

H 5-17846-20

EMERGENCY SCHOOL AID ACT OF 1970

HEARINGS

BEFORE THE

GENERAL SUBCOMMITTEE ON EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

NINETY-FIRST CONGRESS

SECOND SESSION

ON

H.R. 17846 and Related Bills

BILLS TO ASSIST SCHOOL DISTRICTS TO MEET SPECIAL PROBLEMS INCIDENT TO DESEGREGATION IN ELEMENTARY AND SECONDARY SCHOOLS AND TO PROVIDE FINANCIAL ASSISTANCE TO IMPROVE EDUCATION IN RACIALLY IMPACTED AREAS, AND FOR OTHER PURPOSES

HEARINGS HELD IN WASHINGTON, D.C., JUNE 8, 15, 17, 18, 24, 25, 29, 30; JULY 1, 6, 7, 8, 16; AND SEPTEMBER 23, 1970

Printed for the use of the Committee on Education and Labor
CARL D. PERKINS, *Chairman*



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EMERGENCY SCHOOL AID ACT OF 1970

MONDAY, JUNE 8, 1970

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION,
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 o'clock a.m., pursuant to call, in room 2175, Rayburn House Office Building, Hon. Roman C. Pucinski (chairman of the subcommittee) presiding.

Present: Representatives Pucinski, Perkins, Hawkins, Ford, Quie, Bell, Dellenback, and Steiger.

Staff members present: John F. Jennings, subcommittee counsel; Alexandra Kiska, clerk; and Charles W. Radcliffe, minority counsel for education.

Mr. PUCINSKI. The committee will come to order.

This morning the General Subcommittee on Education begins hearings on H.R. 17846, the Emergency School Aid Act of 1970. This bill has been introduced in the House by Congressmen Albert H. Quie, Gerald Ford, John Monagan, Ogden Reid, John Dellenback, Marvin Esch, and William Steiger. A similar bill has been introduced in the Senate by Senators Jacob Javits and Claiborne Pell.

If there is no objection, President Nixon's address of March 24 on school desegregation will be inserted in the hearing record as appendix A. In that address the President set his administration's policy on school desegregation and promised to submit to Congress the bill which we are now considering.

At this point in the record I will place the text of that bill, H.R. 17846, and a summary of its contents as described by Mr. Quie when he introduced it on May 27, 1970. I will also insert the President's message to Congress on May 21, in which he proposed this bill.

(The documents mentioned above follow:)

91st CONGRESS
2D SESSION

H. R. 17846

IN THE HOUSE OF REPRESENTATIVES

MAY 27, 1970

Mr. QUIE (for himself, Mr. GERALD R. FORD, Mr. MONAGAN, Mr. REID of New York, Mr. DELLENBACK, Mr. ESCH, and Mr. STEIGER of Wisconsin) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To assist school districts to meet special problems incident to desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Emergency School Aid
4 Act of 1970".

PURPOSE

6 SEC. 2. The purpose of this Act is to provide financial
7 assistance—

8 (a) to aid local educational agencies throughout
9 the Nation to meet the special needs incident to the

1 elimination of racial segregation and discrimination
2 among students and faculty in elementary and secondary
3 schools;

4 (b) to encourage the voluntary elimination, reduc-
5 tion, or prevention of racial isolation in schools with
6 substantial proportions of minority group students in
7 order to improve the quality of education available to
8 such students; and

9 (c) to aid children in elementary and secondary
10 schools to overcome the educational disadvantages of
11 racial isolation by assisting, in a concentrated manner,
12 school districts with high proportions of minority group
13 students to carry out interracial educational programs
14 and other programs to improve the quality of their edu-
15 cational services.

16 APPROPRIATIONS

17 SEC. 3. (a) There are authorized to be appropriated
18 for carrying out this Act not in excess of \$500,000,000 for
19 the fiscal year ending June 30, 1971, and not in excess of
20 \$1,000,000,000 for the succeeding fiscal year.

21 (b) Funds so appropriated shall remain available for
22 obligation for one fiscal year beyond that for which they are
23 appropriated.

24 ALLOTMENTS AMONG STATES

25 SEC. 4. (a) From the sums appropriated pursuant to
26 section 3 for carrying out this Act for any fiscal year, the

1 Secretary shall allot an amount equal to two-thirds thereof
2 among the States by allotting to each State \$100,000 plus
3 an amount which bears the same ratio to the balance of such
4 two-thirds of such sums as the adjusted number of minority
5 group children (as defined in subsection (c)) in the State
6 bears to the adjusted number of minority group children in
7 all of the States. The remainder of such sums may be ex-
8 pended by the Secretary as he may find necessary or appro-
9 priate for grants or contracts to carry out the purposes of
10 this Act.

11 (b) The amount by which any allotment to a State for
12 a fiscal year under subsection (a) exceeds the amount which
13 the Secretary determines will be required for such fiscal year
14 for programs or projects within such State which meet the
15 requirements for approval of applications under this Act shall
16 be available for reallocation from time to time, on such dates
17 during such year as the Secretary may fix by regulation, to
18 other States in proportion to the original allotments to such
19 States under subsection (a) for that year but with such pro-
20 portionate amount for any of such other States being reduced
21 to the extent it exceeds the sum the Secretary estimates
22 such State needs and will be able to use for such year; and
23 the total of such reductions shall be similarly reallocated among
24 the States whose proportionate amounts were not so reduced.
25 Any amounts reallocated to a State under this subsection dur-

1 ing a fiscal year shall be deemed part of its allotment under
2 subsection (a) for such year.

3 (c) For the purpose of this section, the term "adjusted
4 number of minority group children" for any State means a
5 number equal to the sum of (1) the number of minority
6 group children (as defined in section 9(d)) enrolled in
7 public schools in local educational agencies in such State
8 which are carrying out a plan of desegregation (A) pursuant
9 to a final order of a United States court, issued within a period
10 not to exceed the two fiscal years preceding the fiscal year
11 for which the allotment under this section is to be made, or
12 (B) pursuant to a determination of the Secretary, made
13 within such period, that such plan is adequate to meet the
14 requirements of title VI of the Civil Rights Act; and (2) the
15 number of minority group children enrolled in public schools
16 in local educational agencies in a State. The adjusted number
17 of minority group children in each State shall be determined
18 by the Secretary on the basis of the most recent available data
19 satisfactory to him.

20 ELIGIBILITY FOR FINANCING ASSISTANCE

21 SEC. 5. (a) The Secretary may provide financial assist-
22 ance (through grant or contract) pursuant to applications
23 approved under section 7—

24 (1) to assist any local educational agency which is
25 implementing a plan of desegregation, or which has,

1 within two years prior to its application hereunder,
2 completed the implementation of such a plan, to meet
3 the additional costs (as determined under subsection
4 (c)) of implementing such plan or of carrying out
5 special programs or projects designed to enhance the
6 possibilities of successful desegregation;

7 (2) to assist any local educational agency to meet
8 the additional costs of carrying out a plan to eliminate
9 or reduce racial isolation in one or more of the racially
10 isolated schools (as defined in section 9(g)) in the
11 school district of such agency, or to reduce the number
12 of minority group children in such schools, or to prevent
13 racial isolation reasonably likely to occur (in the absence
14 of assistance under this Act, in one or more schools in
15 such district which are not racially isolated but have a
16 substantial enrollment of minority group children; or

17 (3) to assist a local educational agency or other
18 public or private agency, institution, or organization (but
19 only through contracts in the case of a private agency,
20 institution, or organization other than a nonprofit one),
21 to carry out interracial educational programs or projects
22 involving the joint participation of minority group and
23 nonminority group children attending different schools
24 where such minority group children attend racially iso-

lated schools in a school district in which the number of minority group children in average daily membership in the public schools, for the fiscal year preceding the fiscal year for which such assistance is provided, is (A) at least ten thousand or (B) more than 50 per centum of such average daily membership of all children in such schools, except that if such agency demonstrates that, in the case of some racially isolated children, provision for such programs cannot practicably be made, then to carry out unusually promising pilot or demonstration programs or projects to overcome the adverse educational effects of racial isolation upon such children.

(b) In such cases where the Secretary finds that it would more effectively carry out the purposes of this Act, he may make grants to any public or nonprofit private agency, institution, or organization (other than a local educational agency), and contract with any public or private agency, institution, or organization to carry out programs or projects designed to support the development or implementation of a plan, program, or project described in clause (1) or (2) of section 5(a).

(c) The amount of financial assistance to a local educational agency under this section may not exceed those costs which are determined by the Secretary, in accordance with regulations prescribed by him, to result in a net increase

1 in the aggregate operating expenditures of such agency for a
2 fiscal year.

3 AUTHORIZED ACTIVITIES

4 SEC. 6. Financial assistance under section 5 shall be
5 available for programs or projects involving activities
6 designed to carry out the purposes of this Act, including—

7 (a) the provision of additional professional or other
8 staff members (including staff members specially trained
9 in problems incident to desegregation or the the elimina-
10 tion, reduction, or prevention of racial isolation) and
11 the training and retraining of staff for such schools;

12 (b) remedial and other services to meet the special
13 needs of children in schools which are affected by a plan
14 described in clause (1) or (2) of section 5 (a) or are
15 racially isolated, including special services for gifted and
16 talented children in such schools;

17 (c) comprehensive guidance, counseling, and other
18 personal services for pupils;

19 (d) development and employment of new instruc-
20 tional techniques and materials designed to meet the
21 needs of racially isolated schoolchildren;

22 (e) innovative interracial educational programs or
23 projects involving the joint participation of minority
24 group and nonminority group children attending differ-
25 ent schools, including extracurricular activities and co-

operative exchange or other arrangements between schools within the same or different school districts;

(f) repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of equipment) and the lease or purchase of mobile classroom units or other mobile educational facilities;

(g) the provision of transportation services for public school students, except that, in accordance with section 422 of the General Education Provisions Act, nothing in this Act shall be construed to require the transportation of students in order to overcome racial imbalance;

(h) community activities, including public education efforts, in support of a plan, program, project, or other activity under this Act;

(i) special administrative activities, such as the rescheduling of students, or teachers, or the provision of information to parents and other members of the general public, incident to the implementation of a plan described in clause (1) or (2) of section 5 (a) ;

(j) planning and evaluation activities; and

(k) other specially designed programs or projects which meet the purposes of this Act.

APPROVAL OF APPLICATIONS

SEC. 7. (a) An application for assistance under this Act may be approved by the Secretary only if he determines—

(1) that such application

(A) sets forth a plan which is sufficiently comprehensive to offer reasonable assurance that it will achieve one or more purposes for which grants may be made under this Act; and

(B) contains such other information, terms, conditions, and assurances as the Secretary may require to carry out the purposes of this Act;

(2) that the State educational agency governing the school district or school districts in which the approved program or project will be carried out has been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Secretary;

(3) in the case of an application for assistance under clause (3) of section 5, that the program or project to be assisted will involve an additional expenditure per pupil to be served, determined in accordance with regulations prescribed by the Secretary, of sufficient magnitude to provide reasonable assurance that the desired

1 educational impact will be achieved and that funds under
2 this Act will not be dispersed in such a way as to under-
3 mine their effectiveness;

4 (4) in the case of an application by a local edu-
5 cational agency, that, to the extent consistent with the
6 number of children in the school district of such agency
7 enrolled in private elementary and secondary schools
8 which are racially isolated, such agency has made pro-
9 visions for special educational services and arrangements
10 which are designed to overcome the effects of such isola-
11 tion and in which such children can participate;

12 (5) that the applicant has adopted effective proce-
13 dures, including provisions for such objective measure-
14 ments of educational and other change to be effected
15 by this Act as the Secretary may require, for the con-
16 tinuing evaluation of programs or projects under this
17 Act, including their effectiveness in achieving clearly
18 stated program goals, their impact on related programs
19 and upon the community served, and their structure and
20 mechanisms for the delivery of services and including,
21 where appropriate, comparisons with proper control
22 groups composed of persons who have not participated
23 in such programs; and

24 (6) that the applicant is not reasonably able to
25 provide, out of non-Federal sources, the assistance for
26 which the application is made.

1 (b) In the case of an application by a combination of
2 local educational agencies for jointly carrying out a program
3 or project under this Act, at least one such agency shall be
4 an agency described in section 5 and any one or more such
5 agencies joining in such application may be authorized to
6 administer such program or project.

7 ESTABLISHMENT OF PRIORITIES

8 SEC. 8. (a) The Secretary may, from time to time, set
9 dates by which applications for grants under this Act shall
10 be filed and may prescribe an order of priority to be fol-
11 lowed in approving such applications. Any order of priority
12 so prescribed may give special weight to one or more cate-
13 gories of applicants or to one or more categories of programs
14 or projects or to applicants which fall within more than one
15 category of need.

16 (b) In determining whether to make any grant under
17 section 5 or in fixing the amount thereof, the Secretary shall
18 take into account such criteria as he deems pertinent, in-
19 cluding—

20 (1) the relative need for assistance, taking into
21 account such factors as the extent of racial isolation in
22 the school district to be served and the degree to which
23 measurable deficiencies in the quality of public education
24 afforded in such school district exceed those of other
25 school districts;

1 (2) the relative promise which the program or
2 project affords in carrying out the purposes of this Act:

3 (3) the degree to which the program or project
4 is likely to effect a decrease in racial isolation in racially
5 isolated schools; and

6 (4) the amount available for assistance in the State
7 under this Act in relation to the applications pending
8 before him.

9 **DEFINITIONS**

10 **SEC. 9.** As used in this Act, except when otherwise
11 specified—

12 (a) The term "equipment" includes machinery, utili-
13 ties, and built-in equipment and any necessary enclosures
14 or structures to house them, and includes all other items nec-
15 essary for the provision of education services, such as in-
16 structional equipment and necessary furniture, printed, pub-
17 lished, and audio-visual instructional materials, and other
18 related material.

19 (b) The term "gifted and talented children" means, in
20 accordance with objective criteria prescribed by the Secre-
21 tary, children who have outstanding intellectual ability or
22 creative talent.

23 (c) The term "local educational agency" means a pub-
24 lic board of education or other public authority legally con-
25 stituted within a State for either administrative control, or

1 direction, of, public elementary or secondary schools in a city,
2 county, township, school district, or other political subdivision
3 of a State, or such combination of school districts or counties
4 as are recognized in a State as an administrative agency for
5 its public elementary or secondary schools, or a combination
6 of local educational agencies; and includes any other public
7 institution or agency having administrative control and direc-
8 tion of a public elementary or secondary school.

9 (d) (1) The term "minority group children" means
10 (A) children, aged five to seventeen, inclusive, who are
11 Negro, American Indian, or Spanish-Surnamed American,
12 and, (B) (except for the purposes of section 4), as deter-
13 mined by the Secretary, children of such ages who are from
14 environments where the dominant language is other than
15 English (such as French speaking and Oriental children)
16 and who, as a result of limited English-speaking ability, are
17 educationally deprived, and (2) the term "Spanish-Sur-
18 named American" includes persons of Mexican, Puerto
19 Rican, Cuban, or Spanish origin or ancestry.

20 (e) The term "nonprofit" as applied to an agency,
21 organization, or institution means an agency, organization,
22 or institution owned or operated by one or more nonprofit
23 corporations or associations no part of the net earnings of
24 which inures, or may lawfully inure, to the benefit of any
25 private shareholder or individual.

1 (f) The term "plan of desegregation" means a plan
2 which has been approved by the Secretary as adequate under
3 title VI of the Civil Rights Act for the desegregation of
4 racially segregated students or faculty in elementary and
5 secondary schools or which has been undertaken pursuant
6 to a final order of a court of the United States requiring such
7 desegregation or otherwise requiring the elimination of racial
8 discrimination in an elementary and secondary school system.

9 (g) The terms "racially isolated school" and "racial
10 isolation" in reference to a school mean a school and condi-
11 tion, respectively, in which minority group children con-
12 stitute more than 50 per centum of the average daily mem-
13 bership of a school.

14 (h) The terms "elementary and secondary school" and
15 "school" mean a school which provides elementary or sec-
16 ondary education, as determined under State law, except that
17 it does not include any education provided beyond grade 12.

18 (i) The term "Secretary" means the Secretary of
19 Health, Education, and Welfare.

20 (j) The term "State" means one of the fifty States or
21 the District of Columbia.

22 (k) The term "State educational agency" means the
23 State board of education or other agency or officer pri-
24 marily responsible for the State supervision of public ele-
25 mentary and secondary schools, or, if there is no such officer

1 or agency, an officer or agency designated by the Governor
2 or by State law for this purpose.

3 **EVALUATION**

4 **SEC. 10.** Such portion as the Secretary may determine,
5 but not more than 1 per centum, of any appropriation under
6 this Act for any fiscal year shall be available to him for
7 evaluation (directly or by grants or contracts) of the pro-
8 gram authorized by this Act, and in the case of allotments
9 from any such appropriation, the amount available for allot-
10 ment shall be reduced accordingly.

11 **JOINT FUNDING**

12 **SEC. 11.** Pursuant to regulations prescribed by the Presi-
13 dent, where funds are advanced by the Department of
14 Health, Education, and Welfare and one or more other Fed-
15 eral agencies for any project or activity funded in whole or
16 in part under this Act, any one Federal agency may be desig-
17 nated to act for all in administering the funds advanced. In
18 such cases, any such agency may waive any technical grant
19 or contract requirement (as defined by regulations) which
20 is inconsistent with the similar requirements of the administer-
21 ing agency or which the administering agency does not
22 impose.

23 **NATIONAL ADVISORY COUNCIL**

24 **SEC. 12.** The President shall appoint a National Advis-
25 ory Council on the Education of Racially Isolated Children,

1 consisting of twelve members, for the purpose of reviewing
2 the administration and operation of this Act and making
3 recommendations for the improvement of this Act and its
4 administration and operation and for increasing the effective-
5 ness of programs or projects carried out pursuant to this Act.

6 REPORTS

7 SEC. 13. The Secretary shall include in his annual report
8 to the Congress a full report as to the administration of this
9 Act and the effectiveness of programs or projects thereunder.

10 GENERAL PROVISIONS

11 SEC. 14. (a) The provision of subpart 2 of part B and
12 part C of the General Education Provisions Act (title IV
13 of Public Law 247 (Ninetieth Congress) as amended by
14 title IV of Public Law 230 (Ninety-first Congress)) shall
15 apply to the program of Federal assistance authorized under
16 this Act as if such program were an applicable program under
17 such General Education Provisions Act, and the Secretary
18 shall have the authority vested in the Commissioner of Edu-
19 cation by such subpart and such part with respect to such
20 program.

21 (b) Section 422 of such General Education Provisions
22 Act is amended by inserting "the Emergency School Aid Act
23 of 1970;" after "the International Education Act of 1966;".

SUMMARY OF H.R. 17846, THE EMERGENCY SCHOOL AID ACT OF 1970

I. SUMMARY OF "EMERGENCY SCHOOL AID ACT OF 1970"

The proposed "Emergency School Aid Act of 1970" is designed to meet the four categories of need outlined in the President's March 24 statement on elementary and secondary school desegregation:

The special need of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

The special needs of racially-impacted schools where *de facto* segregation persists - and where immediate infusions of money can make a real difference in terms of educational effectiveness.

The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

The financing of innovative techniques for providing educationally sound inter-racial experiences for children in racially isolated schools.

A. GENERAL PURPOSES—SECTION 2

Financial assistance is to be provided to aid:

(1) *De jure* districts now desegregating pursuant to court order or HEW plan, or having done so within two years prior to application, for special needs incident to the implementation of these plans.

(2) *De facto* districts that wish to undertake voluntary efforts to eliminate, reduce or prevent racial isolation in elementary and secondary schools for purposes of improving the quality of education available to students in such schools; and

(3) Racially impacted (*de facto*) districts that wish to undertake special inter-racial programs, or where such programs are not practicable, programs designed to overcome the educational disadvantages of racial isolation.

B. STATE ALLOTMENTS—SECTION 4

Assistance would be provided by means of discretionary project grants to local educational agencies, and under certain conditions other public and private non-profit organizations, with administration at the Federal level. Two-thirds of the total funds are allotted among the States on a formula basis. The remaining one-third is to be distributed among the States on a totally discretionary basis.

Under the State distribution scheme, each State receives \$100,000 plus an amount based upon the number of minority students in the State vis a vis the total number of minority students in the Nation, with each minority student in a district required to desegregate and implementing a desegregation plan being double counted. Where local educational agencies in a State do not exhaust the State's share of funds, those funds will be reallocated for local educational agency projects within other States in proportion to the original allotments to such States.

C. ELIGIBILITY FACTORS—SECTION 5

Category (1) (*de jure*) districts are eligible upon submission of a desegregation plan which has been approved by the Secretary of HEW under Title VI of the Civil Rights Act or which has been undertaken pursuant to court order. To be eligible the district must be implementing the plan or must have completed implementation of the plan within two years of its application for assistance.

Eligible districts in category (2) (*de facto* desegregating) are those having either (1) one or more schools in which minority pupils exceed 50% of the enrollment or (2) one or more schools with substantial, but less than 50%, minority enrollment, which are in clear danger of becoming racially isolated. The term "minority" includes all persons of Negro, American Indian, Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry. This term also includes pupils from environments where the dominant language is other than English, and who, as a result of limited English speaking ability, are educationally deprived.

Eligible districts in category (3) (*de facto* impacted) are those in which minority children constitute 50% of the public school enrollment, or which have 10,000 or more minority students.

A district may qualify for assistance under more than one category. For instance, a large city might be aided both to desegregate one or more racially isolated schools under category (2) and to carry on inter-racial educational programs for pupils in other such schools under category (3).

D. PURPOSES FOR WHICH FUNDS MAY BE USED—SECTIONS 4 AND 5

Districts eligible under categories (1) (*de jure*) and (2) (*de facto* desegregating) may receive funds to pay the "additional costs" of implementing a plan to desegregate or to prevent or reduce racial isolation, or to carry out special programs designed to enhance successful desegregation or reduction or prevention of racial isolation. Racial isolation is defined as a condition in which more than 50% of students in a school are minority students. Additional costs are those producing an actual net increase in operating expenditures. Districts eligible under category (3) (*de facto* impacted) may receive funds for interracial educational programs for racially isolated children and for demonstration projects designed to overcome the educational disadvantages of racial isolation where interracial programs are not practicable.

Illustrative of the activities which qualify for funding under these program categories are special administrative activities incident to implementing a plan of desegregation or reduction of racial isolation, renovation of facilities, teacher training, special remedial programs, guidance and counseling programs, curriculum materials, and community activities in support of any plan or project under the act. Funding for transportation services also can be provided as long as Federal funds are not utilized to require transportation to overcome racial imbalance. In addition, funds are available for planning and evaluation. Included among programs funded will be those for special services for gifted and talented children, as well as for regular special service programs.

E. SPONSORSHIP—SECTION 5

Financial assistance is to be provided principally to local educational agencies, which can then subcontract if desired. When it is found that the act would be more effectively implemented with respect to category (1) (*de jure*) and (2) (*de facto* segregating) districts, financial assistance may be provided directly to any public or private nonprofit agencies to aid in the development or implementation of a desegregation plan or a voluntary plan to reduce or prevent racial isolation. However, such agencies are to be funded only for supportive services. Public or private nonprofit organizations may be funded directly under category (3) (*de facto* impacted) to undertake any of the aforementioned activities for the benefit of students in eligible category (3) districts. [Note: Private profit-making organizations also may be funded directly under category (3).]

F. GRANT CONDITIONS—SECTION 7

(1) In the case of grants made to school districts in category (1) (*de jure* desegregating) and category (2) (*de facto* desegregating), the programs to be funded must be part of a comprehensive plan for achieving desegregation. However, a plan to eliminate, reduce or prevent racial isolation in only one of a number of racially isolated schools in a *de facto* district could be funded under category (2). In the case of grants for use in category (3) (*de facto* impacted districts), there must be a showing that the funds will be sufficiently concentrated to achieve demonstrable results.

(2) The State in which the funds would be expended must be given an opportunity to review and comment on the grant application.

(3) The application must include a satisfactory evaluation plan.

(4) A local educational agency must, in its application, provide assurances that the agency has made provisions for participation in special programs by racially isolated private school children consistent with the number of such children in racially isolated private schools.

G. PRIORITIES—SECTION 8

In the administration of the program, priority is to be given to districts which lag behind other districts in the measurable quality of public education. Priority is also to be given to those projects which seem most likely to effect a significant decrease in racial isolation.

II. EVALUATION---SECTION 10

1% of any appropriation in any one year is available to the Secretary for evaluation of the program.

I. NATIONAL ADVISORY COUNCIL---SECTION 12

The President will appoint a twelve member National Advisory Council on the Education of Racially Isolated Children to review the program and make recommendations.

J. APPROPRIATIONS--SECTION 3

Not in excess of \$500 million is authorized for fiscal year 1971 and not in excess of \$1 billion is authorized for fiscal year 1972.

K. ADMINISTRATION

The legislation places the grant making authority in the Secretary of the Department of Health, Education, and Welfare.

AID TO SCHOOLS WITH FINANCIAL PROBLEMS

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

PROPOSED LEGISLATION TO PROVIDE FINANCIAL ASSISTANCE TO HELP SCHOOL DISTRICTS TO MEET SPECIAL PROBLEMS INCIDENT TO DESEGREGATION IN ELEMENTARY AND SECONDARY SCHOOLS, AND TO IMPROVE EDUCATION IN RACIALLY IMPACTED AREAS, AND FOR OTHER PURPOSES

MAY 21, 1970.—Message and accompanying papers referred to the Committee on Education and Labor and ordered to be printed

To the Congress of the United States:

Successfully desegregating the nation's schools requires more than the enforcement of laws. It also requires an investment of money.

In my statement on school desegregation on March 24, I said that I would recommend expenditure of an additional \$1.5 billion—\$500 million in fiscal 1971, and \$1 billion in fiscal 1972—to assist local school authorities in meeting four special categories of need:

“—The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

“—The special needs of racially impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness.

“—The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

"—The financing of innovative techniques for providing educationally sound interracial experiences for children in racially isolated schools."

To achieve these purposes, I now propose the Emergency School Aid Act of 1970.

Under the terms of this Act, the four categories of need I outlined would be met through three categories of aid:

(I) Aid to districts now eliminated *de jure* segregation either pursuant to direct Federal court orders or in accordance with plans approved by the Secretary of Health, Education, and Welfare, for special needs incident to compliance.

(II) Aid to districts that wish to undertake voluntary efforts to eliminate, reduce or prevent *de facto* racial isolation, with such aid specifically targeted for those purposes.

(III) Aid to districts in which *de facto* racial separation persists, for the purpose of helping establish special interracial or intercultural educational programs or, where such programs are impracticable, programs designed to overcome the educational disadvantages that stem from racial isolation.

In all three categories, administrative priority will be given to what I described on March 24 as "the special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation." In all three, also, there will be special attention given to the development of innovative techniques that hold promise not only of helping the children immediately involved, but also of increasing our understanding of how these special needs can best be met.

THE BACKGROUND

The process of putting an end to what formerly were deliberately segregated schools has been long and difficult. The job is largely done, but it is not yet completed. In many districts, the changes needed to produce desegregation place a heavy strain on the local school systems, and stretch thin the resources of those districts required to desegregate. The Federal Government should assist in meeting the additional costs of transition. This Act would do so, not only for those now desegregating but also for those that have desegregated within the past two years but still face additional needs as a result of the change.

The educational effects of racial isolation, however, are not confined to those districts that previously operated dual systems. In most of our large cities, and in many smaller communities, housing patterns have produced racial separation in the schools which in turn has had an adverse effect on the education of the children. It is in the national interest that where such isolation exists, even though it is not of a kind that violates the law, we should do our best to assist local school districts attempting to overcome its effects.

In some cases this can best be done by reducing or eliminating the isolation itself. In some cases it can best be done through interracial educational programs involving the children of two or more different schools. In some cases, where these measures are not practicable or feasible, it requires special measures to upgrade education within particular schools or to provide learning experiences of a type that can enlarge the perspective of children whose lives have been racially circumscribed.

This Act deals specifically with problems which arise from racial separation, whether deliberate or not, and whether past or present. It is clear that racial isolation ordinarily has an adverse effect on education. Conversely, we also know that desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve the broad-based human understanding that increasingly is essential in today's world.

This Act is addressed both to helping overcome the adverse effects of racial isolation, and to helping attain the positive benefits of integrated education. It is concerned not with the long range, broad-gauge needs of the educational system as a whole, but rather with these special and immediate needs.

HOW IT WORKS

The procedures under this Act are designed to put the money where the needs are greatest and where it can most effectively be used, and to provide both local initiative and Federal review in each case.

Two-thirds of the funds would be allotted among the states on the basis of a special formula. One-third would be reserved for use by the Secretary of Health, Education and Welfare for especially promising projects in any eligible district. In all cases, whether under the State allotment or not, the grants would be made for specific individual projects with each project requiring approval by the Secretary. Application for grants would be made by local education agencies, with the State given an opportunity to review and comment on the grant application.

The State allotment formula begins by providing a basic minimum of \$100,000 in each fiscal year for each State. The remainder of formula funds for each fiscal year would be allotted among the States according to the proportion of the nation's minority students in each State, with those in districts required by law to desegregate and implementing a desegregation plan double-counted. This double counting is designed to put extra money where the most urgent needs are, recognizing that there is a priority need at the present time for the ending of *de jure* segregation swiftly, completely, and in a manner that does not sacrifice the quality of education.

If any given State's allocation of funds is not fully utilized under the terms of this Act, the remainder of those funds would then be reallocated on the same formula basis for use in other States.

Under Category I (*de jure* desegregating), any district would be eligible which is now implementing an approved desegregation plan, or which had completed implementing one within two years prior to its application. Those not yet doing so would become eligible upon submission of an acceptable plan. Funds would be available to help meet the additional costs of implementing the desegregation plan itself, and also for special programs or projects designed to make desegregation succeed in educational terms.

Under Category II (*de facto* desegregating), any district would be eligible if it has one or more schools in which minority pupils now constitute more than half the enrollment, or appear likely to in the near future. Funds could be provided to help carry out a compre-

hensive program for the elimination, reduction or prevention of racial isolation in one or more such schools within the district.

Under Category III (special programs in racially impacted areas), a district would be eligible if it has 10,000 or more minority students, or if minority students constitute 50 percent or more of its public school enrollment. Funds could be provided under this category for special interracial or intercultural educational programs or, where these proved impracticable, for unusually promising pilot or demonstration programs designed to help overcome the adverse educational impact of racial isolation.

In connection with this Category III aid, it is worth noting that such research data as is available suggests strongly that from an educational standpoint what matters most is not the integrated school but the integrated classroom. This might, at first glance, seem a distinction without a difference. But it can make a great deal of difference, especially where full integration of schools is infeasible. It means that, by arranging to have certain activities integrated—for example, by bringing students from a mostly black school and from a mostly white school together for special training in a third location—the educational benefits of integration can be achieved, at least in significant part, even though the schools themselves remain preponderantly white or black.

In a number of communities, experiments are already under way or being planned with a variety of interracial learning experiences. These have included joint field trips, educational exchanges between inner-city and suburban schools, city-wide art and music festivals, and enriched curricula in inner-city schools that serve as a "magnet" for white students in special courses. Other innovative approaches have included attitude training for teachers, guidance and counseling by interracial teams, and after-hour programs in which parents participated. I cite these not as an inclusive catalogue, but merely as a few examples of the kinds of experimental approaches that are being tried, and that give some indication of the range of activities that could and should be further experimented with.

Examples of the kinds of activities which could be funded under all categories are teacher training, special remedial programs, guidance and counseling, development of curriculum materials, renovation of buildings, lease or purchase of temporary classrooms, and special community activities associated with projects funded under the Act.

THE URGENCY OF ACTION NOW

It now is late in the legislative year, and very soon it will be the beginning of the next school year.

In the life of the desegregation process, the fall of 1970 has special significance and presents extraordinary problems, inasmuch as all of the school districts which have not yet desegregated must do so by then. The educational problems they confront are enormous, and the related problems of community social and economic adjustment are equally so.

Some 220 school districts are now under court order calling for complete desegregation by this September; 496 districts have submitted, are negotiating or are likely to be negotiating desegregation plans under HEW auspices for total desegregation by this September;

another 278 districts are operating under plans begun in 1968 or 1969; more than 500 Northern districts are now under review or likely soon to be under review for possible violations of Title VI of the Civil Rights Act of 1964. Quite beyond these matters of enforcement, we also must come seriously to grips with the fact that of the nation's 8.7 million public school students of minority races, almost 50 percent are in schools with student populations made up 95 percent or more of minority pupils.

Desegregating districts face urgent needs for teachers, education specialists, materials, curriculum revision, equipment and renovation.

Teachers and education specialists for the fall of 1970 are being recruited now. Materials and equipment must be purchased this summer to be on hand for the opening of school. Curriculum revision requires months of preparation. Contracts for renovation must be entered into and work commenced soon.

Administration representatives are now discussing with members of Congress possible ways of making the first of the funds for the purposes of this Act available when they are needed, which is now, through the use of existing legislative authorities.

Five hundred million dollars will be spent in Fiscal 1971. I recommend that \$150 million be appropriated under these existing authorities, on an emergency basis, as "start-up" money. I recommend that the remaining \$350 million for Fiscal 1971 and \$1 billion for Fiscal 1972 be appropriated under the Emergency School Aid Act itself. It is this Administration's firm intention to spend these funds—\$500 million in Fiscal 1971 and \$1 billion in Fiscal 1972—in the years for which they are appropriated.

QUALITY AND EQUALITY

If money provided under this Act were spread too thinly, it would have very little impact at all on the specific problems toward which it is addressed. Therefore, the criteria laid down in the Act are designed to insure its use in a manner sufficiently concentrated to produce a significant and measurable effect in those places where it is used.

This is not, and should not be, simply another device for pumping additional money into the public school system. We face educational needs that go far beyond the range or the reach of this Act. But the specific needs the Act addresses are immediate and acute. It represents a shift of priorities. It places a greater share of our resources behind the goal of making the desegregation process work, and making it work *now*. It also represents a measured step toward the larger goal of extending the proven educational benefits of integrated education to all children, wherever they live.

Properly used, this \$1.5 billion can represent an enormous contribution to both quality and equality of education in the United States.

With this help, the process of ending *de jure* segregation can be brought to a swift completion with minimum disruption to the process of education. It is in the interest of all of us—North and South alike—to insure that the desegregation process is carried out in a manner that raises the educational standards of the affected schools.

Beyond this, our goal is a system in which education throughout the nation is both equal and excellent, and in which racial barriers cease to exist. This does not mean imposing an arbitrary "racial balance"

throughout the nation's school systems. But it should mean aiding and encouraging voluntary efforts by communities which seek to promote a greater degree of racial integration, and to undo the educational effects of racial isolation.

Nothing in this Act is intended either to punish or to reward. Rather, it recognizes that a time of transition, during which local districts bring their practices into accord with national policy, is a time when a special partnership is needed between the Federal Government and the districts most directly affected. It also recognizes that doing a better job of overcoming the adverse educational effects of racial isolation, wherever it exists, benefits not only the community but the nation.

This legislative recommendation should be read in the context of my comprehensive public statement of March 24 on school desegregation. In that, I dealt with questions of philosophy and of policy. Here, I am dealing with two aspects of the process of implementation: aiding the desegregation process required by law, and supporting voluntary community efforts to extend the social and educational benefits of interracial education.

The issues involved in desegregating schools, reducing racial isolation and providing equal educational opportunity are not simple. Many of the questions are profound, the factors complex, the legitimate considerations in conflict, and the answers elusive. Our continuing search, therefore, must be not for the perfect set of answers, but for the most nearly perfect and the most constructive.

Few issues facing us as a nation are of such transcendent importance: important because of the vital role that our public schools play in the nation's life and in its future; because the welfare of our children is at stake; because our national conscience is at stake; and because it presents us a test of our capacity to live together in one nation, in brotherhood and understanding.

The tensions and difficulties of a time of great social change require us to take actions that move beyond the daily debate. This legislation is a first major step in that essential direction.

The education of each of our children affects us all. Time lost in the educational process may never be recovered. I urge that this measure be acted on speedily, because the needs to which it is addressed are uniquely and compellingly needs of the present moment.

RICHARD NIXON.

THE WHITE HOUSE, May 21, 1970.

A BILL To provide financial assistance to help school districts to meet special problems incident to desegregation in elementary and secondary schools, and to improve education in racially impacted areas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency School Aid Act of 1970".

PURPOSE

Sec. 2. The purpose of this Act is to provide financial assistance—
(a) to aid local educational agencies throughout the Nation to meet the special needs incident to the elimination of racial

segregation and discrimination among students and faculty in elementary and secondary schools;

(b) to encourage the voluntary elimination, reduction, or prevention of racial isolation in schools with substantial proportions of minority group students in order to improve the quality of education available to such students; and

(c) to aid children in elementary and secondary schools to overcome the educational disadvantages of racial isolation by assisting, in a concentrated manner, school districts with high proportions of minority group students to carry out inter-racial educational programs and other programs to improve the quality of their educational services.

APPROPRIATIONS

Sec. 3. (a) There are authorized to be appropriated for carrying out this Act not in excess of \$500,000,000 for the fiscal year ending June 30, 1971 and not in excess of \$1,000,000,000 for the succeeding fiscal year.

(b) Funds so appropriated shall remain available for obligation for one fiscal year beyond that for which they are appropriated.

ALLOTMENTS AMONG STATES

Sec. 4. (a) From the sums appropriated pursuant to section 3 for carrying out this Act for any fiscal year, the Secretary shall allot an amount equal to two-thirds thereof among the States by allotting to each State \$100,000 plus an amount which bears the same ratio to the balance of such two-thirds of such sums as the adjusted number of minority group children (as defined in subsection (c)) in the State bears to the adjusted number of minority group children in all of the States. The remainder of such sums may be expended by the Secretary as he may find necessary or appropriate for grants or contracts to carry out the purposes of this Act.

(b) The amount by which any allotment to a State for a fiscal year under subsection (a) exceeds the amount which the Secretary determines will be required for such fiscal year for programs or projects within such State which meet the requirements for approval of applications under this Act shall be available for reallocation from time to time, on such dates during such year as the Secretary may fix by regulation, to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amounts reallocated to a State under this subsection during a fiscal year shall be deemed part of its allotment under subsection (a) for such year.

(c) For the purpose of this section, the term "adjusted number of minority group children" for any State means a number equal to the sum of (1) the number of minority group children (as defined in section 9(d)) enrolled in public schools in local educational agencies in such State which are carrying out a plan of desegregation (A) pur-

suant to a final order of a United States court, issued within a period not to exceed the two fiscal years preceding the fiscal year for which the allotment under this section is to be made, or (B) pursuant to a determination of the Secretary, made within such period, that such plan is adequate to meet the requirements of title VI of the Civil Rights Act; and (2) the number of minority group children enrolled in public schools in local educational agencies in a State. The adjusted number of minority group children in each State shall be determined by the Secretary on the basis of the most recent available data satisfactory to him.

ELIGIBILITY FOR FINANCIAL ASSISTANCE

Sec. 5. (a) The Secretary may provide financial assistance (through grant or contract) pursuant to applications approved under section 7—

(1) to assist any local educational agency which is implementing a plan of desegregation to meet the additional costs (as determined under subsection (c)) of implementing such plan or of carrying out special programs or projects designed to enhance the possibilities of successful desegregation, and to assist any such agency which has, within two years prior to its application hereunder, completed the implementation of such a plan to carry out such programs or projects;

(2) to assist any local educational agency to meet the additional costs of carrying out a plan to eliminate or reduce racial isolation in one or more of the racially isolated schools (as defined in section 9(g)) in the school district of such agency, or to reduce the number of minority group children in such schools, or to prevent racial isolation reasonably likely to occur (in the absence of assistance under this Act) in one or more schools in such district which are not racially isolated but have a substantial enrollment of minority group children; or

(3) to assist a local educational agency or other public or private agency, institution, or organization (but only through contracts in the case of a private agency, institution, or organization other than a nonprofit one), to carry out inter-racial educational programs or projects involving the joint participation of minority group and non-minority group children attending different schools where such minority group children attend racially isolated schools in a school district in which the number of minority group children in average daily membership in the public schools, for the fiscal year preceding the fiscal year for which such assistance is provided, is (A) at least 10,000 or (B) more than 50 percent of such average daily membership of all children in such schools, except that if such agency demonstrates that, in the case of some racially isolated children, provision for such programs cannot practicably be made, then to carry out unusually promising pilot or demonstration programs or projects to overcome the adverse educational effects of racial isolation upon such children.

