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A Historical Analysis of the Creation of a Cabinet-Level Department of Education

Shayla Lois Marie Mitchell

ACCEPTANCE

This dissertation, AN HISTORICAL ANALYSIS OF THE CREATION OF A CABINET-LEVEL UNITED STATES DEPARTMENT OF EDUCATION, by SHAYLA LOIS MARIE MITCHELL, was prepared under the direction of the candidate's Dissertation Advisory Committee. It is accepted by the committee members in partial fulfillment of the requirements for the degree Doctor of Philosophy in the College of Education, Georgia State University.

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ABSTRACT

AN HISTORICAL ANALYSIS OF THE CREATION OF A CABINET-LEVEL UNITED STATES DEPARTMENT OF ED EDUCATION
by
Shayla Mitchell

This dissertation uses historical analysis to understand the political and social conditions that allowed for the creation of a cabinet-level Department of Education when many congressional representatives, state governments, and citizens of the United States were ideologically against federal involvement in education. A cabinet-level Department of Education posed problems for the United States because nowhere in the nation's Constitution is education mentioned, thus leaving education to be a function of the states according to the 10th Amendment. This dissertation looks at calls for a department of education leading up to and including the one initiated by Jimmy Carter. Conducting a historical analysis of the creation of a cabinet-level Department of Education allows for the analysis not only of educational policies but also of culture and society both outside of and within the political sphere. This study relies on documents from the Carter presidency, the National Education Association, the American Federation of Teachers, Congressional records, education polls, and the *New York Times* and *Washington Post*, as well as secondary sources related to the various calls for a creation of a cabinet-level Department of Education and policy pieces associated with the creation. The study concludes that while the legislation for the creation of a cabinet-level Department of Education was politically motivated, it would have been difficult to pass if the

groundwork for federal involvement in education had not already been put in place through previous congressional legislation and court decisions. By easing public sentiment and creating a need for managerial and administrative reform these prior acts of Congress and the courts paved the way for a cabinet-level Department of Education.

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TABLE OF CONTENTS…….. iii

PREFACE

Today's United States Department of Education is not just the adding up of historical facts; it is the result not just of history, but also of circumstance, timing, and social climate. I first began thinking about the formation of the United States Department of Education when I went there to serve time as an intern. I believe my experience was typical of many interns; I did not have much to do and spent many hours a day in meetings listening to things I did not understand, surfing the internet and wondering what I should do to fill my time. All of this free time brought me to the idea of studying the creation of the U.S. Department of Education.

Like many interns I was overlooked and ignored, which meant I was free—because of my invisibility—to observe without anyone watching what they said. However, there were still those meetings and special sessions that are planned for interns, where the topics and discussions are carefully metered. What I heard as an invisible intern at the department and what I heard as an intern at official meetings did not sit well with me and one did not gel with the other. What was said in those well-planned and quite scripted meetings and what I heard on the floor were two different things. Prior to spending my summer at the United States Department of Education, I spent two and half weeks in Havana, Cuba on a study abroad program.[1] I had structured classes to attend and in each of those classes the discussions centered on topics related to Cuban life: history,

[1] The study abroad program was called Cuba Today. It was ended the year I went due to legislation passed by the current administration arguing that students could not learn the real situation in Cuba in such a limited time. This legislation states that all educational trips to Cuba must be three months or longer.

politics, economics, and culture. We visited museums and historical sights, took in the cultural life, and we attended lecture every day. Since my Spanish is very bad, I became good at listening carefully. After my first week there I realized that I was hearing the same thing over and over again in the same way, but from different people. Little phrases and sayings during tours at museums or historical sites were said in exactly the same manner, as if they had been scripted. I expected that in Havana, it is what I had heard on television specials and it is what the US government propagates about communist countries, particularly Cuba. I did not expect that same type of structured and scripted speech in Washington, D.C., but to my surprise I found it there.

Employees at the Department of Education seemed to mechanically say the same phrases in similar ways. The other interns and I found it peculiar. I wondered what it meant that public officials wanted to, had to, and/or felt the need to simplify their thoughts by minimizing them to phrases like, "NCLB is the next logical step after *Brown v Board of Education*." Sometimes it was the "only" next step, sometimes it was the "logical" step, but it was always the only option. I do not have the desire to argue whether the statement was true or not true, my concern was that the statement was often enough a part of the response to questions about the Act, as if the interns were the media. Most of these types of conversations went on between the interns and appointed officials at the department. Conversations were usually different when speaking to those who were not appointed, they expressed their points of view and spoke to us about what could be changed, what should not be changed, and what they were working on, but they did this when the appointed officials were not there. So, what was the original purpose of the department? It was clear that it could be used as a political tool for whoever was in office,

Democrat, Republican or independent. I could not imagine that "use as a political tool" was mentioned in the legislation, but that was most of what I saw. So, I decided to really research it and make it my dissertation topic. Luckily for me I had lots of time on my hands, so I began my research while I was there. I found the purposes of the department and could not rectify them with the department that existed. These reasons, as simple as they may seem, are what brought me to this topic. Since then the scope of my research has broadened as I became more interested in the role of the federal government in American education and how a cabinet-level Department of Education came to exist when it seemingly goes against American ideals of local control of education.

CHAPTER 1
INTRODUCTION

> Our country's entire intellectual and cultural life depends on the success of our great educational enterprise. . . . The federal government has for too long failed to play its own supporting role in education as effectively as it could…Instead of stimulating needed debate of educational issues, the federal government has confused its role of junior partner in American education with that of silent partner. . . . If our nation is to meet the great challenges of the 1980s we need a full-time commitment to education at every level of government—federal, state and local. The Department of Education bill will allow the federal government to meet its responsibilities in education more effectively, efficiently and more responsively.
>
> Jimmy Carter at the signing of the Department of Education Bill 17 October 1979

When Jimmy Carter was elected President in 1976, the American public education system was deeply entrenched in a long series of federal laws and rulings—beginning with 1954's *Brown v Board of Education* decision—which altered the role of the federal government in k-16 education. A substantial number of the changes in education were initiated by the federal government, which many Americans viewed as an undesirable force in education. Most arguments against federal legislation and judicial rulings in education were made on the basis of states rights found in the Tenth Amendment of the U.S. Constitution. The amendment says that all things not mentioned in the Constitution would be left to the states; since education is not mentioned in the Constitution the burden fell to the states, and the states and local government held tightly to that dictum. Nevertheless, the U.S. government became increasingly involved in education policy-making. The government was so involved that Jimmy Carter succeeded

in creating the United States Department of Education despite deep-seated tradition against federal involvement in educational affairs.

Using the Federal Reorganization Act of 1977,[1] the President removed Education from the Department of Health, Education, and Welfare (HEW), creating two new departments: the Department of Education and the Department of Health and Human Services. The fight for the Department of Education was not easy; there were large lobbying groups in opposition and in favor, there were senators and representatives in support and against, and there was the media and popular sentiment both of which varied in levels of support. A cabinet-level Department of Education was both product of and contributor to the increased role of the federal government in American education. Although work has been done on the creation of a cabinet-level Department of Education, that work has looked at the creation for its policy implications.[2] The research for this dissertation uses historical analysis to illuminate both the political and social reasons for the eventual creation of the department in the late 1970s. Historical research allows the researcher to look systematically at early calls for the creation through to the actual creation analyzing, and not just political reasons, but also social reasons and implications.[3]

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[1] Beryl Radin and Willis Hawley, *The Politics of Federal Reorganization: Creating a U.S. Department of Education* (Elmsford, New York: Pergamon Press, 1988).

[2] David Stephens, "President Carter, the Congress, and the NEA: Creating the Department of Education," *Political Science Quarterly*, 98 (Winter 1983-1984): 641-663. See also, Radin and Hawley, *The Politics of Federal Reorganization*

[3] See Deanna Michael, "Jimmy Carter and Educational Policy: From the School Board to the White House" (Ph.D. diss., Georgia State University, 1997). Michael highlights the importance of systematically analyzing Carter's educational policy to understand the effect he had on the formation of local, state, and federal education policies.

Participants

There was a range of participants in the creation of the U.S. Department of Education. Opposition and support came from both large national organizations and smaller, less organized groups. All of these groups, large and small, affected the ultimate outcome of the department. However, there are a few groups with roles so large that they require introduction.

Of those supporting the creation of a new Department of Education, the foremost member is The National Education Association (NEA). Though the National School Boards Association and other smaller education associations also supported the creation, the NEA was the largest and oldest education association in the United States supporting the change. With the mission of advancing the profession of teaching, the NEA saw itself as a professional organization. Being a professional organization meant that the NEA had a goal of improving the profession of teaching. Though the NEA referred to itself as a professional organization it was, and still is, a functioning union with bargaining state affiliates. A long time supporter of creating a cabinet-level department, the NEA of the 1970s called upon its vast membership to garner immense support in its call for a department. [4]

Major groups opposed to the department were the American Federation of Teachers (AFT), the Catholic Church, and the higher education community. The AFT, an affiliate of the American Federation of Labor and Congress of Industrial Unions (AFL-CIO), was much more concerned with labor issues and, differently from the NEA,

[4] Stephens, "President Carter, the Congress, and NEA, 645.

referred to itself as a union and not a professional organization.[5] As a union the AFT included all staff and faculty in its support of education. The AFT feared that "a department would isolate education in the federal bureaucracy, thus making it more vulnerable to special interest groups" such as the NEA.[6] The AFT thought that the NEA had a narrow scope and would attempt to bend the new department to its will. The long-time president of the AFT, Albert Shanker, proved to be one of the most outspoken against the formation of a cabinet-level Department of Education. The Catholic Church opposed the formation largely for funding issues and what it believed would become an inequitable department, making it difficult for smaller private Catholic schools to compete with larger federally supported public schools.[7] Similar to the Catholic Church, the higher education community had fears that a new department—especially one championed by the NEA—would favor elementary and secondary education, thereby overshadowing higher education concerns.[8]

Somewhere in between support and opposition was the White House staff. Carter, having received support from the NEA during his campaign, made promises to support the creation of a Department of Education. Once in office he had to decide if a department would actually be feasible. His most important aides on this topic were his Chief of Staff, Hamilton Jordan, and the Assistant to the President on Domestic Affairs and Policy, Stuart Eizenstat. Members of the White House staff supported various forms

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[5] The NEA did not in the 1970s and does not now refer to itself as a union. The NEA website says that the "NEA is a volunteer-based organization." The AFT, however, refers to itself as a union, "It is an affiliated international union of the AFL-CIO." Currently the NEA and AFT work together through local affiliates in different sates, showing how the lines between the two have been blurred over the years. For more information visit: http://www.nea.org/aboutnea/whatwedo.html and http://www.aft.org/about/index.htm .
[6] Donald Sharpes, *Education and the US Government* (London: Croom Helm, 1987).
[7] Stephens, "President Carter, the Congress, and the NEA, 641-663.
[8] Ibid., 656.

of the department, but not all of Carter's appointees agreed with a department. Most notably opposed to the creation was the head of the department to be dismantled, Joseph Califano, Secretary of the Department of Health, Education, and Welfare.

Context

There was something significantly different in American society and politics in the 1970s allowing both the Senate and the House to support the creation of a cabinet-level Department of Education that had not been supported in previous decades; this study seeks to illuminate that difference. The federal government had its hand in education prior to Carter being elected President in 1976. As early as the land ordinances of 1785 the US government supported education by providing that land be set aside for the establishment of schools.[9] But it was in the mid- 1950s that the government began to participate more actively in the nations' schools, after 1954 when the *Brown v Board of Education* decision was passed. It was with this decision that the Supreme Court struck down separate but equal legislation, making *de jure* segregation illegal.

Later in the 1950s a piece of legislation not focused on racial equality or equality of educational opportunity was passed. The *National Defense of Education Act* (NDEA) was passed in 1958 to help the US compete with the Soviet Union. After the Soviet launch of Sputnik the US felt the need to increase science, mathematics, and foreign language skills of all students, in order to compete with the scientific and technological advances of the Soviets. Offering money to college students who majored in science, mathematics, or a critical foreign language and promoting the study of those subjects in the k-12 environment, the NDEA was a major step in federal involvement in education.

[9] Sharpes, *Education and the US Government*, 97.

Later, in 1964 and 1965 respectively, the *Civil Rights Act*, the *Elementary and Secondary Education Act* (ESEA), and the *Higher Education Act* were passed. All three acts surpassed any previous federal involvement in education at that time; they allowed the federal government to deny funding to schools that did not comply with specific articles in the acts and granted money to schools that did comply. The ability to withhold money from and bestow money on schools gave the federal government significant powers in what had been a state and local operation. That power did not come at a small cost; the original expenditure for NDEA was approximately $1 billion, the 1965 Higher Education Act $2.5 billion over three years,[10] and in 1966 the total appropriations for ESEA were just over $1.2 billion.[11] As the federal role in education evolved, public and private cries for states rights grew.

The primacy of state and local control of schools was often used to argue against changes imposed by the federal government. An example of this can be seen when looking at the *Brown v Board of Education* decision of 1954. The decision, which tried to end segregation in public schools, necessitated a large federal effort in order to attain state and local compliance. Opposing governors and other public officials used the Tenth Amendment—which reserves those powers not delegated to the United States government by the Constitution to individual state governments—to claim that the federal government had no authority over the actions of state and local governments

[10] Eugene Eidenberg and Roy D. Morey, *An Act of Congress* (New York: W.W. Norton & Company, Inc., 1969).
[11] Stephen Bailey and Edith Mosher, *ESEA: The Office of Education Administers a Law* (New York: Syracuse University Press, 1968).

when it came to education, as education was not mentioned in the Constitution.[12] However, the federal government claimed its authority rested in its responsibility to ensure citizens' rights to an equal education. Therefore, the federal government claimed they were not trying to take away state and local control of schools, but rather to ensure equality of opportunity to all citizens. The belief was that equality could only be achieved with federal regulations. As federal regulations continued through the late 1960s and early 1970s a cabinet-level Department of Education began to fit the schema of federal involvement.

There is no doubt that a cabinet-level Department of Education was seen as a challenge to the right of states to govern and prepare the curriculum and standards of education. The fear of a nationalized education system had been a major deterrent to a cabinet-level department for years.[13] This fear was also caused by a concern that the federal government would treat education as a "means for attaining national aims rather than as an end itself."[14] The crux of the opposition to a department lay in the states' rights to control education.

However, there is more than the Tenth Amendment right and centralization of education at question when studying the controversy over a Department of Education. There were the always-present issues of management; would educators, lawmakers, or members of special interests groups run the new department? There were policy issues;

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[12]James Patterson, *Brown v Board of Education*: *A Civil Rights Milestone and its Troubled Legacy* (New York: Oxford University Press, 2001).

[13] Douglas Slawson, *The Department of Education Battle, 1918-1932: Public Schools, Catholic Schools, and the Social Order* (Notre Dame, Indiana: University of Notre Dame Press, 2005). Donald Warren. *To Enforce Education: A History of the Founding Years of the United States Department of Education* (Detroit, MI: Wayne State University Press, 1974).

[14] Lawrence Gladieux and Thomas Wolanin, *Congress and the Colleges* (Lexington, MA: DC Heath and Company, 1976), 6. In the text the authors spoke specifically of higher education, but this particular passage is not untrue of education in general.

would the department take a position on issues of integration, parochial schooling, and school funding? And there were organizational issues; would the department be narrowly based or broadly based, would it absorb all education programs from other departments or would it be selective in absorbing only those within the Department of Health, Education, and Welfare? These questions, though important to the study of the creation of the department, are somewhat narrow in focus. When taken alone they serve only to address issues of political reorganization without addressing the changes in American society and politics which supported the Department's creation.

To better understand what made the 1970s drive for the department a success, this study seeks to analyze the broader issue of a distinct character of American public education. Although it is possible and certainly rational to argue that the AFT, the Catholic Church, and various other groups and individuals opposed a cabinet-level department because of Tenth Amendment concerns, that argument alone provides an inaccurate account of the creation. One reason to question the states' rights argument is that there was little disagreement—if any—with the creation of the Department of Health, Education, and Welfare (HEW) in 1953. Neither health, education, nor welfare rights are mentioned in the US Constitution, but few people disagreed with the creation of a cabinet-level federal department to protect those rights.

HEW was created in large part to manage vast changes in society that begin in the era of Franklin Roosevelt; these included the ongoing programs from the New Deal, urbanization, technological advances and the desire for higher education, and the onset of

the Civil Rights Era, as well as an expanded interest in health care after WWII.[15] By 1953 it was clear that New Deal programs were not going to end; HEW was, in large part, the result of a need to manage the New Deal programs.

Opposition to HEW came from opponents of health insurance and those who felt that the United States social service programs were too communistic, but these opponents were easily defeated as it became increasingly evident that America's social programs were only going to grow. HEW came into existence without much negative fanfare; in fact, the new department, under Secretary Ovetta Culp Hobby, was incredibly popular among the media and was touted as having made many accomplishments in a short period of time.[16] Tenth Amendment opposition was not heard during the creation of HEW; so, it would seem that education, when separated at the federal level in the 1970s, posed a threat to American society in a way that health and other human and social services did not according to opponents of the proposed new amendment.

Historical Research

History allows the use of different theoretical perspectives to analyze and rethink actions.[17] In the case of the creation of the Department of Education, actions such as policy formation, governmental reorganization, and societal response to the dealings of policy makers and government officials and lobbyists are to be considered. It is

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[15] Rufus Miles, *The Department of Health, Education, and Welfare* (New York: Praeger Publishers, 1974), 1-3. Miles also holds that HEW was further sustained by the "Baby Boom" of the early 1950s. The boom in school aged children required new facilities, more educators, and increased funds to educate the large numbers of children.

[16] Ibid., 29.

[17] Carl Kaestle, "Standards of Historical Research: How Do We Know When We Know?" *History of Education Quarterly* 32 (Fall 1992): 361-366.

important, however, that this research not be purely political; it is both necessary and germane to capture the social dimensions involved.

Historical standards are widely debated; there are questions over objectivity and certainty, and ideological and theoretical perspectives abound in the field. Can one be purely objective when doing historical research, or do beliefs and positions filter through regardless of attempted neutrality? There is also the question of whether or not a historian should adopt theoretical perspectives and make the research fit those perspectives as the research progresses, creating history to fit ideology. Both of these options are restrictive and do not allow for important analyses to take place. The former position realistically allows only a telling of an event without much detailed analysis of why the event occurred. The latter is too dogmatic and makes claims to know the truth before the research has even begun. However, both positions have elements of great importance.

Seeking a level of objectivity in historical research is important; objectivity keeps the researcher honest and aids in uncovering all relevant historical data. Yet, careful non-dogmatic use of theories may help form "standards of truth"[18] for historical analysis and can be used as a supplement to historical research. For instance, an analysis of why the Department of Education was approved in the late 1970s may, at times, require a cultural anthropological perspective. This perspective helps to make meaning of an event or tradition—such as public schooling—and it also lends itself to understanding the culture and time period surrounding such traditions and events.[19] It is important to consider an

[18] Ibid., 363-364.
[19] Victor Turner, *Celebration: Studies in Festivities and Ritual* (Washington, DC: Smithsonian Institution, 1982), 11-32.

anthropological and sociological perspective when analyzing both the national mood and the role of education in American society.

The aim of this study is not to create historical "truth," but rather to create dialogue between previous studies and offer a historical perspective on the creation of the Department of Education. More broadly, this study offers a perspective on the role of education in American society at the time the Department of Education was created.

Most of the research done on the creation of a cabinet-level Department of Education in the 1970s has been done in the political science sphere. The creation of the department is doubtlessly pertinent to political science; it has an impact on policy, provides an example of large-scale federal reorganization, and can be used to discuss the effect of interest groups on policy decisions. However, the study of the creation of the department is also relevant to the study of the history of education. Edgar Bruce Wesley, in his article "Lo, the Poor History of Education," discusses the study of the history of education and its uses. He says:

> It [the history of education] analyzes the diverse and conflicting elements of a culture and reconciles the potentials of education with the actualities of the encircling society…. The history of educational systems reflects the culture of peoples and nations.[20]

Considering Wesley's words, the historical analysis of education allows for the analysis of culture and society both outside of and within the political sphere. An historical analysis of the Department of Education does not need to have policy implications for

[20] Edgar Bruce Wesley, "Lo, the Poor History of Education," *History of Education Quarterly* 9 (Autumn 1969), 330.

future federal reorganization plans; but it must tell the story as fully and as accurately as possible, remembering to include the "small people," the everyday, and the state.[21]

Research Questions

There are a multitude of questions that could be asked when considering the formation of the US Department of Education. This analysis examines the reasons why a cabinet-level department was created in 1979. Analysis of the creation can be broken into three categories: political, managerial, and social. Of particular importance to this study are the political and social aspects of the creation.

That there was something different in American society and politics that allowed for the creation of a cabinet-level department has already been asserted, but the question of what that something different was remains. Of special interest are these questions: what had changed in American society that made federal involvement so desirable, or at least acceptable, to many and what caused this change? Also important to this study is the place education holds in American consciousness. As previously illustrated, education when separated from other social service departments seems to cause unease among members of American society; what is it that makes education a sensitive issue in American society and politics?

An important political question for this research is how Carter, a supposedly ineffectual President, was capable of creating something as large and as contested as a cabinet-level Department of Education. Clearly there was help by the National Education Association and there was his desire to accomplish something large prior to the 1980

[21] Nicholas Dirks, Geoff Eley, and Sherry Ortner, "Introduction" in *Culture, Power, History: A Reader in Contemporary Social Theory*, Nicholas Dirks, Geoff Eley and Sherry Ortner, Eds., (Princeton: Princeton University Press, 1994), 3-8.

election, but for Carter to push reorganization legislation, much less reorganization for education, through both the House and the Senate is a feat deserving of analysis.

Managerial issues range from the ability to manage a large budget to the ways in which programs would be included in the new department. Understanding how and why certain management decisions were made helps to explain the Carter administration's success in creating the Department of Education. Management, though a seemingly small piece in the creation, was an integral part of the successful creation of the department. The ability to have effective and efficient management of government played a large part in Carter's campaign speeches;[22] as a result, tying the creation of the department to streamlining and making more efficient the education processes and programs at the federal level remained an ever-present goal for Jimmy Carter and his staff.

However much the administration wanted to focus on managerial and political issues, the creation of a cabinet-level department was mostly a social issue. As previously mentioned, federal involvement in education was strongly contested so there had to be some type of shift in societal consciousness that allowed a cabinet-level Department of Education. Politics alone could not create a department, support of the public had to be a considerable factor.

Significance

A historical analysis of the creation of the Department of Education is significant in that it provides a history of an event that markedly changed the federal role in education. The creation of a Department of Education deserves to be studied not just for

[22] Deanna Michael, "Jimmy Carter and Educational Policy: From the School Board to the White House" (Ph.D. diss., Georgia State University, 1997).

its policy implications, the involvement of large lobbying groups, or as an example of large federal reorganization; it also deserves to be studied as an ongoing struggle about the ethos of education in the United States.

The role of education in the United States has changed significantly over the last 60 years. The federal government has increasingly involved itself in education, whether through funding, or as seen most recently, through federally mandated procedures for local schools and districts to keep funding of social programs such as aid for low-income or language learner students. A significant portion of this increased involvement has come to fruition because of the creation of the cabinet-level Department of Education. Creating a place where all education programs can be housed and then giving educational issues a seat at the executive table has brought educational issues consistent national attention.

