77.

³²For example, Loomis brought Walter Mylecraine with him from the Voice of America. Mylecraine was, according to Bailey, unpopular because he was the hatchet man for Loomis' re-organization activities. This situation is typical of the attitude toward any type of new program in which old established methods are seemingly threatened by the new. Under such circumstances it is often difficult to administer a change without becoming a culprit.

³³The full report of this task force is located in Task Force Files, 1965 Folder, Johnson Papers, Johnson Library.

implement the recommendations.³⁴

To illustrate the political implications of all of this personnel shifting, a brief closer look at the trials of Loomis' appointment to office can be examined. Loomis' appointment to office was not viewed with favor by President Johnson. According to one writer, Loomis was an Eisenhower Republican, and continued all during his work to hang Eisenhower's photograph on office walls, and in addition

Loomis' farewell address to his colleagues in VOA had been read as an insinuation that White House pressure to make VOA newscasts conform to U. S. Senate Department policies and interests had markedly increased under Johnson. Word of this farewell address, reported in one of the Washington newspapers, allegedly infuriated the President.³⁵

As a result of this pressure, the relationship between the President, Commissioner Keppel, and Loomis was somewhat strained:

It came down to the question of whether the White House was going to permit the Commissioner of Education to have a deputy of his own choice. Although the President finally gave in, Loomis' relationship with the White House was cool from then on. Keppel's adamant defense of Loomis, whom he admired for his demonstrated administrative abilities, temporarily weakened Keppel's own rapport with the President.³⁶

In addition to the political problem over Loomis' initial

³⁴Basically, the report recommended the division of the Office of Education into four bureaus, each dealing with a level of education. Those sections were: the Bureau of Elementary and Secondary Education; the Bureau of Higher Education; the Bureau of Adult and Vocational Education; and the Bureau of Research. The report stressed research more, as seen by the creation of the Research Bureau. For personal experiences of the first operations under this new program, see the testimonies of Dr. Arthur Harris and Peter P. Muirhead, who headed the Bureaus of Elementary-Secondary and Higher Education, respectively, in Oral Histories File, Johnson Papers, Johnson Library.

³⁵Bailey and Mosher, p. 77.

³⁶Ibid.

appointment, was the added problem that he replaced Wayne Reed, a career civil servant, as Deputy Commissioner. Reed was appointed Associate Commissioner for Federal Relations and did not object too forcefully to the change.³⁷ But others did. "Empathy for Reed was reinforced by fear. If Reed would be pushed aside, who could be next?"³⁸

There were a number of other personnel changes within the Office of Education and the Department of Health, Education, and Welfare during 1965. In July, Anthony J. Celebrezze was replaced by John W. Gardner as Secretary of Health, Education, and Welfare.³⁹ In September, Francis Keppel shifted his position within HEW from Commissioner of Education to Assistant Secretary of HEW. Harold Howe, II replaced Keppel as Commissioner of Education.⁴⁰

Another result of the changes within the administrative area in regard to the Elementary and Secondary Education Act which had political implications was the forming of a committee in 1965 by Francis Keppel to study the possibility of a national assessment program. Called the Tyler Committee project, it immediately ran into heavy opposition from educators.⁴¹ The Committee's main study was concentrated

³⁷For Reed's view of the change, see Wayne Reed Folder, Oral Histories File, Johnson Papers, Johnson Library.

³⁸Bailey and Mosher, p. 78.

³⁹See Chapter III, pp. 70-71.

⁴⁰Further implications of this change will be discussed in relation to the politics of racial desegregation later on.

⁴¹The project was headed by Ralph W. Tyler. A description of their work is located in Phi Delta Kappan (September, 1965), pp. 8-18, and (April, 1967), pp. 378-80.

on looking at the feasibility of using standard assessment tests across the nation. The report was heavily attacked at the White House Conference on Education, called in July, 1965.⁴² The main argument used against the Committee was that such a national testing program would lead to federal control of the school curriculum.

The White House Conference on Education was originally called to "tap the educational leadership" of the country on current issues in education. But the conference on many occasions turned into, in John Gardner's words, "nibbling" at great issues which required "bar-racuda bites."⁴³

What did come out of the conference was affirmation of the need both to speed up and to expand the national effort to bring about innovation and end discrimination in education. Among the themes running strongly through conference discussion were emphases on pre-school education, federal-state cooperation in curriculum innovation and modernization.⁴⁴

To illustrate political feedback, as a result of the Conference's attack on the Tyler Committee, the Senate Appropriations Subcommittee exacted a promise from Keppel that no funds for fiscal year 1966 would be spent for any national testing program until further study was completed.⁴⁵

⁴²See U. S. Department of Health, Education, and Welfare, "Consultants' Papers Prepared for use at the White House Conference on Education, July 20-21, 1965," Executive Files, Johnson Papers, Johnson Library.

⁴³Quoted in Education Digest (September, 1965), p. 55.

⁴⁴Ibid.

⁴⁵Bailey and Mosher, p. 179.

Another related development in regard to implementing the Act was the involvement of the Office of Education in school desegregation. Title VI of the Civil Rights Act of 1964 had prohibited racial discrimination in programs receiving federal financial assistance. In addition, the responsibility for ending this discrimination was also given:

Each Federal department and agency which is empowered to extend federal financial assistance to any program or activity . . . is authorized and directed to effectuate the provisions of this section . . . by issuing rules, regulations, or orders of general applicability.⁴⁶

Thus, the Office of Education was responsible for making sure that segregation in schools did not occur, and if it did, to cut off federal funds. An incident which illustrates the political implications of this section occurred in the Chicago school system involving the Office of Education. In the summer of 1965, a Chicago civil rights group, The Chicago Coordinating Council of Community Organizations, took to the Office of Education a plea to cut off funds to Chicago schools because of alleged segregation. As a result, Commissioner Keppel sent an investigator to Chicago to study the situation. In September, as a result of the investigation, Keppel wrote Superintendent of Schools, Benjamin Willis, that thirty million dollars in federal funds were being deferred until compliance with Title VI of the Civil Rights Act was completed:

Keppel's letter was delivered on Friday, October 1. On the following Monday, Mayor Richard Daley, a power in national Democratic politics and a long time defender of Federal aid to education, was in New York on the occasion

⁴⁶PL88-352, Title VI, Section 601, pp. 2-3.

of the Papal visit to the United Nations. So was President Johnson. A discussion ensued in which the Mayor set forth his strong feelings on the fund delay. The next day, Keppel and top HEW officials were summoned to the White House, and after a meeting with the President, Under Secretary Wilbur Cohen flew to Chicago to work out an agreement that freed the ESEA funds.⁴⁷

Commissioner Howe, who later replaced Keppel, was also attacked for his attempts to force compliance with Title VI. All of this had political implications in Congress later when the issue of racial segregation was brought up in connection with the discussion of the amendments to the Elementary-Secondary Act in 1966 and 1967.

The Civil Rights Act also assigned another activity to the Office of Education. Section 402 of Title VI read:

The Commissioner shall conduct a survey and make a report to the President and the Congress, within two years of the enactment of this Title, concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States, its territories and possessions, and in the District of Columbia.

The investigation was conducted under the direction of Professor James Coleman of John Hopkins University. A nationwide survey was conducted involving 645,000 students, 60,000 teachers, and 4,000 schools. Among the most significant findings of the Coleman report were the following:

1. Segregation. The great majority of American students throughout the nation attend schools where almost all of their fellow students are of the same racial background.

⁴⁷PL88-352, Title VI, Section 601, p. 152. For Keppel's view of this incident, see Keppel Folder, Johnson Papers, Johnson Library, pp. 19-28.

2. School facilities and curriculum. Minority group students on the whole have larger classes; less access to laboratories; fewer books in school libraries and fewer textbooks available; less access to college preparatory or accelerated curricula, and fewer extracurricular activities.
3. Teachers. Teachers of Negro students are more apt to have spent all their lives in a single community than are those of white students. In terms of types of colleges attended, scoring on a vocabulary test, educational background of mother, professional experience, and salary, teachers of Negro students are consistently of lower quality than those of white students.
4. Achievement. Achievement tests, administered as part of the survey in grades 1, 3, 6, 9, and 12, revealed that, with the exception of Oriental-Americans, minority group students scored lower at every level than the majority group and the gap increased with the number of years of school.⁴⁸

One of the most controversial of Coleman's findings was that he said in comparison with family background and socio-economic factors, "school factors" accounted for only a small fraction of the differences in student achievement:

Thus, if a white pupil from a home that is strongly and effectively supportive of education is put in a school where most pupils do not come from such homes, his achievement will be little different than if he were in a school composed of others like himself. But if a minority pupil from a home without much educational strength is put with schoolmates with strong educational backgrounds, his achievement is likely to increase.⁴⁹

The Coleman report had a tremendous impact upon American education both educationally and politically. Since its publication, it

⁴⁸James S. Coleman, et al., Equality of Educational Opportunity (Washington, 1966), pp. 1-23, and summarized in Bailey and Mosher, p. 158.

⁴⁹Coleman, p. 22.

has been the subject of numerous attacks.⁵⁰ Although the purpose of this work is not to examine the validity of the Coleman report, nor to weigh its findings, it did have implications for the Elementary and Secondary Act. It raised serious questions regarding low-achievers in our society and programs like the Elementary-Secondary Act which were aimed at remedying the plight of under-privileged school children. More pressure was brought on Congress and the Office of Education following the publication of the Coleman report to re-evaluate the concept that mass infusion of federal money would solve the problems of the undereducated, poverty student. As a result, educational research, program evaluation, and more money for experimentation was pushed in Congress. Also, the requirement Keppel had promised in regard to national assessment for 1966 was removed in 1967.⁵¹

In summary, as a result of the experiences of the Office of Education in trying to implement the Elementary and Secondary Education Act, Congress, as well as the President, was in a much better position to evaluate the program in 1966, 1967, and 1968, than they were in 1965. They could now base their arguments, or suggestions, upon performance and impact, rather than suggested possibilities.

⁵⁰For a sampling, see Charles S. Benson, "Coleman Report: Why the Schools Flunk Out," The Nation, CCIV (April 10, 1967), pp. 463-466; Christopher Jencks, "Education: The Racial Gap," The New Republic, CLV (October 1, 1966), pp. 21-26; and Joseph Alsop, "No more Nonsense About Ghetto Education!" The New Republic, CLVII (July 22, 1967), pp. 18-23.

⁵¹See this chapter, pp. 216-217.

President Johnson and Federal Aid
(1966-69)

The story of the politics of federal aid to education between 1966 and 1969 is not as dramatic as the episode in 1965, but that does not mean it is no less important. Obviously education would not again receive the national attention that it had in 1964-65. The launch was completed, the problem now turned to one of making adjustments to the program which appeared necessary. And, just as in the moon rocket journey, determining which phase of the trip was most important was a difficult, if not impossible, judgement. Therefore, the relationship between President Johnson and Congress between 1966 and 1969 becomes more important if we view it as a period in which vital adjustments were being made to an ongoing program, which, without proper adjustments, could fail and destroy all the dramatic efforts made in 1965.

1966

The coalition that formed in 1965 between the executive branch, interest groups, and congressional leaders, in order to pass the school aid bill was indeed a once in a lifetime situation. Leading that coalition was of course President Johnson. Without the President's expert planning no doubt the 1965 aid bill would not have passed Congress as it did. However, it must also be admitted, without taking anything away from President Johnson, that environmental changes prior to 1965 played an important role in creating a situation which the President could exploit.

1966 promised to be a different year however, as the central point concerning federal aid in 1966 was whether the President could

hold together the coalition that was formed in 1965.

For example, the escalation of the Vietnam war was an important factor in changing the mood of Congress between 1965 and 1966. In January, 1965, there were less than 25,000 troops stationed in South Vietnam; but by the opening of the second session of the Eighty-Ninth Congress in 1966, there were close to 200,000.⁵² With inflation on the move, President Johnson was going to face a difficult problem in reconciling two types of spending programs. The question was one of whether the President could convince Congress to maintain both his Great Society program and his Vietnam policy without a tax increase. Such a problem certainly cut down on the maneuverability of the President with Congress.

And too, the rising number of violent race riots in the slum-plagued cities across the nation changed the nature of the civil rights movement. Because of such violence, the cause of civil rights declined in popularity, and reopened old wounds on Capitol Hill. Proponents of federal aid found the going rough in keeping the compromises reached in 1965 maintained in 1966. Desegregation of the schools was bound to come up in connection with federal aid in 1966, and the outlook for a peaceful settlement looked glum.

Also, as the President had forecasted earlier, the President's popularity with the American people was on the decline.⁵³ For example, Johnson's popularity was approximately seventy per cent when the school bill passed in 1965, but by 1966 it had dropped to below the

⁵²Eidenberg and Morey, p. 179.

⁵³For the President's early forecast concerning his popularity decline, see Chapter V, p. 190.

fifty per cent mark.⁵⁴

Compounding the President's problems was the fact that 1966 was an election year, an off-year election which would certainly affect the House of Representatives. The attitude of the House toward any program proposed by the President was summed up by Adam Clayton Powell: "The President is not running for re-election this year--we are."⁵⁵ The large Democratic majority the President had enjoyed in 1965 was bound to dwindle in 1966. Congressmen facing re-election were going to be more interested in their chances of returning than in supporting the President.

Therefore, Congress was in a different mood in 1966 than in 1965. Because of environmental changes, the relationship between the President and Congress was certainly more strained.

In addition, the implementation of any act of Congress was going to create some problems, but another key to the President's program in 1966 was how many problems, and how much opposition, had been created as a result of the Elementary and Secondary Act's first year of operation.

And too, the success of any federal aid proposal would, to a great extent, depend upon how well it could be kept separate from other controversial issues. The larger national issues which were discussed in relation to the President's proposal in 1965, were, in the

⁵⁴For the President's early forecast concerning his popularity decline, see Chapter V, p. 190.

⁵⁵The New York Times (March 3, 1966), p. 21.

main, only solved for the moment.⁵⁶ Most of these issues arose again in 1966, some more intense than others, and some in different contexts.

In addition, a new issue appeared in 1966, an issue which replaced religion in its intensity and as a cause of conflict between proponents of federal aid. That issue was the increasing military build-up in South Vietnam.

Vietnam. Ironically, the history of federal aid reveals that, when connected with war, education has in most cases benefitted.⁵⁷ President Johnson had even connected his education program with the "war on poverty." In the case of Vietnam however, President Johnson was faced with a problem of meeting rising military expenditures which threatened to endanger his Great Society program, of which education was a vital part. Thus, in this case, war threatened to cut down on federal aid to education--a complete switch of events.

President Johnson did not dodge the issue of Vietnam, but instead, met it head on in his State of the Union Message in January, 1966. On the question of continuing both his domestic program and military policy, the President said: "I believe that we can continue the Great Society while we fight in Vietnam," and, the President continued: "If the necessities of Vietnam require it, I will not hesitate to return to Congress for additional appropriations or additional revenues if they are needed."⁵⁸ It was obvious that the President was going to try to

⁵⁶ See Chapter V., p. 159.