(b) In such cases where the Secretary finds that it would more effectively carry out the purposes of this Act, he may make grants to any public or nonprofit private agency, institution, or organization (other than a local educational agency), and contract with any public

or private agency, institution, or organization to carry out programs or projects designed to support the development or implementation of a plan, program, or project described in clause (1) or (2) of section 5(a).

(c) The amount of financial assistance to a local educational agency under this section may not exceed those costs which are determined by the Secretary, in accordance with regulations prescribed by him, to result in a net increase in the aggregate operating expenditures of such agency for a fiscal year.

AUTHORIZED ACTIVITIES

Sec. 6. Financial assistance under section 5 shall be available for programs or projects involving activities designed to carry out the purposes of this Act, including—

(a) the provision of additional professional or other staff members (including staff members specially trained in problems incident to desegregation or to the elimination, reduction, or prevention of racial isolation) and the training and retraining of staff for such schools;

(b) remedial and other services to meet the special needs of children in schools which are affected by a plan described in clause (1) or (2) of section 5(a) or are racially isolated, including special services for gifted and talented children in such schools;

(c) comprehensive guidance, counseling, and other personal services for pupils;

(d) development and employment of new instructional techniques and materials designed to meet the needs of racially isolated school children;

(e) innovative inter-racial educational programs or projects involving the joint participation of minority group and non-minority group children attending different schools, including extra-curricular activities and cooperative exchange or other arrangements between schools within the same or different school districts;

(f) repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of equipment) and the lease or purchase of mobile classroom units or other mobile educational facilities;

(g) the provision of transportation services for public school students, except that nothing in this Act shall be construed to require, nor shall funds be expended to establish or maintain, the transportation of students solely to achieve racial balance;

(h) community activities, including public education efforts, in support of a plan, program, project, or other activity under this Act;

(i) special administrative activities, such as the rescheduling of students, or teachers, or the provision of information to parents and other members of the general public, incident to the implementation of a plan described in clause (1) or (2) of section 5(a);

(j) planning and evaluation activities; and

(k) other specially designed programs or projects which meet the purposes of this Act.

APPROVAL OF APPLICATIONS

Sec. 7. (a) An application for assistance under this Act may be approved by the Secretary only if he determines—

(1) that such application

(A) sets forth a plan which is sufficiently comprehensive to offer reasonable assurance that it will achieve one or more purposes for which grants may be made under this Act; and

(B) contains such other information, terms, conditions, and assurances as the Secretary may require to carry out the purposes of this Act;

(2) that the State educational agency governing the school district or school districts in which the approved program or project will be carried out has been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Secretary;

(3) in the case of an application for assistance under clause (3) of section 5, that the program or project to be assisted will involve an additional expenditure per pupil to be served, determined in accordance with regulations prescribed by the Secretary, of sufficient magnitude to provide reasonable assurance that the desired educational impact will be achieved and that funds under this Act will not be dispersed in such a way as to undermine their effectiveness;

(4) that the applicant has adopted effective procedures, including provisions for such objective measurements of educational and other change to be effected by this Act as the Secretary may require, for the continuing evaluation of programs or projects under this Act, including their effectiveness in achieving clearly stated program goals, their impact on related programs and upon the community served, and their structure and mechanisms for the delivery of services and including, where appropriate, comparisons with proper control groups composed of persons who have not participated in such programs; and

(5) that the applicant is not reasonably able to provide, out of non-Federal sources, the assistance for which the application is made.

(b) In the case of an application by a combination of local educational agencies for jointly carrying out a program or project under this Act, at least one such agency shall be an agency described in section 5 and any one or more such agencies joining in such application may be authorized to administer such program or project.

ESTABLISHMENT OF PRIORITIES

Sec. 8. (a) The Secretary may, from time to time, set dates by which applications for grants under this Act shall be filed and may prescribe an order of priority to be followed in approving such applications. Any order of priority so prescribed may give special weight to one or more categories of applicants or to one or more categories of programs or projects or to applicants which fall within more than one category of need.

(b) In determining whether to make any grant under section 5 or in fixing the amount thereof, the Secretary shall take into account such criteria as he deems pertinent, including—

(1) the relative need for assistance, taking into account such factors as the extent of racial isolation in the school district to be served and the degree to which measurable deficiencies in the quality of public education afforded in such school district exceed those of other school districts;

(2) the relative promise which the program or project affords in carrying out the purposes of this Act;

(3) the degree to which the program or project is likely to effect a decrease in racial isolation in racially isolated schools; and

(4) the amount available for assistance in the State under this Act in relation to the applications pending before him.

DEFINITIONS

Sec. 9. As used in this Act, except when otherwise specified

(a) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of educational services, such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and other related material.

(b) The term "gifted and talented children" means, in accordance with objective criteria prescribed by the Secretary, children who have outstanding intellectual ability or creative talent.

(c) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control, or direction, of, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(d) The term "minority group children" means children, aged five to seventeen, inclusive, who are of Negro, American Indian, Mexican, or Puerto Rican origin or ancestry.

(e) The term "nonprofit" as applied to an agency, organization, or institution means an agency, organization, or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(f) The term "plan of desegregation" means a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act for the desegregation of racially segregated students or faculty in elementary and secondary schools or which has been undertaken pursuant to a final order of a court of the United States requiring such desegregation or otherwise requiring the elimination of racial discrimination in an elementary and secondary school system.

(g) The terms "racially isolated school" and "racial isolation" in reference to a school mean a school and condition, respectively, in which minority group children constitute more than 50 percent of the average daily membership of a school.

(h) The terms "elementary and secondary school" and "school" mean a school which provides elementary or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(i) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(j) The term "State" means one of the fifty States or the District of Columbia.

(k) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

EVALUATION

Sec. 10. Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation under this Act for any fiscal year shall be available to him for evaluation (directly or by grants or contracts) of the program authorized by this Act, and in the case of allotments from any such appropriation, the amount available for allotment shall be reduced accordingly.

JOINT FUNDING

Sec. 11. Pursuant to regulations prescribed by the President, where funds are advanced by the Department of Health, Education, and Welfare, and one or more other Federal agencies for any project or activity funded in whole or in part under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, any such agency may waive any technical grant or contract requirement (as defined by regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

REPORTS

Sec. 12. The Secretary shall include in his annual report to the Congress a full report as to the administration of this Act and the effectiveness of programs or projects thereunder.

GENERAL PROVISIONS

Sec. 13. (a) The provisions of subpart 2 of part B and part C of the General Education Provisions Act (title IV of Public Law 247 (Ninety-sixth Congress) as amended by title IV of Public Law 230 (Ninety-first Congress)) shall apply to the program of Federal assistance authorized under this Act as if such program were an applicable program under such General Education Provisions Act, and the Secretary shall

have the authority vested in the Commissioner of Education by such subpart and such part with respect to such program.

(b) Section 422 of such General Education Provisions Act is amended by inserting "the Emergency School Aid Act of 1970;" after "the International Education Act of 1966;".

Mr. PUCINSKI. This legislation attempts to provide urgently needed financial assistance to school districts which have been compelled to integrate their educational systems in the wake of the 1954 Supreme Court decision and subsequent judicial rulings. It seeks to provide assistance to districts, particularly in the South, which are shifting away from de jure segregation and have encountered educational costs in the process.

It also would provide funds to local school districts which wish to undertake voluntary efforts to eliminate, reduce, or prevent racial isolation in elementary and secondary schools where so-called de facto segregation is practiced. I stress that, in the case of de facto segregation, this legislation provides assistance only where voluntary efforts are undertaken by local school authorities and there is nothing in this legislation which compels de facto segregated districts to accept this assistance.

Perhaps the most promising aspect of this legislation is the Federal aid to racially changing communities where too often we see the specter of a school turning all white to all black in a matter of months by families who are driven away by fears that changes in a community will lead to a diminishing of educational standards in the local school.

I have said, time and time again, that changing communities ought to have available sufficient funds to overcome any possible diminution in the standards of education in a changing school, so that families will not panic and flee peripheral areas of racially changing communities.

The subcommittee plans to delve deeply into the many complex aspects of this legislation, but as chairman of the subcommittee it is my hope that we will be able to move this legislation to the floor for early action. For, indeed, I am mindful of the urgent needs being suffered by the school districts in America.

There will be many questions, and I am sure that because of its controversial nature this legislation will attract proponents as well as opponents. We intend to give all viewpoints a fair opportunity for expression.

I, myself, am somewhat concerned with the method of allocation of funds and the type of programs which can be funded under the plan as presently written. I shall explore these issues with the Secretary in substantial detail.

But, at this point, I would like to express my concern with some broad policy questions raised by this bill. Indeed, while this legislation seeks \$500 million for school districts this year and another \$1 billion for the same purpose next year, 6 months ago the Urban Education Task Force, which had been appointed by Secretary Finch, reported that large amounts of money would be necessary in the Nation's urban schools. The task force reported that by 1975 there should be up to \$14.5 billion spent by the Federal Government in our urban schools if we are to give the urban child the kind of educational preparation he needs for the remainder of his life. The task force also recommended an Urban Education Act, an Urban Education Bureau in the Office of Education, and an honest commitment by the administration to the removal of the root of many of our problems—an underfinanced and disparate urban school system.

We will want to know what happened to that report. If I understand it correctly, it has not even been released by the Office of Education. Surely, it is reasonable to ask at this time if the administration's desegregation bill before us today means that the administration is not going to commit itself to the enormous needs of urban education, much less the limited relief incorporated in the bill recommended by the Urban Education Task Force.

We will also want to know what help can the youngsters of the large urban areas expect from this legislation when most of the \$150 million supplemental appropriation being sought by the President is earmarked for use in the de jure districts in the South. We will also want to know whether the enormous and urgent problems of ghetto education in large urban areas can seek any help toward solution from this legislation, when this bill permits the double counting of children in de jure districts for allocation of funds—a formula virtually assuring that two-thirds of the money would go to the South.

While I am pleased to undertake today's hearings and congratulate the administration for initiating this legislation, I wonder if this allocation formula is a part of the administration's southern strategy for the 1970's.

Finally, I am sure the committee will want to give very serious and careful consideration to the whole formula of busing and I know of no subject in this country today which fans the emotions of people more, and of which this Congress has spoken time and time again, than the prohibition of the use of Federal funds for busing schoolchildren solely for the purpose of overcoming racial imbalance. The bill before us today contains different language on busing than Mr. Nixon's message of May 21 and I am sure the committee will want to understand the reasons for the change and specifically what it means.

There can be no question that I am personally opposed to using Federal funds for busing youngsters to overcome racial imbalance, but I can assure my colleagues that the hearings on this bill will be fair, as they must be, if all Members of the Congress are to have an opportunity to express their support or other views on this very important legislation.

Finally, the committee will undoubtedly seek answers to the perfectly valid question of the relationship of the \$150 million being sought by the President for immediate aid to schools engaged in desegregating and the \$500 million authorized for such purposes under this bill. We will leave to the Secretary an explanation of how he plans to obtain two-thirds of the \$150 million supplemental request from funds authorized under title II of the Economic Opportunity Act and distribute these funds to southern school districts overcoming de jure segregation, when title II provides a special formula for allotment of title II funds across the country.

As you can see, we are in for some extremely interesting hearings. I welcome Secretary Finch as the first witness on this landmark legislation.

Before I call on the witness, I would like to call upon the very distinguished chairman of our full committee, the gentleman from Kentucky, Mr. Perkins, who has certainly contributed more to American education than any Member of the Congress in this country today

and one who has been most sympathetic to the needs of the young people of this country. And I am pleased that he took time this morning to be here with us for this initial hearing.

Mr. Perkins.

Chairman PERKINS. Mr. Chairman, let me first say that I have some reservations about this legislation. I think we all want to put first things first. I am wondering whether the academic community throughout America has asked for legislation of this type. I am wondering whether we are putting our priorities in the order that they should be in so far as improving the quality of education in America, whether we could spend this \$1.5 billion in a better way and achieve what you are trying to achieve in this legislation, or whether another category is necessary. I am most anxious to know and have some answers to these questions. And after your statement, I certainly have several questions.

I am seeking information. It will be my purpose to work to promote the quality of education and to improve integration in the schools throughout America in the best way possible. But there is a question in my mind as to whether we are presently taking the best approach to achieve these goals. And after your statement, Mr. Secretary, I certainly will have some questions that I am going to explore here with our distinguished chairman, Mr. Pucinski, and other members of the subcommittee. We want to write a bill that will do the most for education.

Thank you.

Mr. PUCINSKI. Mr. Quie.

Mr. QUIE. Thank you, Mr. Chairman.

I am pleased that we have this hearing this morning and I think it is well that we follow the excellent statement the President made on desegregation of our schools and with the money that he would spend on that. I recognize it is natural for us to try to get as much money for our school districts as possible, but if one was to look at the national view, I think you have set the priorities. Those schools that are now subject to court orders are subject to the desegregation requirements of your own office, Mr. Secretary, and they by all means have the greatest problem confronting them this fall and, I think, ought to be accepted first.

I like the other priorities you have set, too, after that for those school districts whose quality of education is not up to par and for those who want to significantly decrease the racial isolation in their schools. I think you have the priority right, if we look at this from a national point of view, and that is why I am pleased to see you here this morning.

Mr. PUCINSKI. Mr. Hawkins.

Mr. HAWKINS. Thank you, Mr. Chairman.

I am a little afraid that I am not as temperate in my remarks as some of the rest of you. I have had an opportunity in the last several days to talk to hundreds of black schoolchildren from the Deep South and I can certainly relate to this committee that as a result of talking to them on the amount of repression that is being exercised against them, and what they anticipate in September as a result of the attempt on the part of the administrators of Southern school districts to make

school desegregation not work, that it is a rather bleak and dismal picture that I get from having talked to them.

I see nothing in this pending legislation which is going to give any protection whatsoever to these children who are going to carry the main load of school desegregation. I think they are going to be left out there by themselves and that they are going to suffer tremendously. And I would hope that during this hearing we can put into this legislation some safeguards so that we are not going to have a lot of black children expelled from the schools, black teachers demoted, and all sorts of repressive measures used by those who will be getting two-thirds of the money from this bill.

What I say and what I will say concerning some of these matters, I want it very clear that they do not at all reflect on the Secretary of Health, Education, and Welfare, whom I have known for a long time and whose integrity I respect. And certainly I feel that he probably will be spared some of the headaches in his new position. I regret that my very dear colleague from California, with whom I worked for a long time and for whom I also have great respect, Mr. Veneman, may be left to share some of these concerns. I can assure him that I will be calling on him from time to time.

Thank you.

Mr. PUCINSKI. Mr. Bell, who has just come back from California and who was successfully renominated.

Mr. BELL. Thank you, Mr. Chairman.

It is always a great pleasure to welcome Secretary Finch to this committee. I want to say that I think what Mr. Hawkins mentioned a few minutes ago is the purpose. H.R. 17846 is basically trying to achieve the things that the gentleman from California just mentioned.

Is that not right, Mr. Veneman?

Mr. VENEMAN. That is correct. That is what we are here for. That is the objective.

Mr. BELL. I wish to congratulate you both, because I think this is needed and very necessary. This administration is proving day by day that they are going to meet these problems head on rather than to propagandize about them.

Mr. PUCINSKI. Mr. Dellenback.

Mr. DELLENBACK. The most difficult task at the moment, Mr. Finch, is to know how to refer to you, because we can't refer to you as Mr. Secretary. Do we call you Mr. Counselor, Mr. Finch, or Bob?

Mr. FINCH. That is sort of up to the Senate Finance Committee. They haven't set hearings on my successor, and I haven't had a chance yet to get the full laundry list of my new responsibilities and when they will begin. Mr. Veneman will undoubtedly be Acting Secretary until Mr. Richardson is confirmed.

Mr. DELLENBACK. We are looking forward to your statement today. I was thinking back as we heard the opening remarks that I think you were the first member of the new Cabinet to testify before this committee and I am not sure but that this committee wasn't the first committee before which you testified way back early in January 1969. I think you were one of the first witnesses we heard in the beginning of the President's term.

We are delighted to have you back again. I want you to realize we recognize that in spite of the remarks down the way about these problems now passing to Mr. Veneman or to somebody else, we are well aware that in your new position as counselor, these problems are still just as acutely yours as you have shown them to be by your deep concern and your actions over the last years. We are delighted to have you here this morning, and we are looking forward to what you have to say.

We welcome Mr. Veneman and the rest of the staff with you. The business of the morning is to hear the testimony.

With no more than that, Mr. Chairman, we welcome the witnesses and are looking forward to what they do have to tell us.

Mr. PUCINSKI. Thank you. Mr. Secretary, we are most pleased that you are here with us this morning. This meeting was scheduled for last Tuesday and at the request of your office, it was rescheduled for today, because we were told that the President places such a high priority on this legislation that he wanted the Secretary of HEW personally to participate in the testimony.

We are particularly pleased to have you before the committee in your maiden appearance as the counselor to the President. We are sure this is going to be a good hearing. We are also very pleased to welcome here John G. Veneman, Acting Secretary of Health, Education, and Welfare; Mr. McLane, Executive Assistant to the Acting Secretary for Programs and Special Affairs; Mr. Gregory Anrig, Executive Assistant to the Commissioner of Education.

I would like the record to show that Commissioner Allen called me and told me that because of a long-time commitment he had made, which he could not break, he could not be with us this morning. It was not his fault that we rescheduled the hearing to this morning. We did not know of his previous commitment.

STATEMENT OF HON. ROBERT H. FINCH, COUNSELOR TO THE PRESIDENT: ACCOMPANIED BY JOHN G. VENEMAN, ACTING SECRETARY OF HEALTH, EDUCATION, AND WELFARE; JAMES W. McLANE, EXECUTIVE ASSISTANT TO THE ACTING SECRETARY FOR PROGRAMS AND SPECIAL AFFAIRS; AND GREGORY ANRIG, EXECUTIVE ASSISTANT TO THE COMMISSIONER OF EDUCATION

Mr. FINCH. Commissioner Allen is making a commencement address, Mr. Chairman. I do have a prepared statement that, with your permission, I would like to insert in the record at the conclusion of my remarks.

Mr. PUCINSKI. I merely wanted to explain the Commissioner's absence so it would not touch off a lot of speculation. He had called and told us that he could not make it.

Mr. Secretary, we are most pleased to have you here and as counselor of the President, why don't you proceed in any manner you wish.

Mr. FINCH. I am happy to be here today to discuss H.R. 17846, introduced by Mr. Quie, Mr. Gerald Ford, Mr. Monagan, Mr. Ogden Reid, Mr. Dellenback, Mr. Esch, and Mr. Steiger. I regret that I was unable to appear last week. I appreciate your willingness to postpone my appearance to testify on this bill which embodies President Nixon's

legislative recommendations for accomplishing the urgent national task of desegregating the public schools and overcoming the detrimental educational effects of racial isolation. As the President declared in both his message of March 24 and his message of May 21, this task requires a larger investment of our resources. We need to assist those districts involved in the desegregation process, and the need is now.

"Our goal," the President stated, "is a system in which education throughout the Nation is both equal and excellent, and in which racial barriers cease to exist." To achieve this goal it is essential to recognize that the educational impact of racial isolation falls equally on children, whether that isolation is the result of intent or chance. In this respect the President said, "It is in the national interest that where such isolation exists, even though it is not of a kind that violates the law, we should do our best to assist local school districts attempting to overcome its effects."

Furthermore, it is essential to recognize that racial isolation has an adverse effect on the quality of education for all children. The President stressed that "desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve the broad-based human understanding that increasingly is essential in today's world." In short, then, this bill seeks to help "overcome the adverse effects of racial isolation," and to help attain what the President described as "the positive benefits of integrated education."

I want to emphasize the importance of the historic stand which this legislation takes on the question of de facto segregation.

As the President has said, until the courts indicate otherwise, this administration does not feel that Federal educational dollars should be cut off from school districts which are segregated not by reason of official action but by reason of housing patterns resulting from private bias and other factors. Yet in this bill, the Federal Government for the first time is establishing a policy to deal with de facto segregation.

Substantial assistance for communities desiring to undertake the task of reducing racial isolation in the public schools is being provided. This administration is committing Federal dollars to help those districts eliminating both de facto and de jure segregation and trying to overcome the educational disadvantages of minority students stemming from racial separation in their schools. We seek to provide resources for these affected school districts to help them meet the administrative challenges incident to the implementation of a desegregation plan, and to insure educationally sound desegregation programs are successfully carried out.

Educational evidence shows a significant correlation between improved educational achievement of minority children and their presence in predominately majority schools. Yet 6.1 million minority students are in schools with over 50 percent minority enrollment. Some 4.2 million of these, or almost half of all the Nation's minority students, are in schools whose student populations are 95 percent or more minority.

In view of this need to assist school districts meet the special and immediate needs incident to the desegregation process and the elimination or reduction of racial isolation, we propose that \$1.5 billion in Federal funds be committed in fiscal year 1971 and 1972. We know that this amount is not nearly enough to solve all the problems of all the Nation's desegregating districts and racially impacted schools. However, we also recognize that a program of greater magnitude is neither administratively nor budgetarily feasible at this time. In addition, we believe that when this amount of money is concentrated on areas of greatest need and on projects holding the greatest promise of success, widespread and profound results can be expected. One of the major anticipated benefits of this outlay is the multiplier effect. New methods and techniques developed under this program to deal with the problems of desegregation and of racial isolation should be replicated with Federal, State, and local funds under other programs. We are committed to assuring the maximum possible impact for the Federal dollars which Congress appropriates under this authority.

CATEGORIES OF NEED

Under the Emergency School Aid Act, financial assistance would be provided on a project grant basis for three categories of special needs:

1. *Local educational agencies implementing a desegregation plan under Federal court order, or a plan approved under title VI of the Civil Rights Act.* Districts which have completed implementation of such a plan within 2 years prior to their application would also be eligible under this category since our experience with title IV has shown that, in general, the needs for special assistance in newly desegregated districts continue for at least 2 years.

We anticipate that at a minimum 861 school districts with 5.5 million children, will be eligible for this category of aid at the start of the next school year. An additional 360 districts, with another 4.1 million students, may still come into compliance by that date as we pursue negotiation and court litigation. Another 505 districts in the North and West may be eligible under this category in the next few years. These districts have already been identified for review of possible violation of title VI of the Civil Rights Act of 1964.

De jure districts engaged in implementing a plan could receive assistance to meet the additional costs of implementing the plan or of carrying out special educational and supportive programs designed to stabilize the desegregation process and enhance the likelihood of success. Districts which have completed implementation of a plan could receive assistance to carry out special education programs. Eligible activities could include such things as training of teachers, curriculum revision, purchase of materials, repairs or minor remodeling, administrative costs, and planning and evaluation costs. Transportation services could be funded to the extent that they are part of an approved desegregation plan.

2. *Local educational agencies which have one or more schools with an average daily enrollment of 50 percent or more minority students, or with one or more schools in which racial isolation is reasonably likely to occur in the near future.*

Such districts, with de facto segregation problems, which desire to reduce de facto segregation in at least one school, would be eligible for aid to meet additional costs of implementing a voluntary plan to reduce the racial isolation of these schools, or to prevent such isolation from occurring, 806 districts containing schools with an enrollment of 50 percent or more minority students, which are not included under category one, may receive funds under this category. These districts contain 4.6 million minority students and a total enrollment of 10.6 million students.

A plan under this category may deal with the elimination, reduction or prevention of racial isolation in one or more schools, as well as an entire school system. The 50 percent requirement is selected as the point at which educational disadvantage is likely to result for minority students unless special assistance is provided. There may also be a need for assistance before this level is reached to strengthen the educational program and assure a stable integrated environment, thereby preventing the "tipping" process. Top priority in this category—as in all three categories—would go to projects which do the most to reduce racial isolation.

3. Local educational agencies in which the average daily enrollment for the entire district is 50 percent or more minority students, or 10,000 or more minority students.

Districts in this category, with heavy concentrations of minority students, would be eligible for funds to meet the costs of additional interracial educational projects or, in exceptional circumstances where such programs are not practicable, demonstration compensatory programs.

This category of assistance is designed to meet the needs of the large school districts and cities whose school populations have such a high proportion of minority children that integration on a meaningful scale is not practicable. Some 392 districts, excluding those districts eligible under category one, would be eligible for this category, with a total of 3.8 million minority students.

Category three funds could be used for such programs as a district may design to meet its individual needs. Other public or private organizations also are eligible to participate in programs under this category. The emphasis will be on programs which create an integrated environment for learning basic educational skills such as reading, languages, and mathematics. This could involve exchange of students from different schools within or among school districts for perhaps 1 day of classes a week or afternoon classes each day.

Of course, there may be some districts with such severe problems of racial isolation that interracial projects will be impossible insofar as any significant number of students is concerned. When a district establishes that such a situation exists, then it could receive aid for demonstration compensatory programs which hold particular promise of overcoming the adverse educational effects of racial isolation. In all cases we will require that enough resources are invested per pupil to have a significant impact on education achievement.

We expect that districts will come forward with innovative ideas which can serve as models for other districts. Toward this end, effective procedures for evaluation of projects, including measurement of educational and other changes will be required. The kinds of activities which could be supported might be similar to those in the first and

second categories: Special remedial courses, teacher training, additional professional staff, transportation, and planning and evaluation.

H.R. 17816 also contains a prohibition, in conformity with existing law, against the use of Federal funds to require busing to overcome racial imbalance. We would suggest an added restriction, which would preclude the support of transportation service where the intent is solely to establish racial balance. This would not preclude assistance for transportation which is supported by substantial educational or other relevant considerations apart from achieving simply a mathematical racial balance. We also plan to provide the committee with a memorandum suggesting a few other changes in the legislation to target funds more precisely on the urgent needs of desegregating public schools. We ask that you give these suggestions careful consideration.

APPORTIONMENT OF FUNDS

The bill places overall authority for the program with the Secretary of Health, Education, and Welfare. Administrative authority for the program is to be delegated to the Commissioner of Education.

The procedures of the act are designed to effect the President's express purpose of placing funds "where immediate infusions of money can make a real difference in terms of educational effectiveness." Accordingly, aid is to be provided through project grants to local educational agencies and other eligible sponsors to help meet the additional costs resulting from the operation of projects approved. The bill requires that the States have an opportunity to review and comment on project applications submitted by local agencies.

Two-thirds of the funds appropriated would be spent according to a formula for determining the basic amount available within each State for project grants. Every State would receive an initial apportionment of \$100,000, and the remaining formula funds would be apportioned according to the proportion of the Nation's minority students in each State. Minority students in districts carrying out a plan of desegregation under a final Federal court order, or under a plan approved by the Secretary of HEW as adequate to meet the requirements of title VI of the Civil Rights Act, would be double counted.

Thus, the formula gives an explicit priority to the swift and successful completion of desegregation in de jure districts. As these districts complete desegregation, the double counting in the allotment formula would automatically phase out. The priority would then shift to assistance for de facto districts. If any State's allocation is not fully utilized, the remainder of its funds would be reallocated on the same formula basis for use in other States.

The doublecounting factor is intended to better concentrate funds in the areas of greatest need. In addition to the priority given the elimination of de jure segregation in the more than 1,200 districts involved in the last 2 years, we must give high priority to those areas where racial isolation in the public schools is greatest. Of the 6.1 million minority children in schools which are 50 percent or more minority, 3.3 million (about 55 percent) are in the 17 Southern and border States, while only 2.8 million are in the rest of the Nation. Of the 4.2 million minority children in schools 95 percent or more minority, 2.8

million (about 67 percent) are in the 17 Southern and border States, while only 1.4 million are in the other States. The doublecounting formula directs funds into these high priority areas.

One-third of the total funds authorized would be reserved to the Secretary of HEW to be channeled into projects with the greatest potential for success. To emphasize our objective of concentrating funds to achieve results and make a difference, and our desire to achieve a multiplier effect which the funds expended, the bill reserves up to 1 percent of funds for evaluating the effectiveness of programs.

SUPPLEMENTAL REQUEST FOR FUNDS

Those districts which are required to desegregate by September have an urgent and immediate need for assistance now. Now is the time teachers are being hired and materials purchased. The summer is the time that teacher and staff training can be best accomplished. The summer is the period during which schools prepare for the next school session. Therefore, the President has submitted a supplemental request for \$150 million to be used under existing legislative authorities for many of the purposes described in this act. With prompt congressional action on his request, funds can be made available now for those districts with the most urgent needs, and for those planning projects for submission when these legislative proposals have been enacted.

PROGRAM CRITERIA

The Department is presently preparing program criteria with respect to the administration of funds under both the new legislative authority and the \$150 million supplemental budget request. I intend to call upon outside advisors representing school superintendents, civil rights organizations, local and State education departments, the national education organizations and other groups to help us finalize these criteria.

This legislation is an important step toward solution of the much larger problem of racial injustice in our society. This problem strikes deeply at the moral fabric of our Nation. We are moving to deal with it on a number of fronts: employment, housing, and expanding economic opportunities. But unequal educational opportunity may be the worst aspect of the problem. It affects the young of all races who are disadvantaged by the existence of racial isolation in the schools.

In closing, I ask the committee to give prompt attention and highest priority to this proposal. The needs which it addresses are needs which must be met immediately and with the utmost urgency. If we are to respond adequately to the needs of our schools during the coming school year, then we must work together to complete action on this bill before Congress adjourns.

I would like to respond to one of the points which the chairman made with regard to the education report. I am advised that it was printed in its entirety in the Congressional Record and copies are available in the Office of Education press office, and we will make them available in the record, if you want them at this time, Mr. Chairman.

Mr. PUCINSKI. Thank you very much. If there is no objection we will make the Urban Education Task Force Report an appendix B of these hearings. We will also insert as an appendix C a report on

title IV of the Civil Rights Act which has been submitted to the subcommittee by the Southern Education Foundation.

(The documents referred to are attached as appendices B and C of these hearings.)

Mr. FINCH. If we go to the mechanics of why this would help, I would like Mr. McLane to present to the committee the tables of how this breakout occurs, and then we can get into the nuts and bolts of the actual allocation.

Mr. PUCINSKI. These supporting tables will go into the record at this point.

(The tables referred to follow :)

SUPPORTING TABLES FOR EMERGENCY SCHOOL AID ACT OF 1970

TABLE I.—ALLOCATION UNDER ALTERNATIVE FUNDING LEVELS, BY STATE

(Dollar amounts in millions)

State	Percent of total minority students double-counting minority in desegregating districts ¹	\$350,000,000 program (formula only)	\$1,000,000,000 program (formula only)
Alabama.....	4.58	\$10.56	\$30.43
Alaska.....	.07	.26	.61
Arizona.....	.86	2.06	5.85
Arkansas.....	1.83	4.28	12.22
California.....	9.03	20.72	59.85
Colorado.....	1.26	2.98	8.44
Connecticut.....	.58	1.42	3.99
Delaware.....	.22	.60	1.56
District of Columbia.....	1.18	2.79	7.93
Florida.....	6.23	14.33	41.37
Georgia.....	5.35	12.32	35.56
Hawaii.....	.30	.17	.32
Idaho.....	.04	.19	.38
Illinois.....	4.06	9.37	26.99
Indiana.....	1.02	2.43	6.86
Iowa.....	.11	.35	.83
Kansas.....	.34	.88	2.40
Kentucky.....	.74	1.79	5.00
Louisiana.....	5.45	12.54	36.18
Maine.....	.02	.15	.27
Maryland.....	2.25	5.24	15.04
Massachusetts.....	.47	1.17	3.25
Michigan.....	2.67	6.20	17.80
Minnesota.....	.16	.47	1.17
Mississippi.....	3.83	8.85	25.46
Missouri.....	1.21	2.86	8.15
Montana.....	.05	.21	.43
Nebraska.....	.14	.42	1.05
Nevada.....	.12	.37	.94
New Hampshire.....	.01	.12	.15
New Jersey.....	2.17	5.05	14.47
New Mexico.....	1.09	2.59	7.31
New York.....	6.32	14.53	41.93
North Carolina.....	6.25	14.37	41.48
North Dakota.....	.01	.12	.21
Ohio.....	2.59	6.01	17.23
Oklahoma.....	.97	2.31	6.52
Oregon.....	.13	.40	.99
Pennsylvania.....	2.39	5.56	15.94
Rhode Island.....	.07	.26	.61
South Carolina.....	4.07	9.39	27.05
South Dakota.....	.14	.42	1.05
Tennessee.....	3.16	7.32	21.01
Texas.....	11.13	25.51	73.78
Utah.....	.12	.37	.94
Vermont.....	.22	.60	1.56
Virginia.....	4.24	9.78	28.17
Washington.....	.34	.88	2.40
West Virginia.....	.21	.58	1.50
Wisconsin.....	.42	1.06	2.91
Wyoming.....	.06	.24	.49
Total.....	100.00	233.00	667.00

¹ Minority includes Negroes, Spanish-surnamed Americans and Indians.

TABLE II.—SUMMARY OF ELIGIBILITY UNDER CATEGORIES I, II, AND III

Program category	Number of districts	Total enrollment (millions)	Minority enrollment (millions)
Category I.....	1 221	9.6	1.3
Category II ¹	836	10.6	4.6
Category III ¹	392	8.1	3.8

¹ Districts which are eligible under category I have been eliminated from categories II and III.

TABLE II-A—ELIGIBILITY UNDER CATEGORY I, VOLUNTARY PLAN AND COURT ORDERED DISTRICTS, BY STATE

State	Number of districts	Total enrollment	Minority enrollment
Alabama.....	105	791,045	280,385
Alaska.....	0	0	0
Arizona.....	0	0	0
Arkansas.....	125	266,223	103,830
California.....	0	0	0
Colorado.....	0	0	0
Connecticut.....	0	0	0
Delaware.....	0	0	0
District of Columbia.....	0	0	0
Florida.....	58	1,320,993	312,117
Georgia.....	169	1,005,064	353,689
Hawaii.....	0	0	0
Idaho.....	0	0	0
Illinois.....	0	0	0
Indiana.....	0	0	0
Iowa.....	0	0	0
Kansas.....	0	0	0
Kentucky.....	7	145,040	15,813
Louisiana.....	66	853,385	328,278
Maine.....	0	0	0
Maryland.....	6	302,669	38,572
Massachusetts.....	0	0	0
Michigan.....	0	0	0
Minnesota.....	0	0	0
Mississippi.....	143	552,289	271,326
Missouri.....	4	6,598	2,851
Montana.....	0	0	0
Nebraska.....	0	0	0
Nevada.....	0	0	0
New Hampshire.....	0	0	0
New Jersey.....	0	0	0
New Mexico.....	0	0	0
New York.....	0	0	0
North Carolina.....	115	1,003,123	346,583
North Dakota.....	0	0	0
Ohio.....	0	0	0
Oklahoma.....	23	67,399	14,224
Oregon.....	0	0	0
Pennsylvania.....	0	0	0
Rhode Island.....	0	0	0
South Carolina.....	91	633,484	267,336
South Dakota.....	0	0	0
Tennessee.....	54	546,162	185,384
Texas.....	190	1,418,231	438,965
Utah.....	0	0	0
Vermont.....	0	0	0
Virginia.....	71	617,457	222,373
Washington.....	0	0	0
West Virginia.....	1	10,458	473
Wisconsin.....	0	0	0
Wyoming.....	0	0	0
Total.....	1,221	9,569,621	3,182,199

TABLE II B — ELIGIBILITY UNDER CATEGORY II, ELIMINATING DISTRICTS ELIGIBLE UNDER CATEGORY I, BY STATE

State	Number of districts	Total enrollment	Minority enrollment
Alabama	0	0	0
Alaska	2	18,445	4,118
Arizona	44	205,217	80,661
Arkansas	0	0	0
California	179	2,296,781	933,812
Colorado	28	236,544	68,698
Connecticut	11	178,086	58,496
Delaware	4	22,536	13,793
District of Columbia	1	148,725	140,445
Florida	0	0	0
Georgia	0	0	0
Hawaii ¹			
Idaho	2	5,977	737
Illinois	44	885,066	412,489
Indiana	14	400,181	106,779
Iowa	3	90,962	7,124
Kansas	8	157,048	29,507
Kentucky	6	85,708	27,766
Louisiana	0	0	0
Maine	3	6,740	2,797
Maryland	6	170,887	143,833
Massachusetts	4	152,255	41,310
Michigan	32	666,050	278,968
Minnesota	2	120,344	12,185
Mississippi	0	0	0
Missouri	15	261,357	119,193
Montana	4	7,930	3,158
Nebraska	2	66,651	13,129
Nevada	6	102,620	14,050
New Hampshire	0	0	0
New Jersey	47	391,133	207,883
New Mexico	59	250,716	125,672
New York	29	1,401,172	699,359
North Carolina	0	0	0
North Dakota	1	692	358
Ohio	27	770,415	267,980
Oklahoma	3	184,160	35,760
Oregon	2	81,405	9,102
Pennsylvania	28	569,320	247,450
Rhode Island	1	26,638	5,726
South Carolina	0	0	0
South Dakota	5	14,335	12,976
Tennessee	0	0	0
Texas	139	432,052	380,583
Utah	5	82,501	8,669
Vermont	0	0	0
Virginia	0	0	0
Washington	9	153,980	26,905
West Virginia	7	149,126	14,668
Wisconsin	6	167,466	41,761
Wyoming	7	22,425	4,501
Total	806	10,621,700	4,596,900

¹ Data for Hawaii were not available.

TABLE II-C.- CATEGORY III ELIGIBLES EXCLUDING DISTRICTS ELIGIBLE UNDER CATEGORY I, BY STATE

State	Number of districts	Total enrollment	Minority enrollment
Alabama.....	0	0	0
Alaska.....	0	0	0
Arizona.....	32	108,793	54,829
Arkansas.....	0	0	0
California.....	88	1,554,465	697,788
Colorado.....	11	132,987	50,087
Connecticut.....	3	74,062	40,667
Delaware.....	1	16,067	11,202
District of Columbia.....	1	143,725	140,445
Florida.....	0	0	0
Georgia.....	0	0	0
Hawaii ¹	0	0	0
Idaho.....	0	0	0
Illinois.....	18	626,218	395,099
Indiana.....	3	167,431	77,999
Iowa.....	0	0	0
Kansas.....	2	103,438	21,586
Kentucky.....	1	55,212	25,513
Louisiana.....	0	0	0
Maine.....	1	3,573	2,667
Maryland.....	2	197,637	128,194
Massachusetts.....	1	94,174	29,674
Michigan.....	7	354,332	213,688
Minnesota.....	0	0	0
Mississippi.....	0	0	0
Missouri.....	6	195,258	112,312
Montana.....	1	2,311	2,040
Nebraska.....	1	62,431	12,475
Nevada.....	1	67,526	10,833
New Hampshire.....	0	0	0
New Jersey.....	13	222,519	155,123
New Mexico.....	46	171,360	98,330
New York.....	8	1,208,072	655,962
North Carolina.....	0	0	0
North Dakota.....	1	692	358
Ohio.....	10	572,123	233,340
Oklahoma.....	1	154,717	29,832
Oregon.....	0	0	0
Pennsylvania.....	9	389,382	221,911
Rhode Island.....	0	0	0
South Carolina.....	1	40,122	18,735
South Dakota.....	5	14,335	12,976
Tennessee.....	0	0	0
Texas.....	117	466,870	354,783
Utah.....	0	0	0
Vermont.....	0	0	0
Virginia.....	0	0	0
Washington.....	2	95,080	17,357
West Virginia.....	0	0	0
Wisconsin.....	2	130,807	35,534
Wyoming.....	4	1,468	1,240
Total.....	392	8,133,000	3,212,000

¹ Data for Hawaii were not available.