There was significant discussion about dismantling the department soon after its creation. The federalization of education was clearly still an issue in the minds of U.S. citizens and politicians in late 1970s and early 1980s. Then Governor Ronald Reagan, who defeated Carter for President in the 1980 election, frequently called for the demise of the department as a part of his presidential campaign, and Reagan received significant support for this proposal. Since its creation it has been feared that the department would have too much power, the ability to overstep its bounds, and become too involved in state functions; or it has been viewed as weak and not much more than a large bank which hands out monies to states for education.[23]

[23] Terrel H. Bell, *The Thirteenth Man: A Reagan Cabinet Memoir* (New York: Free Press, 1988).

This study of the creation of the department analyzes the changes and shifts in moods and philosophies about the role of education and the federal government in the United States. It offers a perspective on how and why America has allowed education to become more centralized and less localized. This research does not attempt to say whether centralization or localization of education is better, but it does intend to show how the creation of the Department of Education fits into the larger historical picture of federal involvement in education.

The Department of Education is the nation's only educational agency. Literature of or relating to its creation, formation, and foundations is shockingly sparse. This research makes an effort to add to the body of literature specifically on the creation of the Department of Education and more generally to the body of literature related to the role of the federal government in education.

CHAPTER 2
A HISTORY OF FEDERAL INVOLVEMENT IN EDUCATION

Early History of Federal Involvement in Education

Much of the political history of education in the United States begins with the Tenth Amendment, which reserves those powers not delegated by the federal government to the states. Education is one of those powers. Nowhere in the Constitution is education mentioned, therefore the responsibility of educating the nation's citizens[1] has rested with the state and local government. As will be highlighted in this chapter federal involvement was at times welcomed and at times scorned, but continued to grow after the Civil War as the nation grew and as the system of public education expanded.

Since the advent of the common school, citizens of the United States have had to consider the proper role of both the state and federal government in education. As early as the late 1700s congressmen grappled with the proper role of the federal government in education. The first early successful effort of federal legislation in education came with the passage of *The Survey Ordinance of 1785*. The ordinance reserved a section of every township in the Western Territory for the creation of schools. Similar to the *Survey Ordinance*, the *Northwest Ordinance of 1787* fostered learning, not through the

[1] There are exceptions to this rule at particular times in US history. During and after the Civil War the US government took great measures to educate the recently freed slaves on a non-voluntary basis, helping to establish schools such as Howard University and Hampton Institute. Additionally, the US government, through the Bureau of Indian Affairs, began forcefully educating American Indians in boarding schools at places like Carlisle and Hampton. See James D. Anderson, *The Education of Blacks in the South, 1860-1935* (Chapel Hill: University of North Carolina Press, 1988); David Adams, *Education for Extinction: American Indians and the Boarding School Experience* (Lawrence: University Press of Kansas, 1995).

designation of land, but through "blessing" the establishment of schools and the pursuit of knowledge in the Northwest Territory. [1]

Together these two legislative acts signal the beginning of federal involvement in education. Although the role of the government was one of a passive benefactor, it was important. There was a clear significance placed on education and on making sure that "schools and the means of education shall forever be encouraged."[2] The federal government became involved in education by guaranteeing that each township had a location set aside for schools and by stating the importance of education in ordinances, thereby ensuring the progress of education.

The secession of southern Democrats from the House and Senate during the Civil War played a large part in the establishment of one of the most influential education bills prior to the 1900s and led to significant changes in the system of higher education. The Democrats absence gave the more liberal minded Republicans an opportunity to push legislation through both houses that had previously been contested, specifically by Southern Democrats, who were largely against the centralization of government. The 1862 *Morrill Act*—passed once the southern states seceded—provided for grants of federal land to each state for the founding of colleges and became the largest and most significant piece of education legislation of the time.

The *Morrill Act* established what came to be known as land-grant colleges. These land-grant colleges were meant to help educate students in the agricultural, mechanical and industrial sciences. The *Morrill Act* was noteworthy because it meant that students with lower income, who wanted to further their education, could do so at colleges that

[1] Shirley Seib, Ed., *Federal Role in Education* (Washington, DC: Congressional Quarterly, Inc. 1967), 16.
[2] Sharpes, 95. This is a quote from the *Northwest Ordinance.*

received aid and support from both the federal and state governments. This act increased accessibility to higher education and expanded the nation's educational system.[3] For nearly a century the *Morrill Act* would prove to be the most significant federal involvement in educational endeavors.

The First US Department of Education: Purposes and Struggles

It was not until after the Civil War that many people in America began to think of education as a national priority; education became a way to teach the benefits of American values to those who neither believed in nor held them. Education was also seen as a way to unify the divided nation, for all students could be taught what it was to be an American. With education taking on national importance congressman James Garfield of Ohio introduced a bill to Congress calling for the establishment of a federal Department of Education. The National Teachers Association (NTA)[4] supported the legislation, a bill was adopted in 1866, and in 1867 education found a home in the federal government.[5]

The founding of the Department of Education was not an easy feat in the postbellum period. The War Between the States had taken a great deal of the national budget, and many in Congress were not ready to see more money spent on establishing a new department, especially when federal support for education was so contested. Additionally, the common school movement was at its fledgling stages. Beginning in earnest from the 1830s and 1840s the common school movement in 1866 had come quite

[3]Lawrence Vesey, *The Emergence of the American University* (Chicago: University of Chicago Press, 1965), 15. See also Sharpes, *Education and the US Government* (London: Croom Helm, 1987) and Frank J. Munger, *National Politics and Federal Aid to Education* (Syracuse, NY: Syracuse University Press, 1962).
[4] Later to become the National Education Association (NEA).
[5] Warren, *To Enforce Education*, 62-68. See also Seib, *Federal Role in Education*, 16.

far, but it was still young and the educational profession was still forming.[6] A component of this formation came through the gathering of educational statistics by those involved in the educational sphere. Men such as Horace Mann, Charles Brooks, and most strikingly Henry Barnard argued for the collection of education statistics. However, in the 1840s these schoolmen did not believe that a separate federal entity was necessary to gather these statistics; the belief was that the census or other measurement tools used by the US government could be adapted to procure educational statistics as well.[7]

However, the Civil War changed the minds of the schoolmen. Still interested in collecting statistics, the schoolmen now saw the importance of disseminating those statistics so that state and local education agencies could use them to better their schools. The thought of education being a unifying force ran in agreement with the need to unify the recently divided—and still angry—nation. In order to reconstruct the nation the supporters of a Department of Education bill thought that:

> Schools qualified for federal attention because they functioned as social reforming agents. Conditions left by the war added the sense of urgency…securing the loyalty of southern whites, and guaranteeing the proper preparation of black people for citizenship necessitated federal promotion of common schooling.[8]

It was the war, then, which gave these schoolmen, along with the NTA and the National Association of School Superintendents, the opportunity to broaden their goals. The hope of the most avid supporters of a department was that a Department of Education would support both the expansion and improvement of schools through the nationwide collection and dissemination of statistics and perhaps impose a minimum of standards on

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[6]Jurgen Herbst, And Sadly Teach (Madison, WI: University of Wisconsin Press, 1989) 4, 12-21. See also Warren, 55-57 and Harry Kursh, *The United States Office of Education: A Century of Service* (Philadelphia: Chilton Company, 1965), 10.
[7] Warren, *To Enforce Education*, 48-49.
[8] Ibid., 81.

public schools, while others, such as James Garfield, wanted the department to collect and publish statistics and educational facts.[9]

The schoolmen who fought for the department found a friend in the new congressman from Ohio, James Garfield. Garfield, a former schoolteacher and college president, was able to communicate the importance of the legislation to the Congress and effectively get it passed. Soon thereafter Henry Barnard became the Commissioner of the new department. It is important to note that this department was not a cabinet-level entity; though given the title "department," it was really an independent bureau. Thus Barnard's title was Commissioner of the Department of Education and not Secretary. The department, with Barnard as commissioner, which was expected not only to produce statistics and reports on land-grant colleges, but also to help produce school improvements through active involvement in education, did not perform as anticipated and became mostly a passive census taker. Barnard did not have an easy start with the department, as Congress excoriated him almost as soon as the bill was passed. There were many in Congress that did not like the idea of federal involvement in education, not even as a census taker. Congress reduced the budget for the department, allowing Barnard to acquire only meager supplies and a very small staff, placing much of the onus on Barnard himself.[10]

Finances aside, the Department of Education had larger problems. Congress attacked Barnard's abilities, and with the war over Congress' concern for the education of the recently freed slaves mostly vanished, taking away one of the department's raisons d'être. Additionally, congressmen, most notably Thaddeus Stevens, felt the department

[9] Ibid., 81. See also Frank Munger and Richard Fenno, *National Politics and Federal Aid to Education* (Syracuse: Syracuse University Press, 1962), 78.
[10] Warren, *To Enforce Education*, 124-125.

was a waste of money. The opposition held that no collection of data could produce the quality of education that the nation needed, and they argued that the department was a waste of public funds and went against the Constitution. [11] Additionally, one historian argues, "there was a lingering fear" by Congress that an:

> Independent "department of education," even without cabinet representation, was perhaps too vague if not too sweeping a designation, one that left the door open to unlimited, undesired, uncontrolled growth in the manner of a ministry of education, with tentacles around the throat of local education.[12]

In two years time, from 1867 to 1869, the Department of Education was demoted to the Bureau of Education and placed under the Department of the Interior. This demotion took away the department's independence and made it subordinate to the will of the Secretary of the Department of the Interior. Furthermore, the department was forced to operate on a reduced budget; Congress even reduced Barnard's salary by $1,000.[13] Even with this Barnard continued to work on gathering information, but not fast enough for Congress, it seems. In mid January of 1870 Barnard received a "jarring reminder from the House to submit whatever information had been collected" by the department. By the end of that same month Barnard heard that John Eaton would replace him as Commissioner of Education. Barnard was replaced in March 1870.[14] Nevertheless, education held its place in the federal government; with Barnard gone and Eaton as his replacement in the post of Commissioner, the Office of Education won some friends in Congress.[15] Eaton expanded the office by more than 10 times its original size, grew the library, and hired specialists to

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[11] Warren, *To Enforce Education*, 125-136.
[12] Kursh, *The United States Office Of Education*, 13.
[13] Ibid., 16.
[14] Warren, 118-119 and Kursh, 16-17.
[15] Kursh, 17-18. Kursh says that even Barnard may have realized that Eaton may have been good for the Office of Education, "realization that. . . the time had come for someone more politically oriented to continue the work he had started." Eaton apparently was known to be more political and his political and administrative skills made him more effective in Washington (Kursh, 18).

not only compile, but also analyze data. Eaton's sixteen-year tenure (1870-1886) solidified the future of the U.S Office of Education through an increased bureaucratization and "professional orientation;"[16] although the office did not gain much in stature, it had become a part of the fabric of federal government.[17]

The passage of the second *Morrill Act* (1890), which granted funds for the maintenance of land grant colleges on an annual basis, along with the overseeing of American Indian education throughout the states, especially in Alaska, increased the office's role as administrator of funds to educational programs.[18] The administration of funds along with the office's data gathering and analysis functions increased the federal government's involvement in education and the standing of the Office of Education. The passage of the 1914 *Smith-Lever Act*, which provided aid for the dissemination of knowledge regarding agriculture and home economics, was the first time that conditions were placed on federal aid. Any state that accepted federal money via the *Smith-Lever Act* had to submit its program for approval by the Department of Agriculture.[19] This and the 1917 *Smith-Hughes Act*, which was the first program of federal grants-in aid to promote vocational education in public primary and secondary schools, along with World War I and the rise of the progressive movement provided the momentum that schoolmen needed to revive the drive for a cabinet-level Department of Education. Senator Hoke Smith of Georgia, a Southern progressive Democrat, initiated both the *Smith-Lever* and *Smith- Hughes* Acts. These two acts supplied funding for agricultural learning and production, so they were created for what many saw as "the obvious lack of suitable local

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[16] Warren, 178.
[17] Kursh, *The United States Office of Education*, 18, 24.
[18] John Dale Russell, "The Evolution of the Present Relations of the Federal Government to Education in the United States," *The Journal of Negro Education* 7 (1938): 247-248.
[19] Slawson, *The Department of Education Battle, 1918-1932*, 4.

provisions for agricultural education."[20] These agricultural acts were particularly helpful to the small farmer, of which the Southern region of the United States had many. As a former governor of Georgia, Hoke Smith had taken up the issue of Southern education during his time as a Senator in Washington. He continued to care about education in the rural South and supported measures that would benefit Southern education, agricultural education being the greatest of those measures. [21]

If At First You Don't Succeed…

It was again a war that brought the issue of education to the attention of the American public. The national draft of the First World War revealed high illiteracy rates, "the developing science of IQ testing" seemingly indicated low mental ability of the American citizenry, and low levels of physical fitness were detected. The findings raised concerns over the standards of education in the nation because the draft found that 25 percent of those inducted could not read and that many of the men rejected for physical defects could have been accepted had their problems been detected in childhood, possibly through a physical education program.[22]

Coupled with the rise of progressivism, the influx of immigrants to the United States, and the growth of public schools in the United States the revelations of the draft created an opportune time for educational progressives interested in the scientific management of schools and administrative functions to raise the call for a cabinet-level

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[20] Ambrose Clegg, "Federal Aid to Education: A Study of the Interest of Church and Labor Groups In Proposals For Federal Aid to Elementary And Secondary Schools, 1890-1945" (Ph.D. Diss., The University of North Carolina, 1963).

[21] Munger and Fenno, *National Politics and Federal Aid to Education*, 2-8. See also Clegg, "Federal Aid to Education," 38-42.

[22] Seib, *Federal Role in Education*, 17 and Slawson, *The Department of Education Battle*, 6-8. Slawson notes that 47 percent of the men examined were physically defective and that only three states required schools to have a physical education program, but that during the war eight more states enacted legislation for physical education classes.

department. Progressivism, as it related to education, can be divided into two groups: curricular and administrative. As the name indicates, curricular progressives were interested in the use of the curriculum to prepare students for life. The goal of the administrative progressives was to remove education from the whim of the politics and move it into the realm of the "objective professional."[23] Among the individuals associated with this movement are professional educators such as Ellwood Cubberley of Stanford University and George Strayer of Teachers College, Columbia University; Strayer would later align himself with the goals of the National Education Association (NEA) to create a cabinet-level Department of Education.[24]

Bills for a department went to Congress many times, but proved unsuccessful. The first bill for a department was introduced by Senator Smith in 1918, but was not heard during that session and was therefore reintroduced in 1919.[25] The 1919 bill faced difficulties; the political orientation of Congress had shifted from the hands of Democrats to those of Republicans. The friends of the progressives were gone, many of them voted out of office during the midterm elections,[26] and in their place were staunch Republicans who were interested in decentralization of government and wary of federal funding. In addition to the political shift was the end of the war, which ended the sense of emergency in the nation. [27] Never making it through both houses of Congress, the bill did not pass in 1919, nor was it ever passed, though it was submitted many times in the years between

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[23] Slawson, *Department of Education Battle*, 2-3.
[24] Ibid., 3.
[25] Munger and Fenno, *National Politics*, 5.
[26] Slawson argues that many western Republicans replaced Democrats in the midterms in part because of the war, but "mostly because of his [Wilson's] preferential treatment of southern Democratic farmers, reviving sectional rivalry" (25).
[27] Slawson, 25 and Clegg, "Federal Aid to Education," 41.

1918 and 1932. Always at issue was the amount of aid to go to states, the role the federal government would play in administering the aid, and the issue of states rights.[28]

The Catholic Church feared that federal funding would annihilate parochial schools. Believing there was no way that parochial schools could get funding from the federal government, the Church concluded parochial schools would not be able to offer students as much as federally funded public schools. Additionally, it appears the Catholic Church feared that progressive educators wanted to wipe out the Catholic way of life in favor of the Protestant Anglo-Saxon ideal.[29] As far as Catholics were concerned a Catholic education was far more than simple academic instruction. A better understanding of Catholic education comes from the Annual Conference of the National Catholic Educational Association in 1926. At this conference, Reverend Blakely, also the associate editor of a Catholic journal called *America*, presented "What is Catholic Education?" The paper laid out what exactly a Catholic education should provide and explained what a Catholic education should be. Rev. Blakely said:

> For religion and education are not like a man and his hat. They are like a man and his soul. Take away the hat and you still have a man. Take away the soul, and you have a corpse. So, too, the plan which separates the secular studies from religion does not lead to an ideal education, but kills it.[30]

So, for Catholics, a system of education with considerable federal backing could be seen as an affront on Catholicism itself. Whatever the Catholic Church's real issues were with the proposed Department of Education, it used the issue of state's rights and the Tenth Amendment to support its opposition to the department.

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[28] Slawson, *Department of Education Battle*, 20. See also Munger and Fenno, *National Politics* and Clegg, "Federal Aid to Education."
[29] *Report of the Proceedings and Addresses of the Twenty-third Annual Meeting of the National Catholic Educational Association*, Louisville, KY, June 28-30 and July 1, 1926.
[30] *Ibid.*, 77.

Supporters of the department came from the "Masonry, particularly the Southern Jurisdiction of the Scottish Rite, and the Ku Klux Klan" as well as members of the American Federation of Teachers (AFT) and the American Federation of Labor (AFL) and of course the National Education Association.[31] Though an odd coalition the Scottish Rite, a branch of the freemasons, and the Ku Klux Klan had something in common with the progressive ideas of the NEA in that they all reinforced a white Anglo-Saxon, Protestant culture.[32] As a whole the Freemasons also reacted to the start of World War I with the same calls for Americanization of immigrants and support of Anglo-Saxon values as the administrative progressives, since they too saw schools as the best place to promote American values. States rights was not an issue the supporters argued, in fact they wrote in the Department of Education bill(s)[33] that states would continue to have control of education and would have the choice of accepting federal monies. [34]

As often as the proposals for a cabinet-level department arose, they were knocked down. According to one historian the bills calling for a federal Department of Education were unsuccessful for two reasons; the first was the state's rights argument and the second, loosely related to the first, was the effect of federal aid on the tradition of local control. The first complaint is one of interest as issues of states rights have proven to be "historically uncertain"[35] and dependent on social climate, which in the 1850s and 1860s was in flux. The period just before the Civil War and just after saw shifts in political parties and beliefs. The Reconstruction period saw a rise in the belief that the state should

[31] Slawson, *The Department of Education Battle*, xv.
[32] Ibid., 2.
[33] I am here referring to the Smith-Towner Bills of 1918-1926.
[34] Slawson, *The Department of Education Battle, 1918-1932*, 23-25, 27-34.
[35] Gilbert Smith, *The Limits of Reform: Politics and Federal Aid to Education, 1937-1950* (New York: Garland Publishing, Inc, 1982), 19.

be more involved in education.[36] Historian Gilbert Smith highlights this point saying, "President Buchanan had found constitutional barriers in his 1859 veto of the *Morrill Act*, but President Lincoln found none three years later."[37] The inconsistency of the state's rights argument meant that if the timing was right then a department could be formed, and schoolmen and the NEA were intent on making the attempts by lobbying for bills in Congress. The second complaint was not as easy to overcome; local control by parents, administrators, and other civic-minded citizens was a valued tradition, which many believed would vanish if the federal government began dispensing money to the public schools. Clearly, argued schoolmen, local control would not vanish if the federal government, through a cabinet-level Department of Education, existed only to ensure and support education at the federal level. Federal funds to education were meant to be general aid used at the discretion of the states, supporters argued, while critics argued that federal funds inevitably meant federal control.

The attempts at creating a cabinet-level Department of Education in the early to mid 1900s were focused mostly on federal aid to education. Organizations such as the NEA rallied around a department because it was a vehicle that could supply funds to public schools and public school teachers, while organizations such as the Catholic Church fought it for the very same reasons. The fact that people and groups attempted to advance the cause of education at the federal level shows the rising concern over educational issues in American society. The rise of the common school and later the

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[36] Margaret Marshall, *Contesting Cultural Rhetorics: Public Discourse and Education* (Ann Arbor: University of Michigan Press, 1995), 69-111. Marshall discusses a report written by Matthew Arnold in 1861 called *Democracy;* the report argued for the state to take over public education for the middle-class, expand secondary education, and have cheap elementary education. Marshall argues that this report was used to support the role of the state in the schools. She says that Arnold's authoritative tone is evidenced in other publications in the media from the 1860s through the 1890s.

[37] Smith, *The Limits of Reform,* 19. The constitutional barriers refer to the Tenth Amendment and states rights.

public high school, the growth of the college and university system, the effects of the both the Civil War and World War I and the following depression caused education to register as a national concern. However, once society adjusted to the development of public schools and rebounded from the aftermath of both wars, concern over education subsided and the "emergency" that had sprung up in education was over.[38]

The Presidential Impact

Not all federal involvement was driven by schoolmen or educational organizations; some involvement originated directly from the executive branch. From time to time the Office of the President directed studies on the state of education in the United States and made changes to the Office of Education. These steps may not seem to be of the utmost importance, in fact Presidential directives on education get little mention in historical texts, but they signaled to Congress and the nation that education was a concern of the President and deserving of the attention of the Executive Office.

Following the steps taken at the executive level highlights the increasing importance of education and makes sense of the timing of education legislation and changes in educational thought or direction. During the terms of Presidents Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, and Lyndon B. Johnson, the Office of the President was directly responsible for changes in education or prompting the study of public education. Much of the changes and studies produced were because of social and economic woes during the Presidents' terms; these Presidents used education as a way to examine, correct, and explain the problems facing the nation. Richard Nixon and Gerald Ford's terms are not marked by measurable consideration of

[38] Wayne Urban and Jennings Wagoner, Jr, *American Education: A History* (New York: McGraw Hill, 2004), 281-282.

education, in fact the records of both presidents is dismal in regard to the subject, but they precede Carter and so their educational policies are important to the creation of a cabinet-level department in 1979.

FDR's Educational Impact

The Great Depression hit the United States hard after the stock market crash of 1929. President Herbert Hoover's inability and unwillingness to get government involved in business affairs led to him not being reelected in the 1932 elections. Instead Democrat Franklin Delano Roosevelt was elected President and he initiated the most sweeping social reforms the United States had seen.