⁵⁷ See Chapter II, p. 28.

⁵⁸ Johnson, "Annual Message to the Congress on the State of the Union," January 12, 1966, Public Papers, pp. 4-5.

continue both his foreign and domestic policies.

The State of the Union Message did not contain any specifics in regard to education, so there was not too much reaction to the President's speech. Congress was apparently waiting until the President gave some details to see whether any cut in funds for education would be proposed. The details in regard to education came in the President's special message on health and education on March 1. In this message the President proposed the following: (1) extension of the Elementary and Secondary Education Act for an additional four years; (2) repeal and reduction of several provisions in impacted area legislation (this would eliminate aid to 1,200 of the 4,100 districts, and reduce funds from 466 million dollars in fiscal year 1966 to 206 million dollars in 1967); (3) repeal of the incentive grant provision of Title I (this provision originally provided that if a school district increased its expenditures it would receive an additional grant); (4) increase the coverage of the Act in 1968 by raising the income level for allocating aid to the poverty family to 3,000 dollars from the old figure of 2,000 dollars (the figure would remain at 2,000 for 1967); (5) grant an additional five million dollars to districts to deal with de facto segregation and planning school construction; (6) earmark additional money for children of American Indians and migrant workers.⁵⁹

The total allocation under the President's proposal, submitted in

⁵⁹Johnson, "Special Message to the Congress on Domestic Health and Education," March 1, 1966, Public Papers, pp. 243-45.

his Budget Message, was 1.3 billion dollars.⁶⁰ This was a slight increase over his 1965 request of 1.2 billion dollars. The President commented on the reason for this small increase: "Even a prosperous nation cannot meet all its goals at once. For this reason, the rate of advance in the new programs has been held below what might have been proposed in less troubled times . . ."⁶¹ The budget reflected modest increases under each title of the 1965 bill for the fiscal year of 1967. Breakdown of the President's request looked like this: (1) requested funds for Title I totalled 1.07 billion dollars (959 million was appropriated for 1966); (2) requested funds for Title II totalled 105 million dollars (100 million dollars appropriated for 1966); (3) 145 million dollars requested for Title III (100 million appropriated for 1966); (4) 80 million dollars requested for Title IV for 1967 (70 million appropriated for 1966); (5) Title V requests totalled 22 million dollars (17 million appropriated for 1966).⁶²

Response to the President's proposal was immediate, and resulted mainly from differences of opinion over the Vietnam issue. Representative Hugh L. Carey (Republican, New York) stated: "We are being forced to make a choice between books and bullets."⁶³ Senator Morse, who reluctantly introduced the Administration's bill in the Senate Subcommittee, made it clear that he was not impressed with the

⁶⁰ Johnson, "Annual Budget Message to the Congress," January 24, 1966, Public Papers, pp. 47-68.

⁶¹ Ibid., p. 47.

⁶² Ibid., pp. 47-68.

⁶³ Quoted in Education, USA (March 17, 1966), p. 1.

President's proposal: "The President can let down the school children of America; but the senior Senator from Oregon will not."⁶⁴

The actions of Senator Morse in regard to the education proposal in 1966 demonstrated the problem that Vietnam caused for the President's program. In 1965, Senator Morse had steered the Administration's proposal through the Senate without any amendments. He had, in order to accomplish this goal, avoided any mention of any conflicts of opinion with President Johnson and supported the bill totally.⁶⁵ However, in 1966 Morse completely reversed his position in regard to cooperating with the President. He deliberately pointed out his disagreement with President Johnson over Vietnam and continuously tried to amend the education proposal in the Senate.⁶⁶ As a result, the 1966 Senate version of the Administration's bill contained more changes than the House version--an incongruous turn of events which was unprecedented in the post-World War II history of federal aid.

To further illustrate the change in congressional atmosphere in 1966, it was not Senator Morse who represented the Administration's proposal on the floor of the Senate, but instead it was minority leader Senator Everett McKinley Dirksen (Republican, Illinois). This was evident when, during the debates in the Senate over provisions which would exceed the President's proposal in total allocation,

⁶⁴Congressional Record (March 2, 1966), p. 4727.

⁶⁵See Chapter V, p. 195.

⁶⁶At one point Senator Morse filled more than sixty pages in the Congressional Record with evidence of the need for increased spending for Education. Congressional Record (October 5, 1966), pp. 25243-25291.

Senator Dirksen introduced several amendments which would reduce the Senate version of the bill down to the President's request. In response to one Dirksen amendment, Senator Morse stated:

In essence, the amendment from the senator from Illinois seeks to substitute the President's budget figures for the figures recommended to the Senate by the committee. Therefore, let us face it, it is a question as to whether or not the Senate, this afternoon, is going to substitute the President of the United States for the Senate, by rubber-stamping the President and make him the legislative body also.⁶⁷

The situation was quite a reversal, as one writer put it: "We have the peculiar spectacle of a Democratic bill manager accusing a Republican leader of rubber-stamping a proposal made by a Democratic President!"⁶⁸

The main attack in connection with Vietnam upon the President was aimed at the fact that he had recommended a cut in impacted funds which had traditionally been one of Congress's most popular programs. Certainly the President expected strong reaction from Congress. He must have also expected strong reaction from educators. Instead he had made a calculated move, as summarized by one authority on federal aid:

. . . the President's proposal was a calculated scheme to put Congress over a barrel. The President wanted a larger budget than the one he submitted, but he did not want to be saddled with the unpopular task of requesting a tax increase to support it. Therefore, he cut those items which he thought Congress was most likely to restore. Hence, if the restorations

⁶⁷Congressional Record (October 6, 1966), p. 14457.

⁶⁸Eidenberg and Morey, p. 200.

were made, the President could blame Congress for necessitating a tax increase.⁶⁹

As further evidence of this strategy, when President Johnson signed the G.I. Bill of 1966, which the Administration had opposed, the Wall Street Journal noted that "he took the setback with unusual joviality for a man with a reputation for getting his own way from Congress."⁷⁰ This strategy paid off, as will be seen, in that Congress did eventually fund more than the President requested. Thus, one major issue facing the President in regard to federal aid was surmounted for the moment.

However, the President's proposal was such a mixed bag, that almost every section stirred up some type of opposition. For example, the least controversial of the President's requests was the four-year authorization request. But even more, Congress did not like the idea of authorizing any program that long, and cut the authorization back to two years. Also, the old issues facing federal aid discussed in relation to the 1965 bill were raised again.

Race. Next to the Vietnam issue, the racial problem created some of the biggest headaches for President Johnson's education proposal. In 1965, the racial issue was a very minor one in relation to other problems. The Johnson strategy of playing down this potentially

⁶⁹Eidenberg and Morey, p. 188.

⁷⁰Quoted in Education Digest (April, 1966), p. 54. Also of significance is the fact that as a result of the cuts, Alabama, the home state of the Chairman of the Senate Appropriations Subcommittee, Senator Lister Hill, stood to lose six of its seven million dollars in impacted aid funds for 1967.

explosive issue worked successfully.⁷¹ However, 1966 was a different story as debates over racial integration occupied a great deal of time, especially in the House of Representatives.

The issue actually began to become a problem shortly after the Elementary and Secondary Act was passed. The reason for the problem was that Title VI of the Civil Rights Act prohibited the distribution of federal funds where racial segregation was practiced. As a result, the Office of Education had to write up guidelines which determined what constituted segregation. The Chicago incident with Mayor Daley illustrates some of the problems that this type of activity created for federal aid.⁷² And too, racial disturbances in the cities in 1965 and 1966 created uneasiness in regard to racial integration. The change in the mood of the country was reflected in a Gallup poll which reported in 1966 that 58 per cent of the adult white population believed that the Administration was pushing integration too fast.⁷³ Thus, a potentially explosive atmosphere existed, and evidence is abundant that the Johnson Administration was very concerned that race and federal aid would be linked together in 1966 and defeat the school proposal.⁷⁴

Despite the Administration's concern over keeping the lid on the

⁷¹See Chapter V, p. 171.

⁷²See this chapter, pp. 216-217.

⁷³Education Digest (November, 1966), p. 56.

⁷⁴For an example of newspaper accounts of this concern, see "Johnson Concedes Errors on Rights," The New York Times (October 7, 1966), p. 25. Also, the communications between President Johnson and his staff in 1966 reflect this concern. See Executive-Legislative File, 1966, Johnson Papers, Johnson Library.

racial issue, it did erupt in the House of Representatives. The problem first arose during the first day of floor debate when Representative Horace Kornegay (Democrat, North Carolina) asked Perkins, the floor leader: "Is there any provision in the bill, as we have it here now, that would authorize funds which can be used for the purpose of busing school children from one school to another?"⁷⁵ Despite the fact that Perkins assured Kornegay that funds could not be used to force racial balance by busing school children, the issue was not dead. The next day, Representative Paul Fine (Republican, New York) launched an attack on Commissioner Howe for his activities in enforcing integration, and called him, among other things, a "sociological quack."⁷⁶

In an effort to quiet the issue, Representative James O'Hara (Democrat, Michigan) introduced an amendment which would prohibit any department, agency, officer, or employee of the federal government from requiring "the assignment or transportation of students or teachers in order to overcome racial imbalance."⁷⁷ The amendment was quickly adopted, but the controversy was not over.

Following the adoption of the busing amendment, O'Hara offered a second amendment to the bill which would eliminate the provision that gave special consideration to school districts trying to eliminate racial imbalance. As in the first amendment, O'Hara was trying to protect the bill, as evident in his statement when the amendment

⁷⁵Congressional Record (October 5, 1966), p. 24334.

⁷⁶Quoted in The New York Times (October 7, 1966), pp. 1, 25.

⁷⁷Congressional Record (October 6, 1966), p. 25549.

was introduced:

Mr. Chairman, there has been a good deal of 'flap' over this, which I believe to be entirely unwarranted because if a school district has a serious problem of racial imbalance within its schools which it wants to correct because it believes doing it would improve its educational system, I think it might be entitled to a little special consideration, but since an effort has been made to take this simple provision and turn it into some sort of ogre I am offering to take it out.⁷⁸

The second amendment by O'Hara was adopted, but as in the first, the issue was still not solved.

The next amendment concerning the racial issue was introduced by Representative H. L. Fountain (Democrat, North Carolina) which would prohibit the Commissioner of Education from withholding funds for alleged practices of segregation without a hearing and an "expressed finding on record" of noncompliance with Title VI of the Civil Rights Act of 1964.⁷⁹ Despite efforts to block the amendment by the Administration, it was adopted by a vote of 221 to 116.⁸⁰ This amendment later caused problems in a conference between the House and Senate because the Senate did not adopt this proposal.⁸¹

The hottest issue in connection with race was the problem over the Office of Education's guidelines in connection with what constituted racial segregation.⁸² In the Northern sections of the United States, a great deal of segregation in the schools was a result of

⁷⁸Congressional Record (October 6, 1966), p. 24543.

⁷⁹Ibid., p. 25573.

⁸⁰Ibid., p. 25586.

⁸¹See this chapter, p. 241.

⁸²See this chapter, pp. 216-217.

housing patterns. The Office of Education guidelines were affecting these residential districts, as well as those in other areas of the country where segregation existed because of economic conditions. In the Senate, these guidelines were the focal point of attack. For example, the Senate Majority Leader, Mike Mansfield (Democrat, Montana) stated publicly that he thought that the Department of Health, Education, and Welfare (of which the Office of Education is a part) was going "too fast" with its school desegregation guidelines.⁸³ In addition, the Senate Appropriations Committee's report in regard to the guidelines stated:

The Committee believes that the revised education guidelines contravene and violate the legislative intent of Congress in enactment of the Civil Rights Act of 1965 It has never been intended by this Committee that funds appropriated by it be used by the Department of Health, Education, and Welfare to go about the country harassing people who have shown every indication of abiding by the letter and intent of the Civil Rights Act of 1964.⁸⁴

Following the report of the Appropriations Committee, Senator Mansfield once again commented:

The policy of the Civil Rights Act was to declare segregation by public officials unlawful. It was designed to prevent an unlawful act of segregation--not to implement an affirmative policy of integration.⁸⁵

The individual who was the center of most of the attacks, was the Commissioner of Education, Harold Howe II. As one writer put it: "He has replaced Robert Kennedy as the Yankee most hated in the South," and that "He has acquired a new and unofficial title. He is the U. S.

⁸³Quoted in Education Digest (November, 1966), p. 56.

⁸⁴Ibid., pp. 57-58.

⁸⁵Ibid., p. 58.

Commissioner of Integration."⁸⁶ Commissioner Howe did not take the criticism idly, as is here indicated in this excerpt from a speech at Hampton Institute in Virginia:

I am urging you to . . . quiet down. I am urging on you the painful recognition that the Negro will win full citizenship in the same way that other American minorities have won it; not by blasting through closed doors in a few explosive moments, but by shoving those doors back inch by inch until the rust on our social hinges gives way.⁸⁷

At any rate, as a result of the issue, Congress reduced the appropriations for enforcement of Title VI of the Civil Rights Act. Those funds had been contained in thirty-eight separate accounts throughout the Department of Health, Education, and Welfare, with a total funding level of 4.3 million dollars. Congress cut the appropriations down to 3.4 million dollars, eliminating seventy positions within the Department in the process.⁸⁸

In summary, the bill regarding school aid did pass in 1966, but not without a great deal of debate and bargaining over the issue of race; and it was also clear that, as in the case of 1965, racial problems were not solved by the 1966 amendments. Solved only for the moment, the debate over federal aid and racial segregation would probably reappear whenever Congress took up either problem.

The Religious Problem. During the Senate and House hearings in 1966, school administrators were questioned extensively over the

⁸⁶ James J. Kilpatrick. Quoted in Education Digest (November, 1966), p. 57.

⁸⁷ Ibid.

⁸⁸ Ibid. (December, 1966), p. 59.

relationship between private and parochial schools in regard to cooperation in the use of federal funds.⁸⁹ Congress was still concerned over the relationship of church and state and wanted to see how the compromise reached in 1965 was working out. Most of the school officials indicated that there were no major problems with competition over the funds, and the discussion on this level was dropped.

In addition, there were some die-hard interest groups still opposed to the separation of church and state regarding the formula reached in 1965, and testified again in opposition to the compromise.⁹⁰ However, Congress was apparently more interested in waiting to see if the courts were going to uphold the constitutionality of the solution before committing themselves again, so the issue was dropped, at least for the time being.

The issue of the separation of church and state was not dead. It did arise briefly in connection with Senate debates over the education amendments, but this time it was in connection with school prayer. This issue began in 1962 when the Supreme Court prohibited the state of New York from writing out or prescribing a prayer for recitation in the

⁸⁹ See statements of Edgar Fuller, executive secretary, Council of Chief State School Officers; Harry Sparks, superintendent of public instruction, Kentucky; Floyd T. Christian, superintendent of public instruction, Florida; Ray Page, superintendent of public instruction, Illinois; and Paul F. Johnston, superintendent of public instruction, Iowa, in House, Hearings, pp. 411-476.