III. EXTENT OF PROBLEM IN REGARD TO MINORITY STUDENTS

TABLE III-A.—A. THE NATIONAL PICTURE¹

Of the 43.4 million students in elementary and secondary schools in the United States, 8.7 million (20%) are minority students (Negro, Spanish-surnamed, American Indian, Oriental).

	Total number of students (in millions)	Percent of total students
United States.....	43.4	100.0
White.....	34.7	80.0
Minority.....	8.7	20.0
Negro.....	6.3	14.5
Spanish surnamed.....	2.0	4.6
Other.....	.4	.9

TABLE III-B.—B. EXTENT OF RACIAL ISOLATION IN NATION

Of the 8.7 million minority students in elementary and secondary schools across the United States:

4.2 million, or almost 50%, are in schools whose student populations are 95% or more minority students

3.3 million, or about 37%, are in schools whose student population is 50% or more minority students

MINORITY PUBLIC SCHOOL CHILDREN FOR ENTIRE UNITED STATES (TOTAL NUMBER, 8,700,000)

Percent of minority children in school	Number (millions)	Percent of total minority
50 to 100.....	6.1	70
80 to 100.....	5.0	57
95 to 100.....	4.2	48
Over 99.....	3.3	37

TABLE III-C.—C. PROBLEM BY REGION

Of the 8.7 million minority students in elementary and secondary schools in the United States:

4.4 million are in the 32 northern and western states, 61% in schools 50% or more minority

4.3 million are in the 17 southern and border states,² 77% in schools 50% or more minority

4.1 million are in the 100 largest school districts

38% of all the students in the 100 largest school district are minority students

Of these, 83% are in schools 50% or more minority

¹ Except where otherwise indicated, all numbers are from Department of Health, Education, and Welfare, Office for Civil Rights, 1968-1969 Survey of Ethnic Data on Public Schools.

² The 17 southern and border states include: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, Delaware, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

TABLE III-D.--D. PROBLEM BY REGION

There is also the heaviest concentration of minority students in predominantly minority schools in the 17 southern and border states:

Percent minority children in school	Number of minority children in minority schools (in millions)		Percent of total minority children in region in minority schools		Percent of total minority children in United States in minority schools	
	32 Northern and Western States	17 Southern and border States	32 Northern and Western States	17 Southern and border States	32 Northern and Western States	17 Southern and border States
50 to 100.....	2.8	3.3	61	77	31	38
80 to 100.....	2.0	3.0	45	70	23	34
95 to 100.....	1.4	2.8	32	65	16	32
99 and over.....	.9	2.4	20	58	10	29

Mr. McLANE. Mr. Chairman, as you see in the first table, what we have tried to do is to give an idea of the allocation of the two-thirds of the funds that will be allotted according to the allocation formula. We have listed the percentage of minority students State by State, double counting those minority students in desegregating districts, and then we have taken \$350 million in the first year, fiscal year 1971, and \$1 billion in fiscal year 1972. The reason for \$350 million, as Mr. Finch pointed out, was that the \$150 million has been requested in a special supplemental so that we will be asking for an appropriation of \$350 million, if the \$150 million comes forth in the supplemental.

On table II, we have summarized the districts which would be eligible in terms of numbers under category 1, category 2, and category 3 as we have outlined and as is pointed out in these charts.

I think it speaks for itself in terms of the number of districts. We talk of the total student enrollment and of the total minority enrollment.

Tables II-A, II-B, and II-C are the detailed tables building to the summary, which includes, State by State, number of districts, total enrollment, and minority enrollment.

I want to point out in category 2 and category 3, although there are a number of zeroes indicated next to the districts, this is what comes from existing material. As was pointed out in the testimony, we expect \$100,000 as minimal allotment to each State. We expect each State to be able to expend at least the minimum by qualifying its districts.

Table III shows the extent of problem in regard to minority students. We have a series of tables here which should help the subcommittee and the committee in its deliberations on this testimony. We point out minority students in relation to total students, point out in terms of their racial isolation, in terms of the percentage of minority students in a school, and then do the same by region.

Mr. PUCINSKI. Thank you very much.

Mr. Veneman, do you have anything to add before we go to the questions?

Mr. VENEMAN. I have nothing, Mr. Chairman. I am available to respond to any questions the committee may have.

Mr. PUCINSKI. Mr. Secretary, on this formula as I understand the formula, two-thirds of the \$500 million would be made available to the States and one-third would be retained by the Secretary. The two-thirds—and forgetting for a moment \$150 million that you have asked for, let's talk about the bill before us—that two-thirds would be distributed by counting, first of all, all of the minority children in a State and then counting the children in de jure segregated schools and adding them to the State total, and then applying that combination against the \$366 million, assuming it was fully funded, for a general distribution throughout the country.

Is that briefly or broadly the way this formula works?

Mr. FINCH. The slight alteration I would make, Mr. Chairman, is that the primary contractual relationship period runs between the local educational agency and the Federal Government with a State overview. It is geared—and we are talking about both districts and institutions within districts—to that kind of relationship as opposed to a direct Federal-State relationship. We felt that that step was necessary in view of the time factor, the urgency here, where we have this very severe problem particularly under the court decisions in these Southern States.

Mr. PUCINSKI. But we are correct, then, that we would count the number of schoolchildren and then add to that the number of youngsters in de jure, and that total would become the pro rata share of the \$366 million that would be distributed among the 50 States. And then, after the State got its State allocation based on that formula, it would then distribute that money within the three categories that you have described here?

Mr. FINCH. Yes, sir. With, again, a general goal in mind of phasing out the double count as we achieve our goal.

Mr. PUCINSKI. You say on page 4 of your statement, in describing category 1, "Local educational agencies implementing a desegregation plan under Federal court order or a plan approved under title VI of the Civil Rights Act," in order to be eligible for category 1 funds. But I believe the Justice Department interprets title VI only in terms of de jure segregated schools, doesn't it?

Mr. FINCH. That is correct, but under our proposal—and I probably should have spelled it out more carefully—we would also include districts that move into compliance voluntarily.

Mr. PUCINSKI. Even if they are de facto?

In the South Carolina case, your Department approved a plan submitted there under title VI and held that it qualified within the framework of title VI where they have four schools that are segregated non-white, and HEW held that that de facto segregation did not violate title VI.

Are you now saying, then, therefore, that that sort of a de facto situation would qualify for category 1 under title VI?

Mr. FINCH. I am saying, yes, that the plan as finally adopted was a so-called voluntary plan. It was not the original HEW plan but it would qualify.

Mr. PUCINSKI. Then we do understand correctly that where a school district, by virtue of its housing patterns, has de facto segregation

and has schools that are either segregated all white or segregated non-white, they would qualify for funds under category 1 under title VI?

Mr. FINCH. If the school district submitted a voluntary plan, I should also point out that it is quite possible that in some instances districts around the country might fall under all three categories. Then it would be up to the local educational agency to decide on what basis it wanted to apply for assistance, Mr. Chairman.

Mr. PUCINSKI. Therefore, if they qualified under the formula that we have discussed here now, wouldn't youngsters in de facto schools also be double counted?

The point I am getting at is, that under the present formula in this bill, eight States would receive roughly 30 percent of the Federal distribution simply because they have minority children and they have de jure segregation. But the large urban communities of the country, which have minority children and have de facto segregation, would be shortchanged under this distribution formula unless the very statement you made here now would apply.

Mr. FINCH. If a district with problems of racial isolation develops a voluntary plan to reduce this isolation and submits this plan under title VI of the Civil Rights Act in order to obtain a certificate of compliance, the minority children in the schools involved in the plan would be double counted if the plan were approved. If there was clearly no possibility of discrimination there would perhaps be no certification of compliance but in most of these districts with substantial problems of racial isolation a compliance certificate would be necessary because the district would often not be sure of whether or not official discrimination was involved in the isolation. Again, I am trying to put this in broad perspective. Our immediate crunch under these court orders are the final hold-out school districts in the Southern States. If these other urban districts you are talking about come in with voluntary plans that are approved, they would also participate. That is the reason for the large amount of dollars that are left in the Secretary's discretion. As we gain more experience under the Act, we may decide that perhaps the same ratio should be considered for areas outside of the South.

Mr. PUCINSKI. Mr. Secretary, you talk about the crunch. What are the additional costs in implementing a plan, a court order? What are the additional costs that these southern communities have experienced that they need a half-billion dollars worth of Federal aid to do what they should have been doing since 1954?

Mr. FINCH. We will submit for the record a very long list of specific kinds of typical activities.

Mr. PUCINSKI. The information, when supplied, will be inserted in the record at this point.

(The information referred to follows:)

EXAMPLES OF ACTIVITIES TO BE FUNDED UNDER EMERGENCY SCHOOL AID ACT OF 1970

SECTIONS 5 (A) (1) AND 5 (A) (2)

Projects assisted under these sections shall be designed to aid local educational agencies throughout the Nation to meet the special needs incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools:

(a) carrying out special community programs designed to assist school systems implement desegregation plans such as (1) promoting understanding among students, school staffs, parents and community groups, (2) community information programs to provide information concerning desegregation, (3) establishment and the support of biracial committees, (4) school-home visitation programs, (5) special parent programs designed to facilitate the implementation of the desegregation plans;

(b) carrying out special pupil personnel services designed to assist in achieving quality education during the desegregation process such as (1) providing special guidance and counselling personnel with expertise in working with a desegregated student body, (2) providing remedial and other services to meet special needs of children affected by segregation, (3) employing special consultants;

(c) carrying out special curriculum revision programs and special teacher preparation programs required to meet the needs of a desegregated student body such as (1) developing new and varied instructional techniques and materials designed to meet the special needs of children affected by desegregation, (2) the design and introduction of new curricula that serve children from various ethnic backgrounds, (3) new materials and techniques for improved evaluation and assessment of student progress, (4) carrying out special demonstration projects for the introduction of innovative instructional methodologies which will improve the quality of education in desegregated schools, (5) providing for individualized instruction, team teaching, nongraded programs, and the employment of master teachers; (6) inservice programs dealing with children who have inadequate English language skills, (7) understanding the attitudes and interpersonal relationship of students and teachers involved in the desegregation process, (8) upgrading of basic skills and instructional methodologies, (9) mobilizing university and consultant expertise in developmental programs and seminars on problems incident to desegregation, (10) providing temporary teachers whose employment will permit permanent teachers to participate in training related to desegregation, (11) providing teacher aides whose employment will help improve instruction in schools affected by desegregation;

(d) carrying out special student to student programs designed to assist students in opening up channels of communication concerning problems incident to desegregation such as (1) acceptance, behavior, and dress codes, (2) understanding racial peer pressures of students, (3) helping student groups to develop interracial understanding, (4) involving biracial groups of students in curriculum revision, (5) assisting biracial student groups to plan and implement desegregated clubs and extra-curricular activities;

(e) carrying out special comprehensive planning and logistic support designed to implement the desegregation plan such as (1) administrative and clerical personnel necessary for plan implementation, (2) comprehensive planning activities related to desegregation, (3) rescheduling and reassignment of students and teachers, (4) redrawing of transportation routes, (5) supervision of necessary physical changes;

(f) other specially designed projects which meet the purposes of the program.

SECTION 5(A) 3

Projects assisted under this section shall be designed to encourage voluntary elimination, reduction, or prevention of racial isolation in schools with substantial proportions of minority group students in order to improve the quality of education available to such students; and to aid children in elementary and secondary schools to overcome the educational disadvantages of racial isolation by assisting, in a concentrated manner, school districts with high proportions of minority group students to carry out inter-racial educational programs and other programs to improve the quality of their educational services.

(a) activities listed under sections 5(a)(1) and 5(a)(2) above;

(b) carrying out special inter-racial educational programs such as (1) art and music festivals conducted at a central location, (2) field trips built around the science curriculum, (3) special programs in inner-city schools built around enriched curricula, (4) other special innovative inter-racial projects;

(c) carrying out special projects designed to assist the school system to overcome the adverse educational effects of racial isolation by unusually promising pilot or demonstration programs such as (1) remedial and other services to meet

special needs of children in schools which are racially isolated; (2) special services for gifted and talented pupils in such schools; (3) comprehensive guidance, counseling, and other personal services for pupils; (4) new instructional techniques and materials to meet special needs of racially isolated school children;

(d) other specially designed projects which meet the purposes of the program.

Mr. FINCH. Dr. Anrig, who has worked in this area for many years, could probably be more responsive in terms of the kind of incremental dollars that you are talking about.

Mr. PUCINSKI. Dr. Anrig, would you like to elaborate on that?

Dr. ANRIG. Thank you, Mr. Chairman.

In carrying out a plan of school desegregation effectively, so that the quality of education for all of the children involved moves ahead rather than falls behind, the school district is required by its own determination to do something about training its teachers, introducing remedial programs that it might not have had before, hiring new teacher aides to give more individual services to children, and some cases dealing with some equipment needs to bring in more equipment to help in the training of those children.

It has to do some building renovation in some cases where, for instance, a school was used for first, second and third grades and is going to be used for fourth, fifth and sixth grades. There are administrative plans which have to take place. There are evaluation programs which have to be introduced, a whole series of activities which are above and beyond those which the school district ordinarily would be conducting just to maintain the school. These all cost additional funds. They can be done without using those funds, but our experience with many school districts has indicated if you want desegregation to take place effectively and raise the quality of education, these kinds of activities must take place also.

Mr. PUCINSKI. But everyone of the problems that you have mentioned is doubled in a large urban area. There isn't a city in the country that isn't experiencing the same problems you have described. In the city of Chicago, we are witnessing a shift from white to black on an average of, I believe, three to four blocks a week, and there had been efforts to shore up the educational programs in the changing communities to arrest this flight of families. And yet in this bill it seems to me that you give the short end of the stick to the large cities where the need is the greatest if not even greater, because here are cities that are trying to save their communities and this bill does not give them any particular treatment. It places all of its emphasis on the court ordered school districts of the South, and I am not sure I understand that.

Mr. ANRIG. Mr. Chairman, we are familiar with Chicago. As a matter of fact, the Office of Education is working very closely with Superintendent Redmond in the city of Chicago in relation to its problem now with the Justice Department on faculty desegregation.

If the school district of Chicago follows through on its current plans for faculty desegregation in the city school district, it would be eligible under category 2. If it chooses to introduce programs for certain parts of Chicago where there is a racially heavy impact, as there is, then it would also be eligible under category 3. So the city of Chicago as a specific example, would be eligible under two parts of the legislation as proposed by the President.

Mr. PUCINSKI. If that is a plan, though, I presume that your table that you have given us here would not be realistic, table I, because Chicago would qualify under title VI within the framework of what the Secretary has said. And therefore we would be eligible for substantially more as would California, as would New York City, as would perhaps some of the other large States such as Massachusetts.

In your table you allowed for \$1 million—excuse me, you allowed for \$9 million for the State of Illinois and \$1.1 million for Massachusetts, and \$11.5 million for New York, and \$20 million for California. How far do you think that these sums can go to deal with the problem that you have just enumerated here?

Mr. FINCH. First of all, Mr. Chairman, one problem is the concentration of funds and how the board feels they can best use that money. Those figures, of course, relate to the two-thirds of the funds under the bill allotted among the States according to formula. They don't go to the discretionary dollars that would be available to the Secretary. Overall, if you are considering the overall bill, the \$1.5 billion, only 42 percent of that total amount would be required by formula to go to the 17 Southern and border States. So we have a considerable amount of latitude beyond the figures in the chart which relate to the formula.

Mr. PUCINSKI. You mean one-third.

Mr. FINCH. Yes, sir.

Mr. PUCINSKI. Would be used at your discretion.

Mr. FINCH. Yes, sir.

Mr. PUCINSKI. I am not quite sure I understand why there is a one-third and two-thirds difference. Why should the Secretary have one-third of the funds to play with?

Mr. FINCH. Because of the very point you are making. You have many large metropolitan districts with different kinds of problems, and as they come forward with their plans then we would try to respond in a way that would be most helpful to them with their particular set of problems.

Mr. PUCINSKI. Yes, but under your bill the Southern States would know precisely what they are going to get and the Northern States would have to come hat in hand and say, "Give us a break, we have some problems." Why do we want to set a different standard for the urban areas of the country? Why shouldn't we spell out to them precisely what they are going to be entitled to, particularly since your own urban task force recommended that? Mr. Secretary, what happened to the report of your urban task force?

Mr. FINCH. That report has been inserted in the Congressional Record and is available from the Office of Education. We are not trying to solve—and don't pretend to solve within 2 years and with a billion and a half dollars—all of these problems. I think the magnitude of the problem that you are talking about may be understated in that report that you described. But we anticipate that local school districts outside of the South will also participate in programs under this bill, and they won't be simply just standing around, hat in hand.

I would like Dr. Anrig to explain how we plan to send additional administrative personnel to help school districts prepare these applications.

Mr. ANRIG. Mr. Chairman, I think it is important to note that the Office of Education has been working with many of these eligible school districts now for the last 3 years attempting to assist them as they were facing the problems of school desegregation.

Our personnel are acquainted with the local officials and with the State officials concerned. It would be our intent to bring these officials together into a central spot within each State to explain to them the opportunities available through this legislation, if the committee and Congress acts favorably upon it. Then we would actually provide them with assistance to apply for funds under this appropriation.

This would mean these superintendents would work with our technical assistance people, who then would develop the draft of the proposal. The superintendent would then go back to the school district and receive approval of the board of education to submit the proposal to us. We are not asking them at all to come hat in hand, but rather we are seeking them out to offer to them the maximum assistance possible under this act.

Mr. PUCINSKI. I have many more questions, but I would like to call upon my colleagues, and then we will come back. If necessary, we may go into the afternoon session. Since the chairman of our committee will under your formula get only 4.9 percent or \$1.9 million, I am sure he has a lot of questions to ask.

I yield to the gentleman from Kentucky, Mr. Perkins.

Chairman PERKINS. Before I get into that aspect, Mr. Secretary, let me state that the full committee will cooperate with the subcommittee in every way possible in seeing that the undivided attention to a problem of this magnitude is exerted on the part of the full committee. I do, as I stated, have some reservations. For instance, on part V of your statement, page 5, you state "Eligible activities could include such things,"—and you use the word—"include such things as training of teachers, curriculum revision, purchase of materials, repairs or minor remodeling, administrative costs, and evaluation costs. Training services could be funded to the extent that they are a part of an approved desegregation plan."

Under the Elementary and Secondary Act, if the local educational agency submits a plan to the State for transportation, that can now be done and all of the other activities, such as training of teachers and curriculum revision, can be done under the Elementary and Secondary Education Act. I am wondering if this is not a kind of a super-categorical addition to try to achieve what can already be done under the Elementary and Secondary Education Act. But my fear is that we are not going to accomplish the goals that you really want to accomplish by reiterating things that we can presently do.

I think that we need to strike out in a more drastic manner; build buildings, for instance, where we can integrate these children under both de facto and de jure segregation. What comment do you have along that line?

Mr. FINCH. As the chairman indicates, we have existing programs, most of which are formula grants, where we have had to spread the dollars too thin. We felt that we would not try to get into new construction with this legislation. We could dissipate a billion and a half,

if we got into new construction with this program. The remodeling might be to lower desks in a class room so you could use it for younger children. There would be a clear prohibition of major new construction, however, because we just don't see how we can attack that. We do have other programs on the books which address themselves to the broader questions, but in many cases they are not helpful to Southern districts who are under court order to integrate now, as opposed to the other urban districts which have similar problems but are not under that court order.

Chairman PERKINS. I think you would agree with me that we could spend several billion dollars for the purposes that you have described for local educational agencies which have a desegregation plan approved by the Secretary under title VI of the Civil Rights Act, and local educational agencies which have one or more schools with enrollment of 50 percent or more students to carry out interracial education in a school district in minority children constitute 50 percent of the public school enrollment, or 10,000 more.

If we really had made resources available to spend several billion dollars for a school construction program, don't you think it would be a more satisfactory answer than the present approach where we can do it now under the Elementary and Secondary Education Act?

Mr. FINCH. I agree with you that construction generally is highly desirable, but where a school district is under orders to move this fall, even if we had the dollars for construction we wouldn't have compliance.

Chairman PERKINS. I think the courts would all be reasonable when we are going in the right direction.

Now on page 7, you likewise state—I am trying to educate myself—"The emphasis will be on programs which create an integrated environment for learning basic educational skills, such as reading, language, and mathematics. This could involve change of students from different schools within or among school districts for perhaps 1 day of classes a week or afternoon classes each day."

Now if a local school district wanted to do it, they could still do every one of those suggestions that you have enumerated under the Elementary and Secondary Education Act presently. I am just wondering whether any educators in America recommended or any educational organizations suggested that the Department of Health, Education, and Welfare take this approach? And, if so, what education organizations have endorsed this approach? I am just wondering.

Mr. FINCH. To respond to the question, among others, Dr. Coleman. I think Dr. Anrig can give you some indication of some of the other organizations and individuals consulted, if you want to provide that for the record.

Dr. ANRIG. I will provide that for the record.
(The information referred to follows:)

LIST OF GROUPS AND INDIVIDUALS CONSULTED

EDUCATIONAL ORGANIZATIONS

1. National Education Association.
2. Council of Chief State School Officers.
3. National Association of State School Boards.
4. National Congress of Parents and Teachers Association.
5. National Association of School Boards.
6. American Association of School Administrators.

CIVIL RIGHTS GROUPS AND OTHER ORGANIZATIONS

1. National Association for the Advancement of Colored People.
2. Washington Research Project.
3. Southern Christian Leadership Conference.
4. National Urban League.
5. National Urban Coalition.
6. Southern Regional Council.
7. Delta Ministry.
8. Southern Education Foundation.
9. National Council of Negro Women.
10. Penn Community Services, Inc.
11. American Friends Service Committee.
12. American Jewish Committee.

SUPERINTENDENTS

Dr. Jim Owen, Phenix City Schools, Phenix City, Alabama.
 Mr. W. S. Talbot, Alchua County Schools, Gainesville, Florida.
 Dr. John Letson, Atlanta Public Schools, Atlanta, Georgia.
 Mr. J. O. Lancaster, Monroe City Schools #68, Monroe, Louisiana.
 Mr. Joe Cordell, Dougherty County Schools, Albany, Georgia.
 Dr. John Martin, Jackson Municipal Separate School District, Jackson, Mississippi.
 Mr. Don Crolley, Lancaster County Schools, Lancaster, South Carolina.
 Dr. Curry McArthur, District #17, Sumpter, South Carolina.
 Dr. Revis Hall, Jefferson County Schools, Birmingham, Alabama.
 Mr. Ray Hill, Cartersville City Schools, Cartersville, Georgia.

SPECIAL CONSULTANTS

Dr. Wilbur Cody, Chapel Hill, North Carolina.
 Dr. James S. Coleman, Johns Hopkins University, Baltimore, Maryland.

Mr. VENEMAN. Mr. Perkins, I think we should go back to the title of the program and point out that it is an emergency school aid act for the purpose of taking care of special problems in those districts that are now confronted with either racial isolation or a desegregation process.

No one can deny that many of these things can be done under the authority of the Elementary and Secondary Education Act, but this is in addition to those funds that are available. You are absolutely correct that a school district could in fact transfer students on a one-day basis and do all of these things that you are referring to. But in the case where there is acute racial isolation, this bill provides additional funds to eliminate the segregation problem that may exist, be it de jure or de facto.

Chairman PERKINS. Let me ask you this question, Mr. Secretary. Do you have evidence which you can share with this committee as to the sentiments of school people for another categorical program of assistance of this type?

Mr. VENEMAN. I think, Chairman Perkins, that this cannot be conceived as another categorical program.

Chairman PERKINS. What is it, then?

Mr. VENEMAN. That is a program for those districts which have special needs, on a project grant basis and on an emergency basis.

Mr. FINCH. We will give the names of the people who were consulted by the Office of Education. One of the things they cried for desperately were these additional funds not tied to formula grants, so that they could meet their special needs.

Chairman PERKINS. I would say that is a per se categorical program in my way of thinking.

Mr. VENEMAN. Mr. Chairman----

Chairman PERKINS. Well, if the programs and services to be supported by this legislation are of such high priority and, as you state, of an emergency nature, to what extent are local officials asking for this type of assistance under existing authorities? Specifically section 405 of title IV of the Civil Rights Act authorizes Federal funds for inservice training of school personnel in dealing with the problems incident to desegregation, and for employing specialists who advise on problems incident to desegregation.

How many grants have been made under section 405? And how many applications are presently pending for assistance under this section? I am trying to find out the great demand for this approach.

Mr. FIXCH. I will refer that to Dr. Anrig, Mr. Chairman.

Mr. ANRIG. Mr. Chairman, under title IV of the Civil Rights Act there is for current fiscal year 1970, a total of \$14 million appropriated for the entire United States. The requests for those funds have exceeded the amounts available. I believe the last figure I remember hearing was that we were able to approve less than one out of every two grants. Those grants largely are invitational grants, that is we go out and urge the school districts to come in for funds. It is not as wide open as sending a notice out for every school district in the country, because we knew we could not fund that many. But the amount of money available under that particular appropriation is a very small amount, comparatively.

Chairman PERKINS. Now, the chairman of the subcommittee went into the question of formula here. How did you arrive at the \$500 million figure without a formula for the Secretary? There is no other legislation that I know anything about where such a huge sum of money has been appropriated, where it has been proposed that the Secretary have such discretion over such a large sum of money.

I am just wondering whether this legislation has been well thought through and just who and what educators in the country or educational organizations have endorsed these proposals, and whether we can find some better way to desegregate these schools than you are proposing here.

Mr. FIXCH. We did not pick the figure out of thin air. It was based in part on what we thought was a necessity with the personnel on hand and the previous experience that they had had in dealing with these districts. The outside consultants came up with a figure somewhere in the neighborhood of \$170 per pupil that might be required to provide these extra services to bring up the educational quality of these institutions. It was the consensus of a great many people, within and outside of the formal educational establishment.

Chairman PERKINS. Let me address this question to all of you distinguished gentlemen in the Department. What educational organizations in the country have endorsed this approach as the best approach to achieve desegregation in our schools where we have the de jure and de facto segregation?

Mr. FIXCH. My understanding has been, Mr. Chairman, that all of the major organizations. But I again would defer to Dr. Anrig. This is in his department.

Do you want to give him a list?

Mr. ANRIG. Mr. Chairman, the major educational organizations, to the best of my knowledge, have not taken formal action on this. The Great Cities Research Council, which represents the largest cities in the country, has endorsed this proposal. And there are others which have.

Mr. FORD. Would you give me the basis for that assertion you are making? When did they endorse it?

Mr. ANRIG. I understand that was done at the meeting in Buffalo last month.

Mr. FORD. When you are talking about proposal, you are talking about concept. Let's make it very clear that none of the organizations you mentioned have endorsed this specific legislation unless they have talked differently to you than they did to me this weekend.

Mr. ANRIG. I see. With that one exception, there are no other organizations that have formally endorsed the legislation, but that doesn't mean that they have gone on record against it.

Chairman PERKINS. You are unable to give us any educational organizations throughout America that have endorsed this approach?

Mr. ANRIG. The meetings at which they would take such action are coming up the middle or last part of this month.

Mr. FINCH. I think the important point to make is that we have had extensive discussions with their staff and boards in developing this legislation. I would not use the term "endorse," and did not.

Chairman PERKINS. One further question. One of the stated purposes in your bill is to aid in overcoming the problems of the educationally disadvantaged, racial isolation, through assistance for inter-racial educational programs to improve the quality of education.

You stated that to qualify for this type of assistance there must be 10,000 or more minority students enrolled in the district. How many school districts will qualify for this type of assistance? And how many of those are participating in title I and title III of ESEA presently?

Mr. FINCH. As the chart indicated, Mr. Chairman, we have guessed that it would be approximately 392 districts in that category, with a total enrollment of 6.1 million and minority enrollment of 3.8 million. About 90 percent probably participate in title I programs at this point.

Chairman PERKINS. Well, to what extent are titles I and III improving the quality of education to these districts where we now have this operation? I think this would be one factor where we can make a judgment as to whether or not we are on the right road here. I want to be educated myself on this problem.

Mr. FINCH. The ongoing study that the Office of Education has made with regard to title I and other compensatory programs will be available to this committee within 50 days. There are very mixed views, as you know, about the effect of these kinds of programs in the educational community. So I don't want to pass a judgment now or say to you that they have been uniformly successful. I think we have probably had an uneven performance, depending very much on how the individual districts and how the individual States utilize those dollars.

Chairman PERKINS. That would really have a bind on the issue at hand, in my judgment.

Thank you very much, Mr. Secretary.

Mr. PUCINSKI. Thank you, Mr. Chairman.

Mr. Bell.

Mr. BELL. Thank you, Mr. Chairman.

You speak of a short span for this emergency program. Isn't it true that many of these problems, particularly those at de facto segregated schools, will probably be with us for many years?

Mr. FINCH. There is no question about it, Congressman Bell.

Mr. BELL. I was wondering if we shouldn't be thinking of perhaps a longer authorization.

Mr. FINCH. I think we are in somewhat uncharted waters here. What we do know is that under court orders and under these voluntary plans in these de jure districts great progress has been made. I think the figure is something like pretty close to 139 districts in the Southern and Border States. They are the ones that have the immediate sanction of the court before them, and that is why with the first \$150 million we are trying to address the problem there. I think what we will learn out of that, as we move into other categories in the larger districts, will be very helpful to this committee in the future in terms of what kind of long-term legislation there should be.

I think this together with the National Institute that we are proposing where we can evaluate what is done with these dollars should be of great value to the Congress in terms of what I am convinced will have to be a larger commitment to allow every one of these major metropolitan districts with great de facto problems to keep their door open quite apart from the quality of education.

Mr. BELL. Mr. Secretary, on page 7 of your testimony you state that "this could involve exchange of students from different schools within or among school districts for perhaps 1 day of classes a week or afternoon classes each day." Some people might interpret that as being a cross busing aspect of this bill.

I wonder whether or not the fact that you call it a strictly voluntary aspect at the local level precludes that possibility?

Mr. FINCH. I think that is a fair characterization, Mr. Bell.

Mr. BELL. "That is a fair characterization." In other words, it is up to the local school districts to determine whether they want to propose busing.

If that sentence were recommending busing de facto, de jure, or otherwise, it would in effect be recommending busing on a little different basis than a voluntary one?

Mr. FINCH. That is correct.

Mr. VENEMAN. Mr. Bell, in many of these programs now being conducted on a voluntary basis by a school district, it is not only voluntary from the standpoint of the district itself, but in many cases it is voluntary with regard to the student. If he wants to participate in another program in another school, he can choose to do that. And I don't think we should put a connotation of cross busing on this kind of a recommendation.

Mr. BELL. For the edification of my colleagues on the left side of the Chamber, I think that it is important to remember that you frequently mention voluntary aspects of this; the other side doesn't mention it very frequently.

Mr. PUCINSKI. Will the colleague yield?

Mr. BELL. Yes.

Mr. PUCINSKI. This all sounds very nice in this testimony that it is voluntary, but when this school board submits its voluntary plan to deal with de facto segregation, there is no question that there are great pressures placed on them to include busing. And so we can use the word "voluntary" here, but if they know what side their bread is buttered on they are going to be forced into some form of busing to qualify for funds. And this thing that I don't understand is how your statement on page 7, Mr. Secretary, squares with the President's statement when he said that "provisions of transportation services for public school students, except that nothing in this act shall be construed to require nor shall funds be expended to establish or maintain the transportation of students solely to achieve racial balance."

The President was very clear in his statement.

Mr. VENEMAN. So is the bill, Mr. Chairman.

Mr. PUCINSKI. All the bill says is that transportation service for public students may be provided except in accordance with section 422, General Education Provisions Act, nothing in this act shall be construed to require the transportation of students to overcome racial imbalance. Nothing shall be construed to require. But the colloquy that the Secretary has had with Mr. Bell puts a substantially different aspect on this subject.

Mr. FINCH. He was talking about the other kind of busing. That did not get to the question of racial balance, as I understood the question, at all.

Is that correct, Congressman?

Mr. BELL. The Secretary is correct.

No further questions, Mr. Chairman.

Mr. PUCINSKI. Mr. Hawkins.

Mr. Ford.

Mr. FORD. Thank you, Mr. Chairman.

Mr. Secretary, in the President's message, there was specific language that would prohibit funding any kind of busing. And there has been publicity across the country about the fact that the legislation that we have before us very pointedly omits the language that was in the President's message.

Section 6(g) of the President's message reads: "The provision of transportation services for public students, except that nothing in this act shall be construed to require nor shall funds be expended to establish or maintain the transportation of students solely to achieve racial balance."

I look at the bill and that language has been changed so that it reads merely that "nothing in this act shall be construed to require the transportation of students in order to overcome racial imbalance."

There is a very significant policy decision that has to be made which involves the fight that we have gone through each year for at least the last 5 years on the floor of the House of Representatives. Where does the administration stand with respect to that language at this point? Which side are you on?

Mr. FINCH. I don't believe that the language is that signifi-

cantly different. First of all, we do not anticipate that these funds —

Mr. FORD. Let me put it to you another way, Mr. Secretary. You and I could play games all morning about whether it is significant or not, but the fact is, if the language in the President's message isn't in the bill here when it leaves this committee, somebody will offer it on the floor. I want to know what stand you and Mr. Nixon are going to take when that question is on the floor. Which side are you on?

Mr. FINCH. We will not require, for the use of these dollars or under the prescription we already have from Congress, busing for the purpose of achieving racial balance.

Mr. FORD. You would not support the language in the message of the President or you would support it, if it was offered as an amendment?

Mr. FINCH. We support it.

Mr. FORD. Then you would support inserting in this bill a prohibition against the expenditure of funds for the busing of children?

Mr. FINCH. Solely to achieve racial balance.

Mr. VENEMAN. I think both section G, the one in the bill, and the one in President Nixon's message accomplish the same purpose, and that is to make it very clear that the expenditure of these funds could not be in violation of the language in the Appropriations Act, that you could not use funds solely for the purpose of busing children to overcome racial imbalance.

Mr. FORD. Mr. Veneman, in all due respect to your observation, you just haven't been watching the House of Representatives for the last 5 years. There isn't a Member that isn't intimately acquainted with the artful language that we are dealing with here. We have spent a lot of time in this committee defending our education bills against the attacks of the same people who will now have a field day with this particular section of the bill, and also with the language of Mr. Finch's statement—which can be construed as Mr. Bell construed it. And he is doing it kindly. He is one of the friendly fellows. Wait until you see what other Members are going to do with that language.

We are going to go out of here with a suggestion that what you have here is a billion-and-a-half-dollar busing program. And I think we ought to be responsible enough to clarify that.

Mr. BELL. If the gentleman will yield, I might point out that I asked this question primarily to show my interpretation of it, and I so indicated in my question. My interpretation apparently was the same as the Secretary's.

Mr. FINCH. May I respond to both of the Congressmen, Mr. Chairman?

There has been a great deal of confusion about how much in the way of Federal dollars has gone into these districts' plans for pupil-transportation. Based on our experience, only 3 percent of the literally hundreds of desegregation plans approved by the Department have involved an increase in the transportation of children, and those were plans that were initiated by the districts themselves. In the majority of cases, where you get a breakup of the old de jure systems, you actually decrease the amount of busing because you are avoiding

the transferring of black and white back and forth, you actually decrease the amount of busing. I think this is a very clear answer to the suggestion of the Congressman that this is going to be a billion and a half busing program.

Mr. FORD. I am not suggesting that it will be. I am anticipating that some others will be suggesting it.

Mr. HAWKINS. Mr. Secretary, specifically on the question of busing, as you well know, Los Angeles is at the present time under court order, local court order to achieve racial balance based on State guidelines.

Mr. FINCH. They did not refer to State guidelines in that decision.

Mr. HAWKINS. The decision did refer to State guidelines by the State board of education, but I don't think it is pertinent. The fact is that they are under a court order to achieve racial balance. Let us say that Los Angeles in trying to do that wished to transport students from one school to another. The county of Sacramento is using busing very successfully to achieve racial balance. Berkeley is doing likewise.

Are you saying that under this proposal, as you would suggest adding the restriction, that these areas would be precluded if they desired to use this tool in order to achieve desegregation?

Mr. FINCH. They would have to achieve desegregation, but if you are talking about racial balance—

Mr. HAWKINS. What else is desegregation except racial balance?

Mr. FINCH. There is a great difference, if you take the criteria by Judge Gittelson. He was saying that you had to come very close, within 15 percent, of requiring the same percentages in every school that you had throughout the entire district. That required a massive increase in the number of buses.

Mr. HAWKINS. That is not a true statement, Mr. Chairman.

Mr. VENEMAN. Mr. Hawkins, may I respond by saying that in the case of the Berkeley or Sacramento—Los Angeles is different, and that case is now before the court of appeals, so I don't think we ought to direct ourselves to that—but in the Berkeley or Sacramento situation this was a case where a school district voluntarily determined that it would like to overcome racial imbalance by transporting students. If your question is, if the school district submits a project grant that simply says that "we want to use the money from this emergency act for the purpose of busing students to overcome racial imbalance," the answer is that we could not fund it under this act.

Mr. HAWKINS. That is my point, that what you are doing, you are denying to some districts their effort at desegregation in a bill which is presumably to obtain school desegregation. What you are doing is, giving to some school districts that are dragging their feet, who have had the opportunity for a decade to do it, while denying it to some Northern districts that would like to use this too.

Mr. VENEMAN. I am trying to make the distinction. What I am saying is that if the proposal was solely for this purpose and that is the language that was written, that it was solely for the purpose of eliminating racial imbalance, funds under the act could not be used.

Mr. HAWKINS. I am suggesting that in eliminating this added restriction you are not giving consideration to those districts which may need this tool in order to overcome the racial imbalance.

Mr. VENEMAN. We can't use Federal funds for that purpose.

Mr. FINCH. These dollars are less than 10 percent of the dollars put up by the educational system.

Mr. HAWKINS. I think we need to rename the act. It certainly is not to favor desegregation, because it isn't going to assist Los Angeles to crawl out of its situation. It isn't going to help the other areas such as Berkeley or Sacramento or other districts that would like to use this too.

Mr. FINCH. They accomplished their purpose and did it very well.

Mr. PRICINSKI. I want to clarify one question, Mr. Veneman and Mr. Secretary. I get the feeling that this language "in order to overcome racial imbalance" is really a charade and doesn't mean anything, because I can't conceive of anybody coming to the Federal Government and saying, "I want a amount of money to bus youngsters to overcome racial imbalance." In each instance they are going to make out a big case about how this is going to improve the quality of education for the bused youngsters.

So this is merely to disarm critics of this legislation by saying, "Well, you can't use Federal funds to overcome racial imbalance for busing." But do you know of a single school superintendent anywhere in this country who has ever come forth to either a State agency or a Federal agency and said, "I want money to bus children to overcome racial imbalance"? In each instance in the city of Chicago, my city superintendent is busing youngsters and he would not admit that this is for the purpose of overcoming racial imbalance. He says he buses these youngsters to improve the quality of their education, even though he has not put one single penny more into the schools where youngsters are being bused to either maintain or improve the quality of education for all of the youngsters.

So when we sit here and talk about these magic words "overcome racial imbalance," I submit there is charade. They don't mean anything. This bill does have Federal funds for busing, and I think you gentleman ought to sit here and admit it.