In 1936 Roosevelt signed the *George-Deen Act* for vocational education, but since there were some criticisms about the growth of the federal government in vocational education Roosevelt formed a committee to look at the state of vocational education in the United States and review the provisions of the *George-Deen Act*.[39] Believing that the problems in work training programs were related to issues in the general education system, the committee requested that it study issues in the broad field of secondary education. This committee became known as the Advisory Committee on Education and in 1938 it documented that there was substantial inequality of educational opportunity between states.[40] The report concluded that the only way to correct this inequality was through federal financing of education, including giving equal funds to Negro schools and White schools in the south. The report prompted Democratic Senators Elbert Thomas and Pat Harrison, as well as Democratic Representative Fletcher to sponsor two bills—in 1938 and 1939—that would have made federal aid available to states in proportion to

[39] Smith, *The Limits of Reform*, 65-66. See also Clegg, *Federal Aid to Education*, 95.
[40] Seib, *Federal Role in Education*, 17.

need, by offering grants. Both the report and the bills sponsored in Congress faced criticisms over the usage of federal funds, leveled by the Catholic Church and the Negro community. If funds were to be given, Negroes questioned, how would they be administered among segregated schools in the south and who would administer them? The Catholic Church, also concerned with the usage of federal funds wondered if the federal monies could be used to provide help to private schools or private school children. These questions raised old doubts about the constitutionality of federal aid to education.[41]

Though concerned with education, FDR was not in support of broad-based plans of support for education; he was also unwilling to involve himself in old fights about federal aid, race, and religion. Moreover, the general historical climate did not help chances for greater aid to education; recession, strikes, and the Spanish Civil War cost the administration money and support, while at the same time conservative opposition to FDR's supposed "dictatorial" administration made Roosevelt reluctant to support aid to education.[42] Roosevelt's New Deal programs would, however; serve as one reason for creation of the Department of Health, Education, and Welfare in 1953.[43]

Eisenhower and The Department of Health, Education, and Welfare

From its early days the Office of Education was fiscally involved in education, although this responsibility grew as time went on and grants and aid became more common. On April 11, 1953 Eisenhower took what was known as the Federal Security Agency and created the cabinet-level Department of Health, Education, and Welfare (HEW). The creation of a new department did not come from the Eisenhower

[41] Clegg, *Federal Aid to Education*, 101-103 and 104-133. See also Smith, 70-71.
[42] Smith, *The Limits of Reform*, 67-68, 225.
[43] Miles, *The Department of Health, Education, and Welfare*.

administration. Spurred by the proliferation of Roosevelt's New Deal and a desire for a less sprawling bureaucracy and more efficient government,[44] the department was initially proposed by the first Hoover Commission (1947-1949), created under President Truman. The commission "stemmed from congressional concern that the war-swollen executive branch was too big, too wasteful, and too inefficient."[45] In its quest for functionality and efficiency the commission did see a need for "one new department—something combining welfare and social security and education."[46] The creation of HEW brought all of the social programs together under the management of the Secretary of Health, Education, and Welfare with a Commissioner for each of the individual areas of health, education, and welfare.

The placement of education in HEW was significant for it hushed the calls for a cabinet-level Department of Education—which had never ended—by giving it an official place in a cabinet-level department. The scope of education grew quickly in the 1950s and for much of the decade education was a focus of national attention and politics; the 1954 decision of *Brown v Board of Education* and its aftermath along with the passage of the 1958 *National Defense Education Act* illustrate the spotlight education held for much of the decade.

The 1954 *Brown* decision, which legally ended *de jure* segregation in schools, is considered one of the most significant judicial decisions in the struggle for racial

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[44] Hugh Davis Graham, *Uncertain Triumph: Federal Education Policy in the Kennedy and Johnson Years* (Chapel Hill, NC: The University of North Carolina Press, 1984), 87. Graham refers here to both of the Hoover commission's reports, which he said came too late to ever be implemented. Although HEW was created Graham argues that the two lengthy reports came too late or were ineffective. With the first report, he argues, the commission did not find the situation serious enough and so "nothing fundamental was changed." With the second report (1953-1955) he argues that timing was bad, the Democrats had recaptured Congress and Eisenhower "lost interest in… government reorganization or repeal of the New Deal."

[45] Ibid., 86-87.

[46] Ibid., 87.

equality. The ruling argued that separate educational facilities were "inherently unequal" and therefore violated the Fourteenth Amendment concerning rights of equal protection of the laws. Eisenhower was by no means a civil rights enthusiast, but saw himself as bound by the Constitution to support the decision by moving to desegregate Washington, D.C public schools and sending federal troops to integrate Little Rock schools. [47] The *Brown* ruling prompted unrest in most southern states and because of the vagueness of the wording and general disagreement with the decision, many governors refused to comply.[48] A new ruling, often called *Brown II*, occurred in 1955 and attempted to make cooperating with desegregation efforts a requirement, by saying that desegregation needed to take place "with all deliberate speed."[49] But desegregation and integration remained national issues into the early 1960s—when more far-reaching legislation challenged desegregation—and late 1960s when once Vice-President Nixon turned President Nixon would have to contend with them, again. Not too long after the *Brown* decision, another major undertaking would occur in the national education scene; this time it would be a legislative act and not a judicial one and it would be much more widely accepted than *Brown*.

In 1955 a White House Conference on Education, initiated by HEW Secretary Oveta Culp Hobby, met and recommended seventy-two improvements for primary and secondary schools, including "broad federal aid to states and through states to local school systems."[50] The recommendations came late in 1955 and the new Secretary of

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[47] Kenneth O'Reilly, "Racial Integration: The Battle General Eisenhower Chose Not to Fight," *Journal of Blacks in Higher Education* 18 (Winter, 1997): 110-119.
[48] James Patterson, *Brown v Board of Education*: *A Civil Rights Milestone and its Troubled Legacy* (New York: Oxford University Press, 2001).
[49] Ibid., 113.
[50] Miles, *Department of Health, Education, and Welfare*, 33.

HEW, Marion Folsom, had to figure out a way to get President Eisenhower, an opponent of federal aid to education, to support an increase federal aid. Folsom's efforts with the President were successful, and the bills proposed by Eisenhower centered on aid for construction of new facilities and school improvement. However, it was Secretary Folsom's efforts in Congress from 1956-1957 that were upset.[51]

The Catholic Church, which opposed any federal aid that did not provide assistance to parochial schools, proved again to be a formidable challenge.[52] Another fierce oppositional force came from those opposed to desegregation. A concern among Southern segregationists was that federal participation in education would continue to threaten segregation in the south. As a group Southern Democrats were more prone to oppose federal aid bills, and when bills were introduced in Congress that had amendments attached to them—such as one proposed by Adam Clayton Powell—which demanded desegregation, they were always rejected.[53] However, events in 1957 provided the motivation needed for large-scale federal aid to education.

The 1957 Russian launching of a capsule called Sputnik into space served to level American arrogance and its sense of pre-eminence in the fields of science and technology. With Americans questioning how the Russians had beat them into space and wondering what had gone wrong to allow such an occurrence, Secretary Folsom, focusing on the educational aspect of the upheaval, appointed Assistant Secretary for Legislation Elliot Richardson to begin work on the *National Defense Education Act*

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[51] Another Committee focused on post-secondary schools was also formed, called the President's Committee on Education Beyond the High School. The recommendations of that committee would resurface as guidelines for larger 1958 legislation.
[52] Ibid., 34.
[53] George Kizer, "Federal Aid to Education: 1945-1963," *History of Education Quarterly* 10 (Spring, 1970): 90. See also James Sundquist, *Politics and Policy: The Eisenhower, Kennedy and Johnson Years* (Washington: Brookings Institution, 1968), 166.

(NDEA). To help craft the NDEA Richardson went back to the 1955 Committee on Education Beyond the High School. The Committee estimated that a substantial number of high school graduates would not be able to attend college for financial reasons, but recommended no federal action at the time, deferring to private enterprise. With the events of 1957 the federal government moved forward, ignoring the advice to wait, and Richardson included federal scholarships as part of the NDEA.[54]

The *National Defense Education Act* was passed September 2, 1958, just one year after the September 1957 launching of Sputnik. Sputnik was a national concern, it affected all states and potentially the safety of the nation, and because of this concern both Democrats and Republicans, who may otherwise have been concerned with providing federal aid to education, agreed to support the NDEA. Among other things the NDEA was used to improve teaching in science, mathematics, foreign language and vocational training; it provided loans to needy college students; and provided money for research. Furthermore, Title III of the National Defense Education Act allotted funding, in the form of loans, to both private and parochial schools for the purchase of teaching equipment and supplies for science, mathematics, and foreign language, giving the Roman Catholic Church something to be happy about.[55] Overall, the NDEA authorized aid of about $900 million for primary and secondary schools and colleges and universities, the largest federal aid bill to that date.[56] The importance of the NDEA, though overshadowed in later years by larger, more far-reaching, acts such as the *Elementary and Secondary Education Act*, cannot be denied because "it asserted, more forcefully than at anytime in nearly a century, a national interest in the quality of

[54] Sundquist, *Politics and Policy*, 175.
[55] Kizer, 95.
[56] Miles, *Department of Health, Education, and Welfare*, 34-35.

education that the states, communities, and private institutions provide."[57] It also helped to form alliances between politicians and organizations.

The non-legislative development of partnership building was important to the framing of the Department of Education in 1979. The various bills that had been proposed in Congress had created these alliances that would last well into the 1970s and beyond. Of particular note was the alliance between the NEA and the Democratic Party. In the years both before and after the passage of NDEA, bills were proposed to aid in school construction; this was a major concern as there were not enough schools to serve the nations' children and there would be even more need for facilities as the "baby boomers" continued to pour into the schools. However, in addition to increased school construction, which skirted the issue of church-state relations by allowing funding for facilities without supporting a particular ideology—because no monies were given for the construction of chapels—the NEA wanted to make funds available for teacher salaries. When in 1960 the NEA supported an amendment to the McNamara Bill that would support teacher salaries, called the Clark Amendment, the votes in the Senate were counted and almost all Democrats—only four opposed—supported the NEA-friendly version and all but five Republicans opposed it.[58] This vote guaranteed the friendly NEA-Democrat relationship that would eventually be important in the 1974 elections and in the creation of the Department of Education.

Kennedy, Johnson, Nixon, and Ford

The Kennedy administration continued in the ongoing struggle with the Catholic Church over aid to education. Many goals were deferred and in the end only some bills

[57] Sundquist, *Politics and Policy*, 179.
[58] Ibid., 184-185.

were actually passed. Education was a significant topic in the Kennedy-Nixon presidential debates; for the most part they both followed party lines. Senator Kennedy, a Democrat, supported aid to education for the construction of schools and colleges and, in support of NEA policies, for teacher salaries. In Kennedy's plan these monies would be given in a lump sum in order to reduce the fear of federal control. While Nixon also supported school construction bills and wanted teachers to have higher salaries he was worried about the idea of federal control and contended that aid to teacher salaries meant "setting standards" and telling "teachers what to teach."[59]

Kennedy won the election in one of the closest races in American history. As President he was strongly committed to school aid and worked hard for his 1961 aid to education bill, but as the first Catholic President he had to be particularly cautious with the church-state issue. As one historian argues, it would have been incredibly difficult for the first Catholic president to "begin his tenure…by opening negotiations" with the Catholic Church to try and solve the church-state issue,[60] as this would have provided fodder for a nation that was already concerned that a Catholic was leading the nation. To mitigate his Catholicism his aid to school construction and teacher salary bill did not allow for funds to go to church schools, of any sort.[61] Kennedy's hard-line stance against federal aid to church related schools only ruffled the feathers of the Catholic Church. The Catholic Church did not approve of Kennedy's bill and therefore garnered the needed opposition to assure its failure, so Kennedy resorted to a bill that only asked for one-year emergency funding for school facilities. Unfortunately for Kennedy, the NEA had

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[59] Graham, *Uncertain Triumph*, 9.
[60] Ibid., 194.
[61] Ibid., 188 Sundquist quotes Kennedy from his education bill sent to Congress in February 1961, "'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.'"

already declared its support for higher teacher salaries; consequently the organization voiced its opposition to what it believed was an inadequate, revised aid bill.[62]

Kennedy's bill did not pass in 1961 and though he reintroduced it in 1962 it never made it to the House floor. In fact, all of the fighting over the Kennedy aid bill for primary and secondary education created a deep pessimism among Congressional representatives and lobbyists alike.[63] Instead of looking at elementary and secondary education, Secretary of HEW Abraham Ribicoff suggested that Kennedy work on the passage of a higher education aid bill. The administration's higher education bill, which asked for grants and loans for students in need, fared no better than the elementary and secondary bill. It ran into the traditional issues of separation between church and state, partisan politics, and race. In 1962 conservative Republicans and Southern Democrats saw defeats in religion and race; the *Engle v Vitale* case ruled school prayer unconstitutional and James Meredith, a black man, was admitted to the University of Mississippi, so the likelihood of the passage of loans or scholarships to needy students—read minority and/or Democrats—was highly unlikely.

Undoubtedly Kennedy would have pressed the issue of aid to primary and secondary education in the following years, but his 1963 assassination cut short his attempts. President Johnson was left in charge of fulfilling Kennedy's goals. In just a couple of years President Johnson had accomplished what no other president before had been able to; he passed a school aid bill that was massive in both scope and funding.

By 1963 members of Congress and interest groups such as the Catholic Church and the NEA had learned that they would need to compromise in order to actually get a

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[62] Graham, *Uncertain Triumph*, 24.
[63] Both Graham, *Uncertain Triumph*, and Sundquist, *Politics and Policy*, cite a feeling of "pessimism" among members of congress and lobby groups during this period.

school aid bill passed. Johnson got things underway quickly by setting up a series of task forces on issues ranging from urban beautification to education. These task forces were composed of experts in each field. The education task forces had a number of notable academics; the task forces were going to help Johnson formulate workable bills so that he could start creating his Great Society. Johnson's Great Society was a legislative program aimed at social problems, such as the growth of cities, natural beauty, and the quality of education.[64]

The vast majority of the Great Society legislation was focused on the elimination of poverty. A new office, the Office of Economic Opportunity (OEO), was devoted to anti-poverty and supporting anti-poverty legislation.[65] Besides just looking at the elimination of poverty, Johnson's program also focused on the elimination of discrimination. To help combat discrimination in all areas Johnson created the Civil Rights Act of 1964.[66] The importance of education to the eradication of poverty was seen as key for the Administration. Task forces of experts in different areas were created to help chart a "course toward the Great Society," one that did not include impoverishment.[67] The chairman of the education task force was then President of the Carnegie Corporation John Gardner. Much of what the education task force produced became the blueprint for many of the *Elementary and Secondary Education Act* (ESEA) titles including Titles I, III and V.[68]

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[64] Graham, 53-54.
[65] Ibid., 58, Graham provides a list of the task forces, White House Liaisons, Executive Secretaries, and Chairman. See also Bailey and Mosher, *ESEA*, 37-38.
[66] Ibid., 71.
[67] Graham, 55. Graham addressed the issue of discrimination later when he discussed the Civil Rights Act and Titles IV and VI, 71.
[68] Ibid., 61-68.

Another aid to Johnson's success in passing ESEA was the passage of The Civil Rights Act of 1964. Hugh Davis Graham explains that the Civil Rights Act,

> Seemed at least temporarily to have deflected the racial issue, because its titles IV and VI already gave the federal government the desegregation club of civil suit and fund-withdrawal, which southerners had historically feared in a federal aid to education bill.[69]

So Johnson only had to contend with the other two oppositional forces of educational aid: states rights and the division of church and state, though the former was often used as a guise for segregationists. Commissioner of the Office of Education Francis Keppel played a pivotal role in creating legislation that the Catholic Church would agree with. By making sure to craft a bill that granted categorical aid to students in need, regardless of the type of school they attended, and by meeting with members of the National Catholic Welfare Conference Keppel readied the Church for what was to come and gained support for the legislation. The preparation—task forces and coalition building—that went into ESEA helped make the processes in both the House and the Senate go smoothly and quickly. A notable amendment was added to the legislation by Senator Robert Kennedy, calling for some kind of evaluation of teachers to ensure that something good was happening.[70] ESEA passed, with the Kennedy amendment, and it was considered by all to be a momentous occasion.

The education legislation did not end at ESEA, as the Higher Education Acts were also passed in 1965; once again a continuation of the previous Kennedy Administration goals, the Higher Education Acts passed with very little opposition. Scholarships for students were still in the proposed legislation as was school construction. In Johnson's

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[69] Ibid., 71.
[70] Graham, *The Uncertain Triumph*, 79. The ability to evaluate educators has become more important to latter reauthorizations of ESEA.

favor was a House populated largely by Democrats. Arguments arose over all of the titles, but mostly over Title IV, which dealt with student financial aid. Financial aid raised very partisan issues with Democrats favoring scholarships to students that demonstrated financial need and Republicans in favor of the tuition tax credit. Title IV was settled with a compromise. Democrats got the scholarships in the form of grants to the colleges and universities—not students—and Republicans got a "guaranteed student-loan program for the middle class," offering low interest rates.[71] In the end all of the titles were approved, and in the House only 22 voted nay, while the Senate Bill only had 3 dissenting.[72]

The success of the Johnson administration education record did not carry over to the next administration. Unlike his successful foreign policy—work on leveling the competition between the US and Soviet Union and intensified diplomatic activity—and lengthy list of domestic accomplishments,[73] Nixon's education record is not one of particular merit or note, but he was not altogether lackluster.[74] Nixon did fight, albeit halfheartedly, de jure segregation. In what was considered the "Southern Strategy," Nixon, in an attempt not to lose white Southern Democrats votes, tried hard to legally follow court rulings to end school segregation, but did little to hamper *de facto* segregation, placing the blame of *de facto* segregation on separation in housing. In

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[71] Ibid., 82.
[72] Ibid., 80 and Sundquist, *Politics and Policy*, 215-216.
[73] William Stueck, "Placing Carter's Foreign Policy," in *The Carter Presidency: Policy Choices in the Post-New Deal Era,* ed. Gary Fink and Hugh Davis Graham (Lawrence, KS: University of Kansas Press, 1998), 246-247.
[74] Sharpes, *Education and the US Government*, 134-136. Sharpes argues that Nixon's two education messages to Congress in 1970 were "extraordinary…because of there breadth and scope." He continued by saying the messages were "progressive and detailed."

addition he refused to support busing efforts.[75] This strategy kept him on the right side of law, and while perhaps not making him many friends with organizations like the NEA, did not make him too many enemies with Southern Democrats. Ford served as President for the remaining three years after Nixon's resignation. His affect on education was negligible; he did not change much from the Nixon administration.[76]

Summary

Historically then, federal involvement in education has been synonymous with data gathering and later federal aid to education. Whenever the government was entreated to enter the realm of education, there were assumptions that the federal government would gain too much control of education because of the money it would have or the money that could have been involved. Of course, money was not always an issue in federal involvement, at times the federal government's interest was simply to know and keep a record of what was happening in public schools. In fact the assumptions made about federal aid to public schools prior to the late 1950s were unsupported, partly because people were successful in keeping the role of the federal government to that of census taker or record keeper, but also because the government had no desire to be drawn into a states rights debate.

The ability of the federal government to give money with relatively light controls was forever altered by the NDEA, facilitated by the need to follow court orders and desegregate public schools; federal aid to education, for the first time, began to carry heavy and real consequences. The ESEA mandated "formal reports and evaluations of

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[75] Lawrence McAndrews, "The Politics of Principle: Richard Nixon and School Desegregation," *The Journal of Negro History* 83 (Summer, 1998): 187-200. See also Lawrence McAndrews, *The Era Of Education: The Presidents and the Schools, 1965-2001* (Chicago, Il: University of Chicago Press, 2006), 61-72.

[76] McAndrews, *Era of Education*, 72.

programs," and if abuses were found in the spending of funds, then those funds could be withdrawn from the schools and districts.[77] The desire of those in government had not changed, they still did not want to be involved in what they considered a state and local responsibility, but the ruling of the Supreme Court and the launching of Sputnik lead many to believe that the states may not have been able to adequately and equally assume their responsibilities. It was both the nation's bewilderment at what was believed to be an educational weakness in science and mathematics and the exposure of the wounds of racism for the world to see that lead to an increase in the role of the federal government in education. Additionally, the swell in the student population because of the "Baby Boom" led many to believe that federal aid was necessary and needed, at least temporarily to help support—with new facilities, more teachers, and varied academic subjects—the eventual student population. It would be Jimmy Carter who would take the step to organize all of these efforts under a single cabinet-level department.

[77] Bailey and Mosher, *ESEA*, 162-163.

CHAPTER 3
THE DEPARTMENT OF EDUCATION: THE SUPPORT, THE OPPOSITION, AND THE PUBLIC

The Support

Creating the Department of Education was not an easy feat. The NTA of the past came back to play probably the most significant role in the forming of this new department, only by this time the National Teachers Association had changed its name to the National Education Association. Just as the NTA had called for the formation of a national bureau of education in the mid 1800s, its successor, the NEA, called for a cabinet-level Department of Education in the 1970s, but it was an even stronger, more organized, call.

By the 1970s the NEA had become the largest teacher's union in the world, giving the organization access to a large number of educated people with a considerable amount of concern for the topic of education. Teachers were in fact, an ideal group of people to act for political reform, for "they had free time, were well educated, were accustomed to speaking in public, and were experienced at organizing and at working by rules and under discipline."[1] Also favoring the NEA in the 1970s were new campaign finance laws, which worked to the advantage of political action committees. Preparing for the changes the NEA, in 1970, formed a legislative commission. The duty of the legislative commission was to shape the NEA's specific federal legislative program. In 1971 the NEA called for the federal government to assume one-third of the operating

[1] David Stephens, "President Carter, the Congress, and NEA: Creating a Department of Education," *Political Science Quarterly* 98 (Winter, 1983-1984): 641-663.

costs for public schools (the number stood then, near what it is now, at about 7 ½ percent), a "professional negotiation statute guaranteeing the right of teacher organizations to confer, consult, and negotiate with boards of education over the terms of professional service and other matters of mutual concern," support of early childhood education, extension and expansion of federal assistance to higher education, and to make sure that all of this was achieved, the formation of a cabinet-level Department of Education.[1]

The NEA reminded its membership of these goals in *Today's Education*, a monthly teacher's magazine put out by the Association. The NEA constantly reminded members of the task at hand with articles like: "Organizing for Political action (1971)," which talked about the ways teachers could organize and prepare for the 1972 elections; "Let's PACE the Nation (1972)," which discussed the goals of the NEA's Political Action Committees for Education (PACE) in the majority of the states and told teachers to seek out those committees so that they could "influence policy decisions" and implored them to remember that "in a very real sense the Congress of the United States is a school board;" "Teachers change the Political Scene (1973)," which discussed the multitude of Congressional appointments teachers put into office through the Political Action Committees (PAC's).

Besides a renewed commitment to education spending and campaign finance reforms, Nixon's and later Ford's, lack of concern for education—according to the NEA—apparently spurred the Association on. Often commenting in its journals and magazines about the administration's "dismal record on education during the past four years," the governing body of the NEA seemed compelled to use its influence to change

[1] "NEA's Concerns in the New Congress," *Today's Education* (January 1971): 33.

not just the Congress, but also the President. Although NEA members supported both Republican and Democratic candidates for the Senate and House of Representatives, there was a clear affinity towards Democratic Party candidates.

In January 1973 the NEA published an article called, "Accomplishments in the 1973 Elections" in *Today's Education*. The article touted the many Congressional representatives put into office with the help of the NEA-PAC and teachers; some of those were Yvonne Braithwaite Burke, Barbara Jordan, Pat Schroeder, Sam Nunn, H. John Heinz, and the list continued on. Immediately following the article on the 1973 accomplishments was one called "Work With the Federal Government," discussing the need to reintroduce legislation not enacted in the 92nd Congress; among that legislation was the call for a cabinet-level Department of Education, which had been re-proposed at the Annual Meeting of the NEA in 1966 and almost every year after.[2] It seems that the NEA had effectively stacked Congress or at least endorsed enough people in both houses to gain support for their agenda. In fact, in 1979 when the department was voted for in the House, Representative Benjamin Rosenthal of New York, noted that the favorable vote "was a case of members making a commitment or promise to some educator back in the district."[3] This was the goal of the NEA-PAC. It needed to gain support for its agenda and its mission; to do this it needed to have supporters of education in Congress and more importantly in the White House, and the NEA-PAC was highly successful.