⁹⁰ See statements of Dr. Leo Pfeffer, special counsel, American Jewish Congress, and Mrs. Bernard Koteen, member of national board, National Council of Jewish Women, in U. S. Congress, Senate, Subcommittee on Education, Committee on Labor and Public Welfare, Hearings on Elementary and Secondary Education Amendments of 1966 (89th Cong., 2nd Sess., 1966) (Washington, 1966), p. 1419 and p. 1423.

public schools.⁹¹ Following this decision, numerous amendments were offered in the Senate to legalize school prayer.⁹² The leader of this effort was Senator Dirksen. Several times after 1962, he had offered in the Senate a proposed constitutional amendment regarding school prayer. In 1966, just prior to the beginning of floor debates on the education amendments, the prayer debate started again. This controversy was connected with the education proposal when Senator Vance Hartke (Democrat, Indiana) introduced an amendment to the Senate's version of the bill which called for the local school districts, if they wished to provide time for "prayerful meditation," providing that no public official recite the prayer.⁹³ The Hartke amendment was short-lived, as it was quickly tabled, but it did serve to re-open the debate on religion.

The question was raised again late in the session when Senator Dirksen announced his intention to amend a United Nations Children's Emergency Fund (UNICEF) resolution commending that organization. The Dirksen Amendment called for a Constitutional amendment to authorize voluntary prayers in public school classrooms.⁹⁴ The chief opponent to the amendment was Senator Birch Bayh (Democrat, Indiana). Bayh

⁹¹Engel vs. Vitale 370 U. S. 421 (1962). Located in Wallace Mendelson, The Constitution and the Supreme Court (New York, 1968), pp. 580-85.

⁹²Eidenberg and Morey, p. 200: "Between June, 1962, and October, 1966, there were almost two hundred resolutions introduced in Congress aimed at reversing this decision."

⁹³Congressional Record (October 5, 1966), p. 25485.

⁹⁴Ibid. (September 19, 1966), p. 23063.

countered the Dirksen amendment with a bill encouraging school officials to permit periods of voluntary silent prayer but not requiring this practice.⁹⁵ At any rate, the Senate debated the issue for three days, and at times it became quite emotional. At one point, Senator Dirksen stated: "They teach the little children sex in the schools . . . they teach them about Communism. They even teach them ballet. Why not God Almighty?"⁹⁶ Eventually the debate ended as the Bayh amendment was defeated by a 52-33 vote, and the Dirksen amendment fell by a 48-37 vote.⁹⁷

The prayer debate serves to illustrate the ever present sensitivity of the religious issue in connection with federal aid. And, the controversy was not ended, as indicated by Senator Dirksen following the defeat of his proposal: "The crusade will continue, and next time we will be better organized throughout the country."⁹⁸ Also, the predicament that this debate placed upon a number of congressmen was reflected by Senator Bayh: "It's pretty hard to vote against school prayer in an election year."⁹⁹ Therefore, the next Congress would probably go through the debate all over again.

⁹⁵Congressional Record (September 20, 1966), p. 23101.

⁹⁶Ibid., p. 23553.

⁹⁷Ibid., pp. 23547, 23554. Even though the Dirksen amendment won a majority, it did not go into effect, since a proposed constitutional amendment required a two-thirds vote.

⁹⁸Quoted in Education Digest (November, 1966), p. 59.

⁹⁹Quoted in Ibid.

States' Rights--Fear of Federal Control. In 1966, the federal control was not as hotly debated as in 1965. One of the reasons for this was that during the committee hearings in 1966, public school administrators were thoroughly questioned concerning federal control, and the majority responded that they had not suffered any undue pressure from Washington.¹⁰⁰

However, the federal control controversy was not settled. It simply was raised in a different context. For example, during the hearings on the amendments in 1966, quite a bit of opposition was revealed in regard to the length of the application forms required to be completed before a school district could receive Title I funds. Senator Ralph Yarborough (Democrat, Texas) voiced the feeling this way:

. . . we (the Congress) have had complaints from school superintendents that claim that the forms that they are required to fill out under Title I are the longest and most difficult they have ever seen . . . from all I hear this seems to be a pretty serious question with a lot of districts. They say they bog down in red tape.¹⁰¹

Commissioner Howe II replied to the criticism: "We have tried to simplify the forms, and the package of forms, if you want to call it that, has been considerably slimmed as we have worked on this."¹⁰² However, the increase in bureaucratic paper work appeared to some apparently as an increase in federal control.

¹⁰⁰House, Hearings, 1965, pp. 411-476.

¹⁰¹Senate, Hearings, 1965, p. 738.

¹⁰²Ibid., also in connection with federal control, the Bailey BSSR survey asked the question of whether the complexity of the Title I application form had presented difficulties, and over 55.3 per cent of the nation's school districts replied that it had.

Also in connection with the development of guidelines for applying for federal funds, the Office of Education came under attack for its insensitivity to local control feelings. For example on one occasion the guideline stated:

Without these criteria (for ranking) the State educational agency has no basis to judge whether the local educational agency is fulfilling its obligation and therefore, the State educational agency cannot approve the project applications without violating its assurance to the U. S. Commissioner of Education.¹⁰³

Such wording was not very conducive to quieting federal control fears, and resulted in part in a resolution from the Council of Chief State School Officers directed to the U. S. Office of Education which called for a curtailment of federal activity to only those activities required under the Elementary and Secondary Education Act.¹⁰⁴

Thus it can be seen that federal control, like the issues of race and religion, was still present in 1966, creating an additional problem for the Johnson Administration to handle in order to promote federal aid.

Rural-Urban Quarrel. The differences in outlook between the large, wealthy school districts, and the smaller, poorer school districts were dramatically revealed in the House debates over the 1966 school bill. For example, the large city congressmen from wealthy districts opposed the provision which called for the repeal of incentive grants authorized under Title I.¹⁰⁵ The leader of this group was

¹⁰³Quoted in Bailey and Mosher, p. 111.

¹⁰⁴Resolution VII, adopted at the Annual Business Meeting of the Council of Chief State School Officers, Honolulu, Hawaii (November 12, 1965). Quoted in Ibid., p. 112.

¹⁰⁵See this chapter, p. 223.

Representative Hugh L. Carey, who originally authored the provision in 1965. Because of their ability to rapidly expand in expenditures, the wealthier states and districts stood to gain the most from this provision.

The large city schools were also opposed to the allocation formula in the bill. Under the 1965 act, children from families receiving Aid to Families with Dependent Children (AFDC) were included in the allocation formula based on 1962 data. Carey and the big city group wanted more recent figures used. This would obviously benefit the cities with increasing populations.

At the subcommittee stage, the large city forces were unsuccessful in their attempt to restore the incentive grant provision, but they were successful in attaching the Carey amendment requiring the use of updated data to the bill.¹⁰⁶

The rural forces were led by Carl Perkins and Representative Albert Quie (Republican, Minnesota). At the full committee state they sparked the rural-urban split again by successfully proposing an amendment which also altered the allocation formula. Under the 1965 act, the funds under Title I were allocated on a basis of taking one-half of the average expenditure per pupil in the state multiplied times the number of school children from families with incomes less than 2,000 dollars.¹⁰⁷ The Quie-Perkins proposal amended the allocation formula so that the figure would be based upon one-half of the average expenditure per pupil in the state, or in the nation, whichever was the

¹⁰⁶Eidenberg and Morey, p. 192.

¹⁰⁷See Appendix A., pp. 287-290.

greater. This would obviously benefit those states whose average expenditure fell below the national average.¹⁰⁸

Therefore, it can be seen from the problems arising over the rural-urban split, that the Johnson Administration was faced with another thorny problem to overcome in 1966.

The Conference. The House and Senate versions of the 1966 education bill, unlike the 1965 version, differed in both content and in cost. Therefore a conference between the two chambers was necessary. The most significant differences between the two bills were in Title I. The Senate had raised the low income eligibility figure from \$2,000 to \$2,500 for fiscal year 1967, and then to \$3,000 for fiscal year 1968. The House version was identical with the President's original request of \$2,000 for 1967, and \$3,000 for 1968. This meant that the Senate version would cost more since more students would be eligible in 1967 for aid. The conference committee adopted the House version and left the income figure at \$2,000 for 1967.¹⁰⁹ This was a significant victory for the President.

Other differences in the bill involved new additions to the coverage. The conference adopted two provisions of the Senate version which provided for: (1) allocating funds for new programs for handicapped children (2) and transferring basic education programs from the Office of Economic Opportunity to the Office of Education.

¹⁰⁸Eidenberg and Morey, p. 192. For example, Mississippi's expenditure in 1966 was \$273, and the national average was \$500. Thus, the base figure for Mississippi would be raised from \$273 to \$500.

¹⁰⁹Ibid., pp. 201-02.

Another basic difference in the two bills was in the total amount to be funded. The President had originally requested 1.2 billion dollars to fund his program. The Senate version authorized 2.7 billion dollars, and the House authorized 2.1 billion dollars for the program. The conference committee finally fixed the figure at 2.4 billion dollars for fiscal year 1967, a somewhat higher figure than the President had requested.

The conference involved the usual amount of give and take, but the biggest problem centered on the issue of race. The House had adopted an amendment prohibiting the Office of Education from withholding funds for alleged practices of discriminating without a hearing and an "expressed finding" (Fountain Amendment).¹¹⁰ According to one source, most conferees from both chambers were willing to abolish this amendment completely; but, as one participant put it: "Our job was to decide what kind of compromise the House would buy."¹¹¹ And the House of Representatives was in no mood for such an amendment to be deleted from the program. Finally, a new provision was substituted by Senator Jacob Javits (Republican, New York), which allowed the Commissioner of Education to defer funds for a ninety-day period, during which time a hearing was to be held:

The conference bill was accepted by voice vote in the Senate. In the House it provoked some opposition on the floor, mainly from Southerners, despite the fact that Representative Fountain sent word to the floor that he accepted the compromise language. The bill finally passed by vote of 185 to 76.¹¹²

¹¹⁰ See this chapter, pp. 230-231.

¹¹¹ Quoted in The New York Times (October 19, 1966), p. 39.

¹¹² Eidenberg and Morey, p. 202.

If a comparison is made with the final outcome in Congress and the President's original proposal, it can be seen that President Johnson did not fare too badly in 1966. To illustrate, let us look at how the President's requests fared in each category. First, the President requested a four-year authorization of the 1965 act--Congress cut this authorization down to two; second, the President requested a cut in impacted area aid--this Congress refused to do; third, the President requested repeal of the incentive grant provision of Title I--Congress repealed this provision; fourth, the President requested an increase in the income eligibility figure for 1968 to \$3,000, and the figure to remain the same at \$2,000 for fiscal year 1967--Congress adopted this proposal without change; fifth, the President requested additional money for school construction, and combatting de facto segregation--Congress granted the money for planning school construction but cut some funds used for integration activities of the Office of Education; sixth, the President requested new funds for minority groups such as the American Indians--Congress granted these funds; and finally, the President's total request was exceeded by Congress.

Taking into account all of the problems that the Johnson Administration faced in 1966, it is amazing that any type of federal assistance to the schools was enacted. However, the Congress did enact a program, and this fact points out that Congress, as a result of the 1965 victory for federal aid proponents, and continuing pressure to aid the schools by the President, was changing its concept of federal aid from one of debating the basic concept to one of arguing over the amount and means of allocation. This becomes especially evident in 1967.

1967

The congressional atmosphere in regard to federal aid to education underwent a significant change between the years 1965 and 1966. The results of this change were pointed out in connection with the eventual changes made in the original version of the Elementary and Secondary Education Act during the second session of the Eighty-Ninth Congress. Just as the changes between 1965 and 1966 affected the Eighty-Ninth Congress, changes between 1966 and 1967 presented a different context for federal aid in the first session of the Ninetieth Congress. As one writer has observed:

A legislative enactment is seldom a clean decision of important issues. It is normally a verbal formula which the majority of congressmen find adequate as a basis for their continuing policy struggle. It sets up new ground rules within which the issues may be fought out. The ground rules will reflect the balance of forces, but the minority is seldom so weak on the major issue that it has to accept a once-and-for-all decision. The formula must usually offer them the chance of later reversal, keeping the big issue alive.¹¹³

The most significant change occurred in the House of Representatives. As a result of the 1966 election, the Republican party gained some forty-seven seats. This expanded their number in the House from 140 to 187 members.¹¹⁴ This significant gain enabled the Republicans to present a much stronger front against Democratic proposals, especially if they could align themselves with a few dissatisfied Democrats. The potential of this coalition was demonstrated early in the

¹¹³Raymond A. Bauer, Ithiel de Sola Pool, Lewis A. Dexter, American Business and Public Policy (New York, 1963), pp. 426-27.

¹¹⁴Eidenberg and Morey, p. 207.

session when 69 Democrats joined 157 Republicans to repeal the twenty-one day rule which had been incorporated into the House rules in 1965.¹¹⁵

There were a number of other changes in the House which affected the "ground rules" of the 1967 debate. Some of these were: (1) Representative Howard W. "Judge" Smith (Democrat, Virginia) retired from Congress. For years Judge Smith had been a strong power to deal with as chairman of the Rules Committee, and had been one of the reasons for the incorporation of the twenty-one day rule in 1965;¹¹⁶ (2) at the beginning of the first session of the Ninetieth Congress, the status of Adam Clayton Powell was uncertain because of his problems with the law, and before the session ended, the House had refused to seat the flamboyant Democrat. Thus, the chairmanship of the House Education and Labor Committee was vacated. During the 1966 session, the members of the House Education and Labor Committee, led by Representative Sam Gibbons (Democrat, Florida), voted to strip Powell of most of his powers as chairman. The move had been made so that most of the power would go to the Subcommittee Chairman, Representative Carl Perkins, a staunch supporter of federal aid. In 1967, when Perkins succeeded to Powell's position as Chairman of the larger committee, the rules were not changed.¹¹⁷ This left Perkins with very little room to work, and resulted in a setback for supporters of federal aid because an old nemesis of the Johnson Administration gained in strength:

¹¹⁵Congressional Record (February 28, 1967), p. 4774.

¹¹⁶See Chapter V., p.187.

¹¹⁷Ibid.

The de facto chairman of the Committee, as soon became apparent, was Rep. Edith Green (D. Oregon). By voting with the Republican minority on the Committee, accompanied by Representative Gibbons, she soon showed that she could shape any bill to her liking.