Mr. FINCH. Well, I think, given the problem that any superintendent has and the relatively small amount of Federal dollars available, he is going to make his tradeoff between State and local dollars in a way that will allow him to achieve the purpose he wants.

And this language is, I think, a reflection of what the intent of Congress was in our Appropriations Act and in the Civil Rights Act of 1964, and that is why the language is in the bill.

Mr. FORD. Well, the danger is that you have an act here that would codify a percentage that constitutes racial imbalance, for the first time.

You have a statute here that specifically says when you hit a 50-percent population figure, something happens. When you couple that with racial imbalance language no matter what we say here, citizens who are disturbed by this are going to ask the court not to interpret what we call "racial imbalance" or "busing for improving education," but they are going to ask the court to look at the facts and make a decision. State courts and Federal courts are going to be in a whole new ballgame while the same school districts that have really robbed the rest of the country to pay for injustice to their own citizens are going to continue doing it.

That is one of the areas that upsets us about the whole piece of legislation. I go further than the chairman. I don't think the specific language is a sham. I think the whole business is a sham. I think it is intended to create the impression that this administration is serious about wanting to move the Southern school districts who have defied the laws of this country, have defied the Constitution, have defied the courts, and have defied the moral law that we say this country is founded upon. But I believe the administration wants to allow these districts to continue their old ways and at the same time give the appearance to some other people that they are doing the opposite.

The President has not asked for one nickel since he has been in office to increase title I funding. We have had to fight him every step of the way to keep the program going.

Mr. QUIE. That is not true.

Mr. FORD. He went \$100 million below Johnson.

Mr. QUIE. No, he did not. He asked for 10 percent over 1969.

Mr. FORD. Which is 10 percent less than staying even in par.

Mr. PUCINSKI. I will be recognizing the gentleman from Minnesota in a few minutes.

Mr. FORD. There is no request for money to go to title VI. There is no request for money to go to title IV.

Mr. FINCH. Yes, there is.

Mr. FORD. Why don't we put the money there instead of going through another fight for another piece of civil rights legislation?

Mr. FINCH. Because it does not come directly to the problem they face in this fall. It is part of the same.

Mr. FORD. Wouldn't it be quicker to give you the money than to wait until we try to pass a piece of legislation like this?

Mr. VENEMAN. Mr. Ford, in the supplemental we asked for six authorities to extend this money so we can get the first \$150 million out for September 30. To put all of this money in title IV places too much restriction on trying to solve the overall problems created by desegregation.

The purpose of this act is to give some flexibility to take care of the special problem. Funding it through title I, which is criteria geared to poverty, does not solve the same kinds of problems that you have when you have desegregated or racially isolated school districts. They are two different things.

Mr. FORD. Except that you don't treat racial isolation the same way every place in the country.

Mr. VENEMAN. That is correct, we don't.

Mr. FORD. You continue aid for a school district in the South that has said, "The devil to the Constitution, the devil with the Supreme Court, the devil with everybody. We are going to go out and create a private school system. We are going to do everything we can to defy the law."

In fact, even Governors are stepping forward and saying, "Defy the law" at a time that people all over the country are criticizing young people for the same sort of conduct. We are going to go into that State and count their kids twice, the same districts that we have had to drag kicking and screaming to the courthouse door.

Mr. VENEMAN. We are not going to count them at all if they fight the law.

Mr. FINCH. If they are discriminating, they are not eligible.

Mr. FORD. As I read the statement here and the bill itself, it would provide that any district that is under a court order to take action—

Mr. VENEMAN. And is desegregated.

Mr. FORD. You don't have any provision in this bill that tells, as a matter of law, at what point they become a desegregated district.

Mr. FINCH. And we say, "And is implementing that court order." How much more precise can we be?

Mr. FORD. Let me ask you how you would feel if we put amendments in the bill to spell out what kind of districts should not get the money? I would like to go over some of the suggestions that have come to my attention and see how you react to them.

Some people feel, and I think I agree with them, that we should exclude any school district operating under a freedom of choice plan. How would you feel about that?

Mr. VENEMAN. You mean a court-approved freedom of choice plan? The others are unconstitutional. The court has already ruled on that.

Mr. FORD. Let's say that we have a district that is either operating pursuant to title VI or court order with a freedom of choice plan. In considering their application, what impact should their use of a freedom of choice plan have on eligibility for funds under this bill?

Mr. VENEMAN. I don't think they have one.

Mr. FINCH. I don't think there is a single school district where that situation would exist.

Mr. FORD. How about a school district where State and local fund allocations or millage have been decreased in the last few years where, in effect, the State and local efforts to support the public schools have decreased at almost the same ratio as the efforts to create a private school system outside of the public school system have increased.

Mr. FINCH. I think that should be handled by regulation or if the Congress chose to write that in. I think that should be in there.

We don't want to see any district or any State backing off because of this very limited amount of dollars.

Mr. VENEMAN. I believe it would be the same type of principle that we have under title I, Mr. Ford. If you want to write it in the bill, I think it would be perfectly acceptable to say you cannot use these as substitute funds for State funds presently going into the district.

Mr. FORD. Now that brings up another point. What about a school district that has refused to take title I funds and to apply them to the minority students or the deprived students because they don't want to get involved in compliance? Would we give them money under this program if they are not now taking their title I money?

Mr. FINCH. I don't think in every case you would have to have approval of title I as a condition precedent to acceptance of this because again we are using a different criterion. One goes to poverty and the other goes to the problem of racial impaction. So I won't lock the two together.

Mr. FORD. No, but if a school district qualifies for funds under title I and refuses to use the funds, should we then give them Fed-

eral funds under a law ostensibly set up to help desegregate - when the reason for not taking the other funds is that they don't want to desegregate.

Mr. FINCH. I just can't conceive of that situation existing. I am trying to think of all of the practical examples we have had to live with over a year and a half and I don't see it even though we are talking about apples and oranges in terms of what title I is directed to, which is economically disadvantaged and oppressed to the problem of racial impaction. They are intertwined, but you have legislation which spells out different purposes.

Mr. PUCINSKI. Mr. Quie?

Mr. QUIE. Mr. Chairman, it seems to me that it is peculiar that any school district would refuse title I funds because they have too few schoolchildren, because they don't want to go through all of the paperwork, that that should have any impact on this legislation. If they refuse title I funds because they don't want to comply with the Civil Rights Act, then they would not be eligible for this.

When I hear the talk about taking money out of every program, if we expend moneys out of ESEA in order for schools to take care of desegregation plans, you would have to fund every school district in the United States because that is under entitlement formulas.

It is also interesting that my colleagues on the Democratic side of the aisle object to the fact that the Federal administration is going to administer this program when they fought so hard to prevent the States to assume the responsibility on title III of ESEA. It seems to me they ought to embrace this or maybe it makes a difference which party is administering the program.

In fact, I think you are going to have some difficulty in \$150 million that you are asking for from present authority, and that \$100 million of that will come from the Economic Opportunity Act. But here it will be easier to change in an appropriation bill the earmarking of the funds that the administration never wanted in the first place than it would be to change the formula of title I of ESEA if you suggest that you ought to take it out of that.

Mr. VENEMAN. Mr. Quie, could I clarify one point with regard to \$150 million. We are not taking \$150 million from OEO. I appeared before the Subcommittee on Deficiencies and Supplementals and asked for \$150 million in addition. What we are asking for is authority to expend \$150 million roughly through OEO authority so we would have flexibility to take care of the kinds of programs that this bill attempts to take care of by giving the authority here.

The reason we had to do that is because we have nearly a thousand districts that will be required to desegregate for the first time this fall. There was some concern that this legislation giving this broad authority would not be enacted prior to that time. That is the reason we went up for \$150 million supplemental using six authorities, five of which we have control over in HEW and OEO authority which gives us flexibility to do remodeling, for example, and some of the other things.

We can use title IV for teacher training and university centers and institutes and this type of thing. We are attempting to accomplish through existing authority those programs on a temporary basis.

Mr. QUIE. If the Congress wanted to take the money all from this authority, all we would have to do is to pass this legislation fast enough so you could do it.

Mr. FINCH. That is correct.

Mr. QUIE. I think your assumption is correct that Congress doesn't move that fast.

Mr. PUCINSKI. Will you yield on that?

Mr. QUIE. Yes.

Mr. PUCINSKI. Aren't you fearful that if you tried to legislate on that appropriations bill, you are going to be shot down on a point of order? I don't think you are going to get past the House. Unless you go through something like this bill, I don't see how you can do this under the title of OEO. You are going to distribute that \$150 million on the basic allotment formula in the present act.

Mr. VENEMAN. That is the reason for OEO, Mr. Chairman. I believe the Director of OEO has sufficient flexibility to expend funds for these purposes.

Mr. PUCINSKI. I think you will find he does not.

Mr. QUIE. He has substantial flexibility, but you have a means of securing this in the legislative process and we have passed the bill out of appropriations in the House and the Senate can pass any language they want to without worrying about germaneness of their amendment. Then they send it back to conference and the germaneness rule of the House does not apply any more.

So you have a way of changing that providing you can get a majority vote over in the Senate for it, but nobody can make a point of order on it now. So I think you have figured that one out properly.

Let me ask you about the formula and how it is going to operate. I understand that two-thirds of the money will be allocated among the States. When it goes to the State, there is no allocation or entitlement to a school district. How are you going to make the decision between the various school districts of a State, because I doubt especially in this first year there will be enough money to fund the implementation of all the desegregation plans that are in those 17 Southern and border States.

Mr. FINCH. Before you came in, Congressman Quie, we had Dr. Anrig explain that we would be taking our people into the field and working with them on the merits of that application and how it related to the other districts within the State. They will work with local bodies and get their input. There is no veto over a school board in submitting its application under this plan.

Mr. QUIE. But if you do have more applications than you can fund, you have the extra third that you can help them additionally, I know, but you probably won't have enough money to go around. I was wondering what kind of priorities you are going to set up.

Mr. VENEMAN. This is not unique. We do this under all other discretionary funds that we do appropriate for project grants. The priorities, of course, would be established upon the quality of the project proposal and as it relates to the basic criteria that would be set out for submitting the proposal. In other words, if it meets the priorities.

I don't think we should attempt to leave the impression here that

every one of the thousand school districts in the South is going to get their share of this on a formula basis. It depends on whether or not they do, in fact.

Mr. QUIE. How about the speed at which they make their application? Will the ones who get theirs in first and processed first have a good chance of getting theirs approved before the ones that are slower?

Mr. FINCH. As a practical matter that might happen in some cases. We would try to have all of the applications before us and use the criteria that we have talked about.

Mr. VENEMAN. They would still have to have approvable proposals. If they come up with a lousy proposal, if it is the first one in, we can still turn it down and would turn it down.

Mr. QUIE. I would expect there will be more approvable proposals than you can fund. Would you set up a priority list so the next fiscal year they could expect to get theirs funded?

I know some agencies do it that way.

Mr. ANRG. Yes, sir; I think, Mr. Quie, you make out a very good point here. The Secretary in his statement said he knew this money was not going to be enough to handle adequately all of the needs of all of the districts. Certainly the top priority would go to those districts which are most under pressure to desegregate as of next September.

That will be one of our priority standards: Serve first those that have the most immediate problem. Second, those that are still in the process of desegregation, but have already gone through the initial phase. Third, the racially impacted group. So there would be a setting of priority in terms of the categories that we have before us that would help us somewhat. Then we would also have to take a look at the capacity of the district to help itself more than it has; that would be part of the initial review process.

Mr. QUIE. Do you have your regulations and guidelines worked out yet of what you would do if we enacted the legislation as is?

Mr. ANRG. No, sir; we didn't want to presume to step ahead of the Congress on that point. We are drafting tentative program criteria for \$150 million and have submitted copies of that to the supplemental committee.

Mr. FINCH. We will put that in the record, Mr. Quie.

Mr. PUCINSKI. That information will be included in the record at this point.

(The information referred to follows:)

REGULATIONS FOR EXPENDITURE OF \$150 MILLION APPROPRIATION FOR SCHOOL DESEGREGATION

The Office of Education Appropriations Act, which contains the \$150 million request for funds to implement school desegregation, has not been reported from conference. Upon completion of action by the conference committee, and contingent upon the approval of the appropriation request, the Department of Health, Education and Welfare will submit the regulations governing the expenditure of those funds for the hearing record.

(NOTE:--The draft guidelines were inserted in the hearing record of June 15 by Mr. Pucinski.)

Mr. QUIE. I expect that it will be helpful to the schools. One of the problems is that if Congress finally appropriates the money and you

send out the information to the school district, they have 30 days to get their programs ready. Also we in the Congress anticipate that it will be administered a certain way and we find out after we get the flap from the guidelines that it isn't administered that way.

I for one and I know that the chairman of the subcommittee is another one who would like to see that information on the guidelines and regulations before the bill is approved.

Mr. DELLENBACK. Would you yield for a moment?

Mr. QUIE. Yes.

Mr. DELLENBACK. On this idea of priorities, it is clear that on pages 11 and 12 of the bill there is specific language of priorities. The bill indicates that in determining whether to make any grant you will "take into account criteria you deem pertinent including * * *," and here you specifically spell out relative need for assistance with amplifying language and promising the degree to which it is likely to effect decrease in amount available in relation to applications pending.

So there are certain other specifics that are spelled out in the legislation and I assume, Dr. Anrig, that you are amplifying on that in what you are saying.

Mr. ANRIG. That is correct, Congressman. Thank you.

Mr. QUIE. Let me ask you about the programs that are in category 2. You list it more specifically in your testimony, Mr. Secretary, that programs that you would help fund in category 1, but you aren't that specific in category 2. Are we to assume that the same type of programs would be available for funding in category 2 as in category 1?

Mr. FINCH. That is correct and category 3 as well.

Mr. QUIE. What about the transportation part which is going to be the toughest part of our consideration of this legislation? Will you deal with the necessity of transportation the same in category 2 and category 3 as in category 1, and I point this out because in category 1, they are under a court order, a number of them, and for some it will be necessary to provide transportation.

They provided transportation to keep their schools segregated before so you can hardly expect them to get rid of transportation in order to have them integrated.

Mr. FINCH. We would treat them equally with the same standard, as we discussed earlier in the testimony, in all three categories.

Mr. QUIE. Isn't it a possibility, then, in de facto segregated schools, since one of the main priorities is to provide a better racial balance, you didn't put it that way, did you, but in effect that is what one of the priorities is to at least give them an opportunity to share, to reduce the racial isolation? Likely to decrease racial isolation?

Under your suggestion here, one of the best ways to do that, of course, is to move kids from one school to another so they can have some association with them. Don't we have the possibilities that most of this money could go for transportation?

Mr. FINCH. I would think not, Congressman. Again we have that language inherited from the 1964 act and the appropriations bill. These funds could not be used solely to achieve racial balance. It is possible that a small percentage, as I indicated in the earlier testimony, could be made available, which in turn might allow them to use other dollars, State and local dollars to pay for the bulk of transportation services if they were necessary.

But as we view it, and under the decisions of the court and what Congress has told us, you have these very severe constraints with regard to very much of this money going for the purpose of using busing solely for the purpose of achieving racial balance.

Mr. QUIE. I would like to state for the record that I knew of your preference for the language on section 6(g), that you have now recommended a change before I introduced the bill and secured the assistance of some of my colleagues in introducing the bill. I just feel myself that you ought to leave the question of transportation to the local schools and that is what we did in the authorization in previous years, but the appropriation language, in effect, has prevented the use of money even though it was voluntarily desirable on the part of the local schools for the sole purpose of achieving racial balance.

So you had the appropriations language. I imagine that the Congress will again take that action despite anything that we might do here in the authorization legislation, even if we kept the language as it was written in the bill that I introduced rather than as you prefer to have it.

What would be the effect if we went even further than you recommend and provided that none of the funds could be used for transportation, could be used for everything else but could not be used for transportation? Would 't cause you any problems?

Mr. FINCH. I think administratively, yes, sir. It would create difficulties particularly in categories 2 and 3, where school districts are not faced with the court order situation but are moving out in the de facto situation.

Mr. QUIE. As was pointed out either by yourself or someone else, the local schools usually adjust their own funds with the Federal funds and if they continue to use Federal funds for it, they would probably find local funds for that and put less local funds into these other programs.

I am wondering if that was the final decision of the Congress, if it would cause some difficulty and you say that it would cause some for you.

Let me ask, then, as far as the category 2 program, would you be pushing at all to move away from neighborhood schools in this concept? I know category 3 you can't, because already the schools have so many minority children that it would be pretty hard to do any kind of a mix and get an integrated situation.

But in the case of category 2, could this be construed as an effort to move away from neighborhood schools?

Mr. VENEMAN. No.

Mr. FINCH. I don't think so. If that is what the district wants to take this action, to affect one school in the second category, that is again their option. We are not trying to push them either way on that.

Mr. QUIE. Have you consulted with Dr. James Coleman about this program?

Mr. FINCH. Yes, indeed.

Mr. QUIE. Does he support it the way it was written?

Mr. FINCH. Yes, and he will be testifying.

Mr. QUIE. I will ask some of these questions of him, because he has been involved in this in his research program.

Thank you for your excellent statement and developing a good program.

Mr. PUCINSKI. Mr. Dellenback?

Mr. DELLENBACK. Thank you, Mr. Chairman.

Mr. Secretary, under the allocation formula as set forth on page 4, you talk in terms of adjusted number of minority group children and then you go down and define that and talk about carrying out a plan of desegregation pursuant to final order of a U.S. court.

I am a little bit concerned about the fact that in some instances the plan of desegregation is under State court order in the United States rather than under a Federal court order. I see a road around in that if you have a State court order ordering the plan of desegregation, you can come back around the Horn and come in under title VI of the Civil Rights Act. Why pin it down to the U.S. court instead of staying with a plan of desegregation pursuant to a final order of the court of competent jurisdiction, et cetera?

Mr. VENEMAN. Mr. Dellenback, the only way that a district under State court order would be entitled to double-counting would be if that State court ordered a plan that was approved by title VI. It would have to be a plan that was approved in conformity with title VI.

Logically this would be the case because in order to be eligible for title I, it would have to be that kind of plan.

Mr. DELLENBACK. It seems to me that when a State court involved, Mr. Secretary, that you have to circle around and in effect, reach it under the (b) point of this rather than under title VI of the Civil Rights Act. While it may be implicit that they must be in compliance with title VI of the Civil Rights Act if it is a Federal court order, you make it an expression if it is a State court order.

Why can it not be a case of pursuant to a court of competent jurisdiction?

Mr. FINCH. We have the problem of areas where the courts have not spoken and in that case we would fund subject to that being changed in the Federal court.

Mr. DELLENBACK. Would you see any difficulty if on page 4, line 9 of the bill, we were to strike the words "United States," so it would read "* * * pursuant to a final order of a court" and we can add amplifying language of a competent jurisdiction or the like, if we need? The way it is now, there is a distinction that I really must confess I don't quite understand. What is the importance of saying if it is a Federal court, we go one way; if it is a State court, we go an entirely different way to get back to the same results?

Mr. FINCH. One of the reasons for the President's statement was to point up the fact that the Federal court, the U.S. Supreme Court particularly, had not addressed itself to any of these problems. If we are confronted with a situation where a Federal circuit court in one area has laid down one criterion and a State court in an adjacent State has laid down another, we feel we have to go by the Federal court.

Mr. DELLENBACK. I don't see it as a contradiction. All I am trying to understand, is it not perfectly in order to adhere to a plan to say that it qualifies a district if the plan that they are carrying out has been laid down in accordance with a California decision or some other State court decision and in that situation it was not a Federal court that they brought the pleadings in.

Shouldn't that also qualify?

Mr. FINCH. We would get into a serious legal problem with respect to the State court's deciding how Federal funds would be disbursed, if we related it back to the problem but I put where the State court in one jurisdiction says something about the de facto area where the Supreme Court has not yet spoken, while a circuit court in another part of the country in an adjacent jurisdiction lay down another criterion.

We would like to pursue this, but the reason we proposed the existing language was the problem I was raising--that we might have administrative difficulties when we were confronted with different court decisions.

Mr. FORD. Unless you do what Mr. Dellenback has suggested, isn't it true that to carry the Los Angeles case out, Los Angeles could not be double-counted because you have a State court order there?

If the Los Angeles officials were really as recalcitrant as some people in other parts of the country have been and they played the game out to the limit and ultimately came up with certiorari to the Supreme Court, if they delayed that long and they went the whole route and exhausted their remedy all the way through the Supreme Court, at that point they would be rewarded financially under formula because it would then have been the Supreme Court that finally confirmed the action of the original State court.

If they are the kind of community that says, "All right, we will abide by what the court said, we are not going to try this all the way up the line," they are going to lose out as a result of this. That is one example of how maybe unintentionally, the way you have the formula set up would reward those who drag their feet the most and the longest at the expense of those who decide to comply.

Mr. FINCH. Hopefully, Congressman, they would come back to us under category 2 and we could provide them funding on that basis.

Mr. FORD. Also there is a problem that already some civil rights people have noticed in this, that you can look at a map of the United States and it is predictable that you will not find a court at the State level or a State court in some 11 States at least that has ever entered any order of compliance. You will find all of the State court orders geographically located pretty much north of the Mason-Dixon line and it opens up once again this legislation to the suggestion that by making the distinction between the Federal court decisions and State court decisions, you are going to be playing with a different set of rules in the part of the country that has provided the most resistance to the whole concept of this legislation.

Mr. DELLENBACK. We can pursue that one further. Mr. Chairman, I am grateful that you have recognized me apparently out of order and before I yield so we can become more disproportionate in time, but in accordance with the laws of seniority, may I yield for one more question to my colleague from Minnesota.

Mr. QUIE. Along this line of the categories that each of the States fit into, I have noted that under the table submitted by Mr. McLane, that some of the States fit evidently entirely in category 1 and not in category 2 and other States fit in categories 2 and 3 and not in category 1.

There are States like Kentucky, Missouri, Oklahoma, Texas, and West Virginia that fit in both. It is hard for me to conceive that Tennessee has no de facto segregation or Georgia or some of the other

States. In fact, when the Southern States integrate their de jure segregated school districts, they are pretty well integrated. But they have the problem of de facto desegregation as Northern States do in their cities.

In Birmingham, Alabama; Atlanta, Georgia—and you see the same things occurring there. Why aren't there any, say, Georgia school districts in category 2 and if they aren't now, how long will it take before some of them do? Even De Kalb County, which is right outside of Atlanta, had one of its schools which is either just about category 2 now or else it will be in another year.

Mr. FIXCH. We have had a difficult time in assessing the voluntary plans, Congressman Quie. This has been part of the problem in making the count. It is very clear where we have court orders, but we have in progress in the various stages of negotiations what we hope will become voluntary plans.

We erred on the conservative side in these figures, and I can't speak with that much certainty about the precise figures we listed here.

Mr. McLANE. Congressman Quie, I think it is important to point out that, as the Secretary has said, what we have tried to do in category 2 and category 3, is err on the conservative side. These are the ones, we have been able to count that are the voluntary districts which fall within the criteria that we have established: 50 percent, or 10,000 students in the case of category 3, and 50 percent in category 2.

You are correct. In Tennessee and a number of other States there are a number of de facto segregated districts. As I pointed out when I presented these tables, the zeros here are not quite true inasmuch as we have no idea at this point how many de facto districts are in fact eligible.

They will come forward on that and show that they are in compliance of one type or another.

Mr. QUIE. So the listing in categories 2 and 3 are not just those who have some schools with 50 percent or more minority in a school or as category 3 some school districts that have 50 percent or more minority in the school district or 10,000 or more, but rather, those who you expect will come in with a voluntary plan.

Mr. FIXCH. Under those, and then if they come under 1 or 2, we assume they will become zero under category 3.

Mr. QUIE. Thank you.

Mr. FIXCH. Mr. Chairman, would you want to give us some indication of what your timetable is and when you want us back and so on?

Mr. PUCINSKI. I think we can probably conclude with the morning session.

Mr. FIXCH. We are at your pleasure.

Mr. PUCINSKI. We can get to Mr. Hawkins and we are not sure. I would say that we will go to the first quorum call anyhow and play it by ear.

Mr. Hawkins?

Mr. HAWKINS. Mr. Secretary, some of us are desperately trying to understand the reason for this proposal. There doesn't seem to be anything new in it and yet apparently there is some thinking behind it that it is badly needed in some emergency or special situations.

I wonder if you would clarify a little bit why it is necessary to draft a new proposal rather than use existing legislation which seems to be broad enough to cover all of the situations outlined in this particular proposal.

Mr. FINCH. Congressman, it was just our conclusion that the categorical programs now on the books would be too thinly spread to be used in these cases, particularly category 1 and category 2. We seek to concentrate the funds in areas with particularly acute problems, and from that experience, as we move from —

Mr. HAWKINS. I assume from that you are talking about those districts who have been dragging their feet.

Mr. FINCH. No, sir.

Mr. HAWKINS. What specific districts other than those who have been dragging their feet have not been complying with the law that you propose to assist?

Mr. FINCH. Those that have been trying as far as 2 years ago. Some of these districts have had substantial problems in making renovations and moving desks and children and getting community support.

Mr. HAWKINS. The Supreme Court decision was rendered in 1954. What group of educators couldn't read that decision and know in 1954 that they had to move toward desegregation?

Mr. FINCH. The hard fact of the matter was that they did not move. Prior administrations kept setting 2-year deadlines every year and we did not get the motion. The Supreme Court has come down and said, "Now!" and we are trying to make that possible.

Mr. HAWKINS. So we are talking about those districts that were mandated by the Supreme Court to do it in September then?

Mr. FINCH. No, sir. There are a couple of hundred districts left that have taken that kind of recalcitrant attitude. We are talking about a thousand districts.

Mr. HAWKINS. I fail to see the emergency that you speak about. I don't think you describe what districts are in this emergency situation that you speak of other than those that have defied the Supreme Court decision.

Mr. VENEMAN. Mr. Hawkins, out of the 994 districts and nearly a thousand that we are talking about, there were 220 districts which would be under court order calling for complete desegregation by September. There would be 496 districts which have submitted or are negotiating or likely to be negotiating desegregation plans with the Department of HEW for total desegregation by December. There are another 278 districts which will be operating under total desegregation plans which were implemented in either 1968 or 1969, within that 2-year time frame.

Out of the total number of districts there are only 220 of them that are under court order to desegregate in September. The balance of them have been negotiating.

Mr. HAWKINS. And they have been negotiating for a long time.

Mr. VENEMAN. That is correct.

Mr. HAWKINS. What do you call foot dragging except dragging negotiations out year after year since 1954?

Mr. VENEMAN. Mr. Hawkins, we have only been here for 2 years.

Mr. HAWKINS. You don't want to describe them as foot draggers?

Mr. DELLENBACK. May I make a brief comment on that?

Mr. HAWKINS. Yes.

Mr. DELLENBACK. It seems to me we are putting the emphasis on the wrong syllable when we talk about integrating districts. We are talking about youngsters and what is beneficial to their educational purposes. I read the Secretary and I read the bill and I read the testimony this morning as talking about what needs to be done in the light of the Supreme Court decision to help the youngsters, not to benefit districts.

Mr. Veneman, if I read correctly what you have told us so far, the greatest urgency you are attempting to take care of is to a tune of \$150 million. This bill may or may not be enacted into law by the time that it is necessary to have it enacted into law, to get the help to those districts which are right under the gun so far as Supreme Court mandate is concerned.

If we can get this bill enacted, fine. You will use this as I understand it. But shy this enactment, you will use the technique of presently existing authority in the OEO additional supplemental appropriations, hopefully from the Congress and get to the helping of these youngsters that need this help immediately if they are not in September going to find themselves without any educational institute.

Is that correct?

Mr. VENEMAN. That is correct. I think you made another good point. That is that the two proposals are separable. The \$150 million can be expended very prudently between now and September and do a lot of good for children in those districts that are going into an integrated system for the first time.

In the event that this was held up even longer, that money does not lean upon the passage of this act. It complements it, but it is separable to that extent.

Mr. DELLENBACK. Thank you.

Mr. HAWKINS. I think Mr. Dellenback made an excellent point. I regret that I didn't make that point myself. That actually what we are trying to do is to help the children and I regret exceedingly that Mr. Dellenback and others have taken the route of trying to go around the barn in order to use the legislation that is on the statute book that is clearly available.

On page 2, Mr. Secretary, you make a statement which again surprises me, and it is that the Federal Government for the first time is establishing a policy to deal with de facto segregation. What new policies are being established with respect to de facto segregation?

Mr. FINCH. We are encouraging, in a way that has not been mandated by the Supreme Court, by the use of these funds in two categories for districts to come forward with innovative ideas that we hope will help us replicate successful integration in de facto districts. I do not believe that our present legislation, categorical legislation, has accomplished that purpose.

Mr. HAWKINS. Are you saying that elementary and secondary educational legislation cannot do that?

Mr. FINCH. That has been geared to the poverty levels, to the so-called disadvantaged. It has not provided any incentives to move toward real desegregation.

Mr. HAWKINS. I got the impression that you are saying that elementary and secondary education legislation has failed in the instance of de facto segregation.

Mr. FINCH. That is not true at all.

Mr. HAWKINS. I still don't get the distinction between what new policy is being established here, what new authority.

Mr. FINCH. That program spreads funds thinly.

Mr. HAWKINS. That cannot be done under existing law?

Mr. FINCH. That spreads only about \$68 on every desk of every student in the districts where it can be applied. We are trying to concentrate dollars in a way that will give them some solid substance instead of this very thin rule that hasn't produced any results appreciably.

Mr. HAWKINS. But you are concentrating them away from schools that are primarily concerned with de facto segregation, for example. You favor those areas or those districts and those States that have been dragging their feet and discriminate against those areas, Chicago, Los Angeles, and other urban centers where de facto segregation is primarily a concern so that concentration does not take place. I don't see how this can be construed as a new policy that is going to somehow deal with de facto segregation.

Mr. FINCH. We don't purport to have unveiled a glittering new piece of sculpture here. What we have tried to do is point out that a problem exists, not only in the South—after all, you have 55 of the largest districts in those 17 Southern border States. We are also prepared to go north and west with the discretionary funds; 42 percent of this money in the overall bill would be in the 17 border and Southern States; 24 percent will go to Northern and Western States, and then the rest of it will turn on the criteria laid down by the Congress and by the Department as to how the discretion is used. We will be able to find out what works and what doesn't work in this new and innovative area.

But I just cannot see that we have made the kind of progress in the areas we are both concerned about with title I using poverty levels, because you are just spreading too few dollars too thinly.

Mr. VENEMAN. Mr. Hawkins, may I try to explain what authority this gives that does not presently exist. I think your points are well taken, because there are a lot of programs that can be zeroed in on this kind of problem, but they do not concentrate on the racial problem as this one attempts to do. For example, structurally we have a great difference.

This one consolidates in one authority the ability to expend funds to alleviate some of the fiscal problems that occur because of efforts to desegregate or to eliminate racial isolation. For example, if a school district wanted additional title I funds, those moneys are approved by the State. If, for example, they wanted to go into a bilingual program, those plans go through review by the State, as I understand, and ultimate approval by the Federal Government.

If they want to increase teacher training and teacher aide programs or hold an institute for teacher training under title IV of the Civil Rights Act, that is approved directly by the Federal Government.

You would have a school district submitting 15 or 20 applications that we are asking authority to do under one program here entitled "Emergency School Aid Act" for the purpose of overcoming these problems that exist when desegregation takes place.

Mr. HAWKINS. I am glad you said that because some of us have been fighting desperately under ESEA and some of the other provisions to have the Federal Government deal with these districts. Now you are conceding that those of us who have been trying to get away from State approval in every instance were somehow justified. I am glad to see the administration moving in that direction and I would suggest that you need to extend that same provision to ESEA.

That apparently is the only thing that is new about this deal.

Mr. VENEMAN. I doubt we can do that during this 2-year period.

Mr. HAWKINS. If you decide that way, there will be a lot of us who will support the administration, I assure you.

Mr. FORD. Will you yield for one question?

Mr. HAWKINS. Yes; Mr. Ford.

Mr. FORD. Mr. Veneman, both you and the Secretary have suggested answers on both sides of the committee now that the real merit here is in concentrating this discretionary authority in a Federal executive.

Do you have any authorities on why it is preferable, as this legislation seems to indicate, to require action by the Secretary of HEW rather than giving that authority to the Commissioner of Education?

Why won't it be more effective to put it in the Office of Education?

Mr. VENEMAN. For all intents and purposes, Mr. Ford, the bill itself would place the administrative responsibilities in the Office of Education.

Mr. FINCH. But you have the practical problem that title VI is not in the Office of Education. We have to have them work together. That is the reason the delegation ran to the Secretary so you could get both title IV and title VI together.

Mr. FORD. This delegation goes beyond administration. It goes to the grant authorization. The ultimate decision on grant would be at the Secretary level rather than at the Commissioner of Education level?

Mr. FINCH. Not necessarily. It is possible for me to redelegate through the OCR, title VI, and then they work together.

Mr. FORD. I am not trying to be facetious, but I understand from the newspapers that you are not going to be the fellow who is going to be doing this. I may not have asked this question last year. I don't know anything about your successor, so I am not attempting to anticipate what he might do.

Mr. FINCH. What I am indicating is what we have discussed and why it was necessary to have the delegation pass through the Secretary. Title VI does report directly to the Secretary and you are going to have title VI and title IV working together as they have in the past.

Mr. HAWKINS. Mr. Secretary, there are several provisions here that worry me, but I know the time is growing late and you have been most kind. But on page 7 you indicate that among the programs that could be undertaken is one for remedial and other services to meet special needs of children in schools which are affected by a plan described in clause 1 or 2 of section 5 or racially isolated, including special services for gifted and talented children in such schools.

In view of the fact that we are primarily concerned with disadvantaged children in most instances, would you explain what this is because some of us fear that this could be used as has been used already in Southern States and some other areas to provide a program for testing, tracking and, therefore, resegregation through special programs, which tend to put into certain tracks those that fail to pass certain tests or certain requirements, sometimes rather arbitrary.

Would you explain the real reason for this provision being in this proposal?

Mr. FINCH. You are talking particularly about the third category and we think this involves a particularly unique set of services. I would like Dr. Anrig to respond to that because he has been the one who has developed the program.

Dr. ANRIG. Congressman Hawkins, the concern that you express would be shared by us also if it were to be used that way. We are very concerned that that not take place. This does not mean nor is it any endorsement of either tracking or testing procedures which would tend to segregate children racially as a result of those testing procedures.

Rather, what we are talking about here is a wide range of activities which, as the testimony explains, could include in addition to remedial activities, enrichment activities as well. I think it is well to remember, as a former principal of a school that was racially integrated, that there are in all schools gifted children who are black and white as well as children in need of remedial instruction who are black and white.

And this was to make clear that these funds could be used to provide integrated learning experiences for the gifted as well as for the children in need of extra help. This was not in any way endorsement of any procedure which would tend to segregate children. The administrative procedures for passing these proposals would guard against that.

Mr. HAWKINS. Thank you. One final question: In the drafting of this legislation, the development of this proposal, have any minorities or civil rights groups been consulted?

Mr. FINCH. The answer is yes. This has been an extended process with a great number of groups. Mr. McLane can give you a number of groups.

Mr. McLANE. I think it is important to point out that there were school superintendents involved, there were members of civil rights groups involved, there were members of the educational establishments that we have consulted from time to time on the development of this legislation.

Mr. HAWKINS. When you say superintendents, are you saying black superintendents and if so, can you name them?

Mr. McLANE. I don't have the name here, sir. We can name specifics.

Mr. HAWKINS. Can you recall any of them by name?

Mr. VENEMAN. I personally discussed this with Mrs. Edelman, Mr. Hawkins.

Mr. HAWKINS. I have a report from Mrs. Edelman that is rather critical. If you consulted that source, she disagreed.

Mr. VENEMAN. She disagreed.

Mr. HAWKINS. Are there any other persons that you can recall?

Mr. ANRIG. Congressman Hawkins, if you would permit us, we

would prefer to remain with the categories of people. We did consult widely with some school officials who would prefer not to be identified and asked us not to identify them.

Mr. HAWKINS. I can understand that.

Mr. ANRIG. I think we are a little reluctant.

Mr. HAWKINS. Perhaps they would prefer to remain anonymous, but it seems to me that the proposal is lacking completely any safeguards for any black children whose needs are so beautifully presented in terms of this proposal and I see nothing here which is going to offer any protection against them once the school is opened. I am quite serious about this.

I know that you who sit at the table are also concerned about this problem as am I. Certainly in September I don't want to see a wave of disorders take place in which individuals are going to be dismissed, but I have talked to children who tell me that they have been dismissed because they refused to march behind the Confederate flag.

I have seen the Confederate flag flying over many Southern school buildings. If children are going to be dismissed for such reasons and other petty things are going to take place in September, then it seems to me that this legislation will have missed its mark and I am quite sure that you are as much concerned about that as I am.

Mr. BELL. The time, Mr. Hawkins, is going to have to go and I wanted to ask one question. Would the gentleman yield?

Mr. HAWKINS. I was going to end up with one-half minute. You didn't give me an opportunity to make my point.

Mr. BELL. I have read your speech before.

Mr. HAWKINS. I will yield, but I would like to thank the Secretary and Mr. Veneman again for their presentation and to assure them that while I may be critical of the proposal, I certainly hope to continue to work with both of them.

Mr. FINCH. We would like to work with you to avoid that problem.

Mr. BELL. I am very concerned about the moneys in this situation if we get tight on budgeting later, as we frequently do. Will some of these moneys be taken away from, for example, ESSEA to use in this category?

Mr. FINCH. No; in the President's message the flat assertion was made, and we have been bound by it, that no dollars will be taken from any existing educational programs for this purpose, for the purpose of this bill, either the billion and a half or the other.

Mr. BELL. Thank you, Mr. Secretary and Under Secretary Veneman. I want to tell you how much I appreciate your testimony today and what a fine job you have done. I am sure we will find our good friend, Mr. Hawkins, in support of this bill before the time is over.

Mr. PUCINSKI. Mr. Secretary, I have a few brief questions, and then we can let you go to your other appointment.

How disappointed would you be if we abandoned the double counting and made this a straight formula for schools that are faced with the problem of integration, whether it is de jure or de facto or whatever other means they use?

I find great difficulty in justifying the fact that my constituents are going to be paying a double fee to certain communities in this country that have perpetrated a system that was indefensible and now,

as Mr. Ford and other have said, they are being dragged in to do away with that system, my constituents are being expected to pay for that. I can't in my mind find a justification for that formula.

I wonder how disappointed you would be if this legislation provided financial assistance on a more equitable basis than what you have spelled out.

Mr. FINCH. Mr. Chairman, I can only repeat my testimony in the paragraph at the bottom of page 9. It is the one way we can get concentration in the areas of greater need. If you look at the 6.1 million minority children in schools which are 50 percent or more, you have 3.3 million in the 17 Southern States, only 2.8 in the rest of the Nation. If it works in those areas, it is quite probable that then the Congress could apply the same criteria in these other cities North and West. I think it is the concentration factor in this emergency climate that we are trying to meet here.

Mr. PUCINSKI. But I think that we have been spoon-feeding some of these communities long enough. I have sat here for 12 years and watched the Hill-Burton formula as the price of getting legislation through this Congress, and I am kind of tired of paying a double fee.

We have as many problems in the large cities, and your own task force showed the real problem in American education is in 12 identifiable major urban areas. That is where your problem is. That is where the great crisis is. That is where a whole generation of young Americans is being written off, just written off, and we wonder what is going to happen to these kids. They are going to wind up on relief just as previous generations did just because nobody wants to tackle the problem where it is.

Today you come in here and you want to pour two-thirds of a billion and a half dollars into the Southern communities when the real crisis in American education is in the 12 identifiable urban areas.

Mr. VENEMAN. And those urban areas will get the greatest benefit from this under categories 2 and 3.

Mr. FINCH. And they don't get it under the other programs of impacted aid.