In 1974 the NEA helped get 81 percent of the 310 pro-education candidates it endorsed elected (about 250 people), and the number increased for the 1976 elections

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[2] *NEA Addresses and Proceedings*, Miami, FL 1966, p.104. I looked at the Addresses and Proceedings from 1966 through 1979 and noted a consistent proposal to make the creation of a cabinet-level Department of Education a goal of the NEA.

[3] *Los Angeles Times*, "Education Department Gets Final OK by Margin of 14 Votes," 28 September 1979.

when it got 291 elected, including the President and Vice President of the United States, and spent over $675,000.[4] In 1977 the President of the NEA, John Ryor, said this:

> We stopped pretending that the Presidency is somehow not a policy setting office, Presidential budgets represent our federal government's commitment to education. Presidential appointments to HEW and its Office of Education can determine how much involvement classroom teachers will have in education policy development. Recent Presidential appointments have had a devastating impact on the rights of public employees.
> We teachers made a Presidential endorsement because we had no choice—as citizens or as professionals the fact is we've recognized professional responsibility does not stop at the classroom door . . .. [I]t is only through the responsible use of our political strength that we will achieve our long-range goals.[5]

Accordingly, in 1974 the NEA adopted a procedure for the endorsement of a Presidential candidate for 1976. The procedure was:

> 1) Information about candidates will be transmitted to all members through local, state and national communications channels; 2) NEA-PAC, NEA's independent political action arm, will conduct filmed interviews with the major candidates in the spring of 1976; 3) The 10,000 elected delegates to the NEA's 1976 convention will vote by secret ballot prepared by NEA PAC to endorse the candidate of their choice.[6]

They were successful. Carter was elected in 1976 and took office in 1977. The NEA's impact on his victory could not be diminished. He received his largest block of votes from the NEA at the 1976 Democratic National Convention. He was in many ways beholden to them, and they expected to be rewarded for their work in getting him nominated.[7] Of the objectives of the NEA, the one which was most easily endorsable by Carter was the formation of a cabinet-level Department of Education—it would have been then as impossible as it is now to get the federal government to pay for 33% of state's education bills. Carter declared his support for a department as early as 1974 and

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[4] *Wall Street Journal*, "Why the Congress is Producing Another DOE," 27 September 1979.
[5] John Ryor, "A Victory for Teacher Power," *Today's Education* (March/April 1977): 6.
[6] "Advertisement," *Today's Education*, 65 (1976).
[7] Stephens, 641-663.

by 1976 he had supported the creation on numerous occasions, saying in the *NEA Reporter* that he was in favor of creating a cabinet-level Department of Education because the creation would result in "a stronger voice for education at the federal level" and that if established he would "consult" with the NEA on "matters of policy" as well as before making "educational appointments."[8] This public promise bound Carter to the deal in the eyes of the NEA and made teachers, through their membership in the NEA, feel that they would have a say in education policy.

Others in Support

The NEA was not alone in supporting a cabinet-level department; there were a few key individuals in Congress that also supported a department. The former Secretary of HEW under John F. Kennedy turned Senator, Abraham Ribicoff, was a long time and avid supporter of a separate Department of Education.[9] Part of Ribicoff's support for the Department came from his running the Department of Health, Education, and Welfare. His dealings with HEW influenced his decision to support a cabinet-level department. Ribicoff felt that education was a lesser priority for the Secretary of HEW. He said:

> No one is busier than the Secretary of HEW. Crises in health and welfare demand his time. Education, which resents a different kind of problem, is relegated to a lower priority. No serious work is done in developing a coordinated federal role in education. Nor will this role ever be developed as long s the top federal education officials remain at the level of commissioner and Assistant Secretary.[10]

Rufus Miles a former HEW administrator, further highlighted the idea that education needed a separate place, outside of HEW. In his book on HEW, Miles argued that

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[8] Jimmy Carter, *The Presidential Campaign 1976* (Washington, DC: United States Government Printing Office, 1976), Volume I Part I, 251.
[9] Beryl Radin and Willis Hauley, *The Politics of Federal Reorganization: Creating the U.S. Department of Education*, (Elmsford, New York: Pergamon Books, Inc, 1988), 23. Radin and Hawley note that Senator Ribicoff supported the creation of a department in 1965 when the White House began to show interest.
[10] Abraham Ribicoff, "A Separate Department of Education: Why Not the Best?" *Change* (February 1978), 27.

education was a misfit in HEW; he said that the assistant secretary had offices separate from the other assistant secretaries, symbolizing the desire that education will gain cabinet status.[11] The Senate had other strong supporters in Senators Claiborne Pell and Harrison Williams along with mild support from 55 others. Pell had been involved in creating education-related legislation—such as the Equal Opportunity grant (eventually named after Senator Pell) for college and university students—in previous years so his concern and involvement in education was well known and not surprising. In the House, Representatives Carl Perkins and Albert Quie were influential supporters of a department.[12]

However, support from both the senate and the house was characterized as being "a mile wide and an inch deep."[13] The number of senators and representatives who supported a department was impressive, but that support easily gave way to other issues. Most Congressional representatives were not avid supporters of a department or even especially concerned with issues of education, so their interests could be swayed to something that seemed more important. This "mile wide and inch deep" support in Congress was problematic, but not detrimental. Congress could be made to turn its attention to education by the education associations and other interest groups.

These other interest groups and education associations were seen as significant because they made up a large and substantial body of education supporters. Joining in the call for a department were many major education associations with considerable importance in the education community. Substantial support for the creation of a

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[11] Rufus Miles, *Department of Health, Education, and Welfare*, 160-161.
[12] Ibid., 24. See also Stephens, "President Carter, Congress, and the NEA," 648-649.
[13] Memorandum, Bert Carp to Stu Eizenstat, 11/26/77, Education Department of, (Separate) [1], Box 195, Eizenstat, DPS, Jimmy Carter Library.

department by these groups is indicated in a memorandum from Vice President Mondale to President Carter. In the Memorandum concerning the "reorganization of federal education activities," Mondale wrote, "The NEA and other 'Big Six' education groups (but not the AFT) are convinced that a separate department is the best way to elevate the federal priority for education."[14] According a White House document the "Big Six" support for a cabinet-level department included the National School Boards Association, the National Parent Teacher Association (PTA), the American Association of School Administrators (AASA), the Council of Chief State School Officers, the National Association of State Boards of Education, and the Education Commission of the States (ECS).[15] All of these organizations had significant influence in the field of education; they each had a large and highly organized membership with substantial support from teachers, administrators, parents, civic leaders, and other members of the community. The fact that the support of these groups is mentioned in presidential papers offers evidence that, although significantly affected by the activities of the NEA, the creation of a cabinet-level department was not simply a result of the cry of one large politically active interest group, rather it was a chorus of many.

The Opposition

The opposition did not fare so well in its political maneuvers. The main opposition to the formation of the Department of Education came from the American Federation of Teachers (AFT). Another union, the AFT was smaller than the NEA and had a different philosophy. Associated with the AFL-CIO, the AFT was much more

[14] Memorandum, Vice President to the President, 06/22/77, Education Department of, (Separate) [5], Box 195, Eizenstat, DPS, Jimmy Carter Library.
[15] Memorandum, Bert Carp to Stu Eizenstat, 11/26/77, Education Department of, (Separate) [1], Box 195, Eizenstat, DPS, Jimmy Carter Library.

locally oriented than nationally oriented and as noted in a *New York Times* article featuring then president of the AFT, Albert Shanker, "the union was set up essentially as a traditional labor organization . . . interested in improving wages and working conditions" for all who worked in education.[16] With the AFT traditionally being concerned with labor and wages and teachers in the late 1970s and early 1980s becoming more concerned with professionalism, the union found itself trying to keep in touch with its base. Shanker confirmed that the old AFT made teachers feel "a bit ashamed," so the AFT of the late 1970s and early 1980s was interested in refashioning its image. The organization did this through focusing on teaching methods, curriculum, and standards in education.[17]

A quick comparison between the NEA teacher's magazine *Today's Educator* and the AFT's *American Educator* reflects the differences in direction and aim between the two groups. As highlighted previously the NEA was intent on getting teachers to be politically involved and active and they had a set legislative agenda for Congress, which they intended to see through. Such was not the case with the AFT; articles from the 1977-1981 *American Educator* discussed topics such as "Teachers Helping Teachers," ethics, "Education in a Democracy" by Mortimer Adler, as well as a series on moral education featuring authors such as William Bennett and Diane Ravitch.[18] In those years there were only two direct references to the creation of cabinet-level Department of Education. The first of those was in 1977 when *American Educator* conducted an interview with Ernest

[16] William Serrin, "Shanker Juggles Politics and Contracts," *New York Times*, 11 July 1980, section B, 1.
[17] Ibid., 1
[18] The articles come from the *American Educator* (Winter 1977 and Spring 1978); William Bennett authored an article called "A Moral Education" with Edwin Delattre (Winter 1979): 6; Diane Ravitch had two articles, "The Debate About Standards," (Fall 1981): 14 and "The New Right and the Schools," (Fall 1982): 8.

Boyer, the U.S. Commissioner of Education; the interviewer asked Mr. Boyer, "Would you tell us how you feel about a separate Department of Education?" Boyer responded:

> I thought you'd never ask . . . I understand. I've read the debates, and I know that you can build a plausible argument to bring education and presumably related program interests together. Certainly if that's the direction that ultimately the President and the Administration wish to go, I think it certainly would be my intention to work in whatever way I would be asked to work within it.[19]

He sums up by saying that he will simply accept the job he has to do and make it the best he can. Boyer's seeming excitement about being asked a question about a new department fizzled by the time he got to an answer which seemed, on the most basic level, to say that he would just like to keep his job and do whatever he is told to make sure that happened. His answer, not at all clarifying or shoring up any issues on the subject of the creation of a new department, did nothing to spread AFT goals or ideas about the subject. The second mention of the creation of the Department of Education came in the spring of 1978 when, on the second page, among advertisements and commentary, a box in the top left hand corner with the title: "Department of Health, Education, and Welfare" the word "Education" was written in gray and "Health" and "Welfare" were written in black to denote the difference in education. The box stated:

> President Carter announced in his state of the Union Address that he would propose creation of a department of education . . . AFT president Albert Shanker issued a statement calling the proposal a "bad idea" that would isolate education from the other human resources activities of the government.[20]

Shanker's profound commentary of a department being "a bad idea" apparently did very little to propel the opposition against the creation of a Department of Education.

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[19] "A Conversation with the Commissioner," *American Educator* (Summer 1977), 32.

[20] "Department of Health, Education, and Welfare," *American Educator*, (Spring 1978), 2. To be fair Shanker does have a longer quote in the article, he discussed meeting the needs of people on welfare and the importance of "consolidating the functions" as opposed to separating them. The last point is similar to the thoughts of HEW Secretary Joseph Califano.

Unlike the NEA, the AFT was not looking nationally for teachers to join in the political fight. The AFT did not champion any specific cause in the same way the NEA did; most of its politics were local. In an advertisement placed in the *New York Times* entitled, "Where We Stand," Shanker discussed what he called the "Bleak Days Ahead for Nation's Schools." In this ad Shanker claimed that the schools are about to be "hit by Washington," with a "costly and unneeded separate cabinet-level Department of Education." He further made a tenuous argument about rumored reductions in education spending and the possible pressure the government could place on states and cities, while cutting the education budget. Shanker then went on to discuss the AFT positions on the state of New York, the city of New York, and New York's Mayor Koch.[21] The problem for Albert Shanker and the AFT was that New York City could not win him the support he needed to oppose the NEA's massive national campaign for the department. What Shanker was able to do was get the *Washington Post* to publish "well timed" editorials denouncing the department.[22] The combination of these articles, the AFT's disapproval, and Shanker's courtship of key members of the House held off the creation for a while, but the opposition could not hold up to the supporters and an administration that more and more believed a department was a necessary addition. Had the AFT organized a national effort to counter the NEA's national effort for the creation of the department it might have been more successful. In 1978 the AFT spent most of its time lobbying against tuition tax credits, and it was not until 1979 that it formed a Committee Against a Separate Department of Education.[23] According to Gallup polls of 1977 the average

[21] Albert Shanker, "Where We Stand," *New York Times*, 16 March 1980, section 4, 7.
[22] George Neill, "Department of Education: A Fading Dream?" *Phi Delta Kappan* 60 (December 1978): 268-9.
[23] Stephens, 656.

person in America was against—forty-five percent of those polled—the creation of a department; education, it was believed was the domain of the local and state governments, not the federal government. Public school parents—forty-nine percent opposed—were especially unwilling to concede local support.[24]

As another opponent of a cabinet-level department, *The Washington Post* was unyielding in its denunciation of a department. In a very self-approving and complimentary editorial the *Post* traced the newspaper's official dislike of a separate department from March 19, 1953 when Eisenhower was forming the Department of Health, Education, and Welfare. The article sketched the many times that the *Post* clearly argued that creating a separate department was a bad idea, and ended by affirming:

> [I]n case you hadn't noticed we remain adamantly opposed to the creation of this new department. We think it is an awful idea and nothing that has been said or that has happened in the last 26 years has given us reason to think otherwise-including and especially the Carter administration's campaign in favor of it.[25]

The *Washington Post* opposed the creation of a department for the same general reasons as many others among the opposition: 1) Carter campaigned as a man who believed in efficiency in government, he claimed that he wanted to stop unnecessary government spending but was creating a new department; 2) the creation of the new department would, as Rep. Arlan Strangeland of Minnesota said, take the "flow of power from state and local government and bring it up here to the federal level;"[26] 3) the separation of education could break up the labor, welfare, and civil rights lobbying

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[24] "Ninth Annual Gallup Poll of Public Attitudes Toward Education," *Phi Delta Kappan* (September 1977), 43. The question was posed "In your opinion, should *Education* be taken out of the present Department of Health, Education, and Welfare." Fifteen percent of the respondents did not know or did not answer. However, these responses do not indicate a clear majority and are only slightly different. When asked who should decide how to spend federal monies the Gallup Poll states, "The nations adults voted 2-1 for giving local school authorities jurisdiction."

[25] "Wherein We Confess All," *The Washington Post*, 23 July 1979.

[26] Spencer Rich, "Carter's Cabinet-Level Education Department Could Give U.S. a Stranglehold, Critics Say," *The Washington Post*, 27 March 1979, Metro, C5.

coalition and lead to a reduction in aid to poor and minority groups.[27] This last point was tremendously important because it meant that education really belonged with Health and Welfare, it was the link between the two; education helped people live a better life. It also meant that education kept the civil rights groups interested in labor and welfare and it was clear that the support of civil rights leaders and organizations was needed. Opponents did not like the idea of a "single-issue" Department of Education that would play to the desires of the NEA or to what they believed was the narrow issue of education. The issue of narrowness became a major one in the Carter presidency when the special committees tried to devise a department that would work. Whether to leave the department as a narrowly based department that dealt strictly with education, or to let the department be broadly based and deal not only with education, but also with education-related bodies in different departments proved to be a contentious issue and one that would take time to resolve.

Others who strongly opposed the creation of the department, such the Roman Catholic Church, were not organized to contend with the NEA's effort. The Roman Catholic opposition feared a department that would be dominated by public school interests and "downgrade the government's involvement in the problems faced by the growing nonpublic school sector."[28]

The Catholic Church stands out as one group that was not as concerned with the possible control of the department by the NEA, but more concerned with government recognition of private, particularly religious schools, within the department. Much of the opposition from the Catholic Church was centered on funding and federal aid to

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[27] Spencer Rich, "Carter's Cabinet-Level Education Department Could Give U.S. a Stranglehold, Critics Say."
[28] "Catholic Bishops Are Urged to Resist Education Dept," *New York Times*, 19 August 1977.

education. In 1977 Senators Packwood and Moynihan proposed a tuition tax-credit that would apply to middle income families who were sending their students to either public or private schools. An alternative to the tax credits were grants—which were already in place and favored by Democrats in Congress—to students. The grants had to be administered by HEW and were accused, by those who favored tax credits, of growing the American bureaucracy.[29]

In 1978 in an open letter to President Carter, John Meyers, President of the National Catholic Educational Association, wrote of his disapproval of President Carter's failure to support private schools by not supporting the tuition tax-credit.[30] The fear of lack of aid or one-sided aid, where aid would go only to the public schools, was significant among Catholic educators, but also of concern was the federal governments growing control over education, still seen as the domain of the state.

In another article John Meyer expressed the stresses of federal control on Catholic educators and Catholic education. Meyer began the article entitled "Beware of Supermarm!" by extolling the benefits of the First Amendment, then lamenting society's apparent oversight of the loss of those tenets, but only where education was concerned. He argued that there was a "Supermarm, namely, the growing of a conglomerate of federal agencies which issued more and more regulations affecting the nature and existence of America's alternative schools."[31] He further argued:

> The public school establishment is intent on protecting only its own self-interests, stupidly blinded by the irrational fear that freedom of education means the demise of the public school system. Americans United still hold to the conventional wisdom that private schools are divisive, even though this has long been

[29] "Grants vs. Tax Credits," *Momentum* IX (May 1978): 5-7.
[30] John Meyer, "Lest You Forget: An Open Letter to President Carter," *Momentum* IX (May 1978): 2.
[31] John Meyer, "Beware of Supermarm!" *Momentum* X (1979) 5.

> disproved…. Anti-Catholic bigotry is said to be the anti-Semitism of today's intelligentsia.[32]

The Catholic Church's main concerns were centered on aid to education and had less to do with policy questions or administrative concerns over creating a new department.

Similar to its 1926 position the Catholic Church felt that a Catholic education was an important alternative to public schools, providing a service for American Catholics. Denying that service, or allowing it to disappear due to lack of funding or support, was equivalent to attempting kill the Catholic faith.

Additionally, business groups, particularly the U.S. Chamber of Commerce, opposed a cabinet-level department, asserting that the benefits would be outweighed by the reduced coordination among the social service programs and by the possibility of increased federalization of education. Civil rights groups were also concerned that removing Head Start from HEW and placing it in a cabinet-level department focused on education would lead to Head Start being "swallowed up by the schools."[33]

The Public

Gallup polls have, since 1969, been used to measure public attitudes towards the schools and education.[34] The first poll was short, only one question broken down by education level, income level, age, children in school, and religion. It was simply entitled, "Gallup Measures Attitudes Toward Schools by Public Readiness to Pay." The pollsters believed that:

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[32] John Meyer, "Beware of Supermarm!" 6. By Americans United the author is referring to the group Americans United for the Separation of Church and State "founded in 1947 by a broad coalition of religious, educational and civic leaders." http://www.au.org/site/PageServer?pagename=aboutau

[33] "Aides Lobby to Keep Three Programs out of A Department of Education," *New York Times*, 28 May 1978.

[34] These polls are useful as a gauge of public feeling and sentiment towards education in the United States. I do not believe that they are representative of all thought on education, but they can provide a feel for what people may have felt, both in the responses given and the questions the polls decided to ask in a given year.

> The best measure of the attitudes of the general public toward the public school system is its readiness to support the schools financially—to vote for an increase in taxes if the schools need more money.[35]

In 1969 those making the most money were willing to pay more taxes—55% of those making $15,000 or more were in favor—while those in the middle income brackets, $7,000 to $14,999, were about evenly split, and those in the lower income brackets were not in favor of raising taxes.[36] This seems fairly straightforward; people making the least money would not want to pay more in taxes, even if that money was for schools. The overall results of the 1969 study were that the majority of people polled were not prepared to raise taxes for public schools.[37]

The 1970 survey was much more comprehensive. It began with what the public believed were the biggest problems facing the public schools. The top three problems were, in this order: "discipline, integration-segregation (busing), and the problem of getting financial support for the schools."[38] These remained the top three problems, though not always in that order, until 1979 when the "use of drugs/dope" replaced the issue of integration/busing for second position.[39] Important to this study is the way the public looked at the issue of finances and the public schools because those issues often brought up concerns of federal involvement in education. While every year showed the public's concern over the lack of suitable funds for the public schools, the majority of the

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[35] "Gallup Measures Attitudes Toward Schools by Public Readiness to Pay—With Grim Results," *Phi Delta Kappan,* (November 1969).

[36] This poll indicates a shift from a century earlier when Horace Mann had difficulty convincing wealthy people to pay taxes for the creation and upkeep of public schools.

[37] The question posed was "Suppose the local public schools said they needed much more money. As you feel at this time, would you vote to raise taxes for this purpose, or would you vote against raising taxes for this purpose?" *Phi Delta Kappan*, 157.

[38] "Second Annual Survey of the Public's Attitudes Toward the Public Schools," *Phi Delta Kappan*, (October 1970): 99-112.

[39] The issue of finances was usually number three, in the 1980 poll school finances dropped down to the number four concern, replaced by the issue of poor curriculum/poor standards. Discipline and use of drugs/dope remained numbers one and two respectively, while integration/busing moved to fifth place.

citizenry was not willing to finance education with their money. In 1972 the poll asked a question about shifting the tax burden, from less property tax to more state taxes, and 55% of those polled were in favor of this shift.[40]

The poll did not ask a direct question about federal involvement in public schools until 1974. The first question, a series of four, dealt with constitutional amendments affecting the schools; people were in favor of an amendment to permit federal government financial aid to parochial schools and a federal amendment to equalize amounts spent within a state on school children.[41] The positive vote for federal involvement in schools could indicate that in 1974 the public did indeed have a role to play in the federal shaping of the nation's schools and in ensuring that schools have adequate funding, including federal monies. The 1975 poll provided further support that the public wanted federal aid for the schools when those polled were asked if federal money was made available what should be given first consideration. Education came in second to health care. Education then was a serious issue in the collective minds of the public, at least, according to the Gallup Poll. It was an issue the public felt needed and deserved federal attention.

While the polls indicated the public's desire to have federal funding for public schools, they point toward something different when the issue was one of federal control. In 1977 a question over local control of federal programs arose on the poll, and 62% of the respondents said that local people should be allowed to decide how federal funds

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[40] "Fourth Annual Gallup Poll of Public Attitudes Toward Education," *Phi Delta Kappan* (September 1972): 36. The answer to that question remained the same when asked in 1973. The title changed from "Survey" to "Gallup Poll" in 1972.

[41] "Sixth Annual Gallup Poll of Public Attitudes Toward Education," *Phi Delta Kappan* (September 1974): 25.

were spent in the schools.[42] The very next question of the poll asked about taking Education out of HEW, more people opposed—45% opposed and 40% were in favor with 15% either not knowing or not responding. When the question was disaggregated, those living in large cities, those who were college educated, and those living on the east coast were more likely to be in favor of creating a new department than others.[43] So public opinion on a cabinet-level Department of Education did not signal clear opposition or support; however, the public did have clear opinions on aid and control of funds, but they did not conflate the two issues. That is to say that if the public believed that a department would lead to greater control of local schools they would have been just as opposed to it as they were to the federal control of local schools or funds to local schools.

Summary

The organizations that supported and opposed the department did so for ideological reasons, but they also did so to hold both party lines and old grudges between unions. Despite what the opposition believed, organizations other than the National Education Association supported the creation of a federal Department of Education. Though the voice of the NEA may have been the loudest, it was not solitary. It is clear that those involved knew that the NEA was not the only organization in support of the department, but those who opposed the creation, most specifically the AFT and the

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[42]" Ninth Annual Gallup Poll of Public Attitudes Toward Education," *Phi Delta Kappan* (September 1977): 43. The question was: "When federal agencies appropriate money for educational programs, they usually require the schools that receive this money to spend it as these agencies direct. Should, or should not, this be changed to permit local school authorities to decide how the money is to be spent?" This question seems to lead the respondent; it gives them information about the question before the question is asked. They may have not known anything about federal aid. It would have been more interesting to see how many people did not answer because they did not have enough information, that could tell us how many people were actually paying attention to education issues.