The Administration filled Powell's place on the Committee with Rep. Carl Albert, Majority Leader of the House, who was one rung below the Speaker on the leadership ladder, but to no avail. Mrs. Green, strong-minded and often irascible, remained dominant.¹¹⁸

(3) The House Appropriations Subcommittee for Education and Labor lost five of its members, including the chairman, Representative John E. Fogarty (Democrat, Rhode Island). Fogarty had been a consistent supporter of Johnson proposals. The content of this committee proved to be a major problem for the Administration, as appointments to fill the vacancies were in the hands of the full committee chairman, Representative George Mahon (Democrat, Texas). Mahon was described by one observer as being "a conservative who has not previously displayed excessive fondness for the Great Society, or federal aid to education either, for that matter."¹¹⁹ The Johnson forces would certainly have a problem if the chairman appointed five new members to the subcommittee who opposed federal aid to education.

All of these changes led to a mood of uncertainty for federal aid in 1967, as described by one magazine in March, 1967: "Even now, as Congress gets down to work after its opening squabbles over committee assignments and seniority, education legislation faces an uncertain future, the most unpredictable outlook on Capitol Hill in several

¹¹⁸ The Education Digest (September, 1967), p. 52.

¹¹⁹ Ibid. (March, 1967), p. 55.

years.¹²⁰

In 1966 Congress authorized the Elementary and Secondary Act for two years. However, that did not mean that it would not be taken up again, because Congress still had the power to amend the Act, regardless of whether it had expired. Therefore, the remainder of this discussion will center on those major changes made in the Act, and Presidential strategy in relation to those changes.

As far as President Johnson's strategy, it was basically the same as that employed in 1966.¹²¹ The technique the President employed prior to his message to Congress in 1967 is described as being one of playing with the budget balancing game:

In the past few weeks President Johnson has played a now-familiar game with the press and the public--dropping hints that his budget is ballooning so enormously that he is valiantly trimming and slashing to get it down to reasonable proportions before sending it to Congress.¹²²

However, there was a perceptible change in the Administration's attitude in 1967. President Johnson apparently decided, along with his staff, that the general mood of the contry was against continued pressure for new programs. The pace in new legislation had been rapid in 1965, somewhat lessened in 1966, and the President decided that a general slowdown was in order for 1967. Therefore, the most successful policy would be to try to consolidate the gains made in 1965 and 1966. Evidence of this change in attitude is found in the communications surrounding the task force reports in 1967, the Friday Task Force

¹²⁰The Education Digest (March, 1967) p. 55.

¹²¹See this chapter, pp. 227-228.

¹²²The Education Digest (January, 1967), p. 56.

Report and the Interagency Task Force Report.

On June 30, 1967, a task force chaired by William C. Friday, President of the University of North Carolina, submitted a report to the White House calling for federal aid for the operating costs of colleges, creation of a national social science foundation, federal support for the reform of undergraduate education, and vast expansions of federal aid for facilities, research, undergraduate, graduate students, developing colleges, and the community-service activities of colleges.¹²³ Shortly following this report, Joseph Califano, a special assistant to the President, requested of John Gardner to set up a task force consisting of government agencies to look at ways in which the Friday recommendations could be implemented. Gardner organized the task force with Harold Howe, II, as chairman. Called the Interagency Task Force of 1967, the task force also included Douglass Cater, the White House advisor on education. The Interagency task force reported four months after the Friday task force, in September of 1967.¹²⁴ The report warned against any bold new programs for fiscal year 1968, because the Administration was beginning to hear complaints that its education programs were promising too much and delivering too little. The task force report further warned that existing programs should be fully funded before the government started on any new programs such as those recommended by the Friday task force. Although the two task forces were mainly concerned with higher education, their reports, and the Presidential response, adequately reflects the changing

¹²³Friday Task Force Report, 1967 Folder, Johnson Papers, Johnson Library.

¹²⁴Interagency Task Force Report, Ibid.

attitude on the part of the President, as well as the reason for it. Apparently as a result of the Interagency task force report, President Johnson decided not to propose the Friday task force proposals to Congress.

This change in attitude was not only present in the Administration, but in Congress as well. For example, in early 1967, the National Education Association, the American Association of School Administrators, the Parent Teachers Association, the National School Boards of America, and the National Association of State Board of Education, all agreed on a set of legislative recommendations and presented them to the Johnson Administration. The associations wanted "federal participation in the financing of public education through substantial general support, with minimum limitations on its use, rather than through fragmentary categorical channels."¹²⁵ The reception to these recommendations was cool, both by the President and Congress. Describing the congressional attitude, one magazine noted "there is not a chance that Congress will grant this request, even if the Administration adopts the proposal as its own, which is not likely to happen."¹²⁶

The Quie Amendment. One of the biggest arguments erupting in 1967 involved an amendment by Albert Quie. The Quie amendment basically proposed to merge Titles I, II, III, and IV of the Elementary-Secondary Act into an annual three billion dollar block grant, leaving each state free to decide for itself how to allocate the federal

¹²⁵Quoted in Education Digest (March, 1967), p. 56.

¹²⁶Ibid.

funds. As was easily noted, this amendment is similar to the proposal submitted by the interest groups earlier.

The Quie amendment turned the House into an uproar. Hugh L. Carey, the spokesman for the Catholics, said the amendment would "create a holy war" between parochial and public schools.¹²⁷ The reason for this charge was that the aid would go to the states in a sort of general grant, which would cause the states to be in charge of deciding who, or what schools, would receive the funds; and this would affect the formula devised in 1965 regarding the religious compromise. Speaker McCormack, at the height of the debate took the floor and urged his fellow Democrats, both North and South, to vote against the amendment. His reasoning was that it would "upset the delicately balanced compromises" reached in 1965.¹²⁸ Supporters of the amendment said the church-state problem was a "phony issue." Quie stated that he thought the issue was federal control, as he put it: "Are we going to give, step by step, more control to the Commissioner of Education, or are we going to restore state control?"¹²⁹

The amendment had another provision which also aroused opposition, as described here:

Quie erred in omitting provisions that would calm the fears of private school administrators that they would not continue to receive federal funds if his changes in the ESEA were adopted. In its opposition, the Administration claimed that nondiscrimination provisions would not apply if federal funds were turned over to states on a block grant basis, and

¹²⁷Congressional Record (May 22, 1967), p. 13342.

¹²⁸Ibid. (May 24, 1967), p. 13821.

¹²⁹Ibid. (May 22, 1967), p. 13346.

this charge frightened some Congressmen. To Southerners, the Administration successfully argued that the Quie bill would reduce the sums going to the Southern states.¹³⁰

At any rate, the Quie amendment was defeated in the House by a teller vote.¹³¹ The significance of this amendment is that it was basically a proposal supported by the urban groups, and opposed by the rural forces. Thus an old issue was revitalized. Also of significance is the fact that the alliance formed between the Republicans and the Democrats earlier in order to defeat the twenty-one day rule did not hold together on this amendment.¹³² One of the reasons for this is that the Republicans were utilizing a different strategy. As Gerald Ford (Republican, Michigan) the Minority leader, described it, the "strategy is to drive Southern Democrats in the House into the arms of the Administration, where they belong, on votes that will hurt them in their home congressional districts."¹³³ This strategy was employed because he felt that "it is far better to lose a few legislative battles and win the next election."¹³⁴ The Republicans were already focusing on the 1968 elections and hoping to embarrass a number of Southern Democrats in the process.

The Green Amendments. The first of the amendments introduced by Edith Green occurred on the first day of floor debates in the House, May 23. This amendment proposed that the desegregation guidelines

¹³⁰Education Digest (September, 1967), p. 53.

¹³¹A teller vote means that the position of individual congressman is not recorded.

¹³²See this chapter, 243-244.

¹³³Quoted in Eidenberg and Morey, p. 209.

¹³⁴Ibid.

under Title VI of the 1964 Civil Rights Act be enforced uniformly throughout the country. This amendment was aimed primarily at the Northern sections of the country where housing patterns formed all white neighborhood schools. The issue had been hotly debated in 1966, and 1967 proved to be no different, as one authority described the situation:

The Northern Democrats, who were still nursing their wounds from previous encounters with the gentlewoman from Oregon, immediately branded the Green amendment as a smoke screen to destroy the bill.¹³⁵

After considerable debate on the issue, the Green amendment was adopted by a voice vote, but feelings were ruffled.¹³⁶

The other two Green amendments were not quite so hotly debated. The first of these amendments concerned Title III of the 1965 Act. Under the old provision, funds for innovative educational centers and services were granted for projects approved by Washington. The Green amendment concerning this program turned the approval of projects over to the state educational agencies (federal control again). Also, no school district was to receive less from Title III in the next fiscal year than they had received in the past.¹³⁷

The other Green amendment applied to Title V. First, the appropriation level was raised from 50 million to 65 million dollars for the fiscal year 1968, and 80 million dollars for fiscal year 1969. Secondly, the old provision had provided that 15 per cent of the funds would be reserved for distribution by the Commissioner of Education.

¹³⁵Quoted in Eidenberg and Morey, p. 210.

¹³⁶Congressional Record (May 22, 1967), p. 13898.

¹³⁷Ibid., p. 13859.

This was changed to provide that all of the money would go to the state departments.¹³⁸

Two other amendments of significance were adopted by the House in 1967, both of which had been brought up in 1966. H. L. Fountain introduced again, and the House adopted, the Fountain Amendment.¹³⁹ The other amendment involved the urban-rural quarrel over the allocation formula. At the committee level an amendment was adopted which called for the changes in allocation regarding funds to be granted on the basis of the states average expenditure, or the national expenditure, whichever is greater, to go into effect only if the funds were available. Representative Sam Gibbons successfully sponsored an amendment which deleted this proviso.¹⁴⁰

Other changes in the 1967 amendments were minor in relation to the hotly debated Quie amendment. One item which might be of some importance is the fact that Congress restored the incentive grant provision in Title I that President Johnson had successfully deleted in 1966. In 1967 Congress added 50 million dollars to Title I for this purpose, and also added another 30 million for a new drop-out program.¹⁴¹

One of the most significant changes that occurred as a result of the 1967 debates was the fact that most of the arguments were over the

¹³⁸ Congressional Record (May 22, 1967), p. 13876.

¹³⁹ Ibid. (May 23, 1967), p. 13605. See this chapter, pp. 231-32.

¹⁴⁰ Ibid., p. 13846.

¹⁴¹ Education Digest (February, 1968), p. 56.

method of implementing the Elementary and Secondary Act, not the basic concept of federal aid. As Tom Wicker of The New York Times put it when analyzing the vote on the block grant proposal (Quie Amendment): "The most significant thing is that if the Republicans now intend to fight it out on this line then the real issue of American politics is no longer whether government should act but how and at what level."¹⁴²

1968

In his annual message to Congress in 1968, President Johnson returned to an old theme that he had repeatedly stressed in 1964, that of promoting federal aid for the underprivileged. He proposed that there should be a fifth freedom added to the four enunciated by Franklin Roosevelt during the 1930's. This fifth freedom, according to the President, was "freedom from ignorance."¹⁴³ One of the reasons the President returned to this theme was the results of a report submitted in 1968 by the President's National Advisory Council on the Education of Disadvantaged Children which surveyed the status of programs authorized under the 1965 Act regarding disadvantaged students. The report concluded:

The unevenness of our progress is not surprising. . . . We have had to deal with the enormous variety of American communities. In some cases, the educational situation falls critically short of effectiveness. In a few cases, there are dramatic signs of hope. In all cases, we must look upon the education of the poor as a task needing a

¹⁴²The New York Times (May 25, 1967), p. 1.

¹⁴³Johnson, "Special Message to the Congress: The Fifth Freedom," February 5, 1968, Public Papers, p. 171.

generation or more to accomplish, and requiring substantially larger funds over the years ahead.¹⁴⁴

However, unlike 1965, most of the President's new proposals centered on higher education. The only new provision for the common schools was a proposed Partnership for Learning and Earning Act, which would streamline and strengthen vocational education.

One of the reasons that the President could afford to propose an expanded program for higher education was that Congress had enacted a tax increase in the form of a surtax. This increase in federal revenue eased the pressure somewhat in regard to financing both the President's domestic and foreign programs. However, despite the tax increase, the President did not drop his old game of putting the pressure on Congress regarding spending programs for education. But this time Congress was ready for the President's budget game and anticipated his technique by passing the surtax the President asked for, but tacking on a provision that the President would have to cut six billion dollars from his budget regardless of how much Congress might or might not appropriate. As one article put it: "Congress wants to take the credit for voting the appropriations and let the President get the blame for cutting them."¹⁴⁵ In addition, Congress voted 91 million dollars for retro-active aid to impacted areas for fiscal year 1967-68, and another 110 million for fiscal year 1968-69.¹⁴⁶ The President's response to this

¹⁴⁴National Advisory Council on the Education of Disadvantaged Children, Annual Report to President Johnson (Washington, 1968), pp. 23-24.

¹⁴⁵Education Digest (September, 1968), p. 56.

¹⁴⁶Ibid.

move by Congress was an unhappy one, as the President stated:". . . Congress in one breath says you must cut \$6 billion from your budget as you send it to Congress and while doing that we add another \$200 million over and above that budget. That would make \$6.2 billion we would have to cut out."¹⁴⁷ Then Congress surprised the President again when it enacted the Vocational Education Amendments by inserting an obscurely worded provision which exempted most of the Office of Education's budget from the mandatory cost cutting.¹⁴⁸ Thus, President Johnson's budget trimming would have to occur in other areas besides education.

As a result, the President's budget for the fiscal year 1969 contained 11.6 billion dollars for education, training, and related programs. This is compared with 10.8 billion for the year 1968, and 5.2 billion in 1965. For education only, the budget contained a figure of 4.8 billion. This is compared with 1.6 billion in 1965. For elementary and secondary education the figure was 2.8 billion. This is compared with a request of 1.2 billion in 1965, and 1.3 billion in 1967.¹⁴⁹

Just as changes in the affected congressional debate in 1965, 1966, and 1967, changes occurred in 1968 in other areas which affected the outcome of education legislation. For example, President Johnson's popularity with the American people continued to decline. The Gallup

¹⁴⁷Quoted in Education Digest (September, 1968), p. 56.

¹⁴⁸Ibid. (November, 1968), p. 58.

¹⁴⁹Ibid. (March, 1966), p. 54.

Poll reported the President's popularity figure in 1968 had dropped to a low 38 per cent.¹⁵⁰ Such figures reflected difficulties for any program the President sponsored.

And too, President Johnson announced on March 31, 1968, that he was not going to run for re-election. Since this announcement came while the education legislation was still in the congressional stage, the results of Congressional action was a reflection of what Congress wanted to enact, and not so much a result of Presidential pressure. In other words, Congress knew President Johnson was not **going** to run for re-election, so they were not as responsive to his wishes as they otherwise might have been.