Mr. PUCINSKI. Mr. Secretary, I don't think that statement is correct for the simple reason that your basic distribution formula is based on counting all of the minority children and then counting again children in de jure segregated schools, and I showed you here a little while ago where eight States are going to get almost 50 percent of the money out of this bill. And the urban areas, Watts, Los Angeles, Chicago, New York, St. Louis, Boston, Buffalo, Detroit, the large urban areas that are crying out for help, they are not able to qualify for title I funds because they can't meet their basic commitments.

In my own city we are \$40 million short to finish off this year and you gentlemen come in here and you say, "We want to take care of the Southern States first."

I think that the only chance that I see for this legislation is to forget about that double counting business and come up with an equitable formula.

Mr. VENEMAN. We want to place the emphasis where the problem is which would be the de jure situation.

Mr. PUCINSKI. If you want to see education problems, walk through the hell hole of Crane High School in Chicago. I am afraid you don't know what problems are if you think problems are in the Southern States. You walk through the schools of our inner cities in the larger urban areas.

Mr. VENEMAN. I have, Mr. Chairman. I walked through them on the West Coast. We are not trying to sweep the problems under the rug. We are trying to make more money available for them.

Mr. PUCINSKI. Assuming that we dropped the double counting, which I am inclined to think is a reasonable assumption at this time, rather than the two-thirds, one-third, what would your feeling be about just making this a straight formula with funds available to those school districts that have the concentration of minority youngsters and are dealing with the problem so that these school districts would know what they are entitled to, what they can count on, and make appropriate plans? I think one of the great problems in Federal aid is that we keep these local school districts on a string, and about the best example of that was the late funding we went through recently.

Mr. FINCH. Absolutely. Let me repeat again of the hundred largest districts, 76 would be eligible for funds under category 3. If you are trying to get to minorities, these districts contain 3.9 million of minority children. That is about 45 percent of the Nation's minority children. These same 76 cities received \$209 million under title I and that was only 18.6 percent of the total appropriations.

Mr. PUCINSKI. Just to make some legislative history, is it your contention, Mr. Secretary, that after the money is distributed to the State, whether we use the double count formula or single count formula or whatever formula we decide to use, and the money is distributed to the State, we—

Mr. VENEMAN. We don't distribute to the State.

Mr. PUCINSKI. Two-thirds will go to the State.

Mr. FINCH. No; that is the point I tried to make earlier. It is directed to the districts.

Mr. PUCINSKI. It goes to the district. Within that district are you saying here, now, for the legislative history that there shall be no priority between categories 1, 2, and 3; they will be treated equally at the local district? Because you have just said now that these de facto districts will get more money but I don't see where they are going to get that money.

Mr. FINCH. Within the district that would be true.

Mr. PUCINSKI. There is no preference between categories 1, 2, and 3; they are treated equally and alike?

Mr. FINCH. School by school.

Mr. PUCINSKI. Finally, in looking over the authorized activities (a) the provision of additional professional or other staff members, and so on (b) remedial and other services to meet special needs (c) comprehensive guidance counseling and other personal services (d) development, employment and new instructional technique (e) innovative interracial educational programs.

These all are simply addressed to the problem of changing schools; (f) repair or minor remodeling; (g) provision of transportation.

If we decide to make this a bill that would provide Federal funds strictly to improving the quality of education at the source where this youngster gets the education, instead of dissipating this fund on transportation, how strongly would you object?

Mr. FIXEN. We agree with the principles that you are talking about, and that is what we are trying to accomplish in these kinds of districts meeting these kinds of deadlines.

Mr. PUCINSKI. You would have no objection, then, if we provided for all of the other programs that you have here but, for instance, the superintendent of public instruction in California, Mr. Rafferty, estimated it is going to cost \$10 million a year to transport some 280,000 youngsters in Los Angeles under the court edict there.

As I read this bill, that money, that \$10 million or at least a substantial part of it could come out of this legislation and you won't improve the quality of one single child's education in that city.

Mr. FIXEN. No, sir. It couldn't be. Some of it would. I would not want to see busing ruled out under the general restraints that we discussed, but it would have to come out of State and local dollars.

Mr. PUCINSKI. But you are not going to fight us too hard if we take the transportation out of it?

Mr. VENEMAN. With or without this bill, we couldn't spend \$10 million of Federal money to transport those students in Los Angeles under the court order. You have already told us we couldn't do that.

Mr. PUCINSKI. If the local school superintendent said, he is not busing to overcome racial imbalance, he is busing to improve quality of education, he qualifies for this money.

In the order of priorities, I think that these other things that you have listed, I have said time and time again that the only way to stabilize changing communities is to assure that community that changing the race is not going to lower the standard or quality of education and it seems to me that your first five or six provisions here address themselves to that.

You want counseling and you want development of employment, of new instructional techniques. Most teachers are totally unprepared to deal with ghetto children. They have had no training in this direction, and they hurt the children more than they help them.

Mr. FIXEN. We wouldn't want to see a local board denied the option of having a day's or partial session where you have some small transportation involved to achieve interracial experience. If the board decides that is one of the things they want in this mix that we think is important, I don't think they should be denied it.

Mr. PUCINSKI. Except we know from long experience that when the guidelines come down the pike, and, incidentally, I might tell you that if I have anything to do about this legislation, it is going to require that all rules and regulations are going to be submitted through the Federal Register.

I have watched for 12 years Government by guidelines, and I don't mind telling you I have had it. Guidelines come down and nobody has had a chance to comment on it. Administrators have not had a chance to comment. Members of Congress have not had a chance to comment. All of a sudden on March 31 the guidelines become official, and the Congressmen say, "Did we pass this bill?" And you can't do a thing about it.

I expect that whatever rules and regulations are promulgated under this act are going to be published in the Federal Register. Before they become official, all interested parties are going to have an opportunity to comment on them.

That was the main purpose of the APA before these bureaucrats and agencies prostituted the act with guidelines.

Mr. FIXCH. I couldn't agree with your concern on that proposition of guidelines more. We have already said we would consult with you with regard to the preparation of those, Mr. Chairman.

Mr. PUCINSKI. Section (h), community activities including public education and other activity. This looks to me like another one of those things that we see popping up in every single bill that comes out of HEW about maximum feasible participation of residents of the communities and all of this participation.

I gather from this that you could fund community activities, community organizations that want to be acting or participating in support of plans and programs. Is that really the function of an educational bill?

Mr. FIXCH. One of the things we have learned in a hard way is that because 90 percent of those dollars come from the community and the State, you have to build in community support to make these programs work. It pays great dividends to have the parents in and discuss the problems and talk to the teachers and work with the children. This has been true all over the country.

Mr. PUCINSKI. Mr. Secretary, what you are saying, no one could argue. Of course what you are saying is true. We want parent participation. We have PTA's which are not as effective as they ought to be. We ought to have greater participation. Again I see what these kinds of code words mean when they become guidelines and regulations.

I sat here for several months and listened to testimony on a poverty bill. The words in that poverty bill provided for maximum feasible participation of residents of the community. Not a single witness, not a single Congressman asked about the meaning of those words. I defy you to find any reference to that paragraph in the testimony of witnesses or the floor debate in the House or Senate. They were perfectly innocent, simple-looking words. We say, "How can you quarrel with this?" Of course we want participation of residents of the community, but you know what that did to the poverty program. It ruined it. It crippled it.

In Philadelphia they had to hold elections. In Los Angeles they had to hold elections. You remember what happened to those simple little words. They appeared harmless when they appeared in the bill. Then when the people who administered this legislation took those magic words, they wrote 16 different volumes of guidelines on those eight or nine simple little words.

Mr. FIXCH. Not to mention Mr. Moynihan's book.

Mr. PUCINSKI. Yes. You won't be too disturbed if we either take this out or modify it, will you?

Mr. FIXCH. I think we would want the point that I made, particularly under the existing legislation, to allow us to come to you with

some suggestions as to how we might avoid the kind of problems you are talking about and still get the kind of involvement that we think is critical to the success of the community support for public education.

Mr. PUCINSKI. I think that you have certainly brought us some good clarification as to where you stand on this bill.

It should be perfectly obvious, Mr. Secretary, from the testimony here and from the questions asked by both sides that this legislation will have to undergo some major surgery.

Mr. FINCH. May we, Mr. Chairman, because of your concern over what may be disproportionate allocations with regard to Southern cities and the like, and double funding, give you a special insertion with regard to the other major cities in the country so that it is in the record?

Mr. PUCINSKI. That information will be inserted in the record at this point.

(The information referred to follows:)

Virtually all of the country's major cities will be eligible for assistance under at least one of the categories in the bill. Since the allotment of funds is based on the number of minority children enrolled in public schools, the 100 largest school districts, which include all the major cities, will have access to almost 40 percent of the total funds allocated under the formula.

Mr. PUCINSKI. I want to congratulate you, and the administration, and the people with you, for addressing yourselves to the problem of trying to help these schools that are trying to desegregate. There are problems. There are huge problems involved. I think it is not only proper but almost mandatory for the Congress to recognize those problems. To the extent that this legislation can do this, I assure you we will move this as fast as we can because there is a problem.

I think, though, that we can rewrite this legislation to do what you want it to do, what needs to be done, and yet eliminate some of the fears that I am sure will become much more vocal on the floor.

I honestly don't think you could get this bill in its present form through the House. That is one man's judgment.

Mr. FINCH. I don't recall many pieces of legislation that have come from any of the departments that came out the way they came in. I agree with your conclusion.

Mr. PUCINSKI. I want to thank you for your fine testimony.

Mr. Ford?

Mr. FORD. Thank you, Mr. Chairman. I want to be brief.

Mr. Secretary, I would like to ask for your feeling about how this legislation will tie in with some of the other efforts. For example, we have a committee headed by the Vice President that is working on this very problem. To what extent will that committee participate in drawing the guidelines, setting the policy, and recommending specific school districts for grants under this?

Mr. FINCH. They would not be in the operating end at all, Mr. Congressman. They have provided some input as far as putting together the basic legislation, but we would be the operating agency and they would not be involved in that. Their primary thrust has been to try to work with nongovernmental organizations in these States, particu-

larly the Southern States, but not only the Southern States, and try to get the community to recognize that economically over the long haul the only way that they can survive from the standpoint of keeping the community together is to support public education and give everyone an equal opportunity. That has been their primary concern.

They have set up various committees in various States for people in the private sector. That is their primary thrust. They are not going to get into the operating side of this program at all.

Mr. Ford. To what extent does the proposal, for the use of this first \$150 million, take into account Mexican-Americans and Indians as minority groups?

Mr. Fixen. They are figured into the percentages, but I will have to get that for you for the record.

(The information referred to follows:)

We would hope to allocate funds as closely as possible in proportion to each minority group's share of the total eligible minority population. It is impossible, however, to give an exact dollar amount of assistance which would go to Spanish-surnamed Americans or American Indians. They currently constitute 23 percent and 4 percent of the total eligible population respectively. We would hope to come as close as possible to that proportion of funding for projects addressed to these minority groups, within the limitations established by the funding formula and project application procedures.

Mr. Ford. I gather from the way the terminology is used here, you have done something to specifically identify the location of concentrations of blacks, Mexican-Americans and Indians.

Mr. VENEMAN. Mr. Ford, the first \$150 million would go to the 17 Southern border States and in de jure districts. There will be situations where there are de jure districts in the Southwest, such as in Texas. In those areas it would have an effect upon the Mexican-American community and in some cases the Indian community where under \$150 million, the authority is granted for bilingual programs and programs of that nature as well as strictly programs that apply to the black community.

Mr. Ford. That was another question. To what extent do you intend to devote money from the whole \$1.5 billion program, beyond the first \$150 million, to the needs of language minorities such as are concentrated in the big cities like New York and Los Angeles?

Mr. VENEMAN. It would depend upon the project proposal submitted.

Mr. Ford. That would be incidental to them being of some other group. The Puerto Rican may or may not be covered by the act, and apparently New York City is not going to come in for very much money unless you use discretionary funds.

Mr. Fixen. Puerto Ricans are included. You also have bilingual programs which we upped substantially in our request. We would not try to solve all of that with this emergency legislation.

Mr. Ford. If I could ask a couple of questions about how we are financing this. This committee is extremely sensitive to the problems we have in trying to fund existing programs, and we have gone through a very strenuous year with considerable disagreement in the Government as to where the priorities ought to be.

Where do you see this \$1.5 billion coming from? Do you have any idea where the Bureau of the Budget is going to recommend that funds be taken from to put it into this program?

Mr. FINCH. Of course, next year's budget, the billion, I don't know.
Mr. FORD. This is overall cost.

Mr. FINCH. It is \$150 million. We can provide for the record. As he indicated earlier, you have \$100 million out of the Economic Opportunity Act.

Mr. McLANE. Those are additions.

Mr. FINCH. Yes, these are supplementals.

Mr. VENEMAN. We don't know how the Bureau of the Budget is going to adjust the budget to stay in their total framework.

Mr. FORD. I want to suggest to you as one member of the committee, that even if we work this bill into a situation where we have committee support, the committee is going to want to know if we have competition with title I or with OEO. We should not want to make it any easier to water down any of these programs that we are fighting for by redistributing funds.

Mr. VENEMAN. I don't think it is a redistribution process, Mr. Ford. I think the Bureau of the Budget is going to be looking closely at the appropriations in the programs and try to establish priorities. But with or without this \$500 million this fiscal year, I think this would happen.

Mr. FORD. Except I have had the clear impression that we are not talking about any new money. We are talking of funding this by taking money that we are already expending in some other area. To the extent that \$500 million is going to be redirected from programs this committee has an interest in, I think it would have some effect on our eagerness to adopt a new program.

Before the committee has to act on the bill I would hope that you would be able to give us some idea as to just what we are putting this program in competition with.

Mr. FINCH. Why don't we get a memorandum from Director Mayo and have it for the committee.

Mr. PUCINSKI. Without objection, this memorandum and the one you previously mentioned on the urban communities will go into the record at the respective points.

(The memorandum to be supplied follows:)

STATEMENT ON BUDGET REVISIONS AND FUNDING FOR THE EMERGENCY SCHOOL AID ACT

On May 19, 1970 Director Mayo issued the accompanying statement describing revisions in the budget for fiscal year 1970 and the budget estimates of fiscal year 1971. Revisions in the fiscal year 1971 budget estimates reflect, among other things, reductions and increases in estimated outlays and the addition of new budget items. The addition of projected outlays under the Emergency School Aid Act fall into the latter category.

It is impossible to identify any single source of funds for the Emergency School Aid Act, since the process of budget revision deals with many variables simultaneously. It is apparent from Table 3 that the addition of funds for school desegregation is one of numerous revisions in the budget, all of which amount to a \$4.8 billion net increase in the 1971 budget.

Finally, Table 3 also indicates a projected outlay of \$150 million for school desegregation in FY 1971. To avoid possible misunderstanding it is necessary to explain that this figure represents an estimate of total cash flows out of the Treasury rather than an "obligation" as it is normally construed. The Administration is committed, as Director Mayo said in his May 19 press conference, to obligating \$500 million for this purpose in FY 1971, even though the full amount may not actually leave the Treasury in FY 1971.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 19, 1970.

REVISION OF THE FISCAL YEAR 1970 AND 1971 BUDGET ESTIMATES

On February 2, the President transmitted to the Congress his budget for the fiscal year 1971, along with revised estimates for fiscal year 1970. For 1970, receipts were estimated at \$199.4 billion, and outlays at \$197.9 billion, yielding a surplus of \$1.5 billion. For 1971, receipts were estimated at \$202.1 billion, outlays at \$200.8 billion, and the surplus at \$1.3 billion.

In his budget message, the President described the objectives of his first budget:

- to provide the resources required to meet both our international responsibilities and such urgent domestic needs as crime control and improvement of the environment;
- to help restore economic stability;
- to begin the necessary process of reordering our national priorities;
- to foster basic reforms in Government programs and processes; and
- to begin to place greater reliance on private initiative.

This perspective called for the tight budget that was proposed by the President. Neither the perspective nor the need for fiscal restraint has changed since February. Conditions affecting the budget have changed adversely, however.

FISCAL YEAR 1970

Fiscal year 1970 budget estimates have been revised to reflect three factors:
the Federal employee pay raise retroactive to late December;
the effect of altered economic and other conditions on outlays that are uncontrollable under present law; and
congressional actions on controllable programs.

The effect of these factors on the budget totals is summarized in the following table. The principal changes in outlays are listed in Table 1 (attached).

[In billions of dollars]

	Fiscal year 1970		
	Budget estimate	Change	Revised estimate
Receipts.....	199.4	-3.0	196.4
Outlays.....	197.9	+1.3	198.2
Surplus or deficit (-).....	1.5	-3.3	-1.8

The shift from surplus to deficit results almost entirely from a shortfall in estimated receipts from the corporate income tax, rather than from an overrun on spending. Both final payments on calendar year 1969 liabilities and initial payments on calendar year 1970 liabilities fell below expectations. Other changes in estimated tax receipts in fiscal year 1970 are approximately offsetting: excise taxes are now estimated to decline by \$0.2 billion, while customs duties are expected to increase by an equal amount. Table 2 (attached) lists estimated receipts by major source and the changes in each.

Despite strong pressures for higher spending, total outlays in 1970 are expected to be close to the \$198 billion estimate of the February budget. The pressures for higher outlays have, in fact, resulted in increases of \$3 billion, but 90% of this amount is being offset by decreases.

The increases include:

- \$1.2 billion for the Federal pay adjustment;
- \$1.2 billion as a result of uncontrollable increases in interest, public assistance grants, farm price support payments, and unemployment benefits; and
- \$0.6 billion as the result of congressional action to increase education and veterans programs and congressional delay in enacting postal rate increases.

The principal reductions resulted from a decrease in estimated Export-Import Bank and Farmers Home Administration net lending, and lower than expected outlays for Medicare, space activities, Model Cities, and other programs.

FISCAL YEAR 1971

The factors that are pressing upward on 1970 outlays pose even greater threats to the 1971 budget. On the basis of the tax rates recommended in February, receipts will fall short of the earlier estimate. However, that shortfall will be more than offset by the President's earlier proposed acceleration of estate and gift tax collections and his new proposal for a tax on lead used in the manufacture of gasoline. Revised totals for fiscal year 1971 are shown below; greater detail is shown in Tables 2 and 3 (attached).

[In billions of dollars]

	Fiscal year 1971		
	Budget estimate	Change	Revised estimate
Receipts.....	202.1	+ 2.2	204.3
Outlays.....	200.8	+ 4.8	205.6
Surplus or deficit (—).....	1.3	—2.6	—1.3

Economic assumptions underlying the fiscal year 1971 revenue estimates have not been changed significantly from the levels used in the February estimate. However, revenue from individual and corporation income taxes has been reduced by \$0.5 billion and \$1 billion, respectively, from the February estimates because of a re-evaluation of tax revenue expectations based on fiscal year 1970 receipts experience. On the other hand, higher receipts are expected from unemployment insurance taxes (\$0.2 billion) as a result of legislation expected to be enacted soon, customs duties (\$0.2 billion), and miscellaneous receipts (\$0.2 billion). In addition, favorable congressional response to the President's requests for tax legislation will produce an additional \$1.5 billion as a result of accelerated estate and gift tax collections and \$1.6 billion from a tax on lead used in the manufacture of gasoline.

None of the \$4.8 billion increase in the outlay estimates is attributable to our military operations, either in Cambodia or elsewhere. Almost half—\$2.3 billion—of the increase is in uncontrollable programs, including:

- interest on the public debt (\$1 billion);
- unemployment benefit payments (\$0.5 billion);
- cash assistance grants, Medicaid and Medicare (\$0.2 billion); and
- farm price supports (\$0.3 billion).

About \$2.5 billion of the increase is associated with a number of actions that have been taken since the budget was transmitted.

The largest single increase—\$1.4 billion—will result from the action taken in April to move the effective date of the Federal pay adjustment forward a full year from the January 1, 1971 date assumed in the February budget. Simultaneously with the announcement of this action, the President proposed that the collection of estate and gift taxes be accelerated—and thereby increase 1971 revenues by \$1.5 billion. In addition, a further increase in postal rates was requested to offset about \$0.4 billion of the higher postal costs attributable to the pay raise.

The remaining increases are expected to add \$1.5 billion (net) to 1971 outlays. The principal ones are:

- withdrawal of the voluntary deferral of federally-assisted construction;
- veterans education and training;
- the school lunch program;
- education programs;
- improving the quality of the environment;
- aids to housing and other construction incentives;
- Farmers Home Administration net lending; and
- the 1971 effect of higher appropriations for the Departments of Labor and Health, Education, and Welfare.

These increases are partially offset by a number of reductions, including:

- lower outlays for the Family Assistance Program, because of a later than expected effective date for the program;
- slower than expected spending for the Model Cities program and for highways; and

a net reduction in the outlays associated with other programs.

The revised 1971 budget, even with a \$1.3 billion deficit, remains a tight budget and is fiscally responsible in the expected economic environment of fiscal year 1971. The deficit is less than the increased outlays for uncontrollable programs—a third of it due to higher unemployment compensation. The deficit is substantially less than the increase in receipts that would be produced were the economy operating at its normal capacity.

These revised estimates are, of course, just that—estimates. They are based upon expectations concerning economic conditions and congressional action on proposed legislation. In particular, they assume that the Congress will:

- approve the requested postal rate increases;
- enact the tax legislation proposed by the President in the February budget and later;
- pass the Economy Act of 1970 and thereby endorse the program reductions, restructuring, and terminations proposed in the February budget; and
- not add to the total of controllable 1971 spending proposed by the President in appropriations and other legislation.

If we are to hold to these fiscally-responsible estimates, continued outlay restraint is essential. The Administration is committed to such a course now and will stay on it. Congressional commitment is equally necessary. If the Congress votes higher appropriations, or does not approve the taxes proposed by the President, it should match these with specific cuts in other spending programs or increases in other taxes.

Continued fiscal restraint is essential to further progress toward the objectives stated in the President's budget message. Relaxation of that restraint now would risk the danger of permitting the economy to climb too fast as it begins to pick up in the months ahead. Too rapid an advance could nullify the progress made to date toward bringing inflation under control and undermine the Administration's progress toward achieving basic reforms in Government programs and processes.

Table 1.—Change in 1970 budget outlays

	<i>In Billions</i>
February budget estimate.....	\$197.9
Major increases:	
Federal comparability pay raises (enacted Apr. 15, 1970).....	+1.2
Interest on the public debt.....	+.55
Labor-HEW appropriation as enacted.....	+.3
Public assistance grants (including medicaid).....	+.3
Farm price supports.....	+.25
Postal rate increase—no action by Congress to date.....	+.15
Veterans education and medical care.....	+.1
Unemployment insurance benefits.....	+.1
Subtotal, major increases.....	+3.0
Other changes:	
Export-Import Bank.....	-.4
Medicare.....	-.3
Other HEW programs.....	-.3
Farmers Home Administration, net lending.....	-.3
Model cities.....	-.2
National Aeronautics and Space Administration.....	-.15
Department of Transportation.....	-.1
Department of Labor, excluding unemployment insurance.....	-.1
Civil service retirement, net.....	-.15
Allowance for contingencies.....	-.2
All other changes, net.....	-.5
Subtotal, other changes.....	-2.7
Current estimate, 1970 outlays.....	198.2

Table 2.—Budget receipts, fiscal years 1970 and 1971

[In billions of dollars]

Source	Fiscal year 1970			Fiscal year 1971		
	Budget estimate	Current estimate	Change	Budget estimate	Current estimate	Change
Individual income taxes.....	92.2	92.2	.....	91.0	93.5	+2.5
Corporation income taxes.....	37.0	34.0	-3.0	35.0	34.0	-1.0
Social insurance taxes and contributions.....	44.8	44.8	.....	49.1	49.3	+0.2
Excise taxes.....	15.9	15.7	-.2	17.5	19.1	+1.6
Estate and gift taxes.....	3.5	3.5	.....	3.6	5.1	+1.5
Customs duties.....	2.3	2.5	+.2	2.3	2.5	+.2
Miscellaneous receipts.....	3.7	3.7	.....	3.6	3.8	+.2
Total.....	199.4	196.4	-3.0	202.1	204.3	+2.2

Table 3.—Changes in 1971 Budget Outlays

In millions

February budget estimates.....	\$200.8
Changes in uncontrollable programs:	
Interest on the public debt.....	+1.0
Unemployment insurance benefits.....	+1.5
Cash assistance grants, medical and medicare.....	+1.2
Farm price supports.....	+1.3
Veterans compensation and pensions.....	+1.2
Disaster relief.....	+1.1
Subtotal, changes in uncontrollable programs.....	+2.3
Other changes:	
Federal comparability (enacted Apr. 15, 1970) and postal pay raises.....	+1.4
New postal rate proposals.....	-.4
Increased postage for Federal mail.....	+1.1
Withdrawal of voluntary State local construction deferral.....	+1.5
Housing and construction incentives.....	+1.15
Environmental quality—revision in proposal and reestimate of budget program.....	+1.2
Labor-HEW appropriation bill for 1970 as enacted—effect on 1971 outlays.....	+1.2
Education appropriations—to maintain consistency with 1970 bill as enacted.....	+1.2
School desegregation.....	+1.15
Veterans education ("GI" bill).....	+1.2
School lunch and child nutrition, as enacted.....	+1.2
Coal mine health and safety bill, as enacted.....	+1.1
Federal employee health benefits.....	+1.1
Farmers Home Administration, net lending.....	+1.3
Model cities—slower pace of outlays (no change in program level).....	-1.15
Highway trust fund.....	-1.05
Delay in initiation of family assistance program.....	-1.4
All other changes, net.....	-1.3
Subtotal, other changes.....	+2.5
Current estimate, 1971 outlays.....	205.6

Mr. FORD. We ran into this phenomenon last year, when the Congress appropriated more for education, particularly where we got into the battle over giving authority to the administration to cut appropriated spending levels. The crunch came actually when Attorney General Mitchell agreed with the Solicitor General's legal opinion that in those educational programs where we had written the

formula that distributed the funds without the exercise of executive discretion, there was no way for the Executive Branch to cut off the money.

Mr. FINCH. That is correct.

Mr. FORD. Then, finally, when the Senate came up with that 2 percent discretionary spending cut, some programs had to actually be cut more because of the difference in the way the funds are distributed. It wasn't 2 percent across the board and couldn't be. With that in mind, and recognizing that we are, from all indications, going to be in the same kind of battle, wouldn't it be better if we took the time now to try to perfect this formula, broaden it out and do as Chairman Pucinski has suggested, that is to let the cities know now what they are going to get and write it into the formula as distinguished from leaving one-third of the money discretionary with you?

What I expect would happen if we get into another crunch, is that this is precisely the money that would be lost in any short funding. We would have been saying to the cities, that this is where you should be looking for money when it actually isn't going to be there.

Mr. FINCH. I disagree, Mr. Congressman. You have two different factors. Thanks to Congress, we have moved the educational part of our program separately from the rest of our budget so we are assured of that advanced funding.

The other point was that because of the late delay in that point of time, if we had simply shoved that kind of dollars into the system, we could not have administered it effectively. There would have been a great amount of waste. What we think we have come up here with, and the reason the time factor is so important, at least for the first \$150 million, is an amount we can get to the areas which need the help. If the Congress agrees, and we move that rapidly, then we can help them this fall when the biggest crunch is going to come under the court order.

Mr. FORD. When this committee recently met with the Senate Conference on H.R. 514, the ESEA amendments, one of the issues was how much money we were going to free for discretionary distribution. I don't think anybody there was evidencing reluctance to increase the discretionary distribution because of any lack of confidence in you or Commissioner Allen, but rather because of our very recent experience with what happened to funds that were discretionary and thus seen as convenient places for budget cuts when formula funds could not be cut. I think that is deeply enough entrenched in the thinking of members of both parties on this committee and in the Senate that we ought to examine how far we can go to guarantee that these funds continue flowing once they start.

If we go to the floor and represent to any segment of this country that they can look to a certain part of the funding for their money, under circumstances where one cannot reasonably assume that that portion of appropriated funds won't be cut by the Executive, I think we can expect that we are going to lose their confidence.

Mr. VENEMAN. I would like to point out, Mr. Ford, that the President in his message firmly committed himself to the expenditure of \$500 million in fiscal year 1971. I don't think we are confronted with that suggestion. Getting back to your suggestion that we go to a for-

mula grant, that is completely contrary to what we are attempting to do through this legislation. We are attempting to take care of special need caused by racial isolation or by additional problems that are created because of desegregation. I can just see what is going to happen when some successor of Secretary Finch, or mine, will be before this committee in a few years and will go through the same hassle we did on impacted area aid if we start this way.

I don't think this is the appropriate way to take care of an emergency situation. We are suggesting we do it on project-grant basis that would be established and which proposal will do the most good in alleviating this problem.

You are going to be under pressure, and we are going to be under pressure to increase the appropriation of this particular program in the years hence. I just don't think this is what we are attempting to do.

I think it would be a sad mistake to try to base this on a formula basis.

Mr. FORD. I am having prepared an amendment which enumerates a series of conditions that I believe ought to be met before anybody can receive these funds. As soon as we can have the language drafted, we would like to send it to you and I would like to ask, Mr. Chairman, that we have the authority to have counsel forward this amendment to the Office of HEW so that we can get an answer.

Mr. PUCINSKI. There is a report that Jerris Leonard, head of the Civil Service Division in the U.S. Attorney's Office, has a report showing 95 percent of all the school districts in the South are going to be desegregated by this fall. It is my understanding that the Attorney General, for reasons known best to himself, has held up that report. Are you aware of the report?

If, indeed, 95 percent are desegregated by this fall, how would it affect this particular legislation?

Mr. FINCH. I think this particular legislation would be of enormous assistance in reaching that figure.

Mr. PUCINSKI. Are you aware of the report?

Mr. FINCH. I am aware of the report, yes.

Mr. PUCINSKI. Is it correct that we—

Mr. FINCH. As far as I know, that is attainable.

Mr. PUCINSKI. What would that do then to this legislation?

Mr. FINCH. I think this legislation is critical in order to keep that from being a cosmetic or token kind of paper figure.

Mr. PUCINSKI. Why is the Attorney General holding that up?

Mr. FINCH. I haven't had an opportunity to discuss that report with the Attorney General; I am sorry.

Mr. PUCINSKI. Thank you, Mr. Secretary, and all of your assistants. I think you have made a most significant contribution, and I particularly appreciate your frankness. I think this is the way to try to work

out differences when we both understand each other, and I think you have been enormously helpful to the committee. If you have any suggestion for changes in H.R. 17816, as presently drafted, we would be happy to insert them in the record at this point. Thank you, gentlemen.

Also I would like to insert a statement submitted by Dr. James Allen, Commissioner of Education, on H.R. 17816.

(The documents referred to follow:)

THE UNDER SECRETARY OF HEALTH, EDUCATION, AND WELFARE.
Washington, D.C., June 24, 1970.

Memorandum for Hon. Roman C. Pucinski.
Subject: Emergency School Aid Act.

When Secretary Finch and I testified before your Subcommittee June 8 on the Emergency School Aid Act, he promised to submit a memorandum suggesting several changes. He specifically mentioned the addition of an express prohibition in Section 6(g) against the expenditure of funds "to establish or maintain the transportation of students solely to achieve racial balance." We feel that such language would provide assurance that the Federal government would not impose standards for achieving a mathematical racial balance. It is not the intent of this language to preclude the exercise of discretion to assist transportation which is supported by substantial educational or other considerations.

We would suggest three other changes. One involves the definition of minority children in Section 9(d). We would limit the definition to those "who are of Negro, American Indian, Mexican, or Puerto Rican origin or ancestry," dropping the authority for the Secretary to include other children who are from environments where the dominant language is other than English and who, as a result, are educationally deprived. While the objective of the broader language in the bill is laudable, authority already exists in ESEA Titles I and VII to deal with the problems of educationally deprived and bilingual children. We believe the focus of this bill is more appropriately limited to the problems of desegregation and racial imbalance.

Section 7(a)(4) of the bill contains a provision, not included in our legislative recommendations, to the effect that local education agencies submitting proposals must indicate that they have made appropriate provision for the participation of racially isolated private school children in programs to overcome racial isolation. There is already sufficient discretion in the bill to include private school children in programs wherever local education agencies determine that this would promote the objectives of the bill, and we felt this was sufficient in terms of the primary focus on the critical needs of desegregating public schools.

Section 12 would establish a Presidentially-appointed National Advisory Council to review the administration of the Act and recommend improvements. We feel that this is unnecessary in view of the short-term emergency nature of the legislation.

We would appreciate the Subcommittee's consideration of these suggestions.

JOHN G. VENEMAN,
Under Secretary.

STATEMENT BY JAMES E. ALLEN, JR., ASSISTANT SECRETARY FOR EDUCATION AND
U.S. COMMISSIONER OF EDUCATION

Mr. Chairman and members of the subcommittee, I welcome this opportunity to add my own words of strong support for the President's "Emergency School Aid Act of 1970" which Secretary Finch has outlined before your Subcommittee.

The goal of this legislation is to help speed the elimination of racial segregation and discrimination in the schools of our Nation. It represents one of the most important actions ever proposed by any Administration toward making the principle of equal educational opportunity a reality for all children and youth.

From its beginning our Nation has cherished this principle and has made great strides toward ensuring its practice. In the present period in our history, the greatest single barrier to further progress in achieving this goal is, I believe, the continuing existence of racially segregated schools. Such segregation is not only educationally unsound but simply makes a mockery of the democratic concepts upon which this Nation was founded.

The elimination of racial segregation in education, regardless of cause, is the responsibility of all citizens and of all levels of Government. It is the special responsibility of those who govern and administer our schools and I have recently called upon all educators in the country not only to persevere in their efforts to eliminate segregation in the schools wherever it exists, but to take the lead in helping the public to understand the values that are at issue, the harmful educational effects of segregation, and the necessity for its elimination if the schools are to serve equally well all the people in America.

One of the greatest handicaps facing school systems in the elimination of segregated schools and in the achievement of racially integrated education is the lack of funds to carry out desegregation plans and to make the most of the educational advantages offered by desegregation.

The legislation proposed by the President will offer crucial support and relief for the school systems struggling to work out a constructive course of action toward the achievement of education of quality in an integrated setting. Not only will the funds to be provided help support the added costs which usually accompany the implementation of a sensitive and intelligent desegregation effort, but they will feed the growing commitment at all levels to making our schools fulfill the promises of equal educational opportunity for all.

Thank you.

(Whereupon, at 1:10 p.m., the subcommittee recessed, subject to the call of the Chair.)

EMERGENCY SCHOOL AID ACT OF 1970

MONDAY, JUNE 15, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to adjournment, at 10:15 a.m., in room 2175, Rayburn House Office Building, Hon. Roman C. Pucinski (chairman of the subcommittee) presiding.

Present: Representatives Pucinski, Hawkins, Ford, Quie, and Bell.

Staff members present: John F. Jennings, counsel; Charles W. Radcliffe, minority counsel for education; and Alexandra J. Kiska, clerk.

Mr. PUCINSKI. The committee will come to order.

We are very pleased this morning to have as our witness on H.R. 17846, a bill to provide Federal aid to schools experiencing various difficulties in the process of desegregation, one of the distinguished members of the education and social sciences profession of this country, Dr. James S. Coleman, who has conducted extensive studies in this entire field. Everybody is familiar with the famous Coleman report which has been the subject of substantial discussion and debate in this country.

We are most pleased to have with us this morning Dr. Coleman, who is with the Department of Social Relations at Johns Hopkins University. We are particularly pleased to have you here this morning, Dr. Coleman, because it is quite obvious that the testimony before us is substantially controversial.

We had the Secretary of Health, Education, and Welfare and the new Presidential counselor, Mr. Finch, here last week. It seems to me that that hearing produced more questions than answers.

So we are going to go into rather extensive hearings on this subject, particularly in the light of charges that are now being made that the promise by the Justice Department that 97 percent of the schoolchildren in de jure-segregated districts are going to be attending integrated schools this fall is under serious and heavy attack by various responsible civil rights leaders of the South who point out that, contrary to the statistics, the youngsters are, indeed, attending one building, but it appears that the classes and the activities within that building are even more segregated and more humiliating to a large body of the young people of this country than when they were attending de jure-segregated schools.

There is a wide national debate evolving on the whole subject. I am sure that the hearings on this bill will have to be involved in that debate because this bill is supposedly the administration's answer to that problem. So we are going to be most anxious to hear your testimony and the testimony of future witnesses in order to put into

proper perspective whether or not this program and this legislation can meet those needs.

Surely if it can, then the legislation will receive support, I am sure, from the Congress. If it cannot, then, of course, the legislation will have to be substantially rewritten.

So I am most pleased to have as distinguished a scholar as yourself here as our first witness following the administration's presentation of its case.

Mr. Bell?

Mr. BELL. Mr. Chairman, it is a great pleasure to welcome Dr. Coleman before the committee. He is a very distinguished educator. During the course of a campaign that I just recently completed, I frequently quoted you, Dr. Coleman. Every time a question came up, I would say my bible, the Coleman report, said this and I would hear no more additional comments from the audience. I want you to know that you are highly regarded in my congressional district in California as well as everywhere else in the country.

Mr. PUCINSKI. Mr. Hawkins?

Mr. HAWKINS. I have nothing to say at this time except to comment on the remarks of my colleague. He quoted Dr. Coleman in his district which is diametrically opposite from my district in every way. I also quoted Dr. Coleman. We both got nominated. Apparently, either the people do not understand Dr. Coleman or we did not quote him correctly.

Mr. PUCINSKI. When I was involved in a big busing controversy a couple of years ago, I also quoted you, Dr. Coleman.

We will ask you to proceed in any way you wish. You have a prepared statement. It is a rather detailed statement. Perhaps you want to read the statement into the record.

STATEMENT OF DR. JAMES S. COLEMAN, DEPARTMENT OF SOCIAL RELATIONS, JOHNS HOPKINS UNIVERSITY

Dr. COLEMAN. Thank you very much, Mr. Chairman and Congressmen.

I will simply read my statement and then, in the process of reading it, there may be points at which questions arise.

I am a professor of social relations at Johns Hopkins University, and one of the authors of the report, published by the Federal Government in 1966, "Equality of Educational Opportunity." That report, and the survey on which it was based, examined the extent and causes of inequality of educational opportunity in the United States. It found that if one considers educational opportunity as opportunity for achievement in basic skills, the most important factors in the school contributing to or detracting from that achievement were the other children in the school. This obviously has strong implications for questions of the effects of school desegregation for achievement which I will not go into.

However, you have asked me to testify on the bill entitled Emergency School Aid Act of 1970, and the question there is a slightly different one. This bill takes as given the goal of school integration in our society and attempts to implement it in a new way, by providing extra resources to aid schools in doing so.

I will state at the very outset that I strongly favor the bill. I have, in fact, been acting as a consultant to the Cabinet Committee on School Desegregation, because of what I believe this bill can do in implementing school desegregation, and because I believe this can be the most important action that the legislative and executive branches of the Federal Government have as yet taken in the area of school desegregation.

President Nixon has taken a step which should have been taken 16 years ago, I believe, and one which can be of enormous aid in implementing goals of school desegregation.

This legislation constitutes the first time, at least the first time that I know of, that there has been a positive commitment, supported by resources, to creating strong and stable school integration. I believe the bill should be viewed in this way, accepted for what it is, and not be confused by any other policies of this administration in this area of school desegregation.

It is clear, for example, that President Nixon is not going to impose cross-busing in local districts except where it is necessary to eliminate dual systems or as directed by the courts, but it is also clear that he is not going to inhibit local districts from doing so, and it is clear from this bill that he wants to encourage districts through positive incentives, to integrate their schools by whatever means they see fit.

What is important to my mind is the fact that here is legislation to provide resources that move us toward an important national goal: integration of our society. Several points are important to recognize in assessing the need for such a bill. The first of these points is that there is probably this year and next year more real desegregation of schools occurring than has been the case in any other 2-year period in the Nation's history. This is a very important event, and it is crucially important that it come off well.