[43] Ibid., the question was: " In your opinion, should *Education* (italics theirs) be taken out of the present Department of Health, Education, and Welfare and made a separate department of the federal government, or not?"

Washington Post, used NEA support and involvement as the chief reason to oppose the creation. Ignoring the role of the "Big Six" groups in the creation of the department allows for the misrepresentation of the fact that the department was not in danger of being run by a single-issue interest group. Arguing that the NEA would control the department gave more muscle to the NEA than it actually had and deflated the role of the other major groups, Congress, and the Office of the President.

It is possibly Carter's image of incompetence that fueled the beliefs that the NEA would run the department and that the department was a gift from Carter to the NEA for getting him elected. In 1980 John Dumbrell quoted an advisor for Carter as saying that "too many people think Jimmy Carter has done a marginal to poor job," and Dumbrell added "that too many people thought…that White House business was being conducted by a coterie of brash, inexperienced Georgians."[44] As will be discussed in the next chapter neither Carter's administration nor Carter himself were highly regarded for their intellectual or administrative abilities,[45] so it did not take much for the public to believe that he needed all the help he could get and that doing favors for the NEA was a good way to get some help in the minds of many.

Though Carter's presidency was not the most successful, it was not by all counts a failure. Some revisionist historians of President Carter contend that his presidency was not contradictory in ideology and practice;[46] additionally Carter and others have argued that the call for a department was in line with his beliefs in administrative efficiency.[47]

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[44] Dumbrell, *The Carter Presidency*, 29.
[45]Gregory Domin, *Jimmy Carter, Public Opinion, and the Search for Values, 1977-1981* (Macon, GA: Mercer University Press, 2003).
[46] Dumbrell, *The Carter Presidency*.
[47] Dumbrell. See also Miles, *Department of Health, Education, and Welfare* and Stephens, "President Cater, the Congress, and NEA."

Carter ran a campaign based on his being anti-Washington establishment, which appealed to liberal voters after the Nixon-Ford years. He also appealed to conservative voters by emphasizing government reorganization.[48] Running a campaign that highlighted the differences between the average citizen and Washington may have been good in Georgia, even in the rest of the nation, but in Washington, with Washington politicians and Congress, that campaign did not play out so well. Carter began his first, and only, presidential term dealing with both of his platform issues, Washington—in the form of congress—and reorganization in the form of the creation of the Department of Energy.

[48] Domin, *Jimmy Carter, Public Opinion, and the Search for Values,* 21. See also Charles O. Jones, *The Trusteeship Presidency: Jimmy Carter and the United States Congress* (Baton Rouge, LA: Louisiana State University Press, 1988), 184-185.

CHAPTER 4
PUTTING IT TOGETHER: A CABINET LEVEL DEPARTMENT OF EDUCATION TAKES SHAPE

Organizing a department in the best of circumstances is not an easy feat, but organizing a department with questionable in-house support and vociferous opposition only makes the process lengthier and more difficult. Carter had already experienced success in getting a department started before attempting to create a Department of Education. The Department of Energy (DOE) bill was successful, but that success was not readily transferred to the Department of Education bill. The Department of Energy was created as a result of prior events such as the energy crisis—caused by the oil embargo—of 1973 and the high inflation rates facing the nation in the late 1970s; Carter believed that consolidating all of the federal entities dealing with energy into one Department would be both a beneficial and efficient idea. The Department of Energy did not spring full blown from Carter's mind; there had been significant studies of energy usage in the United States, gaining in intensity with the Nixon presidency.[1] Congressional representatives agreed that a Department of Energy was important; the legislation for the department was passed and signed into law on 4 August 1977, just seven months after Carter took office. It would take more than two years for the legislation for the Department of Education to be signed into law. However, there were fears surrounding the creation of the Department of Energy, and some of them mirror those surrounding the Department of Education. Mostly there was a significant concern that the DOE would

[1] Irvin Stelzer and Robert Patton, *The Department of Energy: An Agency That Cannot Be Reinvented* (Washington, DC: AEI Press, 1996), 4.

grow too large to be controlled and that it would, instead of making government more efficient, make government "even less containable."[1] Overall, and in comparison to the creation of the Department of Education, the creation of the Department of Energy was a quick and smooth process.

The difference between the two creations may have more to do with congressional disagreements and an issue with federal involvement in education than an actual abhorrence of the Department of Education. Unlike education, energy was not as contentious an issue; there were no arguments of states rights to contend with and most people felt the nation did need to do something to control energy spending and usage. One columnist, when writing about the creation of a Department of Education, said:

> The difference between the two things is this: We are pretty well agreed that we need a rational, consistent, federal policy on energy. But we are by no means agreed that we want a federal policy on education, with Washington taking over more of the policy function now relegated to state and local officials.[2]

So like education, energy was a serious issue that many people felt needed the attention of the federal government. However the lack of the states rights argument, the immediacy of the energy issue, and the timing of the creation of the DOE, helped get the DOE legislation through quickly. Since the DOE was called for early in Carter's term, many members of Congress did not have grudges against the new president or his policies. As time went on, grudges would grow, relationships would be strained, and delay in the House was a tactic used to send messages to the administration. As Bert Carp, Deputy Director of the Domestic Policy Staff, pointed out in his memorandum to Stu Eizenstat, Assistant to the President on Domestic Affairs and Policy, the "mile wide and inch deep"

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[1] Michael Ruby with William Cook and John Walcott, "Birth of a Superagency," *Newsweek*, 11 July 1977, 59, 61.

[2] William Raspberry, "Do We Really Need a U.S Department of Education?" *Los Angeles Times*, 28 January 1979. Raspberry is a well-known syndicated columnist in Washington.

support of Congress could change with the weather. Members of Congress were not all education professionals; in fact most of them were not. If Carter could not make those in Congress happy they could simply shift their support or delay decisions on the legislation. The shaky nature of Congressional support, a fear of bowing to the NEA, and a lack of certainty concerning the efficiency of forming a new department lead to a lengthy period of indecision about the ultimate future of a Department of Education. Carter's first year in office, 1977, was one of decision for the administration. Deciding to create a department—even after the campaign promise—involved looking at those who supported and opposed the creation and then agreeing that going ahead was prudent.

The Carter Presidency: A Terse Overview

The Carter presidency was itself a major factor in the future of the Department of Education. Starting with the successful campaign of the president,[3] where he promised the NEA and the nation the proposal of a Department of Education. During his 1976 presidential campaign, Carter won the first presidential nomination of the NEA, getting teachers and administrators as well as other influential educators to endorse him for president. NEA objectives were to support more federal involvement in education in hopes that it would raise the status of the teaching profession, possibly creating standards for teacher education. In an *NEA Reporter* interview with Governor Jimmy Carter, he clearly stated that he was in favor of creating a cabinet-level Department of Education. He claimed the creation would result in "a stronger voice for education at the federal level" and that if established he would "consult" with the NEA on "matters of policy" as

[3] Kandy Stroud, *How Jimmy Won: The Victory Campaign From Plains to the White House* (New York: William Morrow and Company, Inc., 1977).

well as before making "educational appointments."[4] This was seen as a promise, it was indeed a promise, to create a department if elected. This could have been frightening to those who saw a liberal southerner appropriating the office of the president and bent on using his power as president to pay a promise to the NEA. In reality, Carter's intentions for his role as president were far from using or abusing presidential powers to satisfy promises made or gratify interest groups, in fact he advocated a populist republican presidency.

Carter's populist republican intentions proved complex. He was interested in "depomping" the presidency after the shamefulness of Nixon's actions, the lackluster performance of Nixon's successor, and the "recent national wound of Vietnam." Carter believed that the presidency needed to be resurrected in a less ostentatious way. His goal to "depomp" stemmed from his desire for "competence" in the White House. He had populist ideals—he wanted Cabinet members to drive their own cars, he worked hard to ensure that people knew he was not a part of the Washington scene, and he promised government relations with the public would be in "plain English"—and worked to express those to the public; he desired to be open and welcoming to his constituents.[5] The President, in the Carter administration, was to be accessible not just to the public, but also to the Cabinet. Carter desired a Cabinet government, one in which his Cabinet would have direct access to him, in direct contrast to what was seen as the "palace guard" operations of the Nixon administration.[6] Carter's Cabinet government was by many accounts a failure and later in his administration he would have to centralize his staff and

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[4] Jimmy Carter, *The Presidential Campaign 1976* (Washington, DC: United States Government Printing Office, 1976), Volume I Part I, 251.
[5] John Dumbrell, *The Carter Presidency: A Re-evaluation* (New York: Manchester University Press, 1993), 4, 29; Domin, *Jimmy Carter Public Opinion and the Search for Values*, 10-11, 39.
[6] Dumbrell, *The Carter Presidency*, 29

deal only with those members closest to him. The problem with the Cabinet government was that the secretaries had their own agenda and pursued their own goals with little direction from the President. As the system became defective, Cabinet members had to deal more with the White House staffers and contentiousness between the two groups heightened.[7] This bitterness, between Secretaries and the Office of the President, presented itself during the fight for a department as Joseph Califano became more outspoken in questioning the merits of separating education from HEW.

Additionally, Carter, although a Democrat, was focused on making the government smaller and not bigger, and in this sense his administration appealed to the Republicans. He was not going to be the traditional Democrat, there was no desire by the Carter camp to continue the New Deal-like policies of large government characteristic of the Democratic Party; a small efficient government was a clear goal of the Carter campaign and of his administration.[8] In this sense creating yet another department seemed to contradict Carter's objectives. Despite Carter's penchant for smaller or at least more efficient government, he still had the New Deal qualities of the "Roosevelt-Johnson legacy of social legislation and rights expansion."[9] It was these characteristics that prompted him to create new departments of energy and education. These departments were both forms of social legislation, one to help the consumer learn to limit[10]

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[7] Ibid., 31-33.
[8] William Leuchtenburg, "Jimmy Carter and the Post-New Deal Presidency," in *The Carter Presidency: Policy Choices in the Post-New Deal Era*, eds. Gary Fink and Hugh Davis Graham, (Lawrence, KS: University Press of Kansas, 1998), 7-28. See also Michael "Jimmy Carter and Educational Policy: From the School Board to the White House" for a comprehensive discussion of Carter's objective of efficiency in the federal government.
[9] Fink and Graham, *The Carter Presidency*, 5.
[10] Leuchtenburg, 21-24, for a short discussion on Carter's ideas on the need to recognize limits both in government and in life. The author argues that in 1977 there was a sense that "America had come to a turning point, that the long era of growth was reaching a climacteric." He says that Carter picked up on this and used it to push the idea of limiting consumption, especially of energy, but in all aspects of life as well.

consumption of energy and the other to aid in educational attainments of all citizens of the United States. Education also offered the additional benefit of improved civil rights, through offering equal access and opportunity to education.[11] Highlighting this seeming contradiction between Carter's conservativeness and liberalness, Fink and Graham say:

> Carter, though indubitably a Democrat, marketed himself as a new kind of Democrat. Offering a fresh face from the post 1960s "New South," Carter campaigned as a racial liberal, strongly supported the Equal Rights Amendment, appealed to Hispanic voters in Spanish, and supported rigorous environmental standards…Carter appealed to economic conservatives by emphasizing deregulation, balanced budgets and inflation fighting, positions traditionally championed by Republicans.[12]

This "new kind of Democrat" was in the White House in hopes of making changes; he did in fact make some. He created urban and energy policies, passed "important social legislation," worked on employment training, grew jobs, signed legislation to conserve Alaskan wildlife, and created two new departments.[13]

Carter's strong points aside, many people believed the president did a poor job. He had detractors while in office and afterward. As mentioned previously some of this hostility came from within his Cabinet, some of it from institutions like the *Washington Post*, and some from presidential hopefuls Ronald Reagan and Teddy Kennedy. Carter and his team were seen as overconfident over their surprise win of the office, and they were novices to Washington, but they acted like old hands, and the true old hands resented it. Carter had a rough term as President and many D.C politicians were glad to be eventually rid of the Georgians in the White House.[14]

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[11] Fink and Graham, "Introduction," 5.
[12] Ibid., 4.
[13] Leuchtenburg, 8,9.
[14] Dumbrell, 9, the author discusses apparent naïveté and haughtiness of the new administration; 34-35, Dumbrell refers to the "Georgia Mafia" and their reception in Washington.

1977—A Not so Certain Venture

The campaign promise was made in 1976 on many different occasions, most notably in the NEA publication *Today's Education* where President Elect Jimmy Carter said:

> Generally I am opposed to the proliferation of federal agencies, now numbering some 1,900, which I believe should be reduced to 200. But a Department of Education would consolidate the grant programs, job training, early childhood education, literacy training, and many other functions currently scattered throughout the government. The result would be a stronger voice for education at the federal level.[15]

Here Carter supports the idea of a department in no uncertain terms, and outlining what he would like to see included in a new department should it come to fruition. During his campaign Carter had outlined what he would like to see in a department, so by the start of his presidency his decision was made:

> 1) The proper relationship between private and public education; 2) expanded vocational and career opportunities (By 1980, 80 percent of all jobs are expected to require education beyond high school but less than a 4-year degree); 3) the educational rights of the handicapped and; 4) the proper consideration of private philanthropy in education as decisions on basic tax reform proposals are made. [16]

It was clear when Carter's term began that a Department of Education was in the works; he initiated studies and formed reorganization groups to evaluate the substance or what would be included in a new department. He was ready to move on the department, and what he had to do was get his administration behind him. Despite Carters' desires for a department the administration and the Office of Management and Budget (OMB) had to determine whether or not actually creating a department was feasible and if it were going to be created, what would it look like. These decisions took time, too much time for the NEA.

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[15] Jimmy Carter, "My Personal Commitment to Education," *Today's Education* 66 (1977): 26.
[16] Jimmy Carter, *The Presidential Campaign 1976*, 252.

The first thing that had to be decided was if the department could actually ever exist. Because issues of energy and foreign policy took priority with the administration, education was placed on the back burner for some time. Even though work did begin immediately in 1977—a group was assigned to study how to separate education from HEW and what should be included in the new education department—action was slow and left many groups concerned that the President would not keep his promise.

Some three months after the president took office Executive Director of the NEA Terry Herndon sent a letter of complaint to President Carter. Herndon began the letter with a fretful tone: "Since the time of your election, we have tried to be extremely temperate in our requests for your time," and he continues, "We are, however, becoming increasingly anxious regarding our plight." Their plight, as he highlighted later in the letter, was over the state of labor relations and collective bargaining in the public sector. This was one of the NEA's biggest concerns, but another concern of theirs, the Department of Education was also worrying them. Herndon continued:

> Even more, your promise for a Cabinet-level department of education appears to be of no consequence to your appointees. Many fears and anxieties would be quelled if you would reaffirm this promise and make a specific announcement regarding schedules and assignments for its fulfillment.[17]

Herndon then asked the President for a meeting with himself and John Ryor, president of the NEA. There was a meeting that occurred in April, but not just between the NEA officials. Before that meeting would occur, there was one more letter sent to Hamilton Jordan, Assistant to the President, from Rosalyn Hester Baker, Assistant Director at the NEA. She sent a letter a few days after Herndon's first letter, requesting any assistance Jordan could offer in helping facilitate the meeting between Carter and the leaders of the

[17] Memorandum, Terry Herndon to President Carter, 29 March 1977, "1/1/77-3/31/77" folder, Box 1 Ed, WHCF- Presidential Papers, Jimmy Carter Library.

NEA.[18] The meeting may have occurred sometime in June 1977 as there are records of thanks from Baker to Jordan for the meeting with them, and attached to the note of thanks for Jordan is a letter from Senators Warren Magnunson, Abe Ribicoff, and Claiborne Pell expressing their desire for a federal Department of Education.[19] But even before this meeting the administration was meeting with other education groups to discuss the department.

Members of the "Big Six" organizations also expressed a concern over the campaign promise in April 1977. Members of the Carter administration met with the heads of five education associations to hear concerns over Carter's commitment to the creation of the Department of Education. The organizations represented and their representatives were: Chief State School Officers (John Adams and Byron Hansford), the National Education Association (James Green), the American Association of School Administrators (James Kurkpatrick), the National School Boards Association (A.W. Steinhilber), and the National PTA (Jean Dye). According to Beth Abramowitz, Assistant Director of the Domestic Council Policy Staff, the organizations made two major requests at this meeting:

1. Expression from the President of support for creation of Department of Education (perhaps through Ribicoff bill),[20]

[18] Memorandum, from Rosalyn Hester Baker to Hamilton Jordan, 1 April 1977, "5/1/77-7/31/77" folder, Box 1 Ed, WHCF- Presidential Papers, Jimmy Carter Library.
[19] Memorandum from Baker to Jordan with attached memorandum from Senators to Vice President Mondale, 21 June 1977, "5/1/77-7/31/77" folder, Box 1 Ed, WHCF-Presidential Papers, Jimmy Carter Library.
[20] Senator Ribicoff, chair of the Government Operations Committee, introduced a bill to create a Department of Education March 1977. It was clear what programs Ribicoff wanted to keep in the department. See "Separate Department of Education is Sought by Ribicoff" *New York Times* 14 March 1977.

2. Creation of a working advisory group to assist in planning creation of a Department

Abramowitz noted that the group was "obviously concerned that the President will abandon his campaign promise to create a Department of Education." [21] She listed four options for the President and recommended one: appoint a broad-based task force to evaluate the creation of a Department of Education. She listed the task force above "reaffirming a commitment" to a department or directing the Secretary of HEW and the Director of OMB to develop a timeline on introducing legislation. Her rationale was that appointing a task force to evaluate the creation would "demonstrate movement on a campaign promise and allows flexibility." She argued that it would not "lock the administration" into a department as the only way to improve efficiency of educational programs.[22] The administration took her up on her recommendation, though not immediately; the Deputy Director of the Domestic Policy Staff, Bert Carp, requested that action on all options be held until later. First the Office of Management and Budget needed to find out what Secretary Joseph Califano wanted to do and second they needed to find out what discussions Califano had had with the President.[23]

Califano was not in support of a cabinet-level department, but he was not opposed to reorganizing the Office of Education (OE) within the Department of Health, Education, and Welfare. In a memorandum for the President, Califano provided a plan for the reorganization of OE, the plan was meant to "streamline the structure, strengthen the

[21] Memorandum, Beth Abramowitz to Stu Eizenstat, 4/5/1977 "Current Policy on Creation of Department of Education," Education, Department of (Separate) [5], Box 195, Eizenstat, DPS, Jimmy Carter Library.
[22] Ibid.
[23] Note, Bert Carp stapled to memorandum from Beth Abromwitz to Stu Eizenstat, "Current Policy on Creation of Department of Education" 4/5/1977, Education, Department of (Separate) [5], Box 195, Eizenstat, DPS, Jimmy Carter Library. Written at the top of the original memorandum in what appears to be Stu Eizenstat's handwriting is a note that says "Hold action on all options at this point." The stapled note is definitely from Bert Carp, it has the letter B initialed at the bottom, Carp used that often as a signature.

management, and minimize adverse personnel impact." The proposed restructuring was to consist of changing the manner in which the staff reported to the Commissioner, adding an Executive Deputy to help support the commissioner, creating a "team approach" to make Bureaus more functional within the OE, and reassigning and job clarification for personnel. [24] Jimmy Carter supported this reorganization as evidenced by his initialing and writing "good" at the top of the memorandum. But HEW announced the reorganization plans about five days after the President saw it and without letting the Director of OMB, Bert Lance, see the proposal prior to its announcement.

All of the issues addressed by the OE reorganization were problems that a cabinet-level department was supposed to help solve, so this reorganization could have meant that creating a department would no longer be necessary. The ability to make the Office of Education more efficient was obviously a concern of the President's in view of his comment on Califano's memorandum. Bert Lance at OMB quelled those concerns; Lance noted, "some large problems in the education area remain unaffected by this reorganization. There is a vital need for coordination of research dissemination and operations."[25] He also added that OMB was continuing to analyze the possibility of a cabinet-level department and the internal reorganization of the OE did not conflict with that analysis.

This was certainly good news for the supporters of a department. Though it did not specifically guarantee the creation, it at least meant there was a possibility the creation would happen. However, by June of 1977 there was still no assurance that a new

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[24] Memorandum, Secretary Califano to President Carter, 4/8/1977 "Office of Education Reorganization," Education, Department of (Separate) [5], Box 195, Eizenstat, DPS, Jimmy Carter Library.
[25] Memorandum, Burt Lance to President Carter, 4/14/1977 "Office of Education Reorganization," Education, Department of (Separate) [5], Box 195, Eizenstat, DPS, Jimmy Carter Library.

department would make it into existence. On more than one occasion memoranda among chief members of the White House Staff showed doubt about a department, for example one from Burt Lance to Carter said, "If we intend to go with a separate department,"[26] indicating that the decision had not been solidified. There were serious political implications, because if there was to be no department the White House was going to have to mend relationships with the NEA and prepare the Senate for reorganization of HEW, which was just as controversial to many in Congress because of the varied and vocal supporters of both health and welfare. Reorganization of HEW meant "real discord in the senate" and all of the "HEW constituencies up in arms."[27] In order to keep friction from occurring in the Senate the White House could buy time by delaying a decision. According to Carp, if the White House delayed a decision on creating a separate department then creating the department would possibly prove "best way out" of general disagreement, even considering Califano's objections.

The creation of the department was so unsettled, so uncertain in 1977, that White House aides received alternative suggestions for the department well into the President's first year in office. Richard Atkinson of the National Science Foundation made the suggestion that there should be a national commission formed of bipartisan leaders to discuss and debate, in a national forum, the state of education. After this discussion a White House Conference could be convened to reach some agreement on the issues and find the "appropriate roles of the public and private sectors and various levels within the

[26] Memorandum, Bert Carp to Stu Eizenstat, 6/15/1977, "Cabinet Department of Education (FYI)," Education, Department of (Separate) [5], Box 195, Eizenstat, DPS, Jimmy Carter Library.
[27] Ibid.

public sectors."[28] It does not appear that anyone took this recommendation seriously, but people other than those in interest groups forwarded it to Califano, showing that there was concern over the creation of a department among people outside of education; it also shows that those in opposition knew to forward their propositions to Joseph Califano.

Califano's resistance to a department became apparent to all in the White House. But Califano's opposition alone was not necessary to block the creation of a department, as the creation was doubtful even without his opposition. Many among the White House staff were concerned with creation of the department; not all of that concern was because they thought it was a bad idea, but because the chances, in 1977, seemed dim and had multiple meanings for the President. There were certain factors which could not be ignored. Califano's opposition was one, but others were also important; both the President and the Vice President, in their campaign, endorsed a cabinet-level department; both the NEA and AFT had as their prime objective the "massive increase in federal aid to education," though the AFT did not want a department and; Senator Ribicoff, already a sponsor of a department bill, believed strongly that HEW was "unadministerable" and needed to be split up.[29] These differing attitudes and objectives spelled trouble for the proposed department and required the President be careful in considering the department. If there was to be a department it could not appear to be an ill-considered gift to the NEA, it had to be clearly well thought-out and acted on quickly and with confidence.