Another item of significance in regard to the education amendments of 1968 was that the racial issue was once again interjected into education legislation at an even hotter pace. The House enacted its version of the education legislation in June of 1968. The bill contained two amendments proposed by Representative Jamie L. Whitten (Democrat, Mississippi) in regard to race. In the enforcement of the provisions of Title VI of the Civil Rights Act, the U. S. Department of Health, Education, and Welfare had received heavy criticism in Congress for both the guidelines and the manner in which they had been applied. Against a background of charges that the Department had assumed powers not granted by the Congress, and had concentrated its enforcement actions in the Southern and Border States while ignoring patterns of school segregation in the North, Congress took up debate

¹⁵⁰Eric Goldman, The Tragedy of Lyndon Johnson (New York, 1969), p. 511.

on the so-called "Whitten Rider." The rider was aimed at preventing forced busing of students to achieve desegregation.¹⁵¹

The Whitten rider sparked some of the hottest debates in 1968 in regard to federal aid. In the House, Representative Emanuel Celler (Democrat, New York) spoke out in favor of the desegregation guidelines and against the Whitten proposal:

With the Whitten proposal we walk backwards--backward to the time before the famous Brown decision; we walk backward into the abyss of discord and disenchantment.

We would encourage that racism that is splitting our society.

We would aid with Federal grants to States that continue segregation contrary to the law.

We would reward the guilty.

We would thumb our nose at orderly, lawful process.¹⁵²

Charles Goodell thought the Congress ought to act before the courts forced them to do so: "I think it is critically important that we preserve the opportunity positively to attack this problem and not rely on the Court's decisions forcing various school districts to take action."¹⁵³ Commissioner Howe II also spoke out against the criticism leveled at his Office for aggressive action:

¹⁵¹For a full discussion of the Whitten rider, see "Controversy in Congress over Federal School Desegregation Guidelines," Congressional Digest (February, 1969).

Sec. 409. No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any secondary school to attend a particular school against the choice of his or her parent.

Sec. 410. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

¹⁵²Congressional Record (June 26, 1968), p. 18927.

¹⁵³Ibid.

The basic reason for integration of the schools is the same reason for equality in voting rights, for equal access to public accommodations regardless of race, for employment opportunity without regard to race, religion, or national origin, and for open housing. It is plainly and simply that segregation is un-American.¹⁵⁴

Supporters of the Whitten rider were equally committed to their views, as reflected by Whitten's statement:

Did you know the Department of Education, created by this Government solely and for the purpose of promoting the cause of education . . . is withholding funds . . . until school officials agree to run the schools to suit them.¹⁵⁵

Following floor debate on June 25 and 26, 1968, the House accepted the Whitten proposal and sent it to the Senate for action by that body. There the Whitten proposal was supported by a number of Senators who once again placed the blame on the Office of Education for its enforcement guidelines. Senator Richard B. Russell (Democrat, Georgia) stated: "I am frank to say that in almost 36 years as a member of this body I have never seen a greater abuse of Federal law by a Federal agency than the HEW's high-handed administration of Title VI" ¹⁵⁶ Senator John Stennis (Democrat, Mississippi) echoed this sentiment: "The enforcement has been the most open, brazen, deliberate, and willful act that I have ever seen in Government."¹⁵⁷

On September 4, the Senate adopted its version of the Whitten rider. Basically the Senate version was the same as the House with the exception of an added phrase on Section 409, which read: "In order to

¹⁵⁴Quoted in Congressional Digest (February, 1969), p. 47.

¹⁵⁵Congressional Record (June 26, 1968), p. 18924.

¹⁵⁶Ibid. (October 9, 1968), p. 30193.

¹⁵⁷Ibid., p. 30195.

overcome racial imbalance." So now the section read:

No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any secondary school to attend a particular school against the choice of his or her parent in order to overcome racial imbalance.

Different versions of the bill necessitated the appointment of a House-Senate conference committee to resolve differences. House conferees successfully sought to remove the qualifying language added to the Whitten rider by the Senate--in particular, the phrase "in order to overcome racial imbalance"--in the belief that such a phrase diluted the intent of the rider and offered an escape clause. However, when the bill reached the floor of the House, Representative Jeffery Cohelan (Democrat, California) succeeded in sponsoring an amendment which restored the weaker Senate language.¹⁵⁸

The amendments in 1968 also contained another item in regard to the racial issue. As a compromise to Southern Democrats, a requirement was placed upon the office of Education that they assign as many staff members in the Northern and Western states, as in the South, to work on the enforcement of Title VI, and to report back to Congress by March, 1969 on "the results achieved in establishing this compliance program on a national basis."¹⁵⁹

Congress in 1968 also authorized a new program under Title III of the 1965 Act for "educationally deprived children." Funds under this program, aimed mostly at aiding vocational education programs, would go to local school districts for the purpose of purchasing classroom

¹⁵⁸Congressional Record (June 26, 1968), p. 18924.

¹⁵⁹Education Digest (November, 1968), p. 58.

equipment. The funds would go to both public and parochial schools based upon the 1965 allocation formula for allocating funds to both types of schools. Under this program \$84.4 million was authorized for 1968-69, and \$160 million for 1969-70.¹⁶⁰ One should be quick to note that Congress still felt in 1968 that the church-state compromise reached in 1965 was valid, and that they were going to continue using that formula unless the courts ruled differently.

Also, as a result of earlier complaints by schoolmen that the application procedures for obtaining money under the Elementary and Secondary Act were confusing, Congress directed Commissioner Howe to compile and publish a directory of federal aid with clear advice to schoolmen on how to claim the aid. He was also directed to conduct a feasibility study on the possibility to Congress his findings by the end of 1969.¹⁶¹

1969

On January 3, 1969, the Ninety-First Congress convened. Like its predecessor, the new Congress would be controlled by Democrats. But unlike the old Congress, there would be a Republican in the White House. Despite the fact that he had less than one month to serve, President Johnson continued to make unprecedented moves. For the first time since John Adams, in 1801, an outgoing President presented

¹⁶⁰ Education Digest (November, 1968), p. 58. See Appendix B., p. 292.

¹⁶¹ Ibid.

his final state of the union message in person.¹⁶² In his address, President Johnson gave his reasons for appearing in person: "One was philosophical. I wanted to give you my judgement on some of the items before our Nation as I see them. The other was sentimental. Most of my life as a public official was spent in this building."¹⁶³ Despite the fact that President Nixon would have his own legislative proposals, President Johnson presented several recommendations to the Congress. The recommendations ranged across the face of his Great Society program, and although he knew that most of these programs would not be supported by President Nixon, the President did have a reason for submitting them. As one magazine put it: "President Johnson's recommendations are expected to serve as possible alternatives to the Nixon program which must face a Democratic Congress."¹⁶⁴

The President also gave education a boost, as well as giving to Congress some possible alternatives, at a session with educators who had called upon him in early 1969 to thank him for the sixty major measures enacted during his Administration. The President's statement at this session reflects to a certain extent the concern for education the President exhibited throughout his tenure as President:

I was looking at a statement of the Secretary of the Interior this morning about the oil companies not believing in the oil shale development process enough to really make adequate bids on oil shale out in parts of our country. I thought that if we could just take these resources, and all the other resources that are yet undeveloped, and somehow

¹⁶² Congressional Digest (February, 1969), p. 1.

¹⁶³ Johnson, "Annual Message to the Congress on the State of the Union," January 14, 1969, Public Papers, p. 1269.

¹⁶⁴ Congressional Digest (February, 1969), p. 33.

or other commit them to an education fund, how wonderful it would be. We are not taking enough of our resources of our gross national product, and committing it to the improvement of our minds, to the training of our children, to the preparation of our future citizens.¹⁶⁵

In summary, despite inflation, a constrained budget, an expanding war in Southeast Asia, racial disturbances in the cities, a decline in popularity, a dwindling hold on Congress, and numerous other minor difficulties, President Johnson in 1966, 1967, and 1968, managed to continue to increase the amount of money appropriated each year for the common schools. Although these budgetary and political pressures did prevent President Johnson from requesting the sort of massive expenditures in behalf of education he envisioned, his accomplishments in the face of these obstacles is worth significant praise. Federal aid for the common schools, although still controversial, was not the burning issue in 1969 that it was in 1965. As the President prepared to leave the White House in 1969, an era of unprecedented Presidential initiative on the behalf of federal aid to the common schools ended.

¹⁶⁵ Johnson, "The President's Remarks to Educational Leaders Upon Being Honored for His Contribution in the Field of Education," December 27, 1968, Public Papers, p. 1212.

CHAPTER VII

CONCLUSION

The Three M's: Money, Management, or Method?

On January 22, 1973, Lyndon Baines Johnson died of a heart attack at his ranch near Austin, Texas. On January 23, 1973, just a little over twenty-four hours later, President Richard M. Nixon announced to the American people that peace in Vietnam had finally been achieved. The "Education President" had lived to see the culmination of peace efforts that he had initiated in his announcement not to run for re-election in 1968.¹

It will be left to future historians, and Americans, to decide President Johnson's place in history in regard to his handling of the Vietnam war. However, there is little doubt about his rank as a promoter of federal aid. The common schools, as well as higher education, took giant strides during the Johnson Administration. Before 1965, federal aid to public elementary and secondary education was limited to certain vocational educational programs, assistance to school lunch programs, and impacted area funds. Following 1965 however, primarily as a result of President Johnson's leadership and initiative, the federal government assumed responsibility for providing aid to public

¹Although President Johnson died before the peace settlement was officially announced, President Nixon, according to Mrs. Johnson, had informed her husband of the peace settlement on January 20, 1973.

schools serving large numbers of low-income children, as well as attempting to strengthen the entire scope of the public school system.

The description of the efforts of President Johnson to promote federal aid for the common schools between 1963 and 1969 is an important story if only because of the significance of the issue. In addition, present and future proposals regarding federal aid, regardless of their nature, will out of necessity encompass some of the experiences of the Johnson period.

There are several unanswered questions which plague the common schools today. For example, there are some who question the overriding need for more federal money. They claim that this goal overestimates the learning which money can buy and misses the true needs of curriculum reform, greater efficiency, and an end to socio-economic and racial isolation.²

Others dispute this claim and maintain that more expenditures in large amounts and focused on well designed programs can make a difference, especially in regard to programs for the disadvantaged. They argue that the only source of such added funds is the federal government since local and state sources are already overburdened.³

Another argument over school finance revolves around the issue of school management. Some say that duplication of administrative

²The classic study often cited in support of this point of view is J. S. Coleman, et al., Equality of Educational Opportunity (Washington, 1966). Also note Daniel B. Moynihan, "Can Courts and Money Do It?" The New York Times: Annual Education Review (January 10, 1972), p. E 1.

³James W. Guthrie, George B. Kleindorfer, Henry M. Levin, and Robert T. Stout, Schools and Inequality (Cambridge, 1971).

costs, and of small expensive programs, can be cut in certain areas by district consolidation or inter-district sharing of facilities. They point out that, if nothing else, program budgeting can force schools to define goals and sharpen educational philosophies. This would prevent schools from implementing costly programs simply because federal funds are available.⁴

This issue is connected with a related topic of the preservation of a private system of elementary and secondary education. In the 1970-71 school year, private school receipts from the federal government totalled five billion dollars.⁵ Most of this money came in the form of indirect aid, since most proposals to assist private schools are constrained by constitutional prohibitions against direct aid to parochial schools. The argument centers around the fact that private school enrollment has been on the decline in recent years. For example, in 1965 there were seven million school children enrolled in private schools, as compared to 5.4 million in 1972.⁶ Some argue that without further federal assistance the private school will gradually disappear, which would be a detriment to the entire educational system. For example, The National Educational Finance Project estimated that all school costs would rise by ten per cent if all private school children were to be absorbed into the public system.⁷

⁴See National Educational Finance Project, Alternatives for Financing Education (Florida, 1971), pp. 33-34.

⁵National Education Association, Committee on Educational Finance, Financial Status of the Public Schools (Washington, 1971), p. 21.

⁶Ibid., p. 11.

⁷National Educational Finance Project, Alternatives for Financing Education, p. 343.

To offset the religious quarrels involved in granting federal aid to private schools, a proposed voucher system has been quite heatedly debated recently. The voucher system would place all schools on a competitive basis. Public funds from whatever source would go, not to the schools, but to parents in the form of a voucher, or grant. Parents would then enroll their children and spend their vouchers at the school of their choice.⁸

Another issue facing federal aid to education currently is the question of the equal distribution of educational resources, or equality of educational opportunity. The Serrano vs. Priest case which held that the property tax was in violation of the equal protection clause of the Fourteenth Amendment, will definitely raise further questions about the equality of per pupil expenditures in the public schools. Similar findings have been brought in Rodriguez vs. Edgar (Texas) and Van Dusartz vs. Hatfield (Minnesota).⁹ Such cases leave several unanswered questions:

Will the Serrano ruling preclude one district from spending more on its schools than another if it wants to make an extra effort? Would "Equality" be preserved if only the tax bases were equalized, allowing unequal spending so long as it resulted only from unequal tax

⁸For a debate of both sides of the issue, see "Controversy Over Federal Experimentation With Education Vouchers," Congressional Digest (August-September, 1972), pp. 210-224.

⁹For information on these cases, see Harold Howe, II "Anatomy of a Revolution," Saturday Review, LIV (November 20, 1971), p. 78; and Richard M. Pious, "The Judiciary and Public School Financing," Current History, LXIII (August, 1972), pp. 53-57, 86. The Rodriguez case brought before the U. S. Supreme Court in 1973. See Chapter I, p.

rates or efforts? Isn't it likely that rich districts would still choose to spend more (i.e., tax themselves at a higher rate) than poor districts?

Can we afford to 'level up' all poorest schools to the expenditure level of the richest schools; and could we justify any 'leveling down?'

Will tax base disparities among rich and poor states, as well as between rich and poor districts within specific states, also be held unconstitutional?¹⁰

Also, in connection with equality of educational opportunity is the current issue of busing as a means of achieving equal educational opportunities. Totally unsettled, the problem was an issue in the 1972 Presidential race and prompted President Nixon to declare a moratorium on new busing to achieve racial desegregation on March 17, 1972.¹¹

Whatever decisions are made regarding current questions involving the financing of the public schools, the proposed solutions will have to take into account the political considerations involved. Politics, as demonstrated by President Johnson, is, and will continue to be, a vital part in any program involving the public schools. Most of the questions which were dealt with during President Johnson's term of office are still being debated in Congress. For example, on August 4, 1971, Edith Green stated:

Today, no one would deny that our schools are plunged in a crisis of unprecedented severity. Funds are no longer available for adequate professional staffing, proper learning facilities, satisfactory compliance with court orders, or sufficiently long school sessions. Our public schools are rapidly decaying, their downfall hastened by a social

¹⁰D. Bruce Johnstone, "Financing American Education Today: An Overview," Current History, LXII (June, 1972), p. 278.