A bus overturning in Lamar, S.C., or a bus burning in Denver, Colo., has enormous repercussions in other communities, making them less willing to take forthright steps toward school integration. Such disruptive events must be minimized next fall and beyond next fall. Little Rock, Ark., probably set back school desegregation 10 years; yet it need not have occurred. Events next fall and the succeeding fall could have that same kind of impact, or they could show that desegregation, attended by good faith, good planning, and extra resources, can work well even where the problems are greatest.

The second point that must be recognized is that school desegregation requires added efforts and added resources. It is foolhardy to attempt to carry out a large school reorganization without addition of such resources, yet that is what many districts have done. In part also it is the very isolation of the races throughout the rest of society that creates the need for extra efforts and extra resources in school. If there were many bridges throughout the rest of society across racial boundaries, school desegregation would be less difficult. But schools in this case must pay the costs brought on by residential segregation, job discrimination, and social segregation outside the school.

The third point that should be recognized in the need for this bill is the distinction between the courts and legislation. How far the Constitution goes in requiring of school patterns that would eliminate racial isolation is not yet clear in the opinions of various courts, but

what is clear is that the constitutional protections cannot be sufficient to do what is necessary. They can only provide guarantees of certain rights; they cannot dictate those arrangements that are most beneficial, most beneficial to young persons whose paths outside school are largely confined by seldom crossed racial lines, and most beneficial to the Nation which depends upon cohesive communities for its strength and survival.

I believe that one of the problems in school desegregation has been that the major tool held by the larger society to bring about important and desirable changes at the local level has been the courts, and the courts are a very blunt tool indeed. I believe there has been tendency to overuse the courts, precisely because there has not been the resolution and consensus necessary to make the proper use of other means of intervention.

In the particular application to school desegregation, I am saying that the 14th amendment, having to do with equal protection, does have important implications for school desegregation, particularly—beyond what it is doing now—in breaking down racial isolation that is created by school district lines; for example, the line between city and suburb. But the 14th amendment only provides basic guarantees. It cannot prescribe those social arrangements which are educationally most beneficial, and which depend on the skill and resources of superintendents, principals, and teachers. Use of the courts alone, as has been the tendency until now, cannot accomplish these changes our society needs. Legislation of this sort, which provides positive incentives for desegregation and aids its implementation, is extremely important if desegregation is to occur.

There are several aspects of the legislation that I would like to comment on. The first is the double-counting provision.

A number of questions have been raised about the double-counting provision of the legislation, in which minority children in districts now undergoing school desegregation which eliminates a dual system are counted twice in determining the allocation. This has the effect of putting more money in those districts of the Deep South than would otherwise occur. I support this provision, but I support it with a caveat that I will describe shortly. It is true that it rewards those districts that have been slowest in eliminating a dual system, and that I do not favor. But these are also the districts which, for black and white children both, are far behind the rest of the Nation, the poorest districts of the country, both economically and educationally.

For example, in verbal achievement, the white and black children in these areas of the rural South are very far behind their counterparts in the North, a gap which widens over the years of school, for both black and white children. Thus the first reason I support this provision is that the educational disadvantage, for black and white children, is greatest in these areas.

The second reason I support this provision is that school desegregation, to be effective, strong, and stable, does cost money, and it is these districts in which minority children are double counted that, willingly or not, are carrying out desegregation. This is where the action is. If the action were in the North, that is where the double counting should be. And that is where the double counting will be if those districts will do something about desegregation.

For example, minority children in Denver, Colo., where a court order was recently passed down, will be double counted if the district actually carries out a plan of desegregation, instead of appealing the court order. On the other hand, if it drags its feet, and merely delays action through appeals, its children will not be double counted.

It is important to recognize that there is a kind of double standard in these matters among many northerners, black and white: segregation is bad in the South, but perfectly all right in the North. This double standard, and the punitive orientation toward the South which sometimes accompanies it, disgraces those who hold it, and it has no place in legislative proceedings. This double standard and punitiveness lie behind some of the antagonism to the double counting, behind some people's dismay at any money going to the South. All that can be said about these sentiments is that they constitute no more serious an orientation toward creating stable and effective school desegregation than does the foot dragging and bad faith of some southern communities.

I do believe that the double-counting provision would be better framed if it were stated somewhat differently. What should be rewarded and given extra funding through double counting is not merely those districts carrying out desegregation pursuant to a court order or a title VI plan, but those districts carrying out desegregation through whatever means.

In addition, the double counting should not merely be of children in desegregating districts, but of children in newly desegregated school settings; that is, I would favor a double counting which counted twice the extra number of minority children in a State who are in a desegregated school this year, as compared to the number 2 years earlier. If there are, for example, a million minority school-children in a State, and if 300,000 are in desegregated schools—not desegregated districts but desegregated schools—this year, compared to 200,000 in desegregated schools 2 years earlier, the number of minority children double counted would be 100,000, and the total effective number for accounting purposes would be 1,100,000.

As a practical matter, the double counting carried out this way would, however, allocate funds among States in very much the same way this year as would the double counting provided in the bill. As I indicated, the South is where the action is in school desegregation. It seems to me a quite open question whether enough desegregation will go on in some Northern States to use up even their single-counting allotment.

There should, nevertheless, be provision for systems carrying out voluntary desegregation—which is how most districts in the North implementing desegregation would be doing it—that is, provision to participate in the double counting, and I would strongly favor an amendment to the bill to allow this. It might in fact be that after the first year the double counting should be of a very simple sort: those minority children who are in desegregated schools—again not merely desegregated districts—are counted twice. This would provide extra funds in those States where the greatest amount of desegregation actually exists.

A second aspect of the bill that I would like to comment on is the provision for funds to be given to private agencies, local educational authorities, both in section 5(a) (3) and section 5(b). I think this is very important, and I think it is important that the funds be administered in such a way that this kind of use is encouraged, since there will be strong pressures against it from public school forces. For two reasons, this avenue is important.

First, in those areas, whether in Mississippi or Chicago, where the public school system may not provide the possibility for an integrated education, it is important that such opportunity exist outside the public school system. This is particularly true in those districts which are not going to carry out desegregation in States of the Deep South. This opportunity should range from integrated supplements to regular school activities in full-time integrated schools which the child attends instead of his public school—with most expenditures being for the latter, that is for full-time schools. As an incidental benefit, this can provide a leverage to induce integration in the public school system by providing a competitive alternative outside it.

A second reason that this type of funding is important, a less important reason, I believe, is because it can provide the opportunity for innovative approaches to integration which may be foreclosed to public school systems. These innovations can provide the experience that will allow the adoption of those that work best by public school systems.

There is one major point that I wish to make concerning the legislation before I close this statement. This relates to the statement that you made at the outset, Congressman Pucinski. This is the importance of administrative regulations and a wise administrative unit in HEW to allocate these funds. The legislation is designed as an aid to insure effective desegregation, and as an incentive to help bring about integrated schools. For it to work in this fashion, it must be expertly administered under carefully designed regulations. I believe it is important that the regulations include these elements:

The first and most important is that some mechanisms must exist to insure that a district is acting in good faith in its use of the funds. Only with such checks will the funds act truly as an incentive to school desegregation. There are several means by which this can occur. The best of these, I believe, operate at the local level, without Federal intervention. A biracial parents' committee is a mechanism that has been, I believe, most useful in this respect—in part also because it helps insure support for these activities from both black and white local communities.

In addition, some assessment at the end of the year by an outside group to see that funds were expended in legitimate ways is important. Something called an outside educational audit, a procedure that has recently been developed at the U.S. Office of Education, but would not be applied by them, would be such a mechanism.

Second, the administrative regulations should restrict use of the funds to schools and programs that are actually integrated. A desegregated district or unitary district which retains half of its schools as all black or all white should not be able to use funds from this legislation in those schools, nor to shift other funds into those schools from

integrated schools in which these funds can be used. Otherwise, the legislation becomes a farce—merely another way of general Federal aid to the schools.

Third, there should be some means for measurement of the effects of school desegregation on the achievement and attitudes of the children, and on the functioning of the school. This can best occur, I believe, through administration of simple, standard measurement instruments at the beginning of a school's desegregation, and again after it has been in operation. Disbursement of funds should be conditional upon a district's willingness to administer these instruments, which would allow its results to be compared with those of other districts, and provide the desperately needed information about what things work best in school desegregation. The provision now in article 7(a) (5) of the legislation is not sufficient to insure this, and I hope that in the bill's administration such regulations are introduced. Section 10 authorizes evaluation funds; what is necessary is that the evaluation be comparative, with standard instruments for participating districts.

Fourth, I believe the provision for compensatory programs in racially isolated schools in section 5(a) (3) should be administered very sparingly. If it is not, the whole thrust of the legislation—as an incentive to school systems to carry out school desegregation—is lost. The wording now in the bill constrains such expenditures to those cases where “provision for such—interracial—programs cannot practically be made” and to “unusually promising pilot or demonstration programs.” I believe these constraints should be strictly followed, with some administrative upper limit on the proportion of funds so expended, so as not to turn this legislation into general Federal support similar to title I, thereby losing all its effectiveness toward desegregation.

I want, finally, to reiterate my general support of this legislation. I have not mentioned in this statement anything about the effects of school integration on achievement, as evidenced in the research literature. I am assuming the acceptance of a general national goal, as implied by the legislation, of a racially integrated society, and I have addressed my remarks to the implementation of that goal. It is fortunate, of course, that there are achievement benefits of school integration to disadvantaged children, but that, I believe, is not the major point at issue here.

Thank you very much.

Mr. PUCINSKI. Thank you very much, Dr. Coleman.

Dr. Coleman, you make a great point out of the double counting. I am just wondering how you relate that with the failure of the administration to ask for full funding of title I.

Now title I under ESEA, if it were fully funded, would provide substantially higher assistance to Southern schools or schools with a very heavy impact of low-income people because they have the option of using the one-half of the national average instead of the cost of education in their own respective district.

So we already are spending substantially more money in these communities than in other communities around the country. Many of those communities also have impact money and they have title I money and they get title III money, and as the chairman of this committee had asked, why this additional legislation when you could probably achieve

more effectively what you are trying to do if you would have full funding for title I. What would be your reaction to that, sir?

Dr. COLEMAN. I do not have any idea what the administration's intent was in not asking for full funding of title I.

My support of the double-counting provision and, as I indicated there, it would be a somewhat different double-counting provision, but my support of the double-counting provision is based on the simple fact that it does take extra resources to carry out school desegregation in a fashion which will make it successful. I think one of the unfortunate things that has occurred in many systems of the country is that where desegregation has been carried out, sometimes it has led to resegregation. One of the reasons this has occurred is because school districts attempted to carry out school desegregation without extra resources. I think we should recognize that it is the very racial isolation of the rest of society which imposes, in a sense, extra costs on the schools when school desegregation is to occur, that is quite apart from the extra costs necessary whenever any really major school reorganization occurs.

I think any educator would agree that there are a number of extra costs that are incident to school desegregation. When schools themselves are reorganized, when children are going to different schools and sometimes schools cover different grade spans, then there are extra costs. It seems to me important that those be funded.

As I say, I have no idea why the administration did not ask for full funding.

Mr. PUCINSKI. You talk about the additional costs involved. Secretary Finch and his aides testified here that actually when de jure segregation is eliminated in a school district, there is less busing because children go to neighborhood schools instead of being bused across town to the de jure-segregated schools as they have been for many years; there is a substantial saving.

I wonder whether or not the additional cost involved is as extensive as this legislation anticipates by double counting of youngsters in a de jure school district. It seems to me actually there are reductions in the cost, at least in getting the children to school, that is.

I appreciate the fact there are costs involved in perhaps teacher training and various other areas. Perhaps you would like to tell us what in your judgment are these additional costs that require this kind of double counting.

Dr. COLEMAN. First of all, it seems to me that the whole idea of double counting could be looked at in a somewhat different way. One could say that the only places in which there should be any counting at all is where desegregation is going to go on. That is, the question might be raised, why the first single counting? That is, why should there be counting of minority children where there is not desegregation, because this bill, as I understand it, is to provide an incentive for school desegregation and to aid in school desegregation.

Now it seems to me the pertinent question, or a pertinent question, is the question of why counting at all of those minority children which are not in desegregated schools or are not going to be in desegregated schools?

The point is, as far as I can see it, that the funds are really to implement school desegregation, so that is where all the counting should be as far as I can see.

Mr. PUCINSKI. Well, the Los Angeles School Board is now under a State court order, ordering them to desegregate. Mr. Rafferty, when we were out there, estimated it would cost the Los Angeles School Board some \$40 million a year to bus some 270,000 youngsters to achieve the order issued by the court.

Is it your judgment that it is going to cost the Los Angeles School District any less money to meet that court order than it will a school district in the South under a court order to eliminate de jure segregation?

I do not understand why you would suggest a double standard. You talk about double standard. But you write a double standard into this bill.

Dr. COLEMAN. No.

Mr. PUCINSKI. You anticipate it is going to cost less to integrate a northern school than it will a southern school when I submit that if the Los Angeles plan is sustained by the appellate procedure, it is going to cost Los Angeles substantially more money. Yet their children will not be double-counted under your formula.

Dr. COLEMAN. My understanding of the double counting was that anywhere in the country, if there was a Federal court order, there would be double counting; it has nothing to do with being in the North or South.

As I indicated, in Denver, where a Federal court order was just passed down, that there would be double counting in Denver if Denver did in fact desegregate its schools.

Mr. PUCINSKI. Is it your judgment that the State order in California is any less effective than a Federal court?

Dr. COLEMAN. No; it is not my judgment. I am not defending all aspects of this bill.

Mr. PUCINSKI. But you are defending the double-counting aspect?

Dr. COLEMAN. I am defending a double-counting provision. I am defending a provision which gives extra money where desegregation is going on.

Mr. PUCINSKI. We will come back.

Mr. Bell?

Mr. BELL. Thank you, Mr. Chairman.

Dr. Coleman, though this particular statement that you made does not directly pertain to H.R. 17846, I think there are some questions that are basically involved here and I would like to pursue them somewhat.

First of all, in answer to the chairman's original question, is it not true that the basic difference between title I and the H.R. 17846 is that they have two different goals?

Title I had a goal of compensatory education and H.R. 17846 has one of desegregation. Is that not true?

Dr. COLEMAN. That certainly seems to me to be true. And in this new legislation, the funds would go only to those districts in which there is actual desegregation going on.

Mr. BELL. In your report, Dr. Coleman, you mentioned that at a so-called tipping point where minority students constitute, say, 30 percent of enrollment, problems have a tendency to arise. They result from the so-called minority activities of, say, the blacks—now 30 percent of a school that heretofore was not that proportion.

Would you consider that tipping point a rather important aspect of desegregation?

Dr. COLEMAN. In both the research that I have carried out and in other research, there are really two things that have been found.

One has to do with the achievement of students and the other has to do with the stability of the racial composition in the school.

The latter is sometimes called the question of the tipping point.

Now, with regard to both of these there is a point in a school—and it differs somewhat from one school to another but it is not over about 50 percent in most schools—which, if the minority proportion of students in that school gets above that proportion, the achievement benefits that ordinarily occur through school integration do not occur.

There is also a tendency for the school to very quickly become re-segregated. So that on both of these counts there is a point and the point differs in different communities, depending upon the degree of mobility of the population for one thing, concerning the tipping point, and depending on other aspects concerning the achievement, a point somewhere between say 30 and 50 percent black.

Mr. BELL. I see.

You also noted that when in a larger school, where enrollment numbers 2,000 or more, the minority reaches, say, 30 percent the student body sometimes tends to polarize.

Is this fairly accurate?

Dr. COLEMAN. I think the result can be stated a little bit differently, perhaps; essentially the same thing you said, the larger the school the more possibilities there are for racial polarization within the school.

Now that polarization sometimes occurs through administrative actions, that is through creating, for example, a very highly tracked system in which most black students and white students are not together in classes. Sometimes it occurs through spontaneous organization among the students within the school itself. But it is the case that the larger the school, the more possibilities, on both of these counts, for racial isolation and polarization within the school.

That tends to occur more nearly as the racial proportions become evenly balanced.

Mr. BELL. In parts of the Los Angeles area, in the Baldwin Hills section, for example, the school population is now over 90 percent black and yet, economically, has a relatively high affluence.

In that particular section there is also the highest academic standing in the city. This is particularly apparent in the sixth grade.

We have also found that in some areas throughout the country where we have integrated high economic black areas with relatively low economic black areas trouble easily erupts. The academic standings go down, the achievement scores go down, and so on.

So my query becomes whether problems in desegregation are as much racial as economic?

Dr. COLEMAN. The answer that I would give is that it is very much economic. It is not racial.

The Baldwin Hills area in Los Angeles is a good example of that. As you say, when State test scores were published last fall, the high performance of students in that school became quite evident to people.

That indicates that it is an economic matter, it is a matter of eco-

nomies and education at the heterogeneity or homogeneity in the schools. The whole orientation of the past few years, beginning with the Civil Rights Act of 1964, has been toward creating an equality of educational opportunity through reduction in the economic and educational homogeneity of the schools which creates this educational isolation of different groups in the population.

Mr. BELL. Putting what you have just said in different terms, even if you were to integrate all the AFDC children, assuming a reasonable breakdown of black and white, fairly evenly divided, you would probably not really improve educational quality?

Dr. COLEMAN. That is right.

According to our results, that would not affect their achievement.

Mr. BELL. We have also noted in the Los Angeles area that where—and this again is in white or black districts—youngsters steal money out of their mother's or father's purse because there are kids from a low economic area waiting to beat them up if they do not pay them some money.

You can see what a serious problem this could become. I understand that this is already rampant in many of the schools in outlying areas of Los Angeles.

How do you deal with a problem like this? What is the answer? The kids are told that if they tell the police or their mother they will be beaten up badly. They are scared. They go home and do the things they normally would not do simply out of fear. How do you solve a problem like that?

Dr. COLEMAN. Well, I think this is a problem, I think it has been a problem whenever there have been well-to-do and poor children in the same schools. I think that this kind of heterogeneity in the schools in effect shows the kind of problem that will exist if it is not overcome at this age. In other words we see the kind of problem that exists at this age. If the problems are not overcome in the schools, then the problems maintain themselves and continue for a later age.

So I think the important point is that it is a good thing rather than a bad thing that the problem is exhibiting itself at this point in time, at this age rather than at age 20, 25.

Now the problem of how to overcome it is a problem of the skill of an expert school principal and school superintendent. This is a difficult thing in socially heterogeneous areas. I have no instant solutions for it. But as I say, the important point is that it is much better for the problem to manifest itself at this point in time than for it to manifest itself at age 20.

Mr. PUCINSKI. If the gentleman will yield. That would probably be true, if there were some effective weapons and tools and programs and machinery to do something about this when the problem manifests itself. But you know and I know that the problem manifests itself all over the country and there just is not anything to do about it. So what difference does it make whether it manifests itself at an early age or at a later age when you still cannot do anything about it?

Dr. COLEMAN. That is one of the problems. A socially heterogeneous school incurs higher costs than does the socially homogeneous school, because of exactly the kinds of things that were just described. Extra resources are necessary to provide the means by which a school can counteract such things. The school is not going to be wholly successful.

One of the problems the schools have had in the past is attempting to solve some of the problems of society without sufficient resources to do so.

Mr. BELL. The Chairman would like to give some other members a chance. I have additional questions, but I will return to you later.

Mr. PUCINSKI. Mr. Ford?

Mr. FORD. Thank you, Mr. Chairman.

Dr. Coleman, I am interested in the fact that you indicate you are one of the people who was consulted in the drafting of this legislation.

Dr. COLEMAN. Could I interrupt you there?

I was not a consultant in the drafting of this legislation. I have been a consultant subsequent to that time, to the Cabinet committee, but the legislation was——

Mr. FORD. Are you participating in drawing guidelines for its implementation?

Dr. COLEMAN. Yes, I have participated in that.

Mr. FORD. Are you aware of whether or not there is a draft of proposed guidelines now extant?

Dr. COLEMAN. I do not believe there is. I have not been there in the past 3 or 4 days.

Mr. FORD. How long have people been working on proposed guidelines for this legislation?

Dr. COLEMAN. Well, the matter is proceeding in a peculiar fashion. The guidelines are to be finally prepared and administered within the Department of Health, Education, and Welfare, but the Cabinet Committee on School Desegregation was——

Mr. FORD. Is that the committee that the Vice President is the chairman of?

Dr. COLEMAN. Yes.

Mr. FORD. The Secretary of HEW when he testified here last week, said that that committee did not have anything to do with this legislation, was not going to have anything to do with the legislation, and would be completely separated from it.

Dr. COLEMAN. Yes, I think that is the case, but let me tell you——

Mr. FORD. Your consulting has been to that committee and not to HEW?

Dr. COLEMAN. My consulting has been to that committee. In that consulting there were two persons who were asked to consult with regard to making recommendations for guidelines, recommendations which would then be submitted to HEW.

Mr. FORD. So the best of your knowledge is that the prime recommendations for the guidelines, at this point, have come from the Cabinet Committee chaired by Vice President Agnew? Do you fully expect in your preparation of recommendations that they will be a part of the guidelines that HEW would follow?

Dr. COLEMAN. I would hope that they would be part of the guidelines.

Mr. FORD. I will not develop this any further.

I note on page 2, that your second paragraph starts:

This legislation constitutes the first time there has been a positive commitment supported by resources to create strong and stable school integration. I believe it should be viewed in this way, accepted for what it is, and not be confused by any other policies of this administration in this area.

It would be nice if we could consider this legislation in a vacuum, but there is no way that we can avoid the track record of this administration in this whole area. This has caused a number of people who have looked at the legislation, for the first time since I have been on this committee, to question the motives of the people who initiated policies.

So we become somewhat sensitive to the appearance of some clever political possibilities.

Mr. BELL. Will the gentleman yield?

Mr. FORD. You say:

It is clear, for example, that President Nixon is not going to impose cross-busing in local districts except where it is necessary to eliminate dual systems or as directed by the courts; but it is also clear that he is not going to inhibit local districts from doing so.

If you read the legislation that is before us without reading the President's message recommending the legislation, that statement is correct. However, the President's message states:

The provision of transportation services for public school students except that nothing in this Act shall be construed to require, nor shall funds be expended, to establish or maintain the transportation of students solely to achieve racial balance.

That language was changed in the legislation so that there clearly would not be a limitation against using the money for busing. Former Secretary Finch, now a Presidential counselor, was asked here last week: If an amendment were offered to put Nixon's language back into the bill in this committee or on the floor, what would be the position of the administration with regard to that amendment?

Both he and Mr. Veneman answered unequivocally that they would support the original language proposed by Mr. Nixon, which would not, as you suggest, permit a school district to exercise an option. That language would prohibit the use of these funds for any purpose that could be interpreted as overcoming racial imbalance.

Now that fact becomes particularly important when we go to the very end of your statement and look at your reasoning and rationale for supporting the concept of this legislation. You say:

I want finally to reiterate my general support of this legislation. I have not mentioned in this statement anything about the effects of school integration on achievement as evidenced in the research literature.

I would gather by that that you mean you have not approached this from the standpoint of whether integration does accomplish an increase in educational quality.

You also say:

I am assuming the acceptance of a general national goal as implied by the legislation of a racially integrated society and have addressed my remarks to the implementation of that goal.

I gather from that that as a consultant to the Cabinet committee you see the goal involved here as the integration of the schools. Incidental to that, may be an argument between educators as to what educational effect that has.

Would you like me to yield to you?

Mr. BELL. Yes, if you don't mind, I would like you to yield for just a couple of points.

Mr. FORD. If what I have said touched a nerve, go ahead. I have more.

Mr. BELL. First, I think it should be cleared for the record that the administering of this program is not going to be by Vice President Agnew, but through HEW.

My good friend from Michigan talked about the track record. A rather important note, more schools have been desegregated under this administration than all the previous administrations.

Relative to integration, I think it should be pointed out that what Secretary Finch and Veneman were talking about was the matter of cross-busing. That was the point. But they would favor it if it were done voluntarily at the local level.

Mr. FORD. Thank you for the clarification.

I think that probably former Commissioner Allen would like to have heard something like that last week before the ax fell. That is part of the track record I have in mind.

Mr. BELL. How about Keppel?

Mr. FORD. At the end you say:

It is fortunate, of course, that there are achievement benefits of school integration to disadvantaged children, but that, I believe, is not the major point at issue here.

Doesn't that statement lead us to the question of the administration's policy with regard to the significant change made between the President's recommendation and the legislation actually introduced. It also leads us straight to the question of whether what we are involved in here is using money for the purpose of actually integrating a school setting rather than using this as some sort of program to provide compensatory education in a way that we have not previously approached?

Dr. COLEMAN. Yes. That is why I in my statement placed as much emphasis as I did upon the administrative regulations under which this bill is to be administered.

It seems to me the most crucial points do not have to do with this provision with regard to busing in the bill, but the most crucial points have to do with what kinds of schools can the funds be used in?

That is, can they be used in any district which is undergoing change from a dual district to a unitary district, whether or not the schools are being desegregated? Or can they only be used in schools which are in fact being desegregated?

I think unless it is the latter, there will be no incentive to school desegregation.

My belief is that the administrative regulations will be of such a constraining nature as to provide those incentives, but I think it is quite important that they be so.

Mr. FORD. Now that becomes important, from a philosophical viewpoint, when you look at what I have been told is the administration's plan for getting the first \$150 million into use between now and September.

The first \$100 million, I am told, would come from the Office of Economic Opportunity from title II(b), a program which has as its primary purpose the assistance of very underprivileged people who can be found in the ghetto or in the Appalachia-type setting.

The second would take \$15 million from the Civil Rights Act, Technical Assistance Section, title IV, which in effect would be saying—

We are going to take some money away from the program that is providing the technical assistance to implement the Civil Rights Act at the same time that we are going to spend money to desegregate schools.

Then another \$15 million would come from major demonstrations under the Cooperative Research Act, which again has been a program that has been directed specifically at the areas where this problem is very pervasive.

Then finally, \$9 million will come from the personnel development provisions of the Education Professions Development Act. This is the program which cities like Detroit have been fighting like the very devil to get money from for the purpose of implementing a program which, incidentally, they have underway. It is a very controversial program to accomplish just what you have said is your view of the end product sought by the legislation before us.

As a matter of fact, Detroit has had a little spur from the legislature in Michigan and has been required to move in this field. It has caused some difficulties. They are trying to get money under EDPA for the people that they think are going to be necessary. Yet, we are going to take \$9 million out of EDPA by this legislation. Then we take another \$5 million out of dropout prevention. Then we take \$5 million from planning and evaluation of ESEA to get the \$150 million.

The fact is, when you put them all together, the administration is proposing to take money from programs that now are dealing with the objects of the concern of this legislation: programs that are not functioning very well because the Congress has been very poor in appropriating the money for them, and the administration and its predecessor has been even worse in asking for money to be appropriated.

Now, with that in mind, how do you respond to the suggestion that the real answer would be to put money into the existing programs to beef up civil rights enforcement, both in HEW and through the Civil Rights Act itself? That would be in opposition to trying to take money from on-going programs between now and September—September being magic only because the Court finally said they meant it in 1954 and delay in desegregating was no longer permissible.

Would it not be better for us to support some of these existing programs with money and go ahead with the already-existing bureaucracy rather than trying to pass legislation through both Houses, then come back and get it financed and finally try to set up a new bureaucracy to handle it?

Dr. COLEMAN. I do not think so.

First of all, that money, as I understand it, is money that was budgeted but not appropriated.

Second, it seems to me that money which is directed toward a specific end, as this legislation is, is far better than money which is much more disbursed over a variety of ends.

In other words, there is a great deal of activity in school desegregation going on between now and next December. When that activity goes on, it will be carried out well or poorly.

I think it would be a foolish thing for our society not to attempt to make that activity go as well as it can. I think that the courts have done the appropriate thing in dictating that in those de jure-segregated school districts in the South, that they complete their desegregation. I think the courts have been wise to finally put an end to the all-deliberate speed.

Mr. Ford. On page 5 of your statement you make the assertion that "For example, minority children in Denver, Colo., where a court order was recently passed down, will be double counted if the district actually carries out a plan of desegregation," but in Los Angeles they won't. How do we get around that kind of discrimination?

Dr. COLEMAN. Well, I would like to get around both that kind of discrimination—what you are pointing to is the fact it is a State court in Los Angeles.

Mr. Ford. Everything is the same. Denver is apparently willing to proceed under the court order without going further. Los Angeles is apparently willing to proceed under the court order without going further. The difference is that if Los Angeles were to dig its heels in now and take appeals through the Federal courts, up to the U.S. Supreme Court and were ultimately told by the Supreme Court, "You must obey the order that the State court originally imposed on you," they could then double count their children. But if they voluntarily go ahead and obey the State court order without going through the appellate procedure, they will have their students counted once, Denver, on the other hand, proceeding under a Federal court order in good faith, gets double counting.

That seems to me to reward you for the wrong kind of conduct and to say to the superintendent of schools in Los Angeles, "You are a damned fool, facing a \$40 million a year deficit to voluntarily go along with the court. You should put your lawyers to work and you will end up with twice as much money and you can put off this thing for 2 or 3 years and save your budget."

Dr. COLEMAN. I agree with you very much. I believe the double counting provision should be changed not only so State court orders were included, but also so such things that did involve a voluntary plan such as the Detroit plan at the high school level which is being debated now, so that those could be double counted as well. I think the double counting proceedings should be changed in that fashion.

I think you are precisely right. I don't think it rewards the right things now. I think it should reward desegregation no matter how it is carried out.

Mr. QURE. I want to make it clear that the gentleman from Michigan is wrong when he says the \$150 million would be taken away from existing programs. The administration asked for \$100 million more in the Economic Opportunity Act than they received. Now they are going back to the Congress again and saying, "Give us that \$100 million. We'd like to get going, before you can get this legislation through, but we would like to have it without strings attached as we did with EOA" and that they hope to get out of the Senate.

The other money taken from other programs was also money not appropriated yet, but is within the authorization. They could have gone higher, but that is evidently the amount they figured they could

use now for these specific programs to get rolling before this fall and then with this authorization go beyond that.

I would have been good if we had legislation that we could increase by a half a billion dollars this year and a billion dollars next year, but I think you make the point very well, Dr. Coleman, that we want to help schools that are desegregating and not do it through more compensatory education.

I like your comments on changing the double counting so that anybody who desegregates qualifies—but I think the big argument I hear on this committee in opposing double counting is that some people want to use the money for the parts of the bill which would actually be compensatory education. If it is compensatory education, we might as well increase title I in order to secure the funds there, but you can't get the money for desegregation from title I.

Isn't that right, Dr. Coleman? Isn't that the problem here?

Dr. COLEMAN. I would certainly feel that the double counting is more important than the first counting. That is, the counting of children who are undergoing school desegregation is more important than simply the counting of the number of minority children in the States.

I think the important thing is that these are funds for school desegregation and the counting ought to be where school desegregation exists and is coming into being.

Mr. QUIE. You make the point this legislation will help against re-segregation. Any assistance for compensatory education has no effect, at best, and it might even have the impact of encouraging re-segregation. While here you will actually have some money that will discourage re-segregation because they will receive an incentive for the integrated schools. Isn't that right?

Dr. COLEMAN. That is right. I think in many communities there is a whole set of forces. In Detroit, for example, there are forces for the plan which the school board and the school superintendent have presented to the community, which involves desegregating a number of high schools, and there are people who are against it. What legislation like this would do, appropriately framed, is strengthen the hand of the superintendent and the board of education and those persons who are in favor of carrying out school desegregation in Detroit, and that is what I think is extremely important. That is, to have something which will strengthen the hand of those forces in the community which are attempting to carry out what I see as an important national goal.

Mr. QUIE. I wanted to ask you about the language on transportation. I know you answered previous questions on this but it wasn't too clear in my mind.

Which of the two sets of language on transportation do you prefer, the one that is in the bill as introduced, or the one that the administration really wants, which would not only prohibit the Federal Government from requiring the transportation of children but, secondly, as the administration wants it, to prohibit a local school from using this Federal money for transportation if it is solely to overcome racial imbalance and not to, evidently, just improve the education.

Dr. COLEMAN. My feeling is that the provision doesn't matter too much because if I were a superintendent, I think I could show very

well that overcoming racial balance—that is, using school buses in such a way to overcome racial balance is not solely for the purpose of overcoming racial balance, but there is a great deal of evidence to show that it is also educationally beneficial.

I was not here at Secretary Finch's testimony, but I read his prepared testimony and in that statement there was an indication that funds for busing, which involves racial balance, as long as it had some additional education benefits—and I think there is a great deal of research evidence to show there are additional educational benefits—is possible. So I would favor the wording that is now in the bill, but I don't think it matters substantially because of the fact that racial balance is, as has been shown in a number of research cases, to provide educational benefits, so that no plan which involves racial balance—that is solely for racial balance—is for education benefits as well.

Mr. QUIN. I imagine any school superintendent who couldn't make that claim wouldn't be a very good school superintendent.

Let me read you part of a sentence out of context on page 2 of your testimony.

"President Nixon is not going to impose cross-busing in local districts except where it is necessary to eliminate dual systems." Leave all the rest of it out.

Now, I understand where a local school, if they wanted to begin cross-busing, they would be permitted under this bill, but do you really mean that, taking it out of context that way, that this legislation would permit President Nixon to impose cross-busing in local school districts where it is necessary to eliminate dual systems?

Dr. COLEMAN. I didn't mean that. I mean it is clear in other aspects of administrative activities. That is, in the title IV enforcement program, there is a change in this administration in that it is not imposing cross-busing in local districts. The plans approved by title IV are not requiring as much busing as previous title IV requirements, so that I am really not talking about this legislation at all.

It is clear that in this legislation there is no imposition of anything and that is where I see some of its virtues. It is for the first time providing the carrot that goes along with the stick, the stick that has existed in the courts and in title IV enforcement. I think it is important also to provide the incentives, as well as the stick.

Mr. QUIN. I want to commend you for your strong advocacy of a biracial parents committee. I think this is of utmost importance. I know it is going to be a little problem, probably in this legislation too because we have had some problem in the Elementary and Secondary Education Act.

Dr. COLEMAN. Biracial committees always create a problem and they are always an extremely good thing. They create a problem exactly where they should create a problem because of the fact that they may not approve of a plan; they may not like a plan that a superintendent and a school board devise, but if they don't like it at this point it is not a plan the community is going to accept and it is not a plan that ought to be instituted in that community so I think it is very important there be such a committee.

Mr. QUIN. And also the outside group or, as some call it, the independent evaluator, and we can get away from the "happy day" talk, "Everything is going good in the local school," by somebody who doesn't have any axe to grind or any record to keep up himself.

Dr. COLEMAN. Yes, I think the biracial parents committee is important for insuring that the plan is a legitimate one and has broad community support among both races at the outset, and an independent or outside evaluation or outside educational audit is necessary afterward, to make sure that in fact there has been appropriate use of the funds. I think this is particularly important in many districts of the South which are now undergoing desegregation because those are the districts which have, for one reason or another, dragged their feet until now. It has been 16 years and those districts are the ones going to attempt to find all sorts of ways to bypass using these funds for school desegregation.

Mr. QUIE. Let me ask you about your point that a desegregated district or unitary district which retains half of its schools all black or all white shouldn't get funds.

Southern cities which have had de jure segregation when they had desegregation find there are some sections of their city, especially the industrial ones, which are in effect de facto segregated as well.

Suppose it is a smaller percentage. Suppose just one or two schools happen to be all white or all black?

Dr. COLEMAN. My point there was such a district ought to be able to get funds under this legislation but it ought not to be able to use funds in those schools which remain segregated. That is my point; not that the district would not be eligible. Otherwise, it would mean many Northern districts, for example, wouldn't be eligible. It would mean, for example, the Detroit district that I mentioned a little while ago would not be eligible because some schools still remain black or white. My point is that the district ought not to be able to use funds or divert funds in those schools which remain black or white.

Mr. QUIE. On page 9 you talk about measurements of the effect of school segregation. It is nice to say we ought to have some measurement of the effect of school segregation; that it ought to be uniform, which is well and good, but could you tell us what is available now, some simple standard measurement instrument, and could you tell us about it and then probably later send us anything that you have available that could be used so that the schools will look into this and know what they are going to be doing at least? Have you some information at this time?

Dr. COLEMAN. I would be very glad to do that.

I think the important point is that there be simple tests at the outset of school desegregation of two sorts and at the end of the first year of school desegregation, of two sorts, and there exists standard tests for both of these things. One is, tests of their performance in basic, cognitive skills such as verbal skills and mathematical skills and the other has to do with attitudes, particularly interracial attitudes.

So, examining these at the beginning and end of the school year in which desegregation occurred, along with other information about the kind of desegregation plan that is occurring in this district, would tell us what things work and which don't. Where the changes are positive, then that indicates that the plan is working well. When the changes are negative, or not positive, it means they aren't. So it is a very simple set of measurement instruments which, taken together with other information on the district, would do that.

Mr. QUIE. Is there a name to these?

Dr. COLEMAN. There are a number of them and I will certainly send some things.

Mr. HAWKINS. Mr. Coleman, I certainly want to commend you on a very excellent statement. I think that based on the finding of your committee, on the Civil Rights Act, this statement certainly implements what your findings indicated and certainly I want to agree with that concept. However, it seems to me in discussing the concept you have made a great number of reservations. As to those reservations, it seems some of us are objecting to the manner in which this bill is drafted.

Assuming we agree with your concept—and I certainly do, the concept of integration—then the matter becomes one of whether or not this bill, as it is now drafted, actually implements that concept. You suggested among those reservations one pertaining to busing, one pertaining to a concept of the manner in which the double counting is going to take place, and you also suggest a method of strengthening the private agencies' approach outlined in this bill and you also have some strong reservations concerning the administration of the act itself.

In view of all these reservations, it is pretty difficult to conclude whether or not the bill that is before us will actually achieve the concept which we agree upon.

In line with that, there are several questions I would like to ask you. One, the then Secretary of HEW, Mr. Finch, before this committee indicated this added restriction, which I will read, and ask you whether you agree with it or not.

We would suggest an added restriction which would preclude the support of transportation services where the intent is solely to establish racial balance.

Then he explained it this way:

This would not preclude assistance for transportation which is supported by substantial educational or other relevant considerations apart from achieving simply a mathematical racial balance.

I thought I understood you a few minutes ago to indicate that it would be very difficult to have a busing situation in which some substantial educational or relevant educational considerations could not be shown.

Would you support a restriction that simply said that no money would be used if the intent is solely to establish racial balance?

Dr. COLEMAN. I would not support any further restrictions than exist in the bill now with regard to transportation. I don't believe Secretary Finch's statement was a further restriction. In fact, if I were a superintendent that statement would point the way to me to using funds for busing in any way that I saw fit because it indicated that where there were substantial educational benefits to be derived, it was certainly all right to use the funds for that purpose. So it seems to me that statement was a loosening rather than tightening.

Mr. HAWKINS. Then you would not favor the added restrictions?

Dr. COLEMAN. No, sir; I would not.

Mr. HAWKINS. This is typical of the way in which this bill is drafted. There are those of us who agree with you on the concept of integration and believe that any bill which provides any incentive to desegregate is an excellent presentation, but when we get into some of the pro-

visions we begin to doubt whether or not that concept is being actually served.

Now, again I think Mr. Quie referred to the biracial parents committee, which I also believe is one of the strongest suggestions that you have made because it seems to me that this fall we will probably have a very hot fall rather than a hot summer—at least a hot summer succeeded by a fall which is going to be hotter when the schools are faced with the problem of school desegregation.

Obviously we are going to be dealing with some of the worst ones, and I believe that we can anticipate many disruptions, in advance.