On 22 June 1977 Vice President Walter Mondale, the Secretary of HEW, the Director of OMB, and the Assistant to the President on Domestic Policy met as a

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[28] Note, Richard Atkinson to Peter Bourne, Director of the Office of Drug Abuse Policy at the White House, 4/1/1977, "5/1/77-7/31/77" folder, Box 1, Presidential Papers, Jimmy Carter Library. This note goes from Atkinson to Bourne who forwards it to Greg Schneiders who then sends it to Califano.
[29] Memorandum, Bert Carp to Stu Eizenstat, 6/15/1977, "Cabinet Department of Education (FYI)," Education, Department of (Separate) [5], Box 195, Eizenstat, DPS, Jimmy Carter Library.

committee and made a decision on the Department of Education, although their decision was only to conduct a study. However, on this date there were three memoranda sent to the President, all of them concerning the reorganization of federal education activities. The first memorandum was from the committee, the second from the Vice President, and the third, sent as an addendum, from Califano.

Vice President Mondale and Stu Eizenstat both wanted to move forward with the department, mainly because it was the best tactical move for the president and his re-election bid. The Carter campaign was supported by the NEA and, in part because of the campaign promise, the NEA endorsed, for the first time ever, a Presidential and Vice Presidential candidate. Additionally, both Senators Ribicoff and Pell supported and already had introduced a bill in Congress that had "near majority co-sponsorship in the Senate;" conducting an extensive review would create "a problem for NEA leadership," which had influenced members to vote for the Carter/Mondale ticket; and, due to budget constraints, a department may have been all the administration could offer the advocates of education.[30] Outweighing the desires of Mondale and Eizenstat to recommend a department immediately were those of the OMB reorganization group and Secretary Califano.

Both Bert Lance at OMB and Secretary Califano were in favor of conducting a study on reorganization. It was this more cautious decision that prevailed in the committee. The ideas were that there needed to be a study of reorganization options for HEW and a decision was necessary for deciding the structure of whatever was to happen.

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[30] Memorandum, Vice President to the President 6/22/77, "Reorganization of Federal Education Activities," Education, Department of (Separate) [5], Box 195, Eizenstat, DPS, Jimmy Carter Library. This memorandum was attached to the joint recommendation from Bert Lance, Joe Califano, Stuart Eizenstat and Vice President Mondale.

The committee recommended a five-week study of overall organizational options for HEW that would emphasize the consolidation of functions at the end of the five weeks, and it suggested a preliminary round of decisions be made on "whether to proceed with a separate Department of Education in some form or to pursue another option." After the decision consultations would continue and a target date was to be set.[31] The committee provided reasons for the President to go along with its suggested approach. The advantages of the five week study were: 1) it allowed the staff to assess alternatives before "interest groups became over committed to their own preferred options," 2) if the study showed that there was an advantage to an "approach other than a separate education department" it would give the staff an opportunity to announce the decision and deal with the affected groups, 3) concerning the budget, it would "decouple the education department issue" from the 1979 budget.[32] But there were alternatives offered, and one was to commit immediately to a separate cabinet-level Department of Education, which the Vice President preferred. The other was to undertake a six-month study, which was preferred by OMB.

Although Califano's ideas were included in the memorandum from the committee, it was apparently important that he expressed his opinion to the President. He did this in the form of an addendum to the memorandum sent by the committee. In this addendum he plainly set his reason for opposing the department and gave suggestions on

[31] Memorandum, Vice President, Bert Lance, Joe Califano, Stu Eizenstat to the President 6/22/77, "Reorganization of Federal Education Activities," Education, Department of (Separate) [5], Box 195, Eizenstat, DPS, Jimmy Carter Library.
[32] Memorandum, Vice President, Bert Lance, Joe Califano, Stu Eizenstat to the President 6/22/77, "Reorganization of Federal Education Activities," Education, Department of (Separate) [5], Box 195, Eizenstat, DPS, Jimmy Carter Library.

how to "reconcile" his conclusions with Carter's campaign pledges.[33] Califano argued that creating a cabinet-level Department of Education would create fragmentation, thereby decreasing Presidential control and increasing Congressional control. He also believed that the creation of a separate cabinet-level department would lead to pressures to create other cabinet-level departments for health and income security or one for social services or "a series of independent agencies for the aging, the disabled, and children." He reasoned that more independent departments made "little sense for presidential government." More departments meant more people reporting to the President; more constituency oriented departments, especially from the "aging constituencies," which he contended were getting larger each year and could possibly take a commanding position in a department of income security and; budget problems. This slippery slope argument was not the only position taken by Califano. He also believed, like others, that in the area of education:

> The NEA and teacher interests would likely control a Department of Education. (That conclusion helps explain why the American Federation of Teachers and virtually all college and university presidents oppose such a department.)[34]

Califano's assessment was not unfamiliar to the President; he knew the positions of Califano, the NEA, and the positions of organizations that did not support the creation. Califano suggested that the President conduct a "quick" study that would ensure he understood the pros and cons of the creation. Then, as Califano said, "if at the end of that study you [Carter] decide to reject it—as I think everyone in the government will—then

[33] Addendum, Joe Califano to the President 6/22/77, Education, Department of (Separate) [5], Box 195, Eizenstat, DPS, Box 195, Jimmy Carter Library.
[34] Ibid., 2.

we can make that fact known promptly."[35] Califano argued that if they did not rid the administration of the idea of a department, but "continue to consider it as a leading option," then they would have serious organization and management problems and, once again, all those interests would seek institutional status.

The difficulty of Califano's stance was that his position as Secretary of HEW was a presidential appointment, he was specifically chosen to do his job by Carter, with the recommendation of Mondale, and he was openly unsupportive of the President and his agenda. Califano's opinions and outspokenness would eventually become toxic to Carter's administration; however, in June of 1977 Califano's opinions were presented as suggestions on the intelligibility of creating a department, which at the time appeared, at least to him, to be an uncertainty.

In July Califano continued to make suggestions to the president. In a memorandum dated 11 July 1977, Califano suggested the rejuvenation of the Federal Interagency Committee on Education (FICE) as a way to immediately improve "administration and broad policy" among the spread out departments which contained some aspect of education. He even prepared a draft of a revised Executive Order that would strengthen the use of FICE by the Executive Branch, making it more effective in coordinating education efforts of the various departments.[36]

Carter's final decision on the recommendations for the study of the creation of a department was to do a six-month study with a preliminary decision round in August. This decision was not the immediate commitment desired by Stu Eizenstat and in theory

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[35] Addendum, Joe Califano to the President 6/22/77, Education, Department of (Separate) [5], Box 195, Eizenstat-DPS, Jimmy Carter Library.
[36] Memorandum, Joe Califano to the President, 7/11/77, Education, Dept [Separate] (5), Box 195, Eizenstat, DPS, Jimmy Carter Library.

by Vice President Mondale, nor was it the quick study with an ultimate negative decision desired by Secretary Califano. Instead, it was the decision recommended by OMB and the entire committee in their joint memorandum to the President. This decision required an initial report be submitted in a five-week period; that report was the design of the education study under the President's Reorganization Project. Later, at the end of the six-month period, a report to the President with recommendations on whether to proceed with the reorganization would be made, and that report would be called Phase I of the Reorganization Program for Education. Phase II would examine federal education programs at different levels and develop recommendations for program content and internal operation of the President's preferred structure. So, by 3 August 1977 the President's Reorganization Project Study Director, Bill Hawley, had a draft of the Education Study Design prepared.

The Education Study Design was not particularly insightful, though it articulated the arguments for and against a new department; analyzed the issues that were involved in both creating a new department and strengthening HEW; considered the scope of a new department and outlined what would happen in phase two of the study. One important part of this study was the outline of the departments affected by education or that housed education programs. Of those mentioned in the draft the Office of Civil Rights, the Department of Defense, and the Bureau of Indian Affairs had some of the more complicated education programs and they were heavily connected to the Department of Health, Education, and Welfare. All of the programs, many of which were spread throughout other departments, would play a significant role in the discussion of the creation of a Department of Education.

Waiting for Phase I

During the waiting period many organizations and individuals sent letters to the President offering their opinions on a new department. A letter arriving in September from the Citizens Committee for a Cabinet Department of Education had an impressive list of signatories. The letter was a simple request for a meeting with the President to discuss the creation. Among the list of signatories were familiar individuals who supported the department, Rep. Carl Perkins, John Ryor, President of the NEA, but it also included leaders of Civil Rights groups that were somewhat unsure of a cabinet-level department, Vernon Jordan of the National Urban League and Mrs. Coretta King as well as; Dr. Terrell Bell who, four years later, would be named Secretary of the Department of Education under Ronald Reagan —an avid opponent of the department who would have the goal to dismantle it. Also of particular note are a series of letters from Representatives and Senators that reached the President's office during the month of October. All reached the office on different dates and expressed their support for the department.[37] This onslaught of letters probably arrived because the Senate Governmental Affairs Committee began its hearing on S. 991, to establish a separate cabinet-level Department of Education, in early October 1977. The Senate bill had 56 sponsors from both sides of the aisle. In the Senate, Senator Abraham Ribicoff of Connecticut and Senator Sam Nunn of Georgia headed the drive for the department.[38]

[37] Letter to Senator Ashbach from Jim Parham 11/03/77, "Letter—Ashback, Robert 11/01/77-12/31/77" folder, Box 1, WHCF-Education, Jimmy Carter Library. Also see, Letter to Arbourezk from Frank Moore, 11/1/77, "Letter—Arbourezk, James, 11/01/77-12/31/77" folder, Box 1, WHCF-Education, Jimmy Carter Library.

[38] Letter, President from Abraham Ribicoff and Sam Nunn, "10/19/77," Education, Department of (Separate) [3], Box 195, Eizenstat, DPS, Jimmy Carter Library.

Another noteworthy comment during this waiting period came from Admiral Hyman Rickover. Carter had served in the Navy with Rickover and was strongly influenced by his ideas.[39] Admiral Rickover was an outspoken critic of American education and an opponent of the Department of Education. Admiral Rickover called Beth Abramowitz on 1 November 1977 to share his views on the department. He stated that a department would be "disadvantageous to quality education." His analysis was familiar; a department would give educators too much control over educational policy and budget decisions, lead to lower accountability for student performance on the part of educators, and make parental involvement virtually impossible.[40] Abramowitz forwarded the information in the form of a memorandum from Rickover to Eizenstat, who then sent it on to Bert Carp. Carp responded to Stu Eizenstat, stapling a note to the Rickover comments, which read, in part:

> Stu as you probably know, the decision on Dept. has really been made (or so often indicated to me) I think JC probably told him OK on his memo, but let's go through the motions of receiving the OMB product and giving Joe a chance. In any event, in our memo we could mention Rickover's views.[41]

So, although the final draft of the OMB report was not yet released it was clear to the Deputy Director of Domestic Policy, Bert Carp, and the Assistant to the President on Domestic Affairs and Policy, Stu Eizenstat, that the creation of a separate cabinet-level Department of Education was settled for the President. How the department would be organized and administered were the only remaining questions.

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[39] Michael, "Jimmy Carter and Educational Policy: From the School Board to the White House."
[40] Memorandum, Stu Eizenstat from Beth Abramowitz, 11/01/77, "Admiral Rickover's Comments on Department of Education," Education, Department of (Separate) [5], Box 195, Eizenstat, DPS, Jimmy Carter Library.
[41] Ibid., Note stapled to memorandum for Stu Eizenstat from Beth Abramowitz, 11/01/77. Note is dated 11/03/77 and checked as cleared through Bert Carp.

Still, three days before the final recommendation of OMB Bert Carp sent a memorandum to Stu Eizenstat discussing Califano's memorandum on reorganization. Califano's memorandum was a proposal that kept HEW intact, but "increased the political staff for education and established new independent authorities for budgeting and policy."[42] Although it was clear that other members of the administration "disagreed with his position," they still believed it was good to look at and felt that some of his ideas could be implemented in the time leading up to the creation of a department.

Phase I of the OMB report was a succinct nineteen pages. The goal of the project was to decipher whether the President was to proceed with a new department or to retain education as part of Health, Education, and Welfare. The report was broken into three different sections: 1) it provided a history of the federal role in education and the problems that relate to education-related programs; 2) it identified, with commentary, the three alternative structures for education, a narrowly based Department of Education, a broadly based Department of Education, and a strengthened Office of Education within HEW; 3) it provided the president with a recommendation.[43]

The discussion about the proposed Department of Education centered on two types of departments: one narrow and one broad. The narrow type would continue with the programs that were in HEW's Office of Education and would possibly "move toward some general financial assistance to education." This department was to include only programs that would be closely related to education. Opposite the narrow department was the broad department. A broadly based department was to include all of the education

[42] Memorandum, Bert Carp to Stu Eizenstat, 11/23/77, "Attached Memorandum on Education Reorganization," Education, Department (separate) [3], Box 195, Eizenstat, DPS, Jimmy Carter Library.
[43] Memorandum, Jim McIntyre to the President, "RE: Reorganization of Education Programs 11/23/77" Education, Department of (separate) [1], Box 195, Eizenstat, DPS, Jimmy Carter Library.

programs from HEW and link them with some related human services programs, such as Head Start and day care as well as some of the education programs that were held in other departments such as Indian Education, Department of Defense Dependent schools, and programs from the National Endowment for the Arts and Humanities. This department would include programs for school-aged children, college students, and job training and education programs for the general population as well.[44]

The advantages of both the narrow and broad department were similar, they would both provide cabinet-level leadership and increase the visibility of educational issues, and they would also respond to Carter's campaign promise. However, the broad department had the added advantages of "improving coordination among human development services programs," it also permitted "greater emphasis on preschool, postsecondary, lifelong and nonschool learning," and it would simplify management and policy leadership as it related to education and human development programs.[45] Similar to the advantages, OMB held that the disadvantages of both new departments were an increase in the number of issues that would reach the President and it increased the number of cabinet-level departments, thereby raising the expectations of other interest groups. Despite these similarities, there were some disadvantages that could not be overlooked: one was that the narrow department did not allow for coordination with education related social services, and OMB held that a narrow department would create an environment in which:

> (a) Present educational policies and practices are least likely to be questioned, (b) linkages between education and other human development services are least likely

[44] Memorandum, Jim McIntyre to The President, "RE: Reorganization of Education Programs 11/23/77," Education, Department of (separate) [1], Box 195, Eizenstat, DPS, Jimmy Carter Library.
[45] Ibid.

> to be considered, and (c) incentives for fostering fundamental changes in education are lowest.[46]

This was one major disadvantage as the whole purpose of creating a new department was to foster change in a department that seemed to be crippled anyway. This seemed to be a major stumbling block for the narrow department. As an idea it was not strongly opposed, but it did not contain the important linkages between education and social services. The broad department had a major disadvantage as well. Appropriately noted in the OMB report, the selection of the broad department would:

> Generate little political backing and much opposition at this time. Support for this proposal could not be expected until after extensive consultations with Members of Congress and interest groups and the development of a detailed proposal reflecting their concerns. Even then, strong opposition can be expected from some groups (e.g., organized labor) if their programs (e.g., training) were included.[47]

Selecting this option would mean choices and long discussions and battles with the interest groups over what programs would be included. It was neither the easiest nor the quickest option. Because the broad department required that programs from other departments be incorporated into the department, the option would involve a great deal of disruption among other departments.

The third option, a strengthened education division in HEW, relied heavily on the recommendations from Secretary of HEW Joe Califano. This option would have elevated the status of education and "preserved the possibilities for developing relationships among education, social services, health and income security programs." There were various ways proposed to organize and increase the efficiency of the leadership of the

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[46] Memorandum, Jim McIntyre to The President, "RE: Reorganization of Education Programs 11/23/77," Education, Department of (separate) [1], Box 195, Eizenstat, DPS, Jimmy Carter Library.
[47] Ibid.

office.[48] There were some clear advantages to strengthening the education division; according to OMB it would repair "overdue" management improvements, maintain coordination with social services, and would not disrupt any other departments. The disadvantages, though few, were substantial. Strengthening education in HEW meant disappointing and antagonizing "the NEA and other elementary and secondary education groups that strongly support cabinet-level status for education." It would also do nothing to change the number of programs that were placing heavy demands on coordination and policy development in HEW.[49] The final recommendation of OMB was for the President to support a broad department; it ranked a strengthened division of education and a narrow department second and third respectively. The recommendation read: "Indicate preference for a new department including education and other human development activities," with the stipulation that the President, "defer a final decision on the three structural options but note that the broad department seems very promising in view of the challenges associated with education."[50]

This recommendation was not exactly what all members of the staff wanted to hear. Selecting the broad department was going to mean a huge undertaking and, according to Bert Carp it may also have meant that it would leave HEW with little more than welfare, Medicaid, Medicare, and Social Security and it might split HEW into a "services department and a cash payments department."[51] According to Carp there was a

[48] Memorandum, Jim McIntyre to the President, "RE: Reorganization of Education Programs," Education, Department of (separate) [1], Box 195, Eizenstat, DPS, Jimmy Carter Library.
[49] Ibid., 14,15.
[50] Ibid., 16,17.
[51] Memorandum, Bert Carp to Stu Eizenstat "11/26/06," Education, Department of (separate) [1] folder, Box 195, Eizensat, DPS, Jimmy Carter Library.

close health/social services interface that would be broken if this option were selected.[52] This cut in the relationships of health and social services—particularly education—could have angered human services interest groups that felt health and welfare were services that should not be separated from education.

There were other skeptics of the department, as could be expected. Secretary Califano was not convinced by the OMB report on 23 November 1977. So, three days later he submitted another memorandum to the President, which put further emphasis on his case against a cabinet-level department. Califano was still pushing for a strengthened education division within HEW. In his November memorandum to the President he responded to the OMB report without directly responding to the recommendation of a broad department. He said to the President:

> All my experience in government…leads me to urge, in the most forceful way I can, that you reject the narrowly-based separate department on the merits as inimical to the President's policy-making, managerial, and budgetary interests.[53]

There are some interesting points about Califano's statement; the first is that OMB recommended the President reject the narrowly-based department. In fact, in the section of the OMB report entitled "Overall Conclusions" the committee said, "in terms of the criteria employed in this analysis, a narrowly based Department of Education is the least attractive alternative."[54] However, although OMB did not recommend the option of the narrow department, it did leave it as an option for the President. It is possible that Califano was concerned Carter might choose this option as an easy way to satisfy his

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[52] Ibid., written as a side note on the page 7 of the actual document. Carp sent the document with his notes to Eizenstat to highlight his beliefs that a broad department would not be in the President's best interests.
[53] Memorandum, Joseph Califano to The President, "Reorganization of Federal Education Programs, 11/26/06," Box 195, Education Department of (Separate) [5] folder, Box 195, Eizenstat, DPS, Jimmy Carter Library.
[54] Memorandum, Jim McIntyre to the President, "RE: Reorganization of Education Programs, 11/23/77," Education, Department of (separate) [1], Box 195, Eizenstat, DPS, Jimmy Carter Library.

campaign pledge, making educators happy by giving them a department and keeping members of other interest groups happy by keeping their programs out of the new department. The second point in Califano's statement is that he used his experience in federal government as a reason Carter should listen to him. Many people believed Carter to be inexperienced with federal government, but in no other recommending memorandum did people mention their extensive federal experience as basis for trusting their recommendation. Califano's memorandum was well received; in fact it was noted by Carp as being well done.

The Califano memorandum was indeed something for the President to consider, his thoughts and logic were very well laid out and quite compelling at times. His memorandum began by highlighting the issue—the negative impact of a narrowly based department—then it shifted to the "the case against a cabinet-level Department of Education" in general. What Califano did well is define how having education at the cabinet-level would have a negative impact on the President as "policy-maker, organizer and manager of the Executive Branch, maker of the Executive budget, and leader of an Administration." At the start he said:

> There is no education problem that creation of a Cabinet-level Department will correct. And creation of a Cabinet-level Department will give you and future Presidents many unnecessary organizational and policy problems that in no way qualify as Presidential in terms of scope or significance. [55]

In Califano's opinion education—by itself—was not a Presidential priority, it would only serve to distract the President from other, perhaps more pressing, issues. Califano believed that the creation of a separate department would "dump the NEA's agenda

[55] Memorandum, Joseph Califano to The President, "Reorganization of Federal Education Programs, 11/26/77," Education Department of (separate) [5] folder, Box 195, Eizenstat, DPS, Jimmy Carter Library. See pages 4-8.

directly on the President's desk;" isolate education; result in more program managers reporting directly to the President; result in congressional legislation to create "protections" limiting Presidential leadership; signal the Administrations willingness to increase the federal Government's share of school costs; and disrupt programs in the time it would take to create the department.[56] He recommended that the President not make a public statement of preference for a separate department as OMB suggested he do, specifically oppose a narrow department and, as OMB suggested, direct OMB to continue an in-depth study of consolidation alternatives.

The President did not make a statement in 1977, instead studies continued and recommendations on when and what he should say flowed into his office from most of his upper-level advisors. Even though the announcement did not come in 1977 it was expected, and most believed that it would happen in 1978. In December of 1977 *Publishers Weekly* ran a small article discussing education issues including the possibility of the federal government proposing an Education Department, saying that the administration was expected to propose a new Department of Education even though "the proposed changes may be more cosmetic then substantive, although the details of the proposal are not known at this time."[57] It was evident that the administration was going to support a new department, but what was not clear was what would be included in that department. Still to be decided was the issue of the broad department, which incorporated the scattered education programs from a range of other departments, or the narrowly based option that took the Office of Education out of HEW and made it a cabinet-level department. Nineteen seventy-eight would be the deciding year that the President would

[56] Ibid.
[57] "U.S. Expected to Propose New Education Department," *Publishers Weekly*, 27 (December 1977), 212.

have to make a formal decision announcement of his goals and Congress would go full speed ahead with both the Senate and House bills to create a cabinet-level Department of Education.

1978

The announcement for a department did not come in January or even February; it was not until April 1978 that a formal announcement would be made by the President in support of the Department of Education. The decision over a narrow or broad model from 1977 had to be finalized in 1978 and the decisions did not get any less complicated in the following year.

There was a question in 1977 over whether the President should make a formal announcement about a department in his 1978 State of the Union Address. In early January 1978 Jim McIntyre, the Director of the Office of Management and Budget,[58] sent a memorandum to the President regarding the next steps on educational reorganization. McIntyre recapped a meeting in which the President discussed his options. In the meeting they agreed that Carter should publicly reaffirm his commitment to a new department, the department should be as broad as possible, they should work with Senator Ribicoff on legislation, and they should restructure HEW as an interim step toward the department. McIntyre also recapped the unresolved issues; where would the President reaffirm his commitment to establish a department, and would it be done formally or informally? McIntyre suggested that the President reaffirm his pledge in an informal response to a

[58] McIntyre replaced Bert Lance after Lance's resignation in 1977.

press question, the President agreed with that response and suggested that a "VP statement would also be ok."[59]

The other major decision the President would address in this memorandum concerned the breadth of the department. McIntyre noted that Joe Califano (Secretary of HEW), Charlie Schultze (Chairman of the United States Council of Economic Advisors), and Jack Watson (Assistant to the President for Intergovernmental Affairs), suggested no statement of preference for a broad department, but definitely did not want a narrow department. Then there was Stu Eizenstat and Hamilton Jordan, the Assistant to the President on Domestic Affairs and Policy and Chief of Staff respectively, who advised that the President reaffirm his campaign commitment without specifically stating his preference that it be a broad department. A third option was the one proposed by OMB, that the President state his preference for a broad department including education and related human development programs. The President agreed to make a general, not specific, statement about the department. This statement came in his State of the Union Address. A very general statement was made about reorganization including the reorganization of education:

> You've given me the authority I requested to reorganize the Federal bureaucracy. And I am using that authority. We've already begun a series of reorganization plans which will be completed over a period of 3 years. We have also proposed abolishing almost 500 Federal advisory and other commissions and boards. But I know that the American people are still sick and tired of Federal paperwork and redtape. Bit by bit we are chopping down the thicket of unnecessary Federal regulations by which Government too often interferes in our personal lives and

[59] Memorandum, Jim McIntyre to The President, "Next Steps on Education Reorganization, 1/09/1978," Education, Department of (separate) [3] folder, Box 195, Eizenstat, DPS, Jimmy Carter Library. The President returned the copy in McIntyre's outbox with his approval of McIntyre's recommendations and comments written in the margins of the memorandum. The dates given above are for when the memorandum was returned to McIntyre's box, the actual memorandum is not dated, but a draft of the memorandum is dated 28 December 1977.