¹¹Richard Milhouse Nixon, "The President's Message to Congress on Equal Educational Opportunity, 1972," March 17, 1972, quoted in *Ibid.*, p. 305.

upheaval threatening cities and suburbs alike.
 . . . The very strong need for general aid to schools
 has been overlooked.¹²

On the other hand, Senator William B. Saxbe (Republican, Ohio) on the floor of the Senate on December 9, 1971, stated: "I have long believed that Federal funds should only be used when absolutely necessary, and immediate direction and control should come from State and local governments."¹³

Such debates over federal control, general aid, states' rights, race, and religion are reminiscent of the Johnson years. However, the fact that this would at first glance appear that nothing was solved during those years would be an erroneous conclusion. There is one major difference. Almost everyone accepts the fact that federal aid is necessary to the operation of the public schools; the differences of opinions occur over the amount and means of distribution, a significant difference which without President Johnson's leadership would not have been, at least at this time.

Also, the question of how much support the United States is giving, or should give, to the support of its educational system is an interesting postscript to the Johnson Administration. The best comparison to money along this line was made by Representative Roman Pucinski (Democrat, Illinois) on March 16, 1971, in a speech before the House:

The United States likes to pride itself on its support of education, but the facts speak differently. Our country

¹²Quoted in Congressional Digest (August-September, 1972), p. 200.

¹³Congressional Record (December 9, 1971), p. 21031.

is spending from all sources and from all levels of government a little more than six per cent of its national income on education while Canada and Israel are spending 9.6 and 9.2 per cent, respectively. In fact, most of the other highly industrialized countries are spending far more than the United States; for example, Denmark 8.1 per cent, Sweden 7.9 per cent, Netherlands 7.6 per cent, and the U.S.S.R. 7.1 per cent.¹⁴

If such a spending trend is true, there is little doubt that the question of public funding of our common schools will continue to be an issue of national significance.

Finally, there is little doubt that the method of financing our common schools is in for a dramatic change in the decade ahead. And that change would not be possible without the catalyst that was provided by the Johnson Administration. Whether this change will be good or bad, would be pure speculation. One can only hope that such a change will bring the common schools one step closer to the goal of providing for every child all of the education he has the "ability to receive."

¹⁴Congressional Record (March 16, 1971), pp. 6755-56.

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APPENDIXES

APPENDIX A
A SUMMARY OF THE ESEA

I. A SUMMARY OF THE ELEMENTARY AND SECONDARY EDUCATION
ACT OF 1965

Title I: Financial assistance to local educational agencies for the education of children of low-income families.

Policy: To provide financial assistance to local educational agencies serving areas with concentration of children from low-income families to expand and improve their educational programs by various means (including pre-school programs) which contribute particularly to meeting the special needs of educationally deprived children.

Duration: July 1, 1965 to June 30, 1968.

Distribution: The allocation to each county is computed by adding (a) the number of children aged 5 to 17 from families with incomes of less than \$2,000 to (b) the number of children aged 5 to 17 from families receiving an annual income in excess of \$2,000 from payments through the program of aid to families with dependent children under Title IV of the Social Security Act and (c) multiplying the sum by one-half the state average per pupil current expenditure during the school year 1963-64.

Administration: Local educational agencies may receive funds for any fiscal year only upon application approved by the appropriate state educational agency, upon its determination:

- (1) that payments will be used for programs and projects of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of children from low-income families;
- (2) that a public agency will administer the funds and property acquired under the title;
- (3) that the local agency has made provision for including special educational services and arrangements (such as dual enrollments, educational radio and television, and mobile educational services and equipment) in which low-income children attending non-public schools can participate;
- (4) that the construction of school facilities under the title be consistent with overall state plans for the construction of school facilities;
- (5) that effective procedures will be adopted for evaluating at least annually the effectiveness of the program in meeting the special needs of educationally deprived children;
- (6) that the local educational agency will make an annual report to the State educational agency including the above information.

Amendments: In 1966 Congress raised the low income figure to \$3,000 to take effect in fiscal year 1968. In 1966, Congress also allowed any state to use the national average expenditure per school child, instead of its own expenditure figure. For other changes, see Chapter V of this paper.

Title II: School library resources, textbooks, and other instructional materials.

Policy: To establish a program for making grants for the acquisition of school library resources, textbooks, and other printed materials for the use by children and teachers in public and private elementary and secondary schools.

Duration: July 1, 1965 to June 30, 1966.

Distribution: Each State will receive a proportion of the total grant that is equal to that state's proportion of all public and non-public school children enrolled in elementary and secondary schools.

Administration: In order to participate, a state would submit to the Office of Education a plan spelling out criteria to be used in allocating funds within the state. The plan must take into consideration the need of children and teachers for such material and provide assurances that such materials would be provided on an equitable basis for all elementary and secondary school children and teachers. Control and administration vested only in a public agency.

Amendments: Unchanged.

Title III: Supplementary education centers and services.

Policy: To establish a program for making grants to supplementary educational centers and services, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs.

Duration: July 1, 1965 to June 30, 1966.

Distribution: Each state would receive a flat grant of \$200,000. In addition, each state would receive two more grants based on their proportion of children 5 to 17 and their proportion of the total national population.

Administration: Under this program the local educational agency or agencies apply for a grant through the state department of education. The plan, in the establishment and carrying out of the program, must

include the participation of persons broadly representative of the cultural and educational resources of the area to be served. The plan may include such educational services as guidance and counseling, remedial instruction, school health services, dual enrollment programs, and specialized instruction in subjects not taught in the local schools.

Amendments: In 1967 Congress rewrote the program to give most of the control to state education agencies. State plans for use of the funds were to be drawn up, and after fiscal 1968 the state agencies would distribute all of the money. However, 15 per cent of the funds were to be spent on special programs for handicapped children.

Title IV: Education research and training.

Policy: Authorize the use of funds for the construction of national and regional research facilities. In addition to the construction funds there is provision for expansion of the current research programs administered by the Office of Education.

Duration: July 1, 1965 to June 30, 1970.

Administration: Grants would be distributed for construction and programs of national and regional research laboratories. Proposals for such grants would be developed by groups representing the state departments of education, local school systems, and universities. Programs would basically be located in areas of population concentration where an adequate operating staff may be assembled, but laboratory activities would extend throughout each region.

Amendments: No major changes. See Chapter V of this paper for minor alterations.

Title V: Grants to strengthen state departments of education.

Policy: To establish a program for making grants to stimulate and assist states in strengthening the leadership resources of their state educational agencies, and to assist those agencies in the establishment and improvement of programs to identify and meet the educational needs of the state.

Duration: July 1, 1965 to June 30, 1966.

Distribution: Each state shall receive a \$100,000 flat grant and a proportion of 85 per cent of the remaining funds that is equal to its proportion of all public school pupils.

Administration: State departments, when applying for grants, would review their present programs and indicate their greatest need. Grants could be utilized to improve educational planning; identify special educational problems and needs; evaluate educational programs

and any number of projects that would improve the operation of state departments of education and the services they provide to the local educational agencies.

Amendments: Originally, 85 per cent of each appropriation was to be allotted directly to the states and 15 per cent reserved. In 1967 the Commissioners' share was reduced to 5 per cent. See Chapter V for further discussion on this Title.

Source: Part of this summary taken from Eugene Eidenberg and Roy D. Morey, An Act of Congress (New York, 1969).

APPENDIX B

ADDITIONAL TITLES ADDED TO ESEA 1966-1969

II. ADDITIONAL TITLES ADDED TO ESEA 1966-1969

Title VI: Enacted in 1966, this title authorized federal funds to assist the states in the education of mentally and physically handicapped children. It was expanded in 1967 to include funds to improve the recruitment of personnel for the field, to establish regional resource centers and model centers for deaf-blind children.

Under the state grant program a number of services were provided for the first time; mobile units for rural areas, work-study programs, and special transportation arrangements, for example. Nearly 225,000 children were helped under the program in its first two years.

Title VII: Enacted in 1967, this title authorized federal funds to assist in the education of children from non-English-speaking families. The emphasis was on teaching children of Mexican and Puerto Rican background, although there were requests from states proposing projects in 17 different languages. The states of California and Texas were especially benefitted under this program.

Title VIII: Two programs came under this title in 1967. One authorized grants for local programs to prevent school dropouts. The demonstration programs were to focus on schools which have a high concentration of children from low-income families and a high dropout rate. The second program authorized a small technical assistance project for rural schools to help them apply for federal aid. In 1968 this was replaced by a more general provision for collection and dissemination of information which was written into the Vocational Education Amendments of 1968.

APPENDIX C

SCHOOL AID AUTHORIZATION FOR 1966-1970

SCHOOL-AID AUTHORIZATION FOR FISCAL YEARS*

	1966	1967	1968	1969	1970
Elementary and Secondary Education Act:					
Title I: Educationally deprived children Special incentive grants			\$2,563 ---	\$2,725 50	\$2,862 50
Title II: Libraries and textbooks			154	167	206
Title III: Supplementary education			515	528	566
Title IV: Cooperative research	\$100	---	---	---	---
Title V: State edu- cation departments	25	30	65	80	80
Title VI: Handicapped children:					
Regional resource centers	---	---	7	8	10
Deaf-blind children			1	3	7
Recruitment			1	1	1
Captioned films	3	3	8	8	10
Grants to states		50	154	167	206
Title VII: Bilingual education:					
Aid to school districts			15	30	40
Teacher training			11	10	10
Title VIII:					
Rural area information		1	3 ₂	4 ₂	4
Dropout prevention			---	30 ₂	30

*Figures in millions

¹Funds available for five-year period.

²Funds available for fiscal 1968 as well as fiscal 1969.

Source: Congress and the Nation, II, Washington, D.C.: Congressional Quarterly Service, 1970, p. 712.

APPENDIX D

A RESPONSE TO THE CHAMBER OF COMMERCE'S COMMENTARY
ON ELEMENTARY AND SECONDARY
EDUCATION LEGISLATION

A RESPONSE TO THE
CHAMBER OF COMMERCE'S COMMENTARY
ON
ELEMENTARY AND SECONDARY
EDUCATION LEGISLATION

On January 12, 1965, following the President's Education Message the Administration's Elementary and Secondary Education Act of 1965, H. R. 2362, was introduced.

Ten days of hearings were conducted during the latter part of January and the first two days of February, following which time, the Subcommittee and Full Committee spent seven full days in Executive Session on the measure, ordering the bill reported as amended on March 2.

During this period of time, there was a wide dissemination of information with respect to the nature of the legislation and the amendments which had been adopted in Subcommittee and in the Full Committee.

It was not until March 17, when the bill was before the Rules Committee of the House, that the Committee or any Members received any comments from the United States Chamber of Commerce. It is no news to any one that the United States Chamber of Commerce has opposed every general federal aid to education bill which has been proposed. It was certainly expected that their views would be no different than they have been in the past on this subject.

However, the very late hour that the Chamber has chosen to express its viewpoint can leave one only with the impression that the Chamber does not desire that Members have an opportunity to analyze and check the accuracy of the ruthless charges made against the legislation.

When these charges are examined by Members who have worked closely in the development of the legislation, it is hard to believe that they are talking about H. R. 2362 as reported by the committee.

The Chamber of Commerce maintains:

(1) "It establishes a general aid to education program in the guise of a poverty measure."

In the same breath, the Chamber states - "It is not designed to meet just the needs of educationally and economically deprived children as stated in its declaration of policy."

Answer - The descriptive title of the bill as printed on the first page, reads: "To Strengthen and Improve Educational Quality and Educational Opportunity in the Nation's Elementary and Secondary Schools."

The policy statement referred to by the Chamber is contained in Title I of the bill, which authorized \$1.06 billion to local public school districts where there are concentrations of children coming from low-income families.

These funds in Title I are directly focused into the school districts where there are concentrations of such educationally deprived children and the use of the funds is specifically prescribed by Section 205 which reads:

"(1) That payments under this title will be used for programs and projects (including the acquisition of equipment and where necessary, the construction of school facilities) (A) which are designed to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families and (B) which are of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting those needs, and nothing herein shall be deemed to preclude two or more local educational agencies from entering into agreements, at their option, for carrying out jointly operated programs and projects under this title."

(2) The Chamber of Commerce charges: - "This is the most direct and far-reaching intrusion of federal authority into our local public school systems ever proposed in a bill before Congress."

Answer - This charge is completely without any foundation of fact. The truth of the matter is that the grants to local public school districts under Title I will give local public educational agencies a real opportunity to strengthen elementary and secondary educational opportunities in the poorer schools in a wide variety of ways which are not now open to them because of a lack of local financial resources.

(3) The Chamber charges that this bill would expand the Impacted Area Education concept to "94.6% of the nation's counties and 90% of all school districts."

Answer - This accusation is not true since the bill makes no substantive changes in the Impacted Area program.

(4) The Chamber maintains - "There is no evidence that 90% of our school districts need or desire federal assistance to provide instruction appropriate for low-income children."

Answer - This statement is simply not in accord with the facts. The hearings on the legislation referred to previously have compiled a record of 2100 printed pages, much of which is devoted to the need for providing additional educational services in school districts where there are concentrations of educationally deprived children. In not a

single instance is there any evidence that any school district would not use grant funds under the bill for the purpose of strengthening educational opportunities in these schools.

(5) The Chamber maintains - "The amended House bill has been expanded in many sections beyond President Johnson's original request."

Answer - The original authorization request by the administration was for approximately \$1,255 billion. The Subcommittee amendments called for a \$1.32 billion program. No major changes were made in the legislation with respect to the programs to be authorized.

(6) The Chamber maintains - "Distribution formulas are inequitable, ambiguous, and subject to change at any time."

Answer - This statement is completely false. The formulas authorized by H. R. 2362 are fixed for the fiscal year 1966 and cannot be altered or changed. For subsequent fiscal years, the Congress must prescribe the formula for the distribution of funds.

(7) The Chamber maintains - "The \$2,000 or less annual family income figure used as a basis of eligibility for the first year's program does not take into consideration differences in costs of living from region to region, nor does it take cognizance of other tangible assets which supplement income."

Answer - This statement completely ignores the other factor in the formula which would pay 50% of the average per pupil expenditure in a State for each child coming from a family whose income is less than \$2,000 per annum. This per pupil expenditure factor reflects, on the basis of the only uniform and accurate data available, the varying differences in standards of living from State to State as well as the differing costs of providing educational services and programs.

(8) The Chamber maintains - "The only data available for determining low-income families is six years old and will not be comprehensively updated until the 1970 census."

Answer - Admittedly, 1960 census data would not be as accurate or as useful as 1965 census data if such were available. However, it is the most reliable and accurate data uniformly applicable to all of the States on which to make a distribution. In fact, the so-called minority substitute tax credit proposal would make use of the same census data for its proposed extremely modest distribution to 3 - 8 year old children.

(9) The Chamber maintains - "The distribution formulas are drawn in such a way that wealthier states spending six to seven hundred dollars per pupil would receive more federal dollars than states spending only three to four hundred dollars." To support their contention, they cite the case of 10 wealthy counties in the United States as compared to 10 poor counties.

Answer - What the Chamber has concealed in their analysis is the impact of federal funds under Title I on the local school district's elementary and secondary education programs in these same 20 counties. For example, in the 10 wealthy counties cited by the Chamber, the total expenditures for 1962 for public elementary and secondary school purposes was \$446,000,000. Under the terms of Title I, these 10 counties would receive approximately \$8.9 million, or 1.9% of their operating school budgets. On the other hand, the total school budget for the 10 poor counties cited by the Chamber is approximately \$13.2 million. The payments to these poor districts under Title I would be approximately \$4.5 million, or 34.2% of their 1962 school expenditures.