It seems to me one of the most specific suggestions that has been made is some sort of a committee to oversee the schools when they open in the fall.

In line with that, would you suggest a biracial parents committee which would be democratically selected and, if so, in what way would such a committee be organized?

Dr. COLEMAN. Well, I think that the details of how a biracial committee is selected is a matter for some consideration. I hesitate to answer that at this point. There are two conflicting considerations. Many recent court orders such as the one in Jackson, Miss., have required the appointment by the school board of a biracial committee and have required of that biracial committee a report to the court on very precise and specific things such as the number of white students who have transferred out of the district; the number of children, black and white, in each classroom—not in just each school, but each classroom in the district. There are a number of things like that.

The courts have been asking for biracial committees which are appointed by the school board. One danger, however, of a biracial committee that is appointed by a school board is that it becomes simply a rubber stamp for the school board. The opposing danger on the other side is if a biracial committee is to be elected, then the problems of such election, as New York City, for example, found out in its election of local school boards a couple of months ago, are enormous ones. So I believe that I would, in view of the opposing considerations, favor appointment of a biracial committee by the school board but having the biracial committee make specific—I started to say have the biracial committee make a specific report, as has been asked in some of the court cases, but the question is whether that should be done by the biracial committee or by the outside educational auditor which should, I think, also have representation of black and white persons both.

Therefore, let me say that I can't be conclusive about the question of how the biracial committee should be created because I think there are opposing considerations which make it a difficult question.

Let me make a point with regard to your earlier statement concerning my reservations on the bill. I don't have strong reservations on any aspect of the bill. I did say I had some reservations with regard to the double counting provision, that I thought it would be better if the double counting provision made it possible for double counting to occur whenever desegregation occurred in schools independently of the source of that desegregation.

My other points were not so much reservations about the bill but feeling that it was important to pay some attention as to how the bill

was to be administered, and concerning the private agencies which might be funded.

That was not at all a reservation to the bill but a feeling of pleasure that that section was in the bill, in fact, and I hope that that would be used.

Mr. HAWKINS. It just seems to me you went a little overboard in view of the concept that you uphold. There are those of us—I certainly am numbered among them—who are rather skeptical of title I because we feel that it is an effort to try to make desegregation work and it isn't going to work and I personally am inclined to believe that the concept—this I do agree with, in this particular proposal, of trying to make desegregation work—is a very excellent one.

However, when I have used reservations that I construed that you had, it seems to me they far outweighed the concept of actually working in this proposal.

You speak, for example, of administrative regulation. There is no confidence that any of us can have that the administrative regulations are going to be those that would please the concept that you uphold. There is no testimony before this committee and there is nothing in the record of this administration which shows that it is going to be as strict in the enforcement of that concept on southern districts. Some of us fear that what is going to happen is that this, instead of being a good tool that can be used, is going to be a dangerous tool in the hands of politically-motivated individuals, and that these regulations are not going to be so drafted that freedom of choice, that concept, the integrated classrooms as well as integrated schools, and the other ways in which these districts have evaded the law up to this point are suddenly going to reverse themselves and become good angels overnight. Faced with this possibility and with the probability of disruptive events in the schools, this could end in a real sham battle in which we are going to have desegregation discredited rather than the concept upheld. That is a fear that we have.

Dr. COLEMAN. Well, I can say that I would not be continuing to act as consultant to the cabinet committee if I felt that the administrative regulations under which this bill would be administered were not going to have those strong provisions in them that I indicated.

Mr. HAWKINS. I don't think they are going to have much to do with writing the regulations.

Dr. COLEMAN. No; they are not. At the same time, under the cabinet committee I and the Superintendent of Schools at Chapel Hill, N.C., have made some recommendations to HEW for guidelines and as far as I can see the people in HEW are strongly motivated to establish guidelines that are very much along those lines and along the lines of what I indicated here.

I agree with you that it is very important how the bill is administered. I think it is true with every bill but I think it is particularly important here because of the fact that school districts are motivated many times in the opposite direction than the direction of the bill's intent. But I do have some confidence that activities that are going on in HEW now with regard to development of those regulations will result in quite strong administrative regulation. So that I do have some confidence in that. If I didn't have confidence, I wouldn't continue to submit my recommendations for such regulation.

Mr. HAWKINS. Well, certainly we know that you are acting in good faith. We would hope that we could believe what we are being told, but it seems to me it would be a lot more desirable to write some of these things out and save some basis in the proposal for the writing of stronger guidelines. Otherwise it just seems to me that the things that you have indicated—

Dr. COLEMAN. Well, it certainly seems to me that would be very much an alternative possibility, for example, to have some of the things that I have indicated, if these things which are felt to be important, written into the bill rather than solely into administrative guidelines. I would prefer to see that as well.

Mr. HAWKINS. Mr. Allen came before this committee not too long ago and disagreed with us because we wanted to write a few things out. He was talking about the so-called crusade to make everybody read, and yet he was told by the administration apparently to oppose some of the bills which were then pending to make this conceptually real and he disagreed with us then. I would suspect that he is now beginning to think that he should have gotten a few things written out.

Mr. COLEMAN. I think that it might be a very wise thing to have some of these things actually written into the legislation.

Mr. HAWKINS. Thank you, Dr. Coleman.

Mr. PUCINSKI. In addition to your work at Johns Hopkins University you are now employed by the Federal Government in a consulting position, aren't you?

Dr. COLEMAN. Yes, sir; I am.

Mr. PUCINSKI. Now, I am going to place in the record the guideline proposed by HEW. This is a draft of basic policies for administering the emergency school assistance appropriation of \$150 million which are now under preliminary consideration by HEW.

(The draft guidelines follow:)

DRAFT OF BASIC POLICIES FOR ADMINISTERING THE EMERGENCY SCHOOL ASSISTANCE APPROPRIATION OF \$150 MILLION NOW UNDER PRELIMINARY CONSIDERATION BY HEW

(NOTE.—These draft criteria are being considered for purposes of administering the special \$150 million appropriation requested and are subject to change. They have not yet been reviewed by all who might be able to contribute ideas and useful suggestions. They do not represent the same criteria, in whole or in part, that may be developed to implement the Emergency School Aid Act of 1970 or similar legislation now under consideration by the Congress.)

1. Eligibility criteria.

1. Eligibility for sponsorship:

(a) Eligibility for sponsoring of project is limited to local education agencies (LEA's) which are implementing a court ordered or HEW approved plan of desegregation for September 1970 or which have implemented a plan of desegregation during the school year 1968-69 or 1969-70.

(b) Public or private "community or civic organization," other than LEA's which are assisting a local school system in implementing a court ordered or HEW approved plan of desegregation for September 1970 or which have implemented a plan of desegregation during the school year 1968-69 or 1969-70.

2. Eligibility for receipt of funds:

(a) The application must submit a project which is of sufficient comprehensiveness, size, and scope to offer reasonable assurance that it will succeed in meeting the problems incident to implementation of the applicant's desegregation plan.

(b) An application must provide assurance that Federal funds made available for any fiscal year will be used so as to supplement and increase the level of funds that would, in the absence of such Federal funds, be available to the applicant from non-Federal sources for purposes which meet the requirements of this au-

thorization, and in no case as to supplant such funds from non-Federal sources.
 (c) Sponsors of projects will be expected to demonstrate that provision has been made for minority groups, parents, members of the community and others at interest, to participate in an organized way in the development, review and evaluation of the project.

(d) In the case of sponsorship by public or private community or civic organizations other than an LEA, a project will be funded only when it is clearly in support of the LEA plan.

11. Funds may be used for activities that maintain and improve the quality of education during the desegregation process. Examples of such activities are the following:

1. Special educational personnel and student programs:

(a) Special personnel.

Temporary teachers—to provide release time for regular instructional personnel to participate in desegregation workshop activities.

Teacher aides—to reduce pupil-teacher ratios in order to give more attention to individual students.

Special guidance and counseling and testing staff—to assist and counsel principals, teachers, and students in order to provide educational programs that will remedy student deficiencies.

Monitors—parents in the school community to perform services that will reduce potential behavioral problems on school buses and school grounds.

Crossing guards—to provide staff that will maximize safety precautions for children who may be taking new and different routes to school.

Administrative and clerical staff—to provide additional personnel and time for implementation of desegregation plans, e.g., additional month of employment during the summer for principals.

(b) Student services:

Remedial programs—to provide specialists, books and supplies for remediation in all subject areas in which students are deficient.

Guidance and counseling—to provide adequate guidance and counseling staff in order to deal with student adjustment problems resulting from the desegregation process.

Diagnostic evaluation and testing programs—to provide diagnosticians trained to evaluate special sight, hearing and psychological problems of students.

Work-study programs—to provide children from poverty level families with specially-designed school programs that would afford them financial assistance so as to continue their education.

Health and nutrition services—to provide specialized personnel and services for students having health and nutrition deficiencies.

Dropout prevention programs.

Student relations—to provide special programs designed to assist students on problems such as acceptance, behavior, dress codes, etc.

(c) Educational personnel development:

Seminars on problems incident to desegregation—to provide training with skilled experts in the area of human relations so as to minimize problems incident to desegregation.

Seminars on teacher interpersonal relationships—to facilitate positive interpersonal relations among educational personnel through training by skilled professionals in an intercultural understanding.

Utilization of university expertise through institutes and inservice programs to deal with such problems as:

Teaching bilingual children.

Teaching children with speech and dialect deficiencies.

Attitudes and problems of teachers, parents and students involved in the desegregation process.

Upgrading basic skills and instructional methodologies of teachers in English, math, science, social sciences, language, arts, reading, etc.

(d) Curriculum development:

Utilization of expert consultants to shape and design new curricula approaches and to introduce curriculum innovations that would serve children with multi-ethnic backgrounds.

New and varied instructional materials.

Improved evaluation and assessment of student progress.

(e) Special demonstration projects:

Projects for introduction of innovative instructional methodologies which will improve the quality of education in the desegregated school:

Individualized instruction.

Master teachers.

Team teaching.

Non-graded programs.

Special projects involving community agencies and parents—to develop joint projects between special-interest and civic groups, parents and the schools which would promote understanding among citizens. Such projects could include sponsoring citywide and countywide art and music festivals, public meetings on relevant school problems (drug abuse, behavior, etc.).

Exemplary instructional practices—to operate pilot projects which would demonstrate exemplary instructional practice suitable for systemwide replication and for other school districts involved in the desegregation process.

(f) State and local planning and administration:

Expand technical assistance capabilities at the State education agency level—to provide additional personnel to assist the local education agency in planning for desegregation.

Temporary staff at the local level to handle administrative details and clerical duties—to provide additional temporary staff to deal with the logistics of changing from a dual to a unitary system. For example, rescheduling of students and teachers, redrawing transportation routes, supervision of necessary physical changes (moving equipment, building renovation, etc.).

Staff at the local level for planning and supervising the implementation of the desegregation plan.

2. Community participation programs:

(a) Public information activities:

Community information programs for parents, teachers, and students—to provide factual information about the desegregation plan and school programs.

(b) Community programs:

School-home visitation programs—an activity to be performed by educational personnel to assist with dissemination of information about school programs and student progress in the desegregated school.

Special parent programs—to provide programs designed to increase parents' involvement with the schools' programs, i.e., PTA, Education Emphasis Week, etc.

3. Equipment and minor remodeling:

Procurement and relocation of temporary classrooms (trailers, mobile facilities and demountables).

Did you participate in the drafting of these proposed guidelines?

Dr. COLEMAN. No, I have seen those.

Mr. PUCINSKI. You did not participate in the drafting?

Dr. COLEMAN. That is right. Those, I understand, are not the administrative guidelines, but they are broad outlines of policy and really are only kind of an intermediate step between legislation and the guidelines.

Mr. PUCINSKI. At what point does the Congress have available some expectation on how these laws are going to be carried out?

As you know, I have become pretty disenchanted with government by guidelines. We legislate here and we set up the broad policies and then we find that when the guidelines come down any similarity between what we did here and what the administrators do is coincidental. They go off in their own direction and are totally oblivious of what the Congress did and they can twist and turn every single meaning of the Congress. So now we are going to insist that we see the final guidelines on this legislation before it is approved.

You say that this is not the final guideline?

Dr. COLEMAN. I think that had to do with \$150 million.

Mr. PUCINSKI. Yes; but I presume that \$150 million policy will then become applicable to the \$500 million and you know that that \$500 million, and then a billion dollars, is going to become a permanent

program. There should be no doubt in your mind that, like the impact bill, once you pass this legislation it is "forever," because nobody likes to kill Santa Claus. So, for anyone to tell us that this is a temporary measure to meet a temporary need is to be totally out of touch with reality in the functions of government.

Is there any doubt in your mind that once this principle is established it is going to be here long after you and I are gone?

Dr. COLEMAN. Well, I don't know. I would hope that it was, in fact.

Mr. PUCINSKI. That it was around?

Dr. COLEMAN. Yes.

Mr. PUCINSKI. On this double counting basis, at the expense of every other inner city school system in this country we are going to provide this kind of a windfall to a group of school districts that should have been doing something for the last 15 years. They have been under a Supreme Court edict and they have been evading their responsibilities and so now we are going to pour in millions upon millions of dollars to get them to do something that they should have been doing right along, isn't that correct?

Dr. COLEMAN. I don't agree with your statement, Congressman. I believe that it is important that additional resources go for school desegregation, whether that desegregation occurs in the north or in the south. I believe in a different double counting provision, one which double counted for children undergoing school desegregation, whether voluntary or by court order.

Mr. PUCINSKI. If that is your feeling, Dr. Coleman, why don't we write a formula here that will take the guesswork out of this thing?

As you know the President proposes, first of all, \$150 million, then \$350 million and ultimately \$1 billion, and every penny of that money is handled by the Secretary of HEW.

I think one thing everyone has overlooked in this legislation is that the Secretary of HEW becomes a superstar in dispensing Federal funds in these areas. There is no standard formula. No school district can plan from year to year as to how much money he can count on in the following year to lay down programs. He is going to have to come hat in hand for every nickel of this money to Washington and this bill puts the Federal Government in education more than anything I have seen here in 12 years. Am I correct in that assumption?

Dr. COLEMAN. You certainly are, sir, and I am very pleased that it does so because I think one of the very real problems with title I is that it did not do so. I think that, especially in the area of school desegregation, it is important that a school system not know that it is going to have this amount of money next year, independent of what it does. I think that the money should be contingent upon school desegregation.

Mr. PUCINSKI. There is no question then for the record here that I am correct in stating that this legislation puts the Federal Government in charge of those school districts?

Dr. COLEMAN. No, sir; it does not do so as far as I can see.

Mr. PUCINSKI. Does this legislation give the Secretary the arbitrary powers to decide what school district is going to get the money and which will not? Is there any categorical formula here on how this money is going to be spent and can any school district count from one year to the next with any degree of assurance that they are going to get that money?

Dr. COLEMAN. No, the school district cannot count with any degree of assurance and it shouldn't count with any degree of assurance that it is going to get this money. The money should be contingent upon its performance in school desegregation.

Mr. PRICINSKI. Now, Dr. Coleman, you said to Mr. Que that this is a different bill than title I because it does different things. Title I was really a bill designed to provide compensatory education, whereas this bill is going to do some magic things to, all of a sudden, bring people together.

Let's look at the guidelines and see how correct that statement is. Reading from the guidelines in section 2:

Funds may be used for activities that maintain and improve the quality of education during the desegregation process. Examples of such activities are the following:

A. Special Personnel.

Temporary teachers to provide release time for regular instructional personnel to participate in desegregation workshop activities.

Where does it say that can't be done under title I?

Teacher aides—to reduce pupil-teacher ratios in order to give more attention to individual students.

Where does it say this can't be done under title I?

Special guidance and counseling and testing staff—to assist and counsel principals, teachers and students in order to provide educational programs that will remedy student deficiencies.

Where does it say that can't be done in title I?

Monitors—parents in the school community to perform services that will reduce potential behavioral problems on school buses and school grounds.

Where is there anything that says that can't be done in title I?

Crossing guards—to provide staff that will maximize safety precautions for children who may be taking new and different routes to school.

Where does it say that can't be done in title I?

Administrative and clerical staff—to provide additional personnel and time for implementation of desegregation plans, e.g., additional month of employment during the summer for principals.

We have been talking about using title I to upgrade the salaries of teachers for a long time.

Remedial programs—

To provide specialists, books and supplies for remediation in all subject areas in which students are deficient.

Where does it say that can't be done in title I?

Guidance and counseling—to provide adequate guidance and counseling staff in order to deal with student adjustment problems resulting from the desegregation process.

Where does it say that can't be done in title I?

Diagnostic evaluation and testing programs—to provide diagnosticians trained to evaluate special sight, hearing and psychological problems of students.

Where does it say that can't be done in title I?

Work-study programs—to provide children from poverty level families with specially designed school programs that would afford them financial assistance so as to continue their education.

Where does it say that can't be done in title I?

Health and nutrition services--to provide specialized personnel and services for students having health and nutrition deficiencies.

Where does it say that can't be done in title I?

Dropout prevention programs, and student relations to provide special programs designed to assist students on problems such as acceptance, behavior, dress codes, etc.

Which of these programs, Dr. Coleman, cannot be incorporated and cannot be performed by any school district now getting title I funds?

Mr. BELL. I would suggest that be put in the record. It will take several days to read all that.

Mr. PUCINSKI. I would like to have the witness answer.

It was suggested here this is something different; that this is a great, grand design for somehow overcoming the problems of integration and the chairman of this committee, Mr. Perkins, has stated that everything incorporated in this proposal can now be done if we fully fund title I under a formula where a school district can anticipate what kind of help they are going to need, instead of coming, hat in hand, to the Secretary of HEW every time they want a program.

This is the basic issue here and these guidelines prove clearer than anything we can say that there really is no difference between title I and the proposal of the President.

Would you comment on that, Doctor?

Dr. COLEMAN. Yes, sir.

The districts certainly can use funds for all of these things that you have indicated under title I and are using funds under title I for some of these things. I believe what your statement overlooks however is the fact that there are additional costs and very high additional costs that are oftentimes incurred when school districts undergo in any serious fashion reorganization of the sort that is involved in school desegregation.

These funds, as I see them, are funds to add resources to the schools for exactly that purpose. Whether those school districts are carrying out desegregation voluntarily or otherwise, they have extra costs, and the question of whether these costs are borne or not is going to make a great deal of difference in the outcome of the desegregation process--in Jackson, Miss., and in Detroit, Mich., and in Chicago. The point is, if there are no such additional resources, then we will find the same kind of thing that has been occurring throughout the South and the North, the kind of desegregation that occurs when schools do not have any additional funds to help implement the plans involving school desegregation.

So my point is that these funds are--to be sure, all schools need funds and title I provides some funds, especially in low-income areas, but that is not what this legislation is for, as I understand it.

Mr. FORD. Would the gentleman yield at that point?

Mr. PUCINSKI. Yes.

Mr. FORD. Isn't it true that the 200-odd school districts which have been most obstinate until now, refusing to use title I funds for the purposes set forth in these guidelines, are exactly the school districts that would have the priority for receiving funds provided by this bill. If that is the case, how do we have any assurance that school districts which have for this long, stubbornly refused to use title I funds for

those purposes, are now going to use this supplemental fund for what they have refused to do in the past?

Dr. COLEMAN. They will continue to refuse to use these funds as well. That is, those districts will refuse to use title I funds; they will refuse to use these funds because title I funds and these funds have conditions attached to them which those districts don't want to abide by. Those districts, it seems to me, are out of the running in any case.

Mr. FORD. Would you think it would be wise on our part to write into this legislation some specific exclusions for the kinds of districts that could not receive these funds. For example, we might have exclusions for school districts that are giving local tax incentives to the creation of private schools in order to continue a segregated system, or school districts that have sought to maintain segregation indirectly by reducing State and local support for the schools, or, an incentive provision of some sort.

Dr. COLEMAN. Yes, sir; I think it would be wise if that were in the legislation. I think if it were not it should definitely be in the administrative regulations, but it should be in one of the two places.

Mr. FORD. Doctor, I am being cynical I know, but some of us are concerned that the tenor of this legislation—seems to say that we should be paying reparations to the South for the Court having imposed the Constitution on them while at the same time it is being said by those who support this legislation that no one in the North shall be disturbed by these efforts to desegregate because we are really not going to be putting any money in or asking them to do anything at all. From the cynic's point of view, it appears to me that what we are trying to do is quiet the people down in some parts of the country and reassure them that there is no present intention to disturb de facto segregation. At the same time we are trying to say to the southerners, "We are going to give you some sort of balm for this indignity that has been imposed on you by the Federal court system."

That is the kind of overtone which I see in this legislation that frightens me a little bit and why I think we should be extremely specific, just as the chairman does, in designating, by a formula, the kind of action by a school district that will qualify it for the receipt of additional funds. We should spell out the specific kinds of things that we would want to see them do, as a condition to receiving the funds, rather than leaving it completely to the discretion of school districts that are in the jam they are in now because of a total failure to either recognize or respond to the problem; a problem which was clearly made evident by the 1954 *Brown v. Board of Education* decision.

Mr. PUCINSKI. Do you wish to comment on that?

Dr. COLEMAN. No, I won't comment.

Mr. BELL. Mr. Chairman, I cannot help but be a little amused this morning by the actions on your side of the aisle. Here we have this eminent gentleman from the education area and we spend the time making partisan comments about the bill. It seems to me it is partisanship for partisanship's sake.

If the bill had been introduced by a Democratic administration, I think the people on the left side of the aisle would have been eager to support it.

I would like to point out that before you can obtain approval of something as a guideline, you must have the bill passed. This administration, like the previous administration, is not sending bills through demanding that we pass it as is. This administration is saying, "Yes, we have a bill. These are the guidelines; these are the ideas we have in mind. If you wish to make amendments and changes, that's fine, but let's do it along this base."

I think it is fairly obvious that these so-called windfalls that the South is going to be getting will not be windfalls at all. They will not get them unless they are desegregating. That is the purpose of it.

I might say to my good friend from Chicago that if Chicago will desegregate its schools we will guarantee to them the money.

Mr. PECINSKI. If my colleague will yield—

Mr. BELL. You did give me the floor, Mr. Chairman. I want also to have a chance to comment on what has been said.

Even if everything could be done under title I, your side of the aisle has been saying that we have to spend \$3.5 billion to get \$1.5 billion into desegregated schools. And under title I we would have no guarantee that the schools would be desegregated. In view of this I think the methods the present administration is using here makes some kind of sense.

Mr. PECINSKI. I am glad you said "some kind."

Mr. BELL. I think it makes considerably more sense than putting all the money under title I.

Now, getting back to the more serious elements of our discussion for a minute, Dr. Coleman, I note that in your statement on page 7 you state that the opportunities should range from integrated supplements to regular activities in full-time integrated schools, which the child attends instead of public schools—with some expenditures being for the latter.

I was wondering if you were thinking of some kind of voucher system type of education program there?

Dr. COLEMAN. I think there is a variety of things possible, such as vouchers that can only be used in schools with a certain racial composition. That is with a racial composition which is in some balance in relation to that of the metropolitan area, or the surrounding area.

That is not the only kind of thing. I think that the possibility of having, for example, integrated boarding schools as one kind of expenditure under this bill, would be a very fruitful direction. I think that an integrated boarding school would provide, for example, a far stronger and more beneficial integrated school experience than an ordinary school.

It is now the case that a black parent or a white parent, if he wants his child to go to such a boarding school, must pay private school rates to do so and there are very few private schools which do have that kind of racial composition in any case.

It seems to me it is enough in the interests of the society as a whole to create kinds of persons who have that kind of experience in their background so that the society should be willing to cover that kind of expenditure.

A voucher system, with integrated boarding schools and things of that sort I think are—

Mr. BELL. It would seem to me, Dr. Coleman, speaking of the boarding schools, that an arrangement where the groups were integrated and actually living together might be a very good way to overcome some of these socioeconomic problems.

Dr. COLEMAN. Yes, sir. I would think there would be many families in the South and in the North, white and black, who would be very excited about that kind of possibility if it did in fact exist.

Mr. BELL. Dr. Coleman, I was speaking to you a little earlier about the problems of extortion and I believe you commented that you recognized it existed but that it was probably better to have it now rather than at a later date when the youngsters become full fledged gangsters.

How will you be able to keep those parents who have a better situation as far as their families are concerned, those parents whose children are being extorted from sending their children to some other school where they don't have the problem of extortion?

In addition, if these problems start occurring, you are going to find the schools dropping in their academic achievements.

There you are talking about parent participation. How are you going to keep the parent from wanting to change the youngster's academic achievements by sending him elsewhere?

Dr. COLEMAN. Well, I think that is a very important point and I think that is one of the reasons that resegregation has occurred. That is, it is not just because people, white families, for example, are prejudiced against black children, but rather that there are problems that have occurred in schools which are economically and racially heterogeneous. So I think this is a serious problem and it is one of the things toward which such expenditures ought to go.

One important direction which a number of school systems are beginning to find is important at the onset of school desegregation is to get the active involvement of two sets of people; active involvement of students in helping to implement a school desegregation plan through, for example, where there is a consolidation of a school that had been black with one that had been white, student body representatives from both groups meeting a number of times before the schools are in fact merged, to involve them in a serious fashion with some responsibility and some authority over activities in the process of school desegregation. Students are one group that some superintendents and principals have been finding are extremely valuable to have involved in school desegregation.

Another group is the parents themselves. That is, many parents are very concerned about having their children go to a school which is in a different part of town than the one he had been going to, or a school which is attended by different kinds of students. These are both black and white parents.

A number of school superintendents have found a very valuable device at the outset of school desegregation is to have some either paid or voluntary positions available for parents to allow as many parents as the school can use in some reasonable fashion to be involved in the schools so that they can see what is going on day by day. At the same time, they can help do away with some of the kinds of problems that you have been describing.

I think the greater the parent involvement, either on a voluntary basis, or on a paid basis, the less likelihood there will be of that kind of activity and my own recommendation is that one strong kind of expenditure for these funds is to bring parents into the school, to have them for a whole variety of services which will both reduce the parents' fears and also keep the school under somewhat better control.

Mr. BELL. I note that you, in your report, frequently say "except Orientals." You frequently note that we have this problem and that problem with black, white and so forth, socioeconomic or whatever, but you make the exception about Orientals. You infer that we don't have that problem with them. Is family background accountable for this?

Dr. COLEMAN. One of the things that has always been the case about immigrant Japanese and Chinese families in the United States is that a whole variety of indices, whether it has to do with school achievement, delinquency, or whatever, show extremely strong family discipline, extremely cohesive family activities, and extremely greatly extended family influence in both of these groups.

I think that the strong family that exists for Japanese immigrants and Chinese immigrants has produced both academic achievement and, as I indicated, very low levels of juvenile delinquency. It has certainly shown up in the research that we have done.

Mr. BELL. That certainly would tend to show how important the parental influence is. Regardless of the student's racial background or socioeconomic background the feature that can make the difference is parental influence.

Dr. COLEMAN. Yes, sir; that certainly is one of the things we found in our survey. That is, extremely strong importance in any racial group as well as between racial groups of the family background in determining the child's performance in school.

Dr. BELL. Thank you.

Mr. PUCINSKI. Dr. Coleman, I have one question. In the guidelines proposed in the draft, the eligibility for sponsorship would be, one, eligibility of a project is limited to local educational agencies which are implementing a court order, or HEW-approved plan of desegregation.

Two, "Public or private community or civic organizations, other than local educational agencies, which are assisting a local school system in implementing a court order or HEW-approved plan of desegregation for September 1970, or which have implemented a plan of desegregation during the school year of 1968-69 or 1969-70."

How do you understand this second provision? Does this mean that the Secretary can give Federal funds directly to a public or private community or civic organization if he feels that a local school board is not moving fast enough in implementing a court order?

Dr. COLEMAN. The provisions that you read have to do with \$150 million being spent?

Mr. PUCINSKI. That is correct.

Dr. COLEMAN. It would be very different, as I understand, in the legislation for the larger amount of money.

I am not sure how that second provision is intended. That is, the funds for the private agencies which are aiding school districts in

this regard. I simply don't know how that might be implemented. I don't know of examples of such types of expenditure.

Mr. PUCINSKI. This does create, certainly, a valid question. We have seen in the poverty program, and we have seen in other programs what the Federal agencies can do when they are given the power to go around the responsible elected authorities of a community to perform certain duties. I am just wondering. This is such a broad statement. Public or private community or civil organizations, other than local education agencies, which are assisting a local school system in implementing a court order, or HEW-approved plan.

Now, there is nothing in here that says they are insisting, the local school board's acquiescence.

Dr. COLEMAN. I believe if you will look at a different place, at a later point—I haven't that before me—it indicates they must have the acquiescence of the school board. I am almost certain it is there. As I say, I haven't that before me. I believe it is on the next page, as matter of fact, if I recall.

Mr. PUCINSKI. It may be in here and we will more carefully study this provision, but it says:

The application must submit a project which is of sufficient comprehensiveness, size and scope to offer reasonable assurance that it will succeed in meeting the problems incident to implementation of the applicant's desegregation plan.

B. An application must provide assurance that Federal funds made available for any fiscal year will be used so as to supplement and increase the level of funds that would, in the absence of such Federal funds, be available to the applicant from non-Federal sources for purposes which meet the requirements of this authorization, and in no case as to supplant such funds from non-Federal sources.

C. Sponsors of projects will be expected to demonstrate that provision has been made for minority groups, parents, members of the community and others at interest to participate in an organized way in the development, review and evaluation of the project.

This is another one of those maximum feasible participation of residents of the community and I hope before I die I can find out who in this Federal Government is on that hang-up. They put this into every single bill that comes out of HEW. Somewhere along the line Congress ought to find out who is in that agency that is stuck on this particular concept.

We know what it did to the poverty program. It ruined it. The poverty program had great promise until they put that language in there. They tried to put it in the Juvenile Delinquency Act and we ran them off the Hill. They have tried to put it in other programs and we have run them off the Hill. I sure would like to know who it is in the HEW woodwork that keeps coming back with this ghost on every piece of legislation that comes before this committee.

Now:

D. In the case of sponsorship by public or private community or civic organizations other than an LEA, a project will be funded only when it is clearly in support of the LEA plan.

But it still doesn't say it has to have approval of the local education agency.

Mr. BELL. Will the gentleman yield?

Mr. PUCINSKI. I would like an answer from the witness.

Dr. COLEMAN. That last thing you read was the provision I was referring to and it seemed to me that answered that point.

Mr. PUCINSKI. Let's take a hypothetical situation. We have a situation which has been brought to light over the weekend where many of these schools supposedly have a court plan and they have integrated the school but they have segregated classrooms; they have a different bell system for transferring classes during the day. Within the school building itself there is vast segregation even though theoretically and technically the local school agency meets the standards and the criteria.

Now, it seems to me that under this language, "A project will be funded only when it is clearly in support of the LEA plan," and the plans may be very desirable, but the actual implementation of the plans results in the kind of things that have been brought to light over the weekend.

Now, I want to find out here whether or not an outside agency, a private or public agency, can be funded by HEW directly from Washington even though it has not been approved by the local school board.

Dr. COLEMAN. Well, certainly under the larger legislation it can and I think it should be because it is precisely in those districts, the kind you were describing, where a child does not have the opportunity to have an integrated education through his local school district, for which this bill has two provisions: Section 5(A)(3) and section 5(B) would make possible the funding of education for such children who are in districts which refuse to carry out school desegregation.

Mr. PUCINSKI. What you are saying then, Doctor, if I understand you correctly, in effect, is that if a local school board, for whatever the reasons may be, is not doing what the Federal Government thinks it ought to be doing, the Federal Government may go ahead and fund some private agency, or organization, to take over those activities in competition with the local school authority.

Dr. COLEMAN. I would put it very differently from that.

Mr. PUCINSKI. Is that statement incorrect? Is my conclusion on the basis of your statement incorrect?

Dr. COLEMAN. I think your statement is not correct.

Mr. PUCINSKI. Would you tell me where?

Dr. COLEMAN. I would say if people in the local communities felt their public school system was not carrying out that responsibility in the way that they felt it should be carried out, they could make application to the Federal Government for funds to carry out education in a fashion which was in accord with this legislation.

Mr. PUCINSKI. A private or public agency other than a school board?

Dr. COLEMAN. That is right.

Mr. PUCINSKI. In other words, you are saying—and I want the record to be clear on this because certainly this guideline is clear on it—that if a local school authority is not carrying out a program satisfactory to the people here in Washington, if there is a public or private community which supports an effective program for a community, the Secretary can fund the public or private organization to take on the responsibilities.

In other words, what you are going to have is a lot of private organizations moving into these local school systems and trying to take up the function of running those school systems.

Now, this is the way I read this guideline and to some extent I think you kind of support that.

Dr. COLEMAN. It is even clearer in legislation as it stands now. It is not in the guidelines for the \$150 million, as far as I can see, that would have to be in support of the local system. In this it would not have to be in support of the local system and I don't think it should be in support of the local system. I think local school districts have in many cases not been serving the children well and I say the Federal Government has a responsibility not just to the local school district, but to the children in those areas.

Mr. PUCINSKI. I appreciate your frankness and I think you have been a most helpful witness. I respect you for the fact that you are the author of a very detailed and comprehensive study, but I am even more appreciative of your absolute candor and frankness here.

Now, the Congress is going to have to make the decision within the framework of your expert testimony as a consultant and to the Vice President's Commission. The Congress is going to have to decide whether or not they want to now deviate from the historic position that we have taken that Federal funds do not mean Federal control.

Under this legislation and the guidelines which I read in this legislation, we are departing from that historic role and saying that if a local school district is not doing a good job "Big Brother" in Washington will do it for them. That is what we are really saying.

Dr. COLEMAN. I don't see it that way at all. I see it in a different fashion. If the local school district is not doing a good job, then it means a child and its parents have an alternative.

Mr. PUCINSKI. And you are saying then that if the local school district is not doing a good job, the Federal Government has the responsibility under this legislation to take over that responsibility of teaching that child and doing a job in which the local government has failed.

Dr. COLEMAN. Not that the Federal Government has the responsibility of taking over the responsibility of teaching that child, but, rather, that the Federal Government can provide alternative resources to that child.

Mr. PUCINSKI. Absolutely, and what you are saying here now, just so the record is absolutely clear, is that in your judgment the Federal Government ought to get into the management and operation of these schools where the local school districts are not doing a good job.

Dr. COLEMAN. I am not saying that at all.

Mr. BELL. Will the gentleman yield? You're saying the same thing over and over again.

Mr. PUCINSKI. The record will clearly speak for itself.

Now, you are saying you are not saying that. You just said a moment ago, that it is your judgment, that the parents, who are disenchanted or dissatisfied with the local school board or program can turn to the Federal Government for recourse.

Dr. COLEMAN. No; they are not turning to the Federal Government for recourse. They would have an alternative source of public funds for their educational activities. That is, as the bill provides, where it is not possible for a child to have an integrated education under his local school district, then it is possible for a private group to make application under the bill.

Mr. PUCINSKI. Thank you for your candor. I think the record is crystal clear on this subject.

Mr. BELL. Will the gentleman yield?

I gather that my colleague would favor a school system in the South that could, for example, just forget about integration and desegregation and continue with the present situation.

Mr. PUCINSKI. My colleague is speaking-----

Mr. BELL (continuing). And do not function-----

Mr. PUCINSKI. My colleague is speaking for himself. I do not need my colleague to interpret my views on school segregation. I do a pretty good job, myself.

If you want to support that kind of a system, that is your privilege. That is not what I said. That is not what the record shows.

What I did say here is that Dr. Coleman has put his finger on this legislation. This legislation obviously wants to put the Federal Government, with both feet, into the operation of local school districts.

Mr. BELL. The gentleman is incorrect.

Mr. PUCINSKI. To undo everything that the Congress has-----

Mr. BELL. That is exactly what I mean. The gentleman is incorrect.

Dr. Coleman did not say that. Dr. Coleman stated that when the local school system is not functioning in the manner in which it is supposed to function and is completely out of line with the very principles of our country, the Federal Government can and should interfere. It is the principle we used under the Johnson administration and now use under the Nixon administration.

Let me proceed.

The gentleman refers here to community participation as though it were unusual and terrible—perhaps he would like to eliminate it. But a hold-over Democrat suggested citizen participation and reminded a Republican that Lincoln believed in the idea too. This is not a new concept. I think it is one that, regardless of the problems that it sometimes gives us, is desired by the people; one we are going to have to live with. In many cases it has functioned very well.

I think citizen participation is very beneficial. Would you not concur?

Dr. COLEMAN. Yes; I certainly believe that it is. It is a matter which, if the citizens are not involved in formulation, in the participation at the outset of some such plan, then they come to be involved against the plan later on.

Mr. PUCINSKI. In view of the statement made by my colleague from California, you have testified here very eloquently on your concern for providing additional funds for local school districts that are confronted with the additional costs of integration. Nobody can quarrel with that principle; certainly not the gentleman from Illinois, the chairman of this committee. But if that is the purpose, and that is really the purpose, why, then, not set up a definite formula in this bill which will distribute the money to local school districts that are integrating, provide the supplemental funds they need, without putting the full \$500 million at the disposal of one man here in Washington, the Secretary of HEW, and ultimately \$1 billion at his disposal?

Now this bill provides one formula of two-thirds to be counted on the basis of a number of minority children in that State and where

there are de jure court orders, the children are counted twice; \$500 million windfall, and then ultimately the billion dollar windfall, has absolutely no strings. One-third of this is given to the Secretary and the Secretary then dispenses it in any manner or form he wishes, to attain certain goals.

Now if you are really concerned about helping local school districts overcome the problems of integrating and the additional cost of integrating, why not write into this bill a distribution formula that is going to give each State an equal share?

There are 20,000 school districts in this country. Every one of them is having problems in integrating their schools either by court order or on a voluntary basis. All I want to know is how can we really accept the sincerity of the administration's proposal when they rest all their power right here with big brother in Washington, instead of trusting the States to do the job once they give them the money?

Mr. BELL. Will the gentleman yield to me?

Mr. PUCINSKI. I want an answer from the witness.

Dr. COLEMAN. I believe, Congressman, the problem is, if there were such a formula written into the legislation it would very seriously involve the Federal Government in almost the operation of the local schools.

Mr. PUCINSKI. No, no. All we are going to do is make the money available. Let the school district run the schools.

What you said here earlier is clear on the record, I will not go back to it.

Mr. BELL. Let my good friend allow the gentleman to answer the question, please.

Dr. COLEMAN. The point is that the kind of formula which would necessarily be involved is a formula which would have to do with the desegregation of the school, the desegregation of activities within the school. What that would mean is that a Federal agent would have to examine classrooms to see whether in fact these classrooms were desegregated both in Chicago and in Mississippi, and that I think would involve the Federal Government in operation of the schools, far more than this legislation does.

Mr. BELL. I might add that the entire \$100 million of Cooperative Research Act money is spent in exactly the same way, project grants, and can include projects of private nonprofit organizations. So this is not a new approach in any way, shape, or form.

Would you like to comment on that?

Dr. COLEMAN. Yes. This is certainly a standard pattern in Federal expenditures.

Mr. PUCINSKI. I tell you it is a far cry from it. We have a number of relatively small programs around here, both in the Vocational Education Act, the Higher Education Act, Elementary and Secondary Education Act, which are distributed in that manner. But you are talking here about a major piece of legislation which ultimately is going to exceed \$1 billion.

If my colleague, who sat here for 10 years that I have heard him, under the previous administration shedding crocodile tears against Federal intervention in local school systems, can now change his colors and say "I want to give the Secretary of HEW \$1 billion to hand out to local school districts on a hat-in-hand basis," if that is his concept

of Federal aid to education, I am afraid that we just do not see the problem the same way.

I am going to have to adjourn the meeting because—go ahead.

Mr. BELL. Let me thank, Mr. Chairman, Dr. Coleman for coming before this committee. I regret that it has become so partisan.