> our personal business. We've cut the public's Federal paperwork load by more than 12 percent in less than a year. And we are not through cutting.
>
> We've made a good start on turning the gobbledygook of Federal regulations into plain English that people can understand. But we know that we still have a long way to go.
>
> We've brought together parts of 11 Government agencies to create a new Department of Energy. And now it's time to take another major step by creating a separate Department of Education.[60]

And with this statement his discussion of education was over. This was indeed a general statement on education, but it said enough for the public to know that the President would be working toward Department of Education legislation in 1978. It also served to reaffirm his commitment to streamlining government; by prefacing his intent to create a separate Department of Education with his desire to reorganize the bureaucracy Carter put the emphasis on reorganization for the purposes of efficiency and making the "gobbledygook of Federal regulations" easy for people to understand instead of putting the emphasis on the creation of a new department.

The President made a more definitive statement about the Department in April 1978. It was reported in the *New York Times* that the President proposed the Education Department on April 14, 1978; the byline read, "He urges creation of an agency to run 164 existing programs with a budget of $17.5 billion."[61] The article pointed out, correctly, that the Senate was "virtually certain" to vote for the creation while the House was questionable. The *New York Times* also noted that the President had proposed a department in his presidential campaign and later in his State of the Union Address, but it was not until April that the Carter Administration asked Congress to create an Education

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[60] State of the Union Address, January 19,1978 given by Jimmy Carter, retrieved from http://www.jimmycarterlibrary.org/documents/speeches/su78jec.phtml on 11/25/2006.
[61] Marjorie Hunter, "President Proposes an Education Department" *New York Times*, 14 April 1978.

Department.[62] The action by the administration led to immediate action by the Senate. At the end of April the Senate had a bill written and successfully passed. It was as if all Carter had to do was ask. The problem came in the House, where "the outlook for House action was uncertain, however, and could depend on how much weight the Administration brings to bear in the months ahead." [63] The major problem with the Department of Education bills, in the Senate and the House, was how to decide what programs to include in the department. The issue over a broad or narrow department had not been decided by April. With insufficient pressure from the White House it appeared that the decision for what would be included in the fledgling department would have to be hammered out in the House.

In April it was assumed that the department would include all of the programs administered by HEW and other departments, such as Head Start, civil rights compliance in the field of education, the Agriculture Department's school lunch program and graduate school, Indian schools, science education programs from the National Science Foundation, the Defense Department's schools for overseas dependents, and the various colleges and technical schools located in D.C and run by HEW as well as student loan programs administered by HEW and the Justice Department.[64] With this configuration the department would have had the sixth largest budget of the twelve cabinets.[65]

President Carter's April proposal to Congress moved some within the education community. Those who had supported the legislation continued to support it, but the opposition became stronger. The AFT, Secretary Califano, and the *Washington Post* were

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[62] Marjorie Hunter, "President Proposes an Education Department" *New York Times*, 14 April 1978.
[63] Ibid.
[64] Ibid., Hunter noted these programs in her article as being a part of the proposed cabinet-level department; her facts came from the President's speech to Congress.
[65] "Education Plans Described for Senators", *Los Angeles Times*, 15 April 1978.

joined by increased opposition from the Catholic Church, higher education, and by local school boards and others interested in education. The opposition came as, as one commentator put it, a fear of "the old boogeyman," federal control, arose.[66] Since the mid-1800s federal control of education was a concern of the public, and previously the concern had swelled because of funding to education from the federal government, but in this case concern was piqued due to "administrative structure and its pecking order in the federal establishment."[67] This was control of a different type, not the same as having strings attached to money, instead fears were tied to organizational and structural control of education, which might have led to "accelerating the process of bureaucratic takeover of U.S. education."[68] The then Commissioner of Education, Ernest Boyer, argued that federal control was not relevant when discussing the creation of a department because control was to be determined by the "language of the laws," in effect saying that Congress would not write federal control of education into the law, although of course there was no guarantee that it would write control out of the law either and that was the concern of the opposition.

Though support for the department remained strong with the groups that originally supported it, by 1978 there were some imminent problems in the President's cabinet. Some, more than ever Secretary Califano, were not in support of the President's call to form this department. Just days after the State of the Union Address the *New York Times* ran an article in its "Ideas and Trends" section which said, in part:

> The most conspicuous opponent of a separate department is Health, Education, and Welfare Secretary Joseph A. Califano, Jr., who would lose part of his

[66] George Neil, "Critics of New Department Fear More Federal Control," *Phi Delta Kappan* 59 (June 1978): 722.
[67] Ibid., 722.
[68] "The Question of a U.S. Department of Education," *Congressional Digest* 57 (November 1978): 259.

> department and who, according to one educational lobbyist, has been "running around town trying to cash in IOU's to get the thing stopped."[69]

Califano's disdain for the department could have had something to do with the fact that it would limit the cash flow of his office, making it a much smaller department, physically and fiscally, than it was. However there were other possibilities, one of which is that Califano genuinely believed that a department just did not make sense, as he said in an interview twenty years later:

> The reason the Department of Education made no sense to me, and still makes no sense to me, is that basically the Department of Education does two things. It hands out elementary and secondary education money. That's done by a formula, it's a negotiated treaty on the Hill now, and we just write the checks. But when you write the checks they're for schools that are full of people who are on Welfare and who are getting Medicaid. So I think that it helps to have all of that together because it's focussed [sic] on the poorest people in the country, and it makes you better able to see them as people rather than see them as a kid in school, rather than somebody getting a welfare check, or as somebody getting a little health care. The other function is the higher education program, and that really is a check writing operation too. You're giving grants and loans to a bunch of students. We're not really administering that program; the universities are. If you look at those two functions, I don't believe the federal government has a major role in terms of academic standards or excellence. Thirdly, I think when you create a Department of Education, I worry to this day about the intrusion of government on the academic community…the fact that with federal money goes federal interference--there's no federal money without strings--and the dependence of some of these universities on federal money, to get this all concentrated in a Cabinet department I didn't think made a lot of sense.[70]

Here Califano highlighted his major beliefs about the Department of Education: 1) the separation of health and welfare services from education would have a negative impact; 2) The department would serve, in essence, as a large bank that wrote checks to different institutions, and; 3) the federal government would intrude, Califano makes mention in the quote to academic freedom, but that intrusion could be extended to control—"there is no

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[69] Edward Fiske, "A Messy Promise: The Education Department," *New York Times*, 22 January 1978.
[70] "HCFA Oral History Interview," interview with Joseph Califano at his office in New York, 31 August 1995, interviewed by Edward Berkowitz, retrieved from http://www.ssa.gov/history/CALIFANO2.html 12/02/06.

federal money without strings." These three beliefs had always been the crux of Califano's opposition; there was, however, one other possibility. Califano may have felt he was capable of running the expansive department of Health, Education, and Welfare when others were not. As mentioned earlier Senator Ribicoff was a former Secretary of HEW who believed that HEW was too unruly, education took a back seat to health and welfare, and that in order for HEW to operate more smoothly it had to be broken down. Because of his former position and beliefs, as a senator, Ribicoff was responsible for crafting and pushing reorganization legislation in the Senate. Califano clearly disagreed with Ribicoff's ideas; he argued that, "Ribicoff basically couldn't run HEW, and he didn't think it was runable [sic]. When I went to see him--my courtesy call--he said, 'It can't be run,' so he couldn't admit that it could be run."[71] So what Ribicoff "couldn't" do for reasons of ineptness, Califano could. According to Califano, Ribicoff was just wrong; HEW could be run and it could be run well under his administration. Using Califano's logic this explains why Ribicoff was intent on getting a bill passed to break up HEW; Ribicoff simply could not admit to failure. No matter the reason, Califano's open opposition to the department would cause problems for him as a member of the President's cabinet.

Mounting personnel problems aside, the Carter administration had to do something to get some movement on its Department of Education bill. As stated earlier the Senate bill passed with little problem in April 1978, and it was amended in September and passed by a vote of 72-11.[72] The House bill was not so easy, however; arguments in the House tied up the legislation into the New Year and the new Congress. The majority

[71] "HCFA Oral History Interview," interview with Joseph Califano.
[72] "Action in the 95th Congress," *Congressional Digest* 57 (November 1978): 268.

of the conflicts in the House resulted from the inability of the Representatives to decide what should be included in the department. The issue of a broad department versus a narrow department arose in the House discussions of the bill. There were fears of allowing Head Start in the new Department of Education and there was a mounting call against the inclusion of Head Start from Civil Rights leaders.[73] It did not appear that the House was not going to pass the bill, but there were fears that the delay in the House would lead to the bill never being voted on, which would have killed the legislation. That is in fact what occurred; with the end of the House session being filled with "must" legislation the Department of Education bill had to be reintroduced in the 96th Congress.

The delay in action on the House bill came not only because of a busy calendar or disagreement over what would be included in the bill, but also because of an effective lobbying effort by the AFT and those well-timed editorials, mentioned earlier, by the *Washington Post* that asserted the proposed department was a political payoff by the President to the NEA.[74] Together these two efforts helped "bolster" a small number of House members "in their efforts to dump the bill." Calling themselves the "opposition coalition," they consisted of members of both parties including Democrats Leo Ryan and Shirley Chisholm and Republicans Robert Walker and Dan Quayle. This effective little coalition "began a mini-filibuster" that lead to the death of the House bill. Their arguments against the legislation rested on the issue of federal control. A second reason cited for opposing the bill was that some members of the House needed "to make up for defeats they helped deal to Big Labor earlier in the session. Support for labor's

[73] "Head Start Out," *New York Times*, 14 June, 1978, A24.
[74] George Neil, "A Department of Education: A Fading Dream?" *Phi Delta Kappan* 60 (December 1978): 268.

efforts…would improve their relationships"[75] with the labor constituency. Last, President Carter himself was blamed, as he did not give the legislation top priority in the final weeks of the House session, even though "a few well placed telephone calls might have turned the tide, but he didn't bother to make them."[76] Carter must have realized that the 96th Congress, elected in off-year elections—almost always swinging in the opposite direction of the current president—was not likely to be the most friendly Congress towards his legislation, which provided more reason for Carter to have made strategic calls to friends in both houses during the 95th congressional session.

By November 1978 a strategy was put in place for moving the legislation along. Beth Abramowitz, Assistant Director of Domestic Council Policy Staff, made a long list of recommendations for all groups involved in the creation of a department, and for Congress she suggested constituent pressure, agreements by Representatives Perkins, Brademas, Ford, Simon, and Brooks to co-sponsor a bill so there would only be one bill, and an agreement by those representatives to act early. Also included in her list was the goal to circulate a public document that would describe the benefits of the proposed department, but these strategies were proposed for January.[77] Evidence suggests that the White House was not necessarily looking for final action in 1978; little could explain its lack of strategy and attentiveness for the legislation in 1978 and advanced preparation for

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[75] Ibid., Opposing a bill the NEA supported may have been seen as favorable to the AFT a part of AFL-CIO, a large labor union.
[76] Ibid.
[77] Memorandum, Beth Abromowitz to Stu Eizenstat, "Proposed Department of Education Strategy, 11/22/1978," Education, Department of (Separate) [1] folder, Box 195, Eizenstat, DPS, Jimmy Carter Library. Bert Carp who suggested, with a note written on the memorandum, that Beth Abramowitz show her suggestions to Anne Wexler, former Deputy Under Secretary of Commerce, also saw this memorandum. He said, "She'll do more to pass bill than all of us put together." Wexler joined the senior White House Staff in 1978. I was unable to find strategies for the 95th Congress, only the 96th Congress with its first meeting in January 1979. See Dobelle, "A Study of the Creation of the Federal Cabinet-Level Department of Education 1857-1979," 158-215. Dobelle confirms that an Education Task Force was not created until January 1979; it focused on media issues.

the new congressional session? Perhaps getting the legislation passed in 1979 would help voters remember Carter at the polls in 1980. Regardless of the reasons, 1979 would be the decisive year for the Department of Education; it would also be a year of changes in the President's Cabinet.

1979-1980—Finally, a Department: But How Long Will it Last?

Nineteen seventy-nine proved to be a year that was focused more on foreign issues than on domestic issues. Carter's State of the Union Address was largely focused on foreign diplomacy and international cooperation. He focused on the Panama Canal Treaties and on SALT II agreements. Domestic coverage concentrated on inflation, joblessness, campaign funding, and government spending. Nowhere in the address was education mentioned, even though it was evident that a Department of Education bill was, at the very least, going to be brought before Congress for another vote. It was perhaps this lack of attention to education that lead to a quiet year in the eyes of the public, even though debates would continue somewhat contentiously in the house, and a slowing of support from the NEA.

The creation of a Department of Education seemed to be strictly a political administrative issue that did not extend to the interests of the general population. Most congressmen did not receive guidance from their constituents to help direct their vote because most of their constituents were unconcerned. A Ribicoff aide said, "It just doesn't hit home. To most people it isn't a crisis; it's not an emotional issue. It's not the crisis you feel when you line up at the gas pumps."[78] The suggestion is clear, education, or at least a Department of Education, just was not urgent to most people in the United States, hitting the consumer where it hurt as with the extremely high price of gas—

[78] Marjorie Hunter, "Congress Delays Action on Education Department," *New York Times*, 5 August 1979.

stemming from the Oil Crisis of 1973 and growing worse in 1979 with protests against a US supported Iranian Shah and the increase in barrel prices by OPEC. There were more emotional issues such as the Iranian Hostage Crisis, when student revolutionaries stormed the US embassy in Iran. The taking of hostages was a far more immediate and pressing concern to the American public.[79]

Another reason for the lack of interest in education may be that many believed education in the United States was in good condition or at least in good enough condition. As expressed by Representative John Erlenborn, perhaps not purposely, there seem to be two competing, though not necessarily mutually exclusive, ideas where education is concerned. The first serves to push people to believe education needs help, "The state of education has steadily declined in the past two decades." At the same time Erlenborn held that, "The United States has built the greatest educating machine in history with its combination of public and private schooling."[80] Certainly Erlenborn's constituents had heard those two ideas, one being that the U.S. educational system was failing, and Erlenborn added that the system was failing because of the increased involvement of the state and federal governments, while the other was that the U.S. had the greatest educational system in history. It was not difficult to believe then, that even if the educational system had been failing over the previous two decades, the system was still better than any other in the world. Though the belief in the superiority of the U.S. educational system was shattered by the Soviets in the 1950s it was apparently repaired by the late 1970s and it helped encourage a general lack of concern with whether a department was created or not. The lack of interest would spell problems for the

[79] John C. Barrow, "An Age of Limits: Jimmy Carter and the Quest for a National Energy Crisis," in *The Carter Presidency*, eds. Fink and Graham, 158-178.
[80] John Erlenborn, "Another Department?" *New York Times*, 9 May 1979, A25.

President in his campaigning as well, since no one really rallied behind Carter's department and the slow action by the administration to help push the legislation did not serve to make the NEA a strong supporter of the President, as it had been in the 1976 election.

With the 1980 election approaching quickly it was imperative that last-minute bills get passed and that the President deal with some of his senior staff issues. Joseph Califano, who had vociferously disagreed with the President's decision to create a Department of Education, was let go in the middle of 1979. Cast out July 19, 1979, Califano was the first Cabinet member to be ousted in what was referred to as Carter's reorganization plan. Curiously, Califano sent an April 1979 memorandum to Charlie Schultze, Chairman of the Council of Economic Advisors to the White House, suggesting that he was on the outs with the President. It is first important to note that Califano and Schultze apparently had a significant background; they worked together under President Johnson. Schultze worked as Director of the Bureau of the Budget from 1965-1967 at the same time that Califano was Special Assistant to the President and Senior Policy Aide on Domestic Affairs. The note from Califano to Schultze was dated April 12, 1979 and read, "For Charlie Schultze, FYI and for YOUR EYES ONLY." This note was attached to a memorandum from Robert Hartman, Senior Fellow at the Brookings Institute, to Hale Champion, Undersecretary of HEW; this explains how Califano came to be in possession of the memorandum. The Hartman memorandum said in short that Jim McIntyre's testimony—most likely in the Senate—on creating a Department was "unfair." Hartman said that he began thinking about domestic policy decision making in the Carter Administration, he even included charts, he then asked whether or not Califano would

still have a separate "backdoor" to the President or would he have to share it with others. Hartman's hand drawn charts show Schultze, Eizenstat (Chief Domestic Policy Advisor), and Mondale as having direct access to the President, with agencies having "backdoor" access, whereas in the Johnson Administration the agencies went through Schultze or Califano who then routed it to the President. Califano also had exclusive access to the President through the "backdoor" in the LBJ administration.[81] Although there were no more memoranda on this subject, it is clear that Califano knew he did not have the President's ear as he had once had with LBJ, and it was also clear that others knew it too.

The Carter Administration was different, and many believed that Carter relied too heavily on aides and listened to Stu Eizenstat, who had been placed in charge of "'cabinet clusters' groups of cabinet members brought together to deal with particular issues," more than needed.[82] However, much of this was done to compensate for the failed cabinet government discussed earlier. The idea that Califano "rankled some members" of the White House staff and was not considered a "team player" was one issue which surely led to his being fired by the President.[83] Califano's less than collegial attitude towards White House staff and disdain for the "White House Georgians" he called the "Georgia Mafia" did not make him friends of Carter or the Carter loyalists. Firing Califano may have sent a message to the nation that Carter was not going to allow his staff members to, in any way, disrespect his role as Chief Executive. Califano's disagreements with Carter

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[81] Memorandum, Califano to Charlie Schultze, "Your Eyes Only", April 12, 1979, "Department of Health, Education, and Welfare" folder, Box 18, Staff Office Council of Economic Affairs files, Jimmy Carter Library.

[82] Karen Hult and Charles Walcott, *Empowering the White House: Governance Under Nixon, Ford, and Carter* (Lawrence, KS: University Press of Kansas, 2004), 146-148.

[83] Karen DeWitt, "Califano Busy Up to the End; Mrs. Harris Takes Over," *New York Times*, 4 August 1979, 6. There were many other reasons cited for letting Califano go: an antismoking campaign that upset North Carolina tobacco farmers; strong enforcement of school desegregation laws and; for a belief that federal money should not be used to finance abortions under the Medicaid program. See also Dumbrell, 33, 34

were well known, and firing him shortly before an election year possibly served to make the President look impressive. During Carter's initial years as President he intended on strengthening the role of the Cabinet by giving Secretaries more policy control, but soon policy control began to move back toward the White House, largely because of Eizenstat's control of the Domestic Policy Staff, and this angered many Cabinet Secretaries. Those who were the most aggressive at asserting their control over policy were Bob Bergland at Agriculture, Brock Adams at Transportation, and Joseph Califano. As a result, Carter had to reinforce "the role of the Domestic Policy staff both by lecturing the Cabinet and by expanding Eizenstat's professional staff…. This meant that Cabinet government was being dismantled and the White House was asserting its role as policy manager."[84] The lecture did not work, however, and Carter had to fire four of his Secretaries; along with Califano, Brock Adams, Michael Blumenthal at Treasury and James Schlesinger at Energy were all fired in 1979. Instead of addressing his domestic policy issues Carter spent his last year as President dealing not only with his reelection campaign, but also with what might be the biggest issue of his Presidency, the Iranian Hostage Crisis.

The creation of the Department of Education then, was fairly low on the list of priorities for the President. Though it was certainly seen as a necessity because of the campaign promise, it was not something that the administration worked very hard on. The Domestic Policy staff did its research, sent people to testify on behalf of the department in Congress, and hoped that their endorsement of the Department would help ensure the backing of the NEA and its members for the 1980 election; however, Carter's role was much less visible than it had been in the creation of the Department of Energy

[84] Hult and Walcott, 146.

largely because education was a peripheral issue of the late 1970s, and Carter had to deal with much more immediate issues such as the Iranian Hostage Crisis and gas prices. The Department of Education was very much helped along by a few senators and representatives in Congress, most notably Ribicoff, working to get the bill passed in the Senate and in the Senate Committee on Governmental affairs of which Ribicoff was the chair.[85] The NEA also played a major role in lobbying Congress and meeting with the President and other top officials to keep education at the top of the President's lists of domestic priorities.

By April 1979 the Senate had passed a bill to create the Department of Education in a decisive 72-21 vote. The House then, had to pass its bill. The new session brought with it the same old problems. The labor coalition again fought furiously against the bill by tacking on many amendments to make the passage of the bill as difficult as possible, some Representatives still held that a department would "weaken the cause of education in this country," and members of the House were saying in secret that they might vote against the bill they had once felt they would vote for.[86] Congress went through the month of June killing amendments and passing amendments associated with the bill, finally passing a bill to create the Department by a very narrow—210 to 206—margin in July. The next move was to rectify the disparities between the House bill and the Senate bill; this had to be done in conference committee and was completed by August. The committee agreed on a bill, it passed in the Senate 69-22 and in the House 215-201. By September the Department of Education became the 13th Cabinet department.

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[85] Congressional Digest 57 (November 1978): 267-268.
[86] Marjorie Hunter, "Carter Wins House Test on Education Department," *New York Times*, 14 June 1979, A22.

The Department that emerged from Congress was not the one Carter had intended. The broad department that both Carter and the reorganization committee had desired had been whittled down to include all of the programs from the US Office of Education, once in HEW, and the Pentagon's programs for overseas military dependents, creating, in essence, the narrow department that everyone on the original reorganization committee and Secretary Califano had been against. The major priorities of the new department were civil rights enforcement and bilingual education advocacy.[87]

Once the department was formed Carter needed to decide who would run it. Utah's Commissioner of Higher Education, Terrel Bell—who would become the Secretary of Education in the Reagan administration—said he hoped the new secretary would be "lean and hungry and mean as hell. We in education have been strangled and muffled down in the bowels of the HEW bureaucracy that we need a new voice that is loud, clear, and cuttingly direct."[88] Thomas Shannon, executive director of the National School Boards Association, gave an ominous warning, "Assuming office late in a troubled administration, the secretary may have less than 18 months to create a vital organization."[89] The new Secretary was going to have to be tough, be a good manager, and be able to provide leadership during difficult times.