(10) The Chamber maintains - "Wealthier states are demonstrating that they desire and are able to meet their public school needs at elementary, secondary, and college levels. They should be excluded from benefits under the bill, as Congressmen recommended in committee discussions."

Answer - This ill-considered and callous commentary which follows the recommendations of some of the minority Members, ignores the fact that there are many very poor school districts in the heart of affluent urban and industrialized areas where there are concentrations of educationally deprived children. The Chamber's recommendations as well as the minority members who have advocated it would eliminate 3,000,000 children who are unmistakably, by any calculation, children of poverty.

(11) The Chamber states - "Use of public money for nonpublic schools and colleges is deemed unconstitutional and a transgression of the First and Fourteenth Amendments to the Constitution."

Answer - No provision of the bill makes available any money for nonpublic schools and colleges. Title IV of the bill extends and broadens the provisions of the Cooperative Research Act which, since its enactment July 26, 1954, has authorized contracts for jointly financed cooperative arrangements with universities and colleges, both public and private, for the conduct of research service and demonstrations in the field of education. Funds under this program are not for the support of any educational program but rather are for the furnishing of research services in the field of education similar to research activities in the fields of science, health, defense, and agriculture.

(12) The Chamber maintains - "The language of the bill is phrased in ambiguous terms so that it is impossible, without interpretation by the United States Office of Education, to know exactly how much aid is intended to go directly or indirectly to nonpublic, religiously affiliated schools, their pupils, or their parents. Such aid may cause serious injury and lead to fragmentation of the public school system."

Answer - This statement is not true. No funds go directly or indirectly to nonpublic schools, religious or otherwise. The bill

does specifically authorize local public educational agencies to broaden their educational programs to enable participation by educationally deprived children who do not attend public school full time. The bill does authorize library resources, textbooks, and other instructional materials to be loaned to elementary and secondary school pupils and teachers, but only if such materials do not supplant those being provided children.

(13) The Chamber makes other statements indirectly suggesting the presence of a constitutional question in H. R. 2362.

These matters have been answered in particular on pages 7, 13, 14, 15, 16, and 17 of the Committee Report. Moreover, the committee has had the benefit of an analysis by the Office of the Attorney General in the Department of Justice, indicating that the Elementary and Secondary Education Act has been reviewed carefully and that it conforms with constitutional requirements. In addition, the hearings gave the committee the benefit of extensive testimony of constitutional lawyers, religious group representatives, and other organizations in setting forth assurances of the maintenance of the principle of separation of church and state in the legislation.

(14) The Chamber makes a long and inaccurate charge as to federal control of education carried in the bill.

Answer - The Chamber has completely ignored Section 604 of the legislation which reads as follows:

"Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system."

In addition, the Chamber completely ignores the fact that plans submitted by local public educational agencies for the use of funds under Title I are reviewed by State educational agencies which have in turn, entered into plan agreements with the Office of Education. These assurances that funds will be used to carry out the purposes of the Act are closely parallel to the provisions of the Vocational Education Act of 1963 and its predecessors. This program has functioned to the broad public acclaim and acceptance since 1917 even though the Chamber has not approved of the legislation.

(15) The Chamber maintains - "If the United States Commissioner of Education deems that a State does not need federal funds he arbitrarily can cut off or reduce that State's portion of the funds and redistribute these federal dollars to other States which he determines are needy."

Answer - This statement is false. Any local public educational agency which submits a plan pursuant to Title I or Title III and any State educational agency which submits a plan pursuant to Title II or Title V shall be given a grant according to its entitlement under the formula for those titles.

Only in the case of the failure to submit an application for funds or in the case of the failure to submit an application meeting the requirements under the law may the Commissioner reapportion a State's allotment. The re-allotment provisions of this legislation conform to the re-allotment provisions of previously enacted legislation providing grants to States for educational purposes. The bill contains adequate administrative and judicial review provisions to assure conformance to the provisions of the Act, in the submission and approval of plans.

(16) The Chamber maintains - "This federal aid program is not needed. A majority of Americans wants (sic) to provide educational opportunities for underprivileged children and adults, but the federal government does not need to take on this task."

Answer - This statement is characteristic of the historical position of the Chamber. It apparently is formulated without any reference to an actual study of the need or the ability of local public school agencies to finance elementary and secondary education. Even in the most affluent States where State average per pupil expenditures are high there is a great variance from district to district on school expenditures per pupil. One Member has commented that the per pupil expenditure in some districts of his State were as high as \$700 per pupil and less than \$200 per pupil in others.

As has been previously observed, even in the most affluent States there are areas where educationally deprived children are concentrated in sizeable numbers. The Chamber has chosen to ignore significant national problems inherent in educationally deprived children which are translated in terms of high school drop-out rates, high draft rejection rates for educational deficiencies, hard-core unemployment problems, and the presence of over 8 million American adults who do not have a fifth grade education.

(17) The Chamber maintains - "This bill does not meet the identifiable needs of underprivileged children for early childhood education."

Answer - In making this statement the Chamber blindly follows the mistake made in the minority report which was written without reference to the precise language in the bill covering pre-school education. In Section 201 - the very first section of the bill - it is provided "The Congress hereby declares it to be the policy of the United States to provide financial assistance . . . to local educational agencies serving areas with concentrations of children from low-income families to expand their educational programs by various means (including pre-school programs), which contribute particularly to meeting the special educational needs of educationally deprived children." (Emphasis ours)

The Chamber as well as the minority views chooses to ignore page 6 of the Committee Report No. 143, where pre-school programs are given as a specific illustration of one of the types of programs that can be conducted by federal funds under the Act by local public school agencies in increasing educational opportunities for educationally deprived children.

(18) The Chamber maintains - "Rushing the bill through Congress without adequate time for the bill to be properly studied and without identifying the amendments makes accurate analysis by the Congress and the general public very difficult.

Answer - For many Congresses, House and Senate Committees have probed the problem of strengthening elementary and secondary education in this country. Many proposals for federal assistance have met with failure because such legislation did not receive broad public support and because other issues became inextricably woven into the general legislation.

Extensive hearings were held during the 88th Congress by more than one Subcommittee of the House Education and Labor Committee and by the Labor and Public Welfare Committee of the Senate, in an effort to get together all points of view concerning elementary and secondary educational needs. From these hearings and from extensive study by many agencies, the recommendations in H. R. 2362 came into being.

It has received the broadest public support of any elementary and secondary education proposal in the history of the Congress. All of the major education associations have expressed support for the legislation.

In addition, the extensive hearings conducted by the General Subcommittee on Education during this Congress have elicited expressions of approval as to the terms of the legislation from representatives of major religious groups whose counsel and suggestions have been followed in framing the final language of the bill. An account of the extensive nature of these hearings and considerations is given on page 23 of the report.

The Chamber's criticism of the work of the Subcommittee and of the Full Committee, can be simply reduced to a criticism of the exercise of responsible and diligent conduct of the legislative business of the Congress. To have extended the hearings when there were no more witnesses to be heard, to have conducted further study of an already adequately probed field of investigation, would have amounted to unreasonable delay and procrastination.

(19) The Chamber maintains - "The bill overlaps existing programs."

Answer - The Chamber ignores the fact that no existing federal legislation provides grants to local public school districts for the purpose of strengthening elementary and secondary education programs where there are concentrations of educationally deprived children. It is true that the Federal Government in very recent years, has enacted a number of pieces of legislation dealing with adult employment training, vocational training, and higher education which have greatly strengthened these aspects of American education. However, the lack of financial resources to finance good quality education in the schools where there are concentrations of educationally deprived children weakens the foundation upon which all higher and vocational education programs are based. This fact is obvious to the most casual educational observer but apparently not to the Chamber.

Source: Samuel Halperin to Douglass Cater, March 22, 1965, Executive Files, The Papers of Lyndon Baines Johnson, Johnson Library.

APPENDIX E

LARRY O'BRIEN MEMORANDUM - MARCH 8, 1965

MEMORANDUM

THE WHITE HOUSE

Washington

March 8, 1965

MEMORANDUM FOR THE PRESIDENT

FROM: Larry O'Brien

I suggest that the magnitude of your victory in the House Education and Labor Committee last week and the difficulty in obtaining it is not generally understood.

Certainly the press understands neither, which, at this point, is just as well.

The greatest danger to this bill is that enactment will be stalled enough for religious and racial problems to arise.

The big hurdle to quick committee action, aside from the remarkable behavior of the Chairman, was dissent among Democrats as to who gets the money.

As you know, Perkins pushed the subcommittee night and day and did a tremendous job in achieving a mark up on Friday, February 5th.

Powell made firm commitments both to the Speaker and me that he would take up the bill in full committee on Monday, February 8th.

But he cancelled the meeting and for several days refused to return telephone calls either from me or the Speaker.

Powell went to Puerto Rico and his staff alerted offices of the members of the committee to be prepared for formal notice of a meeting of the full committee on the Education bill for Wednesday, February 17th, which was the day following consideration by the House of a rule favorable to the Education and Labor committee on expense money.

This rule came out of Rules committee only as a result of total pressure by the leadership on the Rules Committee and reversed preliminary votes of 9-1 and 9-2 unfavorable to Education and Labor.

But after this favorable action both in Committee and in the House, Powell let the 17th come and go without a meeting.

From the time the bill came out of subcommittee we had to be considering how to take the committee away from Powell if necessary.

Problems with this were:

1. The Republicans thoroughly understood the game and were backing Powell to the hilt.
2. Powell very cleverly used as a shield his game on money for the committee, and there yet remained action by the full committee on House Administration and ratification thereof by the House.
3. At least half the Democrats either were hoodwinked by the committee solidarity gambit or were just determined not to cross the Chairman in this fashion.
4. Haste was not especially indicated except for our real purpose, and if we pressed that too hard we would defeat ourselves.

The two devices for taking the committee from the Chairman were:

1. To give three days notice signed by a majority of the committee, or
2. To have a workable majority and a physical quorum on hand at the next regular meeting day of the full committee and to have adopted there a resolution to keep the committee in session from day to day until the Education bill was reported out.

We chose the latter course.

The next regular meeting day was Thursday, February 25th. We had at that time a majority and a quorum on hand and a resolution drawn, all of which Powell well knew.

We also pulled out his props by securing on Wednesday the 24th action of the House Administration Committee on money for Education and Labor and later the same day action on it by the House.

So on Thursday morning, Powell had to rush to get in front of the troops.

Meanwhile we had attempted to count the Committee also on substance.

This was difficult.

There was a general feeling that the subcommittee had moved so fast that alternative proposals were not adequately considered and that Perkins' device of having all witnesses for the morning testify before questions could be put to any of them left something to be desired by way of shedding light on content.

So the committee was in a mood to behave like a subcommittee.

The formula was heavily slanted toward the southern states because that is where the need is.

Here, for example, are several states under Title I:

New York	\$75,127,295
Texas	74,580,048
California	60,137,510
North Carolina	48,496,960
Pennsylvania	44,890,181
Louisiana	37,904,234
Illinois	37,288,765
Georgia	34,517,871
Michigan	29,765,556
Mississippi	28,028,704
New Jersey	17,777,548
Massachusetts	11,908,492
Oregon	6,853,177

There are twenty-one Democrats and ten Republicans on the full committee.

Of the twenty-one Democrats, only Scott of North Carolina and Gibbons of Florida are from southern states.

To further complicate the problem, members generally were motivated not so much by what their States were getting but by what their districts were getting.

Many formulas were drafted to alter the balance from the South toward the North.

Other special considerations arose.

Pucinski insisted that children be included who were from families drawing welfare in excess of \$2,000.

Sickles was concerned about the workings within the state as between state and local governments.

Patsy Mink wanted some way or other to get more than two million dollars for Hawaii.

Mrs. Green attempted to work a delay of several weeks, and failing that, to work up a substitute with the Republicans.

Gibbons and Hathaway were opposed to the parochial aspects and voted against Title II.

Also Hathaway proposed and Gibbons supported an amendment which would have permitted each state to use at its option either the state expenditure per pupil or the federal expenditure per pupil, whichever was higher.

This would have added \$200 million to the cost of the bill.

Jim O'Hara was the spokesman for another group and especially for Ford and to a large extent Sickles.

He represents a suburban district which is more concerned than anything else with classroom crowding--construction money--especially for non-slum areas.

Introduction of that thesis would have destroyed the whole theory of the bill and have completely unzipped the religious consensus.

Scheuer, representing a Jewish constituency, was jumpy about the test book Title.

Dent was extremely vociferous about more money for the North.

On Thursday the committee began going through all the bill except Title I, which contains the formula and the big grants.

By early afternoon on Friday, all the bill had been completed except Title I, but the committee could not proceed with it because Gibbons and Mrs. Green were in Florida with Mrs. Johnson and had elicited promises that it would be delayed until they returned.

Meanwhile, it had become apparent that to hold a majority together on formula so that it could survive not only the committee but the House floor we would have to put in a little more money for the cities. We figured fifty million dollars was as little as we could get away with.

So, in conjunction with Hugh Carey, who had been designated by Powell as his agent, we worked out an amendment to authorize the Commissioner of Education to work up figures reflecting im-migration of poor children for the past five years and to distribute \$50 million accordingly, with a ceiling on the amount to go to each state.

The plan was to have Powell introduce this as his amendment at nine o'clock Saturday morning at a caucus of committee Democrats, have the caucus adopt it, and then roll it on through the full committee which was scheduled to meet at nine forty-five.

Two problems:

1. Powell was late to the caucus, and Pucinski had to introduce the amendment, and
2. There had leaked out of the Department and into general use a table of state participation under an amendment adding \$63,000,000 which was the additional cost for adding to the formula those children from families drawing over \$2,000 for Aid to Dependent Children.

Result was that our \$50,000,000 amendment was rejected in caucus and the \$63,000,000 amendment was accepted.

This was not a real loss, but the \$50,000,000 device would have been preferable.

The \$63,000,000 figure then, was accepted in full committee prior to adjournment and remains in the bill.

As you know, the adjournment motion carried by one vote.

I was pretty unhappy about it at the time, but in retrospect, and in light of the subsequent committee action, it probably is just as well that the committee now can feel that it acted with due deliberation.

Another problem we had was that the original Administration proposal inadvertently omitted from the incentive portion of Title I the words "per pupil".

This had the effect of adding a very great deal of prospective money.

The subcommittee added the words, then took them out, and then we had to get the committee to add them.

Also, the Administration proposal carried estimated county figures both as to the number of children from families with less than \$2,000 income and as to the amount of money to be paid the county.

Sam Gibbons felt sure that the figures relatively for his county, Hillsborough, which is Tampa, and for Pinellas, which is St. Petersburg, were badly off.