The administration decided that the person who would run the department needed to be a "Generalist," someone who, would "not be seen as a captive of any education group, but will command respect…," additionally the person needed to have "national stature, commitment and track record in civil rights, progressive views on improving the

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[87] Hugh Davis Graham, "Civil Rights Policy in the Carter Presidency," in *The Carter Presidency: Policy Choices in the Post-New Deal Era*, eds. Fink and Graham, 213.
[88] George Neill, "Observers See Danger, Challenge in Building Education Department," *Phi Delta Kappan*, 61, (December 1979): 236.
[89] Ibid., 237.

quality of education, politically skilled and a team player."[90] Having reviewed many applicants Carter decided on Shirley Hufstedler, a federal appeals judge from California. Hufstedler had been the judge in the famous *Lau* case that dealt with bilingual education, with the ruling that the state of California had to provide sufficient language instruction to Chinese speaking students; the Supreme Court later upheld her decision. This decision also led to guidelines called the "Lau Remedies," or ways to uphold the *Lau* decision, which held that students of Limited English Proficiency (LEP) had to be taught in their primary language, making English based-teaching methods inappropriate.[91] She had no education experience, except for what she knew about bilingual education, Hufstedler was not formally prepared for her position of Secretary of Education. Still, she accepted the position on a promise that when the time came, Carter would consider her for a Supreme Court position. Her appointment is evidence of the Carter Administration's focus on bilingual education,[92] she was certainly not going to offend the Civil Rights advocates because she had worked on the *Lau* case; she was also sure to please Hispanic political organizations fighting for bilingual education.[93] Choosing a person outside of education also helped allay fears that the department would be run by the NEA. These characteristics notwithstanding, Hufstedler proved to be a poor choice because she was

[90] Memorandum, "Department of Education," 12/11/79, "1/20/77-5/31/80" folder, Box FG-26, WHCF-Subject File, Jimmy Carter Library.
[91] McAndrews, 37 and Graham, "Civil Rights Policy in the Carter Presidency," 214, the Lau Remedies were created by the Office of Civil Rights.
[92] See Gareth Davies, "The Great Society After Johnson: The Case of Bilingual Education," *Journal of American History* 88 (March 2002). Davies highlights the growing importance of bilingual education within HEW during the Nixon/Ford administration and later. Because support of bilingual education had grown so quickly, Carter understood the importance of having a Secretary that knew about bilingual education.
[93] Graham, 213. Also see the press release from the White House documenting the work of Shirley Hufstedler, "1/20/77-1/20/81" folder, Box FG-146, FG-26, WHCF-Subject File, Jimmy Carter Library.

not familiar with education, she was first and foremost a lawyer, and she was not a manager.

With the department officially acknowledged by both Houses and a Secretary determined, the President only had to sign the bill into law, which he would do on 17 October 1979. President Carter's statement before the signing of the bill into law is one worth examining; in it he established and pointed to the reasons for the creation of a department. In his speech he represented the newly formed department as being "supportive" and playing the role of "junior partner in education" as opposed to "being a silent" partner.[94] The role of the new cabinet-level department was going to be active, though less than the role of the state and local governments. Carter purposefully upheld the belief that the states should remain in control of education, while at the same time acquiescing to the fact that the federal government needed to play more of a role by becoming a "junior partner" to the states. The speech played to both the NEA, by giving the federal government a more significant role in public education, and the AFT, by acknowledging that the federal government would have less influence over public education than the state and local governments. In this speech Carter was attempting to rewrite the story of education in American federal government history, from one of passivity to one of activity. Carter argued that the department would do five things: 1) increase the nation's attention to education; 2) make the federal government more accountable; 3) streamline administration of aid-to-education programs; 4) save tax dollars by eliminating bureaucracy, and; 5) make federal education programs more responsive by giving the "American people a much clearer perspective on what the

[94] Speech given by Jimmy Carter at the signing of the bill creating the Department of Education, 10/17/1979. "1/20/77-5/31/80" folder, Box FG-145, FG-26, WHCF-Subject File, Jimmy Carter Library.

federal government is doing in education."[95] A statement of his own personal commitment to education from his days on a county school board in Georgia and thanks to the leadership of both Houses and to the active participation of a coalition of groups followed the substantive portion of the speech. The five points noted in Carter's speech were intended to explain the purposes of creating a department. Carter continued to hold that the states would have the majority of control in education with the federal government acting as support, while at the same time making the federal government accountable for the money it was spending on education. Additionally, Carter endorsed the idea that the new department would streamline education, thereby making it more efficient and still in harmony with his campaign for efficiency in government.[96] The words spoken by President Jimmy Carter at the signing of the Department of Education Bill 17 October 1979, reflect how he wanted to be remembered as President: effective, efficient, and responsive. There was one other rationale important to the creation of the cabinet-level Department of Education: equal educational opportunity.

In the *Department of Education Organization Act*, PL 96-88, Congress declared the purposes of the department as being first "to strengthen the Federal commitment to ensuring access to equal educational opportunity for every individual" and second to "complement" the efforts of the States, local school systems, and others involved in education. Other purposes in the list of seven were to encourage involvement, promote improvements through federally supported research, improve coordination of federal education programs, improve management, and increase accountability of federal

[95] Ibid.
[96] Michael, "Jimmy Carter and Educational Policy: From the School Board to the White House."

education programs.[97] Ensuring access to equal educational opportunity was surely a main goal of the new department and the administration. As discussed early in this chapter the *Lau* case raised the question of language and access to the level of the Supreme Court, but the events in 1970s also raised issues of access that concerned the disabled, women, and racial/ethnic minorities. Legislation had affected the fate of the disabled, the *Education For All Handicapped Children Act* (EAHCA) was passed in 1975, which provided "special education and related services for handicapped children."[98] The act was far reaching and hailed as being worthwhile, but not long after the act "the pain, struggle, and red tape of meeting federal mandates on behalf of the handicapped promoted a rising volume of complaints and doubts among educators."[99] Then there was Title IX affecting women, part of the Educational Amendments of 1972, which went into effect in 1975. Title IX extended to all aspects of education: curriculum, athletics, hiring, and textbooks; the costs were high.[100] While the issues of race carried over from the 1960s into the 1970s, as noted earlier, the Gallup Polls of the 1970s show integration/busing/segregation as one of the top three issues concerning the public.[101] It is clear that access to public schools for racial and ethnic minorities was an issue that was not going to go away. There was hope that the department would address those issues and help the state and local governments better address those needs.

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[97]Department of Education Organization Act, Public Law 96-88, October 17, 1979.
[98] McAndrews, *The Era of Education*, 37. The act was also called by its legislative numbering PL 94-142 and was later renamed the Individuals with Disabilities Education Act (IDEA).
[99] Ben Brodinsky, "Something Happened: Education in the Seventies," *Phi Delta Kappan* 61 (December 1979): 238-241.
[100] Brodinsky, 239. See also Betsy Levin, "The Courts as Educational Policymakers and Their Impact on Federal Programs" in *The Federal Interest in Financing Schooling*, ed. Michael Timpane, (Cambridge, MA: Ballinger Publishing Company, 1978), 65-67.
[101] Gallup Polls 1969-1981 in *Phi Delta Kappan*.

In his autobiography, *Keeping Faith,* Carter drew attention to his educational record. He discussed his role in education on the County Board of Education, in the Georgia Senate and as governor where he said his interest in education "continued unabated."[102] Carter also emphasized his logic for supporting a cabinet-level Department of Education, saying:

> My administration emphasized the federal government's role in compensatory education—helping to remove inherent inequities among student opportunities that remained even after the best efforts of state and local authorities.[103]

He argued that education was seen as a "nuisance" at the federal level, discussed only when it had to do with civil rights lawsuits. He added that education programs were scattered and lacked coherent policy and implementation. He gave these as reasons for supporting a federal department.[104] The department was supposed to address issues of equity, which Carter believed the state could not handle on its own.

Summary

The Carter administration had many obstacles to overcome in getting the Department of Education legislation passed. First, it had to agree on what the department would be in both its structure and its substance. For this it formed task forces and committees. Second, staff members had to really decide if they wanted to go through with it. Last they had to get it past Congress. This last point was the most difficult for the administration. They knew that they needed a department, if for no other reason than to fulfill the campaign promise. More difficult was the decision on the make-up of the department. The narrow versus broad arguments and, as Califano liked, the reorganization of HEW options were fairly straightforward, all with their merits, though

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[102] Jimmy Carter, *Keeping Faith* (New York: Bantum Books, 1982), 75.
[103] Ibid., 76.
[104] Ibid.

the best choice was the broad department. The most difficult aspect of the process was congressional support. It was on this aspect that the president and his administration faltered the most.

The department, though a major domestic policy, took a back seat to other issues. The Department of Education was the only major piece of domestic legislation passed in 1979, and while it was the creation of another new cabinet-level department, but it was not the foremost public concern. Delays in Carter's action on the department may have had a significant impact on the public's perception[105] of the new department; the delays certainly had an impact on Congress' slow progression in passing the bills.

Much of the slowness by the Carter administration, at least in the early part of his term, had to do with Carter's desire to "depoliticize"[106] government and advance legislation based on substance rather than on favors. This "anti-Washington" ideal had been an important part of his 1976 campaign and was not out of character for the majority of the American population. Once again, frustrated by Watergate and Vietnam, many U.S. citizens were skeptical of the federal government, perhaps disillusioned by the government they yearned for a president that would be different.[107] However, like numerous Presidents before him, Carter had to work with Congress, with politicians, and he had to work in Washington, D.C.[108] Consequently, by 1978 Carter and his team were learning to change their views; although they wanted desperately to differentiate themselves from the Nixon administration, they would not be able to do it in the field of

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[105] There was a lack of comment on the creation throughout the newspapers I looked at, *The New York Times*, *Los Angles Times*, and *Washington Post.*
[106] Hult and Walcott, *Empowering the White House: Governance Under Nixon, Ford, and Carter*, (Lawrence, KA: University of Kansas Press, 2004), 129.
[107] Domin, 10-13 and Dumbrell, 2.
[108] Gregory Paul Domin, *Jimmy Carter, Public Opinion, And the Search for Values, 1977-1981* (Macon, GA: Mercer University Press, 2003), 65-67.

congressional relations. The administration had to have positive and meaningful contact with the Hill if it expected favorable returns. They did this by forming congressional liaisons; the liaison process worked and probably aided in getting bills passed, especially in committee.[109]

Once it gained congressional support the Carter administration had very little to worry about. What it did need was a way to make the department look necessary and purposeful. It found this is in the department's organization bill. The bill, as stated previously, purports to create a department to help equalize educational opportunity. It calls on the issues nearest to the American awareness in education. Most people knew about issues of equity in schools, whether they cared or not, they knew that schools had inequalities, which they had seen in the *Brown v Board of Education* case and in the 1965 ESEA legislation, and many of them probably heard about it in the news, as urban schools and youth became a major concern in the late 1970s.[110] Jimmy Carter acknowledging the difference in educational opportunity and saying that the state and local authorities could not solve it was probably not a surprise to most people in the United States; it was the basic reason for the ESEA. Since the department did not include Head Start, it was not going to be highly contested by Civil Rights leaders. Since the public was not up in arms about it, Carter did not face any more backlash than he was already getting at the time because of the Iran Hostage Crisis or energy costs. It is possible that the department could even have been a good outcome if Carter had the time

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[109] Hult and Walcott, 128-133.

[110] Gallup Polls asked two questions about the media and education in 1977. To the first question: "Do you think the news media (newspapers, TV, and radio give a fair and accurate picture of the public school in this community or not?" Respondents answered, 46% "yes," 32% "no," and 22% did not know or did not answer. For the second question: "In your opinion, how could the media (newspapers, TV, and radio) improve their reporting of education in the local schools?" the majority of the answers dwelt with the need for positive news. *Phi Delta Kappan* (September 1977): 40.

to tout it and champion it the way he should have, explaining its benefits to the public in a way that would have made them care that the new department existed.

Disinterest in the department may be indicative of the disinterest in education at the federal level as well. The public in 1979 was not so far removed from federal legislation in education, as many people, according to polls, felt that federal legislation was a hindrance on local control.[111] It was clear from newspapers and journal articles that most education professionals, regardless of political leanings, felt that on the one hand that there was an abundance of red tape and a complex administration for education. They recognized that big cities were having problems educating their youth, violence was intense, and high schools were in need of reforms. Yet, on the other hand there was a feeling that "officials in Washington guided, influenced, or sought to control education to an extent that could hardly be measured or comprehended either by educators or the public."[112] What the leaders of the new department needed to do to get the public's support or at least consideration was to "assert with vigor the importance of education to the nation's well-being."[113]

So the department was created in 1979 with the purposes of strengthening both the federal commitment and equal educational opportunity in education. It was a political battle fought mostly in the House of Representatives, by others members of congress, and interest groups. The President was, for the most part, not involved, and the public was involved in as much as they could read about it in the newspapers. It was not groundbreaking or earth shattering legislation, but it was politically upsetting both to

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[111] "Tenth Annual Gallup Poll of Attitudes Toward Education," *Phi Delta Kappan* (September 1978): 43.
[112] See George Neill, "Vast New ESEA Alters Education Programs," *Phi Delta Kappan* 60 (December 1978): 269 and "Something Happened: Education in the Seventies," *Phi Delta Kappan* 61 (December 1979): 238-241, and "Observers See Danger, Challenge in Building Education Department," 236-237.
[113] George Neill, "Observers See Danger, Challenge in Building Education Department," 236.

some labor groups at the time and to the subsequent administration, which took the department as a sign of government waste and politics gone awry

CHAPTER 5
CONCLUSION

In the introduction of this dissertation I suggested that there were more than just political interests at stake in the creation of the Department of Education and that studying the creation using historical analysis would help highlight other aspects of the creation. Of particular importance were the social aspects of the creation of a new department. It has been made clear that, at least politically, Governor Jimmy Carter made choices during his campaign for the presidency that would lead to the proposal of a new department when and if he was elected to office. Once in office, President Carter studied the feasibility of his campaign pledge to the NEA to create a cabinet-level department. Although the department that the Carter administration created was narrower in scope than the broad department it had hoped for, it was successfully created. In order for the President to have a successful reorganization he had to have support in Congress. In Carter's case that support came mainly from the Senate in the form of Senator Ribicoff. Ribicoff's rallying for the Senate bill that he helped author gained the bill the support it needed in the Senate.

In addition to support generated by the Senate was the support generated by the NEA and other education groups. The National Education Association Political Action Committees were successful in helping to get candidates across the nation elected; in these candidates, the NEA hoped to have friends of education in Congress. Added to the fervent support of the NEA was the lagging opposition of the AFT and AFL-CIO.

Though there were people who disagreed with the creation of the department, Albert Shanker at the AFT was slow to mount significant opposition to the NEA-PAC's incredible drive. The opposition coalition formed to block the creation bill in the House in 1978 was successful, but was not a cohesive group that would stay formed to fight the department in 1979. So, politically the timing for the department was right, there was a president who had made a promise and felt strongly about efficient management in government, a Vice President, Walter Mondale, who believed in the creation, a strong Senator, in Senator Ribicoff, with previous experience in HEW who felt strongly that education was consumed by health and welfare, and the support of large education organizations. However, there was more than political timing involved in the creation, there was also good societal timing.

While it is true that the political aspects of the creation are vast and the study of the creation of a cabinet-level Department of Education is a political history, I assert that the creation must be looked at as a political history with a strong social component. Much of the social aspects have to do with desegregation and democratic ideals rooted in many American citizens.

Over the years the eventual, but partial acceptance of both the end of legal segregation in schools and federal aid to education led to much less argument over the federal role in public education. However, the tolerance of these two things did not always ensure complete agreement with federal guidelines and legislation, such as with the very personal issue of busing that stirred up anger and frustration in many Americans. Still, the lack of persistent public outcry over the especially remote issue of the Department of Education, like that which existed in the early part of the century, provides

evidence of the growing acceptance of federal involvement in education. The lack of significant public complaint does not mean that people did not care about public education, but it may indicate that there was more public concern over legislation requiring changes to the daily lives of citizens, as was required by busing, than with legislation that did not seem to have an immediate effect on personal lives. By 1979 the federal government had significant involvement in education and was already concerned with assessing students and holding schools accountable for test scores.[1] The consideration of accountability and testing in schools was a huge step in federal involvement. Sixty years earlier it would have been considered an encroachment, the fact that the federal government could seriously consider it is more evidence of a change in public and political views of the role of the federal government in education.

The 1970s were replete with both judicial rulings and federal legislation that influenced American public schools, especially in the area of civil rights. The *Serrano v Priest* decision highlighted the issue of school financing in public schools, the *Lau v Nichols* Supreme Court decision required schools to provide special help to students whose first language was not English, Title IX of the *Higher Education Act* outlawed gender discrimination in educational programs, in 1975 the federal government created regulations against gender discrimination in athletics, and also in 1975 the *Education for All Handicapped Children* (PL 94-142) *Act* was adopted. By 1979 these cases, the resulting legislation, and individual acts were supposedly in effect in most US public schools, in addition, students were being bused and college students were receiving more financial aid than they had in the past. The federal hand in education was extant and

[1] Brodinsky, "Something Happened," 239-241.

Americans were getting used to it, at least partially; the aid was acceptable, but control was not.

The different legislative and judicial acts along with society's growing acceptance of federal involvement served to ease opposition for the department, but it is the ideals and ethos of the role of education in America that could help explain citizen's acceptance of a department. Americans held—may still hold—certain beliefs about the purposes of education. Stanford Reitman argued "Always considered by Americans an important aid to individual and societal advancement, since the 1950s schooling has become the key to our continued progress as a culture and the restoration of our preeminent position among the leading nations of the world."[2]

Carter's speech at the signing of the Department of Education implies some of those beliefs. He said that the country's "entire intellectual and cultural life" depended on the success of its education. Carter's statement is a part of the first belief that education is important to the success of the nation: culturally, intellectually, and politically. The second belief is that education will help people to advance, beyond their parents' current social or economic status. Advancing education suggests the goal of "having a better life." Both of these beliefs contribute to the creation of the United States Department of Education.

The first belief is evidenced in America's competition with the Soviet Union—later replaced by Japan—which lead to the creation of the NDEA, which clearly linked the need for the nation to have an educated workforce in order for America to successfully compete globally. This meant that the federal government had a need to

[2] Stanford Reitman, *The Educational Messiah Complex: American Faith in the Culturally Redemptive Power of Schooling* (Sacramento, CA: Caddo Gap Press, 1992), 18.

ensure that students, from kindergarten through college, were going to contribute to the success of the nation. Intellectually students needed to be able to compete with the other students in different areas of the world, something that important could not be left to solely to the states and localities. In addition to this American ideal was the fact that America was becoming less labor oriented and more service oriented and the need for an educated citizenry was becoming more important for the economic viability of the United States.[3] These two components were politically motivated; they helped the government, or the nation itself, endure and be competitive. This belief is tied in closely with the second, that education will advance a person's status in life.

In the Gallup polls of the 1970s questions related to the purposes of public education were asked. The responses to these questions show that the public felt strongly that education should prepare a student for a career or job that would lead them to a better life. In 1972 the first reason that respondents cited for sending children to school was "to get better jobs," the second was "to get along better with people at all levels of society,"[4] and the third was, "to make more money—achieve financial success."[5] Other questions in subsequent years built on the theme; one question in 1973 asked about the importance of education to success, and 76% of the respondents felt that education was "extremely important."[6] This belief in the redeeming qualities of education seems to be a part of the

[3] Reitman, *The Educational Messiah Complex*, 1-10.
[4] There is no explanation for this statement, I assume that it means the children will be better socialized if they attend school, but it could also mean that children will have an education that would keep them competitive with other students, the wealthy as well as the poor.
[5] "Fourth Annual Gallup Poll of Public Attitudes Toward Education," *Phi Delta Kappan* (September 1972): 35.
[6] "Fifth Annual Gallup Poll of Public Attitudes Toward Education," *Phi Delta Kappan* (October 1973), other questions related to this centered on the importance of Vocational Education in schools. In all cases when the question was asked respondents felt vocational education was important, in addition questions related to the curriculum were asked and people in the 1978 poll felt having a "salable skill such as typing,

American consciousness; it likely helped the American populace accept the new department of 1979. The President and others in support of the department used rhetoric that played on the national ethos of the positive effects of education. Carter argued that in order for our nation to "meet the great challenges of the 1980s" that the federal government would be a "junior partner in American education," not a silent one.[7] One article noted:

> By conceptualizing and energizing a vigorous national reconsideration of the central role of education in society the Administration hopes to see emerge a less parochial educational system, one that reaches out to construct new alliances with noneducational groups. Once again, in this vision, education will be seen as *the* [italics theirs] indispensable investment of our entire society in future prosperity and a national sense of purpose.[8]

Placing education in this esteemed position was neither new nor uncommon and it made sense to a society that believed education could change one person or a group of people for the better. The new department was meant to enable local and state governments to "act more effectively, efficiently and more responsively."[9] The American public would not object to this goal because it matched a long held belief in the power of education. So, although the creation of a Cabinet-level United States Department of Education in 1979 was mostly a political act, it blended well with the already held beliefs of American citizens and with the values the American nation was built upon.

Looking at the way policy is created can also shed light on the lack of public involvement in the creation of the department. One author said, "Public policy is generalized to cover functions of government. Whether it is explicit or, as it often is,

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auto mechanics, nurses aide, business machines" was more important than knowing something about government, political parties, voting, or U.S. History.

[7] Jimmy Carter, Speech at the signing of the Department of Education Bill, 17 October 1979.

[8] Halperin, "The Department of Education: Last but Not Least," 36.

[9] Carter, Speech at the signing of the Department of Education.

implicit, judgments are made about what 'the people' need, want, or will tolerate." The author then noted a telling statement made to him by a politician; the politician told him that, "public policy is whatever we can get away with."[10] So public policy may have very little to do with the public. It is easy, when considering this statement, to see how the Department of Education was created in the absence of public opinion. The public, whether through ignorance of the bill, lack of concern over the creation of a department that seemed so distant and impersonal, or a growing acceptance of federal involvement, was not involved in the creation.

Oddly—maybe not so oddly—public policy was made without the involvement of the public. A select group of people was able to decide for the rest of the country how a Department of Education would function. This situation is similar to the Cuban system spoken of in the preface of this dissertation where I suggested that the department could be used as a political tool for whoever was in office, regardless of their politics. How the department was created aids in the understanding of why the department can be so political. While the department can be political and can be used to promote one ideology over another, I cannot pretend to evaluate the effectiveness of the department since the inception. I also do not want to suggest that the department is unnecessary because, as this dissertation shows, there were valid policy concerns involved in the creation. What is intended here is a discussion of how the complexities of forming the department in 1979 may affect the way the department functions today and in the future. With the passing of the No Child Left Behind Act, federal education policy has become more significant than

[10] Gordon Davies, "The Influence of Public Policy on the Quality of Higher Education" in *The Uneasy Public Policy Triangle in Higher Education*, ed. David Finifter, Roger Baldwin, and John Thelin, (New York: Macmillan Publishing, 1991), 38.

state and local education policy. This usurpation of education by the federal government is easier with a cabinet-level department to support and promote education.

Since the United States Constitution leaves education to individual states the relationship between the federal government and education has always been complex in nature. Struggles over promoting equity and equality in education further highlighted these complexities. Unlike other countries where a Ministry of Education is erected to sustain national education policy, the United States has three different government entities deciding education policy—federal, state, and local.

Further study of a cabinet-level department might look more closely at why the federal government was unable to garner public support for the department and take a closer look at public attitudes towards education. Also of interest would be a study looking at what the role of the department was in its inaugural year and how that role has changed from the early 1980s into the new millennium. Further study of the efficiency created by the department, or not created, to analyze how well the department lived up to the goals set by President Carter could provide detailed information on the role of the department and the federal government in the United States educational system.