Our table showed 11,520 children for Hillsborough and 12,725 for Pinellas.

We had the Census people work all one night to verify this and the actual figures showed Hillsborough with 9745 and Pinellas with only 5218.

This occurred because our table was based on assumptions and averages and Pinellas has many retired families and Hillsborough has many Cuban and Latin families.

But incidents such as this shake faith in our figures.

The Speaker called me Saturday afternoon after the adjournment and told me he had talked with Jim O'Hara and with Mrs. Green.

He said that all O'Hara wanted was a definite committment about the nature of a bill you would send up next year.

The Speaker said Mrs. Green just wanted to change the bill in several respects and he told her I would talk with her about it.

Cater talked with her.

The Speaker further said that he learned that she was scheduled to make a speech in San Francisco Monday night and thus would be out of town on Monday and Tuesday, but the Speaker prevailed upon her to cancel her speech and thus to be in Washington on those days.

It was a busy Monday and Tuesday for Mrs. Green:

1. She argued passionately on Monday in caucus and on Tuesday in committee for a delay of several weeks in reporting out the Education bill;
2. She negotiated with the Republicans to work out a substitute proposal;
3. She began agitations to stir up the religious issue which culminated Friday in her calling Protestant leaders into her office to tell them this bill will put Catholic priests in the public schools;
4. She spent over an hour in the caucus Monday afternoon demanding and getting a caucus motion to push for a substantial amendment to the Appalachia bill. And it took considerable effort on our part to unravel this one.
5. She delayed consideration of our Water Pollution bill for an entire week by telling the leaders of the Public Works Committee she would vote against the Appalachia bill unless they displaced Water Pollution the week of March 8th so as to conduct hearings on the Northwest Flood Control bill. So they displaced Water Pollution and are going ahead with Northwest Flood Control.

And she then voted against Appalachia.

The Jim O'Hara problem worked out well.

The sub-committee had tacked on to the Administration bill two year extensions beyond the present statutory date of June 30, 1966 for PL 874, which is operating expense for federally impacted areas.

Extension of PL 815 was deleted in committee. This assured O'Hara that he will have another whack at expanding this into a general aid bill next year.

Also the impacted area lobbyists do not object because this promises possible expansion of their constituency.

So O'Hara now is totally aboard and working hard for the bill as it is.

But he was confronting us earlier with an impossible situation.

Had he succeeded either in changing the formula to reflect construction needs of suburban communities or secured a commitment for the future to that effect, the Catholic spokesmen, we were amply notified, would have shot the whole bill down in mid-air.

I think we now are in quite strong position on the formula.

The South cannot object.

The Republicans are in the dilemma that if they follow the Bill Ayres course of more for the poor counties, less for the rich counties, they either must take money from their own districts or authorize a great deal more money, neither of which they can afford to do, and if they try to shift the formula North the South will solidify against them.

The big problem of keeping North Democrats from insisting on more favorable formulas appears to be largely won because the nineteen northern Democrats on the committee are so broadly representative in this area.

So I suggest that as time moves on the action in full committee may prove to be the landmark achievement with the legislation.

I don't mean to say that all our problems are solved.

Even on formula, certain of the committee Democrats still are restive.

Mrs. Green's industry continues.

Sam Gibbons still is seeking a new handle and complaining about White House pressure.

Hathaway is working with both of them.

Also the religious matter continues to be troublesome, and the B'nai B'rith and other religious groups are contacting their congressmen.

And it's hard to believe we'll get through this without racial trouble.

So the need for early action is as compelling as ever.

Meanwhile we're devoting the major part of our time to contacting members, stimulating pressure groups, and putting out the fires we discover on this bill.

Source: Executive Files, The Papers of Lyndon Baines Johnson, Johnson Library.

APPENDIX F

LEGISLATIVE PROGRAM FOR EDUCATION

MEMORANDUM

THE WHITE HOUSE

Washington

1964

TO THE PRESIDENT

Legislative Program for Education

Basic Strategy: By proposing a package of legislative programs, not including "general aid" as usually defined, you will provide a middle way through the church-state conflict which has stalemated aid to lower education in the past. Commissioner Keppel believes this package could be more effective educationally and larger fiscally than previous "general aid" proposals. The Office of Education estimates that non-public schools could receive as much as 10.1% to 13.5% of the dollars contained in this package. (Parochial schools have 15% of total school enrollment). For most of the titles the Office of Education has submitted "high" and "low" authorization request. Budget Bureau estimates FY 1966 expenditures at approximately one-third these figures. NOA and expenditures will rise markedly in subsequent years.

BILL # 1 Program for Elementary-Secondary Education

Title I A Direct School Aid for Low Income
Children through Expansion of
"Impacted" Area Legislation
(P.L. 874)

High: \$1500 Low: \$750 million

To provide payments based on number of low income children in counties. This would be the largest single item in the education package. The high recommendation would amount to four times the present impacted program. (An increase of approximately six per cent of total expenditures for public lower education). Most school districts in the country would receive payments after submitting plans to state educational authorities to assure funds are spent for improving schools serving the poor. Special encouragement would be given to "shared services" for children in non-public schools. No matching requirements.

Opposition: Since no aid provided directly to parochial schools, Cardinal Spellman and others in Catholic hierarchy may attack this

Title. (Other parts of the package provide more direct help to private schools). Office of Education is exploring ways of making "shared services" more attractive to Catholics, especially through supplementary education centers described in Title III.

Support: Senator Morse, Congressman Dent and others in Congress will likely give support. The National Education Association will probably endorse as a first giant step toward general aid.

Title I B Reform of P.L. 815 and P.L. 874
Impacted Area Legislation

-\$40 to -\$60 million

These savings could be made by amendments already presented to Congress which are supported by Edith Green and others. This would be in line with your effort to eliminate waste while launching bold new programs.

Opposition: Undoubtedly, reforms will stir up some Congressmen whose districts benefit from present impacted area support.

Question posed for you is whether to delay reforms until HEW study of this legislation, now in progress, is completed early next summer.

Title II A New Program for Instructional
Materials Available to Public and
Private Pupils

\$300 million

Books and other materials, chosen under public auspices and held under public title, would be available to all students through a state agency. Representative Hugh Carey, of New York, and other Catholics have shown a lively interest in such a program. No matching requirements.

Opposition: The best estimate is that this would be the least controversial part of the program so long as federal government is not involved in selection of instructional materials. Provides most direct form of aid to parochial students. Justice Department lawyers believe constitutional issue will depend on mechanisms used by states.

Title III Create New Supplementary
Educational Centers

High: \$300 Low: \$100 million

This was the major "new" idea of the Task Force headed by John Gardner. These centers, established by consortia of public and private schools in each community, would develop according to community needs. To be financed by federal planning grants, 50-66% federal matching, thereafter. Two roles:

1. to provide badly needed services--physical education, music and language training, advanced science courses and laboratories, remedial reading, television equipment instruction, etc.--to improve the caliber of all schools in the area.

2. to introduce teaching innovations into the schools.

"High" recommendation would finance approximately 150 centers, Keppel believes these centers will receive Catholic support and encourage greater cooperation between public and parochial school education.

Opposition: The proposal has not been tested in Congress or any of the education groups. Possibly the public school administrators may be hostile to an innovation which they may think challenges their control. Department of Justice attorneys voice optimism about the constitutionality of this approach to aiding parochial students.

Title IV Strengthen State Departments
of Education

High: \$75 Low: \$10 million

Based on recommendations by the Task Force and James B. Conant for major reform in the management of our school system, federal grants would be provided for specialized personnel and R&D funds to state departments of education. Keppel believes it will give necessary leverage to make education administrators more responsive to the new federal program. Federal share: 100% first year, 50-66% thereafter.

Opposition: The White House review rated this low on the priority list for education. It will be vigorously supported by state commissioners of education and their friends in Congress.

Title V Expansion of Laboratories for
Educational Research and
Development

\$45 million

Four prototype centers of this type have been established at the Universities of Oregon, Pittsburgh, Harvard, and Wisconsin. This Title would finance between fifteen and twenty additional laboratories to carry on programs of research in education, development of procedures, new curricula, field testing, and demonstration programs--in the pattern of the Morrill Act and Hatch Act for agriculture. They would provide the innovations to backstop the supplementary centers proposed in Title III. Federal share to vary by project.

Pre-School Education for Low-
Income Children
(Part of Economic Opportunity Act
to be Included in Education Message)

High: \$400 Low: \$200 million
(Funded elsewhere in budget)

To increase appropriations under the Economic Opportunity Act for education of pre-school children through public or private auspices. The program is aimed at reaching the child at the formative stage before delinquency habits develop. There has been no constitutional challenge to funneling this assistance to private as well as public schools. Federal matching, 90% for 1966, 50% thereafter.

Opposition: Secretary Wirtz has suggested the funds should be budgeted to HEW rather than OEO. Secretary Celebrezze says he is content for OEO to receive the funds and allocate them through HEW.

Source: Executive Files, The Papers of Lyndon Baines Johnson, Johnson Library.

APPENDIX G

SAMUEL HALPERIN MEMORANDUM - EDITH GREEN

March 22, 1965

1. Mrs. Green voted with all the other Democrats to report this elementary and secondary school bill out of Committee.
2. In the event she urges that a judicial review clause be added to the bill--and only in the event she makes this suggestion--it should be noted that she strongly opposed such a clause being added to her own Higher Education Facilities Bill in 1963, although that bill provided Federal grants to church-related institutions, which this elementary and secondary school bill does not.
3. Mrs. Green raised no church-state issue before either the General Subcommittee on Education or the full Committee, but she did raise a question about inequities in the formula. Never until after the bill was reported did she raise the church-state issue. It should be pointed out in connection with the church-state problem that this bill has been endorsed by the following groups: National Council of Churches, American Association of School Administrators (this is public school administrators), The National Catholic Welfare Council, United Presbyterian Church, the Episcopal Church Bishops, Union of Orthodox Jewish Congregations, American Jewish Committee, N.E.A., American Federation of Teachers, Baptist Joint Committee on Public Affairs.
4. Although Mrs. Green's objections to the present allocation formula was that it did not put enough money in the poorer Southern states, the fact is that approximately 40% of the funds in Title I go into 11 Southern states.

5. It should be noted that Mrs. Green voted to support the Pucinski Amendment, it provides additional assistance to the large urban states by adding some \$60 million for families receiving more than \$2000 from Aid for Dependent Children programs.

Source: Samuel Halperin Memorandum, March 22, 1965, Executive Files, The Papers of Lyndon Baines Johnson, Johnson Library.

APPENDIX H

LEGISLATIVE BOX-SCORES, 1953-1968

I. Legislative Box Scores, 1953-68

Year	Proposals Submitted	Approved by Congress	Per Cent Approved
1953*	---	---	---
1954	232	150	65%
1955	207	96	46
1956	225	103	46
1957	206	76	37
1958	234	110	47
1959	228	93	41
1960	183	56	31
1961	355	172	48
1962	298	133	45
1963	401	109	27
1964	217	125	58
1965	469	323	69
1966	371	207	56
1967	431	205	48
1968	414	231	56

*Figures for 1953 are not comparable to those for subsequent years. Before 1954, Congressional Quarterly used a different system, grouping Presidential requests in relatively broad categories. Congress and the Nation (Washington, D.C.: Congressional Quarterly Service, 1970), p. 625.

APPENDIX I

PRESIDENT JOHNSON'S STAFF--A CAPSULE SUMMARY

II. PRESIDENT JOHNSON'S STAFF--A CAPSULE SUMMARY

Staff Members

<u>Position and Name</u>	<u>Appointed</u>	<u>Resigned</u>
Special Assistant		
Pierre Salinger	1961	1964
Arthur M. Schlesinger, Jr.	1961	1964
Jerome B. Wiesner	1961	1964
Ralph A. Dungan	1961	1965
Kenneth A. O'Donnell	1961	1965
Lawrence F. O'Brien	1961	1965
McGeorge Bundy	1961	1966
Richard N. Goodwin	1963	1965
Bill D. Moyers	1963	1967
Jack J. Valenti	1963	1966
Walter W. Jenkins	1964	1964
George E. Reedy	1964	1966
David Lawrence	1964	1966
		(died)
Horace Busby, Jr.	1964	1965
Esther Peterson	1964	1967
Donald F. Hornig	1964	--
Roger L. Stevens	1964	--
S. Douglass Cater	1964	1968
W. Marvin Watson	1965	1968
Joseph A. Califano, Jr.	1965	--
Robert W. Komer	1966	1967
Robert E. Kintner	1966	1967
Walt W. Rostow	1966	--
George E. Christian	1966	--
Betty Furness	1967	--
William Leonhart	1967	--
E. Ernest Goldstein	1967	--
James R. Jones	1968	--
Special Counsel		
Theodore C. Sorensen	1961	1964
Myer Feldman	1961	1965
Lee C. White	1961	1966
Harry C. McPherson, Jr.	1966	--
Larry Eugene Temple	1967	--

<u>Position and Name</u>	<u>Appointed</u>	<u>Resigned</u>
Legislative Counsel		
E. Jake Jacobsen	1965	1967
Harold Barefoot Sanders, Jr.	1967	--
Administrative Assistant		
Henry Hall Wilson, Jr.	1961	1967
Mike N. Manatos	1961	--
Special Consultant		
Eric Goldman	1963	1966
Stan Musial	1964	1967
Gen. Maxwell D. Taylor	1965	--
John P. Roche	1966	1968
James A. Lovell	1967	--
Charles A. Murphy	1967	--

Source: Congress and the Nation, II (Washington, D.C.: Congressional Quarterly Service, 1970), p. 655.

VITA

Samuel Lee Sullivan

Candidate for the Degree of

Doctor of Education

Thesis: PRESIDENT LYNDON BAINES JOHNSON AND THE COMMON SCHOOL,
1963-1969

Major Field: Higher Education

Biographical:

Personal Data: Born in Clebit, Oklahoma, June 27, 1946, the son
of Mr. and Mrs. Jeff C. Sullivan.

Education: Graduated from Guthrie High School, Guthrie, Oklahoma,
in May, 1964; received Bachelor of Science degree in Social
Science from Central State University in 1967; received
Master of Teaching degree in Social Science from Central
State University in 1968; completed requirements for the
Doctor of Education degree at Oklahoma State University in
May, 1973.

Professional Experience: Classroom Instructor, Social Science,
Edmond High School, Edmond, Oklahoma, 1967-73; member of the
Oklahoma Education Association; served as Building Repre-
sentative for the Edmond Education Association, 1969-70;
Vice-President of Association of Classroom Teachers, Edmond
Unit, 1970-71; President-Elect, 1971-72; President, 1972-
73; Delegate to Oklahoma Association of Classroom Teachers,
Summer, 1971; Delegate to the Oklahoma Education Association
Citizenship Committee, Summer, 1969; Chairman, Edmond
Political Action Committee for Education, 1969; Chairman,
Audio-Visual Department, Edmond High School, 1969-1973.