Mr. PUCINSKI. It is not partisan.

Mr. BELL. Unfortunately.

Mr. PUCINSKI. There is nothing partisan about these proceedings.

Mr. BELL. The only problem with this bill, as I see it, is that a Republican introduced it instead of a Democrat.

Nevertheless, I do want to thank you for your statement and for your answers to the questions. I know that the gentleman on my left wants to adjourn the meeting so I will return it back to him.

Mr. PUCINSKI. I might point out one thing. This is one of the most important pieces of legislation ever to come before this committee. It is full of all sorts of contradictions. We have not certainly, as yet—and I do not expect that we would, because we have only had 2 days of hearings—but we surely have not had all the answers to questions that are being raised in a perfectly honest and sincere way.

I would hope that as the members of this committee probe this legislation, on both sides, that because searching questions have been asked, we are not going to be accused of partisanship. I think on as big a bill as this, we ought to have the answers in the record.

It is going to be very difficult to get this legislation through the Congress. It would be my hope that we can clear up all of these areas of deep concern.

Mr. BELL. Speaking of consistency, did the gentleman from Illinois support title III of the Elementary and Secondary Act being handled like this or did the gentleman favor that it go to the States under State jurisdiction?

Mr. PUCINSKI. Just a second. Title III is distributed by the States. The States decide what programs are going to be handled within the State. Do not tell me about title III. The title III programs are approved by the State superintendent of public instruction or the chief educational officer. In most instances they have a committee which weighs the applications and makes the allocations.

Mr. BELL. But did the gentleman oppose the amendment that made it that way?

Mr. PUCINSKI. Did I what?

Mr. BELL. Oppose the amendment that made it that way.

Mr. PUCINSKI. No, no; I am for it.

Mr. BELL. I understand you opposed it. You want the correction made, the change that you just suggested?

Mr. PUCINSKI. You understand incorrectly.

I tell you one thing, you take a hard look at this bill and you are going to see the extent to which the Federal Government really takes over these local school districts.

Now, if that is what Congress wants to do, the Congress will work its will. But I think it is very important during these hearings to point out the shortcomings and strengths of this legislation. The shortcomings, in my judgment, is the degree to which the Federal Government is going to take over the management of these local school districts.

Now if that is what the people of America want, fine, that is their judgment.

Mr. BELL. Did you vote for the Green amendment?

Mr. PUCINSKI. I believe I did.

I voted with Mrs. Green for giving greater control to States on this. The gentleman from Illinois has been pretty consistent on this score.

I think we have to adjourn. I want to thank the witness. You have been a marvelous witness. I always appreciate a witness that comes before the committee with complete candor. Certainly the record will show that you have been most frank in your answers and I appreciate that.

Dr. COLEMAN. Thank you.

Mr. PUCINSKI. The committee will stand in adjournment until Wednesday.

(Whereupon, at 12:42 p.m., the committee adjourned, to reconvene Wednesday, June 17, 1970.)

EMERGENCY SCHOOL AID ACT OF 1970

WEDNESDAY, JUNE 17, 1970

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:30 a.m., in room 2257, Rayburn House Office Building, Hon. Roman C. Pucinski (chairman of the subcommittee) presiding.

Present: Representatives Pucinski, Bell, Quie, and Dellenback.

Staff members present: John F. Jennings, counsel; Alexandra Kista, clerk; and Charles Radcliffe, minority counsel for education.

Mr. PUCINSKI. The committee will come to order.

We are very pleased to have Mr. Jerris Leonard, Assistant Attorney General in charge of the Civil Rights Enforcement Section of the Attorney General's Office, this morning to discuss with us H.R. 17846, the President's Emergency School Aid Act. We are particularly interested in finding out how this particular legislation will help bring about a solution to some of the problems that the court actions have brought in their wake.

So, Mr. Leonard, we are pleased to have you here. I suggest you proceed in any manner you wish.

STATEMENT OF JERRIS LEONARD, ASSISTANT ATTORNEY GENERAL

Mr. LEONARD. Thank you, Mr. Chairman.

I am going to spare the subcommittee the burden of my reading the entire prepared statement that is on file with the committee. I would like to begin by paraphrasing at about page 7.

Mr. PUCINSKI. Mr. Leonard, your prepared statement will go in the record at this point.

(The prepared statement follows:)

STATEMENT OF ASSISTANT ATTORNEY GENERAL JERRIS LEONARD

Mr. Chairman and members of the subcommittee I wish to thank you for inviting me to be here. The Department of Justice strongly supports the proposed "Emergency School Aid Act of 1970." In accord with your request, my statement will deal mainly with the school desegregation litigation program of the Department of Justice and with our views regarding the benefits of the proposed legislation.

1. Prior to 1964, the primary means of achieving effectuation of the decision of the Supreme Court in *Brown v. Board of Education* was lawsuits brought by private parties.

The Civil Rights Act of 1964 granted authority to the executive branch of the Federal Government to seek to eliminate segregation of public schools. Title VI of the Act sets forth the requirement of nondiscrimination in programs receiving Federal financial assistance. With regard to school systems, the Department of Health, Education, and Welfare has the basic responsibility for securing compliance with title VI. Since Mr. Pottinger is here today, I will not comment in detail upon the operation of Title VI.

Title IV of the Civil Rights Act of 1964 authorizes the Attorney General to institute civil actions for the desegregation of public schools. A third portion of the statute which is relevant is Title IX, which empowers the Attorney General to intervene in certain types of suits, including school desegregation suits, initiated by private parties for the vindication of Fourteenth Amendment rights.

The authority provided by the 1964 Civil Rights Act has been used and used effectively in the area of school desegregation. At the outset, the desegregation efforts of the responsible Federal agencies were directed almost entirely at school districts in the South, that is, in areas which had had State-required dual school systems. More recently attention has also been given to districts in the North and West where discrimination is present. Attached as Appendix 1 is a table showing the number, type and location of Department of Justice school desegregation suits.

The underlying basis for our litigation is the equal protection clause of the Fourteenth Amendment. I have already mentioned the fact that racially segregated, dual school systems are one type of unlawful situation. In addition, there are districts characterized by racial discrimination in student or faculty assignment, even though they never had a compulsory dual system.

Different legal consequences result where racial segregation is de facto in nature, that is, where the racial separation is caused solely by residential segregation. Such de facto segregation has not been held unconstitutional. Accordingly, the lawsuits in which the Department of Justice has participated involve deliberate discrimination, as opposed to de facto segregation.

The great majority of court decisions relating to school segregation have involved districts which had de jure segregation. The applicable requirements stated by the courts have changed over time. Initially, in accord with the Supreme Court's directive to accomplish desegregation "with all deliberate speed," the lower Federal courts adopted a gradual approach. In subsequent years, more rapid progress toward integration was called for. The freedom-of-choice method of pupil assignment was in widespread use. However, in 1968, the Supreme Court rendered a decision which has meant in effect that for most districts freedom of choice is no longer acceptable. More recently, the Court has made clear that the process of desegregation must be completed without any further delay.

2. Let me discuss briefly the procedures followed by the Civil Rights Division before we commence or enter a school desegregation suit. Under title IV of the Civil Rights Act of 1964, no action may be brought by the Attorney General unless he has received a meritorious complaint from an aggrieved party. Prior to bringing suit, we notify the school board in question and give it an opportunity to correct the underlying problems.

Intervention in a private suit under title IX is utilized where the case is one of general public importance and is such that our participation is necessary or desirable from the standpoint of enforcing constitutional rights.

In some instances, we have sued school districts which failed to comply with desegregation plans that had been agreed upon with HEW. Title VI provides the basis for HEW to refer such matters to the Department of Justice. The result sought is a court decree requiring implementation of the HEW-approved desegregation plan.

Most of the school litigation consists of suits against individual school districts. There have been in addition two actions statewide in nature, a privately initiated suit in Alabama in which our Department is participating and a suit in Georgia which we commenced in 1969.

In framing desegregation decrees, many courts have come to adopt the practice of directing the use of HEW specialists who study the particular district and assist in preparing an appropriate plan.

Generally speaking, the desegregation suits are continuing in nature. The courts retain jurisdiction and when necessary the Department of Justice or a private plaintiff will move for supplementary relief to bring the plan into harmony with current judicial standards.

The Civil Rights Division recently compiled statistics on the status of desegregation in 11 Southern states.¹ We found that, prior to the 1969-70 school year, only 5.2 percent or 164,273 of the Negro students in the 11 states attended unitary or desegregated school systems.

Significant changes will occur by the next school year. As of the present time, there are in effect court orders or HEW-approved voluntary plans which will mean that, by the 1970-71 school year, 58.9 percent or 1.8 million Negro pupils

¹ The states are Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

will be attending desegregated systems. These existing orders and plans cover a total of 396 school districts.

Moreover, we believe that, as a result of our litigation and the negotiations of HEW, even greater progress will take place by next September and that the proportion of Negro students who are in unitary systems may exceed 90 percent.

Clearly, the next school year will be a crucial one from the standpoint of school desegregation.

3. I wish now to turn to the proposed legislation. The objectives of the "Emergency School Aid Act of 1970" are set forth in the May 21, 1970, message of the President. The purpose of the legislation is to assist in meeting the special needs of school districts which are undergoing or have recently completed desegregation and also districts affected with problems of de facto segregation or racial isolation.

It is apparent that among the most crucial problems in the area of education is that of race. Each of us recognizes that this matter will not be solved merely through the expenditure of additional funds. At the same time, I am firmly convinced that additional Federal financial assistance can make a significant contribution.

Both the process of desegregation and the process of dealing with de facto segregation can involve substantial additional costs for the school districts.

Various methods of pupil desegregation are now in use, including geographic zoning, pairing, and consolidation of schools. Each such method can necessitate significant alteration of the school system. Desegregation also pertains to faculty, with the result that many persons are for the first time teaching across racial lines. Unfortunately, all too often, the formerly Negro schools were inferior in terms of facilities and quality of education. These are some of the factors which give rise to special needs when a district converts to a unitary system.

Certainly, special training for faculty members and programs of remedial education can be valuable. The same is true of counseling services, development of new instructional techniques, community activities to achieve support of desegregation and the other activities which could be funded under the bill.

The proposed legislation is designed to help the school districts meet expenses such as those outlined above and in that way to contribute to the effectiveness of desegregation and of the educational program in general.

Under the bill, the local educational agencies have discretion, subject to approval by the Office of Education, as to the type of project which is most suitable. In my opinion, this flexible approach is desirable, for school systems vary greatly in terms of size, nature of population and other characteristics.

I am confident that this legislation will make an important contribution to successful completion of the process of desegregation and to assisting in alleviating racial isolation. I urge its prompt enactment.

This completes my prepared statement. I will be happy to answer any questions which the subcommittee may have.

APPENDIX 1

U.S. SCHOOL DESEGREGATION SUITS,¹ AS OF JUNE 16, 1970

State	Number of suits ²					Number of districts involved
	Total	IV	VI	IX	A	
Alabama.....	18	5		10	3	118
Arkansas.....	6	3	2	1		8
California.....	1			1		1
Connecticut.....	1	1				1
Florida.....	4			4		4
Georgia.....	22	12	9	1		103
Illinois.....	3	3				3
Indiana.....	1	1				1
Louisiana.....	37	16		14	7	37
Mississippi.....	42	33	1	5	3	47
North Carolina.....	6	4		2		6
Oklahoma.....	1	1				1
South Carolina.....	15	12	2	1		15
Tennessee.....	8	4		3	1	15
Texas.....	6	1	2	3		7
Virginia.....	7	5		2		7
Total.....	178	101	16	47	14	374

¹ This list includes suits filed under titles IV, VI, or IX of the 1964 Civil Rights Act, and those suits in which the United States has been designated as amicus curiae at the district court level. It does not include those suits in which we have been asked to file briefs at the appellate court level.

² The headings "IV," "VI," and "IX" stand for titles IV, VI, and IX of the 1964 Civil Rights Act, respectively; "A" stands for amicus curiae.

MR. LEONARD. Let me thank the subcommittee for giving us an opportunity to comment upon some of the problems that we in the Justice Department find as we deal with hundreds of school districts throughout the country, particularly in the South.

I want to commence by stressing that this coming September is going to be a very crucial time with respect to the whole area of school desegregation. This is because there will be literally millions of children in school systems throughout the South attending school for the first time in a unitary or a desegregated system.

I want to assure this committee that there are very serious concerns that we should be addressing ourselves to. The purpose of the Emergency School Aid Act is to assist those who are dealing with these problems to meet the special needs of districts which are undergoing the desegregation process and also to recognize that the problems of racial isolation in schools, both in the South and throughout the country, create some special problems.

I think that it is apparent and we must be completely honest in recognizing that in the area of education the problem of race is crucial.

We all know that the problem of race is not going to be solved merely by the expenditure of money. There are many other things that have to be provided by educators, particularly leadership and innovation. Still, financial assistance is going to make a significant contribution, because both the process of desegregation and the problems that are created by racial isolation do involve or can involve substantial additional costs to school districts.

There are various methods of pupil desegregation that are now being utilized and suggested by the courts and used by school districts, including geographic zoning, consolidation of schools, and abandonment of some school facilities. And I would like to call to the attention of the subcommittee certain recent cases which indicate the intensity with which the courts have been dealing with these problems.

The *Jackson Municipal Separate School District* decision, decided by the fifth circuit a few weeks ago, is one. The *Charlotte-Mecklenburg* decision of the fourth circuit and the recent fifth circuit decision regarding Mobile, Ala., are others. These decisions, I think, are important as background for all of us to understand the very difficult issues with which the courts have been dealing.

All of the methods that are available for desegregation necessarily involve very significant alterations of the school system. I think it is also important to recognize that in many of these situations the school board has been operating two separate school systems and that the two are now being merged into one system.

In light of this, we can understand some of the difficulties which the districts face.

We also have problems with respect to faculty desegregation, and this incidentally is true throughout the United States. Racial discrimination against faculty members is just as illegal in the North as it is in the South. In many districts, now for the first time black and white teachers are teaching across racial lines, and this creates real needs.

Special training for faculty members and programs of remedial education are available as tools to assist, and I would like to call the

subcommittee's attention to the program that the Office of Education's title IV equal educational opportunity staff organized for some 30 districts in southern Mississippi last fall.

The subcommittee may wish to consult Mr. Brader of the title IV office regarding not only the kind of program that was conducted but also the results which were achieved. I believe firmly that the proposed legislation is designed to help the school districts meet some of the expenses which result from the desegregation process, districts that are desegregating either voluntarily or under court order and districts which face the equally difficult problem of racial isolation.

Under this bill, the local educational agencies have discretion, subject to the approval of the Office of Education, as to the type of project that they are going to engage in to meet the problems existing in their district. I want to stress to the subcommittee that school districts are as different as thumbprints. There is no single plan that can be designed to aid every district. Each district must be looked at independently and must have a design for its particular problems.

A program that is going to solve the problems and not merely address itself to the symptoms is essential. That is why innovation is so important. And to get innovation, you must have flexibility. I believe.

Mr. Chairman, that concludes my general remarks. I would be pleased to answer, or try to answer, any questions that you have.

Mr. PUCINSKI. You say in your statement on page 6 that in the school year 1970-71, 58.9 percent, or 1.8 million Negro pupils will be attending desegregated systems involving 396 school districts. I had seen some reports here that you had prepared a memorandum which apparently has or has not been made public, indicating some 95 percent of all the segregated schools in the South would be desegregated this September. Is this reasonably correct?

Mr. LEONARD. I think, Mr. Chairman, that is based on certain assumptions and there were also important caveats with respect to that prediction. It was based on the assumption that our progress would continue the way it was progressing as of June 1, and I am pleased to tell the subcommittee that I believe it is continuing.

We had a team of Mr. Pottinger's people and my lawyers in Jackson, Miss., yesterday and Monday, and again they came away with what I feel was a substantial number of districts that came into voluntary compliance. If we can continue to get such voluntary compliance, plus our lawyers being able to bring suits in districts where voluntary compliance is not possible, then at least on paper there will be, I believe, a very high percentage of the black children in the 11 Southern States attending school in unitary school systems.

It is important to recognize it is one thing for Mr. Pottinger to get an agreement with the school board or our lawyers to get a court order, and it is another thing to have the agreement of the court order carried out. That is an important caveat we have to understand. Although it does not appear to be a great possibility, conceivably there could be changes in legal standards between now and September. Although I doubt that such a change is very highly probable, that is a matter for the Supreme Court to determine and it is possible.

With those caveats, I think it is safe to say that if we make this progress, for practical purposes the dual school system as we have known and recognized it in this country will have been eliminated. Let me point out, Mr. Chairman, that we northerners should not fail to recognize that there are—at least it is claimed that there are—many elements of subtle and sophisticated discrimination taking place in northern school systems through the drawing of zone lines, the question of expenditure of funds, the question of whether or not there is really equality of educational product being delivered to all children within a district.

Mr. PUCINSKI. Mr. Attorney General, under this bill there would be substantial assistance given to a school district that is desegregating a de jure school system and is under a court order, but there is nothing in this legislation that I can see which addresses itself to de facto segregation. We have had reports—I am sure you are aware of the statement made by Mr. Bond yesterday and other spokesmen for the South—indicating that while it is true that the de jure kind of segregation is being eliminated in terms of all-white and all-black schools, the segregation is being transferred into the new schools in terms of having classrooms segregated.

We have had reports that they have a different bell system for transferring students between classes. One bell system is for the black children to move from class to class and another bell system is for the white children to move from class to class. There has been all sorts of other forms of segregation—on the football field when they are close to the goal line they put in another set of players. There are various other reports of that nature.

Now your statistics may appear very encouraging, but what is happening inside the schools that are allegedly complying with your orders on de jure segregation systems?

Mr. LEONARD. I think I have to break that question down, Mr. Chairman, if I might. The acts which you describe, if they are true, of course would not be consistent with current legal standards and either HEW or the Department of Justice would be required to take action against any school system which allowed those practices.

I do not know the facts on which others have based these claims. We do know that there were a very small number of districts in some of the Southern States which had plans which provided, as an interim step during this school year, for some actual segregation. Some of it came about, at least we are told and we have no reason to doubt, because of a situation, for instance, where a midyear desegregation would take place, a midyear unitizing of a district.

And again I stress to you that this is a merger of two formerly independent systems and the systems did not teach the same way. They did not have the same class structures. So it may well be, as a hypothetical example, that the white school may have been teaching a course which was not offered in the black school and the black school may have been teaching a course not offered in the white school, so there was no way to merge those two classes. In other words, they had to continue or else drop the courses with the result that the students would lose the credit they had accumulated up to the time the district was unitized.

I believe there are a number of examples of that situation. We did not view that as being contrary to current legal standards, provided that it was the exception and not the rule. And I think it clearly was the exception and not the rule.

We protested those court orders which allowed segregation of students, actual segregation of students within the school building. I know there was an article about this and one school system was used to my knowledge. There may have been a few others, and this was done over the objections of the Justice Department. However, to our knowledge, there are no such plans that have either been negotiated by HEW or obtained in the form of court orders, either by private plaintiffs or ourselves.

I am not saying there are not any such districts. There could be one or two or a few here or there, but there are none that we know of for next September, that do not meet current legal standards as we interpret them. And that would mean, Mr. Chairman, that the problems that you allude to would not be allowable or lawful practices.

Mr. PUCINSKI. Are you familiar with the two reports that the NEA has put out on Mississippi and Louisiana, documenting the very things that we have been talking about here?

Mr. LEONARD. I am not totally familiar with them. I have had them called to my attention. As I say, I think they refer to some interim plans that were approved by the court or courts. But those practices will not be allowed to continue next September.

Let me put it this way: Whether they exist or they do not exist, they cannot continue to exist and meet current legal standards come next fall. So changes will have to be made in those plans and if the changes are not made, then the sanctions that are available to the Justice Department through the courts and to HEW through its administrative procedures will have to be brought to bear to eliminate those clearly unlawful practices.

Mr. PUCINSKI. How does the Justice Department implement these orders? How many people do you have actually checking on the schools and how do you go about ascertaining whether or not the court orders are being carried out or whether or not these conditions that the NEA speaks of exist?

Mr. LEONARD. I believe that there really are only a limited number of ways in which a monitoring of these situations can take place. First of all, the court orders themselves require that the school districts report certain things that are set out in the court orders. Such reports give us an indication as to whether or not the school system is, in fact, complying with the court order.

That, of course, assumes that the information given to the court is accurate. We have the services of the Federal Bureau of Investigation. If we have any doubts or questions, that agency will go into the school system.

Mr. PUCINSKI. Do they have to be FBI agents going into the school system?

Mr. LEONARD. Yes, sir. That is an alternative. We have information provided to us by parents, by school people themselves, and then I think the far more important monitoring facility that is available to us is Mr. Pottinger's staff.

The Civil Rights Division's Education Section has 28 lawyers. I think it is obvious that those 28 lawyers cannot monitor all the court orders, but in order to continue to be eligible for Federal funds, the school systems have a continuing obligation to comply with the title VI requirements that are monitored by Mr. Pottinger's people. I believe he is prepared to indicate to the subcommittee that his staff has the capability to do the monitoring that will be necessary next fall.

Mr. PUCINSKI. But your Department has how many attorneys?

Mr. LEONARD. The Education Section has 28, Mr. Chairman.

Mr. PUCINSKI. For more than 396 school districts that are now under court order?

Mr. LEONARD. I am sure there are more and there will be substantially more.

Mr. PUCINSKI. You may be wondering why I ask you these questions. Under the President's bill, as you know, we double count youngsters, minority group youngsters, who are involved under a court order, which means that admittedly these 396 school districts in the South are going to get the bulk of the \$150 million now working its way through the appropriations process and the \$500 million in the bill, and ultimately the billion dollars in this bill.

I have learned from long experience that, once you pass a billion, the prospect of phasing it out is very, very doubtful. So this bill is pretty much forever, like the impact bill and various other bills that we have around here. So I am wondering are the Southern cities and the rest of the country going to be really subsidizing a system that really is a facade? When we look at an NEA report, we find there is a kind of a tokenism, in that statistically they say to you, "We have brought the children together, but we have brought them together in a very segregated situation within the confines of this building."

I am wondering whether the rest of the country wants to make that sacrifice and whether the school districts all over America who urgently need this help should be expected to relinquish all the help they could get from the Federal Government in favor of this system. That is why I was wondering whether in your judgment any school that fails to come up with a bona fide plan will qualify under this bill, under this financial assistance.

Mr. LEONARD. I would think not. They would not qualify under the current state of the law and I believe that the Secretary would be foreclosed from approving a plan which, in fact, was not designed to aid the desegregation process. In other words, if a plan were designed to, in fact, attempt to isolate black and white children, I think it would not meet the standards of the legislation that you are currently considering nor would it meet present law.

Mr. PUCINSKI. On page 3 of your statement you said, "Different legal consequences result where racial segregation is de facto in nature. That is where racial separation is caused solely by residential segregation. Such de facto segregation has not been held unconstitutional. Accordingly the lawsuits in which the Department of Justice has participated involve deliberate discrimination as opposed to de facto segregation."

The fact that this proposal before us here now and the President's Emergency School Aid Act addresses itself primarily to assisting

schools that are de jure segregated and under court order, are we to then assume that perhaps the Justice Department is not going to try to upset, I hope, these very difficult problems of de facto segregation?

You say here it is not unconstitutional and that your Department has addressed itself primarily to de jure segregation. As you know, many of our Northern cities have a very serious problem created by a housing pattern. You have de facto segregation simply because of the housing patterns.

I was wondering whether this testimony here and this legislation addressing itself to de jure schools gives us reason to believe that finally somebody in the Government has recognized the difference between de jure and de facto segregation.

Mr. LEONARD. Mr. Chairman, I think the answer to this question lies in a number of places. First of all, it is in the President's statement of March 24. In Secretary Finch's testimony, in the President's message delivering the present bill to the Congress and then in the bill itself—because I think that in section 2 of the bill, that distinction is clearly made. Subsection (a) deals with the elimination of racial segregation and discrimination within formerly de jure segregated schools, and subsection (b) is about racial isolation.

I think that—and again, Mr. Chairman, I do not want to get into the educational judgments and options, because I am not an educator—but I think it would be unfortunate for this subcommittee or anyone for that matter to presume that the administration is not deeply concerned about the problems of racial isolation.

I have been in any number of conferences and meetings with respect to the total problem of racial isolation, both as it is evidenced by the de jure segregation in those systems where it is found and as the de facto problems that we have mainly throughout the East and the North and the West. I have always been convinced that there is deep concern about it, but it seems to me that it is a matter of priorities.

We also must recognize that the biggest crunch, if you please, that we have coming is this September in the South and the substantial problems being faced by those school systems which must merge two separate systems. This is the point I want to stress to the subcommittee—you have a different organizational problem, really a different definition of the problem in the North and South.

You have, for instance, schools which were built to serve particular racial needs in southern systems, which are not now adequate to meet the needs in the school system, and the school organization is not adequate to meet the needs of a unitary school system.

Mr. PUCINSKI. I am encouraged to see that finally we are getting some understanding that there is a difference between de facto and de jure segregation and there is a difference in problems involved. I can appreciate your concern about trying to resolve the de jure problems first, because certainly this is the one that has been totally indefensible, whereas I have always felt that de facto segregation is defensible only to the extent it is created by housing patterns and you are not going to overcome it.

It seems to me that the harassment of local communities that are involved in de facto segregation, through no particular fault of their own, is not the way to bring about better understanding of the problems.

Mr. LEONARD. I would not want to disagree with the distinguished chairman, but I would certainly want to indicate that we need to be extremely careful that we do not state categorically that because the racial isolation that occurs in northern cities comes about because of housing patterns, that there are not, in fact, discriminatory practices present within the school systems, such as the drawing of zone lines, assignment of teachers, quality of educational product being offered to the children.

Incidentally, Mr. Chairman, such practices can be remedied and are in contravention of both statutes and the Constitution.

Mr. PUCINSKI. This bill does provide funds and assistance to schools that want to try to voluntarily address themselves to this problem, that are not waiting for any court prodding, but recognize the problem and are trying to do something about it.

Sections (b) and (c) do address themselves to that, even though the main thrust of this bill is toward the 396 de jure segregated systems.

Mr. QUIE.

Mr. QUIE. On page 6, when you talk of the 58.9 percent of the Negro pupils, is that the percentage in the 11 States or nationally?

Mr. LEONARD. That is in the 11 Southern States.

Mr. QUIE. In those States that means about 41 percent are still in segregated schools. Of that 41 percent, how many are in de jure segregated and how many in de facto segregated schools?

Mr. LEONARD. I think, Mr. Quie, it is important to understand that we are not in a position to project these figures on the basis of schools. We are talking about school systems. It would be extremely difficult to try to develop a standard of measure, it seems to me, with respect to schools themselves, because we know, for instance, there has been both black and white flight in some school systems.

It is predicted in some areas—by school board members themselves—that there will be heavy white flight in some Southern States.

I think what we are really trying to say on page 6 is that this is the percentage of Negro children presently in public school systems who will be attending school in a school system that meets current legal standards.

That does not mean that each child will be in a desegregated school. I think the vast majority will be in desegregated schools, but we know that some of the court of appeals decisions, Orange County, Hillsborough, and others have approved plans which have left some all-black schools, to my knowledge, always at the elementary level.

The Mobile school plan does this. The Houston school plan, which is a district-court-approved plan, does this. So I think it is extremely difficult to project the numbers of children that will be in desegregated schools. But the point is that these are the children who will be attending school systems which meet current legal standards.

Mr. QUIE. Then 41 percent are attending school systems that do not meet the standards?

Mr. LEONARD. That was as of June first and that figure relates to those systems where there was a court order in effect or a HEW voluntary plan had been approved.

Now there is substantial progress, as you read the next sentence, or the next paragraph—

Mr. QUIE. Are you jumping from 59 to 90 percent?

Mr. LEONARD. That's right.

Mr. QUIE. Over the summer?

Mr. LEONARD. Yes, sir.

Mr. QUIE. And that means something in the neighborhood of 10 percent of the students will be attending school systems that are still segregated?

Mr. LEONARD. That is correct, Mr. Quie. That comes about because there may be situations here and there where a school system's funds have been terminated by HEW, so there is nothing more HEW can do and we do not have a title IV complaint.

I want to impress on the subcommittee that the Attorney General can only bring suit where there is a valid written complaint received by a parent. There are some systems which are not subject to desegregation because no private party has started a lawsuit and we have no authority to do so.

Mr. QUIE. Of that 10 percent that will be in segregated school systems, what percentage of the school systems would that be?

Mr. LEONARD. That would be approximately 100 or less, out of 2,700.

Mr. QUIE. Do you know if a large number of them or most of them have developed a private white school system which the white children attend?

Mr. LEONARD. I think, Mr. Chairman, there will be many of those situations in systems other than just the remaining 10 percent.

Mr. QUIE. I recognize there will be a problem in the remaining 10 percent, but has that occurred in the 100 school systems where that 10 percent will be attending?

Mr. LEONARD. I really cannot answer that question, because I do not know.

Mr. QUIE. The table you have indicates 374 school districts. You say there are orders in 396. What are those other 22 systems? Are those systems where there has been a private suit brought or what? Are you not involved?

Mr. LEONARD. That is probably right. It is a private lawsuit in which we are not involved.

Mr. QUIE. Do you have any information of the extent to which or have you checked with the school about the extent de facto segregation exists alongside of de jure segregation, especially in border States? I guess it would occur in some of the industrial cities of the South as well.

Mr. LEONARD. Mr. Quie, that is a question which Mr. Pottinger, Mr. Brader and I and people on our staffs have been addressing ourselves to for some months. The only way you are going to get the answer to that question is by an intensive survey in a northern or western or eastern school district. You have to send people in, because the subtleties have to do with such matters as the way zone lines are drawn.

For instance, in some northern cities you may have schools which are quarter of a mile or a half-mile apart; one is all black and one is all white. This suggests that the drawing of the zone line was based on racial patterns.

In any event, thorough investigation is necessary. I want to assure the subcommittee that the Department of Justice does not move to bring suit against a school system or anybody else, I would hope, without a very intensive investigation and knowing what the facts are.

So this is the kind of matter which in our opinion, HEW is better equipped to do initially. HEW is more able to begin to develop the facts about these systems and to work with the systems. I am convinced that in most of the Northern metropolitan areas, in the industrial cities, the Justice Department should not have to bring suit. Through the work of HEW and its experts, both in title VI and title IV, voluntary compliance should come about.

Mr. QUIC. On page 8 you list the type of programs on which they would expend money, but you do not mention transportation. In your experience now in the implementation of court orders, to what extent is transportation involved in the additional costs to the school district?

I recognize in some school districts in the South there will actually be a reduction in transportation if you have integrated schools rather than segregated schools, but to what extent would you expect transportation would be a part of this as being desirable to the school district in attempting to desegregate?

Mr. LEONARD. I believe, Mr. Quic, if a local school board wants to adopt a racial balance and that is the desire of the board and the community, then they should not in any way be inhibited from doing that. I am trying to answer your question by laying a foundation, because inordinate busing or busing to a greater degree than the district has done in the past usually comes about where there is non-contiguous zoning or pairings.

Where you draw one zone on one side of town and another zone on the other side and you pair the two schools and bus the children back and forth, this is the situation. Ordinarily that kind of decision is grounded on the acceptance of racial balance as the way to desegregate the system, to equalize the system.

A school district should not be inhibited from doing that if that is what they want to do, but with respect to busing itself, busing is usually a result. If you follow current legal standards, it may well be that you could have more busing or you might have less busing.

It all depends upon what the district did in the past. So if you had been busing all the black kids in the district to a school at one end and all the white children to a school at the other end, then if you cut the district in the middle and zone it, you will have less busing. On the other hand, if you had had gerrymandered zones and then you must draw zone lines that are not gerrymandered and that meet legal standards, it may well be you will have to do more busing. It depends upon the physical attributes of the district.

But I suggest that you look at the decision in *Charlotte-Mecklenburg* case. At page 18 of its decision, the court said—and I bring this to your attention because I think it is illuminative:

Busing is a permissible tool for achieving integration, but it is not a panacea. In determining who should be bused and where they should be bused, a school

board should take into consideration the age of the pupils, the distance and time required for transportation, the effect on traffic and the cost in relation to the board's resources.

I believe that the Justice Department follows that type of standard as far as determining the legal requirements. But the legal requirement, I believe, should not necessarily be the minimum requirement that the Congress puts in this legislation.

Mr. QUIE. My main question was the experience in the past, the percentage of increased cost to the district transportation would have. Do you have any reading?

Mr. LEONARD. I think that varies from district to district.

Mr. QUIE. But has your experience in one or two districts developed any cost at all?

Mr. LEONARD. We would not have that. I think Mr. Pottinger might be able to determine that from some of the school boards and you could probably pick out 10 or 15 as kind of a sampling.

Mr. QUIE. Of the 374 cases you list here in the appendix, how many of those are pending and how many have been decided? I would also ask when were they, how many of them were initiated after January 20 of 1969?

Mr. LEONARD. We have as of June 1, 129 systems which are in litigation, but in which there is no final or terminal plan in the record. That is, at least a plan approved by the court.

Of the 2,702 districts in the 11 Southern States we refer to, there were 1,631 districts which had desegregated prior to the 1969 school year, or 60 percent. Those districts had in attendance 5 percent of the Negro children in those 11 Southern States.

I think it should be said that many of these districts did not have minority population.

Mr. QUIE. Not too much problem.

Mr. LEONARD. That is correct.

Mr. PECINSKI. Would they qualify for double counting under this bill?

Mr. LEONARD. There are only 161,000 students in those districts. Mr. Chairman, and whether they did or did not, I suppose, it would not make a great deal of difference. I would say they would not. I would think that the Secretary would make the determination.

Mr. QUIE. Isn't there a 2-year limit?

Mr. LEONARD. I believe there is a time limitation in the bill. There is a 2-year limitation.

Mr. QUIE. So they would not be included.

Mr. LEONARD. In addition, I would think that the Secretary would develop standards. A school system which has 1 or 2 percent minority children could hardly be classified as having desegregation difficulties.

Mr. QUIE. Of the 374 school districts that you mention here, were all of those suits filed after the beginning of the calendar year 1969?

Mr. LEONARD. No, sir. Many of these suits, Mr. Quie, have been pending for years. There is a constant movement. As our legal standards change, motions are filed in those cases to bring them back to life, so to speak, and to update the court orders.

I think the key with respect to the changing legal standards probably really occurred in two phases. One was the *Green* case in May of

1968 and then, of course, in *Alexander v. Holmes* and the *Singleton* case last fall, we had the time frame for desegregation solidly decided—that is, now.

Mr. QUIN. Following up those figures you gave me, 1,631 of the districts desegregated prior to school year of 1969, and you expect approximately 1,000 more to be desegregated by the beginning of the school year, this fall? Is that correct?

Mr. LEONARD. I would say that is a reasonable projection to make.

Mr. QUIN. You said there were about a hundred that would not have.

Mr. LEONARD. As of June 1st, 72 districts out of 2,700 and two were not in compliance, and were not in litigation. These are the ones I mentioned that were the terminated districts where there was no title IV complaint. So that the projection that is in my statement is based on the assumption that we will be able to bring about 250 districts into compliance either through negotiations by HEW or by perfecting our court orders.

I believe that is a goal which frankly, if Mr. Pottinger and I could not meet, we ought to turn over the job to somebody else.

Mr. DELLENBACK. Mr. Leonard, let me be sure we capitulate again some of what your testimony has said, so that I see this picture in perspective. Thinking in terms of the Civil Rights Act of 1964 there are three ways that we go about enforcing it. One is the title VI procedure, which is basically HEW procedure although once something has been worked out by HEW, Justice may get into it to enforce a court order.

Mr. LEONARD. The district may renege on the plan, in which case we file suit.

Mr. DELLENBACK. But you follow through when HEW brings it to your attention?

Mr. LEONARD. Yes.

Mr. DELLENBACK. And title IV procedures whereby you do institute civil actions for desegregation, but before bringing such a procedure under title IV, you must have a complaint from an aggrieved party.

Then title IX, empowers you to intervene in private suits when they are of general public importance and your participation is necessary or desirable.

These are the three procedures that you are talking about under the Civil Rights Act of 1964, is that correct?

Mr. LEONARD. I think, Mr. Dellenback, your understanding is correct—

Mr. DELLENBACK. I want to see the total picture roughly. Your testimony alluded to those three procedures?

Mr. LEONARD. I think those are the main ones. We neglected to mention in the testimony that there is another kind of case that we get into, that is, where the court is having difficulty enforcing the court order and the district judge will inform our Department that he is ordering us into the case as amicus to enforce the court order.

We have had several notable cases like that, Manatee County being one. We were not involved in the case in any way until it came time for the judge to enforce his order. The court needed our help, in

which case Justice came in as amicus for the purpose of enforcing the court's order. It is a rather unusual type of participation.

Mr. DELLENBACK. Is that under the Civil Rights Act of 1964 again?

Mr. LEONARD. No, that is just the general authority of the court.

Mr. DELLENBACK. So far as these lawsuits are concerned, recognizing the fuzzy edges of both de jure and de facto, essentially you are involved in instances of de jure discrimination as opposed to de facto. This is the way you are moving in large part, because of the decisions of the Supreme Court to date where de facto segregation has not yet by Supreme Court fiat been held to be unconstitutional, so you are moving in under de jure situations under all of these procedures rather than de facto situations?

Mr. LEONARD. I think that is correct as a general statement.

Mr. DELLENBACK. I am interested very much in this matter of percentages and what has really happened to date. Mr. Quie was raising certain of these questions and the chairman touched on some of it before, but let me be sure I see this in perspective. Do you mean that prior to the 1969 school year there was really only this very low percentage of 5.2 percent of the Negro students in these 11 States who were attending unitary or desegregated school systems? In other words, with all the talk that had taken place prior to 1969, this was the percentage of students who were actually in attendance in such desegregated school systems? That is all there were in these 11 States?

Mr. LEONARD. That is correct.

Mr. DELLENBACK. In other words, since the 1969 school year this percentage of 5.2 has been increased tenfold to 58.9 percent with the expectation of the possibility that it is going to go to a 19-times increase by this fall, to a 90 percent increase or gain?

Mr. LEONARD. With the caveats I indicated earlier, that is correct.

Mr. DELLENBACK. This to me is a most significant page in your testimony because I, like everyone else, have read the news media and listened to the news pronouncements about what has or has not happened in the last year.

And in this area of desegregation if one just takes a snap judgment from what is given out in public pronouncement, one could infer that great things were happening in desegregation in the schools of the South prior to 1969 and it has been sort of a backing and filling since 1969.

But these statistics indicate the exact opposite of that inference: actually with all the loud talk that was taking place prior to 1969, the net result was 5 percent of the Negro students in these States were in desegregated schools and that since that time the real advance in the South has taken place. Is that correct?

Mr. LEONARD. It is not only correct, but it is also consistent with what the Attorney General has been saying for many, many months and months and that is to judge us by our acts and by the results that we get.

Mr. PECINSKI. Will the gentleman yield?

Mr. Julian Bond said yesterday with the new kind of indignities being suffered by Negro children in this new kind of so-called integration that my colleague is talking about, he thinks the Negro youngsters will prefer to go back to segregated schools instead of going through this facade of going into one building and having segregated class-

rooms, segregated football teams, segregated drills, and all the activities segregated, and the NEA report clearly indicates that this great progress that my colleague is speaking about is really more on paper than in fact.

The Attorney General had earlier said he is now trying to ascertain the degree to which these conditions exist. I would suggest that my colleague proceed cautiously with patting himself on the back.

Mr. DELLENBACK. Let it be understood I am not meaning to make any great speeches. I am merely clarifying what the witnesses before us today have been telling us. I am interested very much in what has here been laid before us as the facts of the situation as opposed to what I think is in the minds of many people in this Nation as to what the situation is.

Now we can go in different directions, Mr. Chairman, as to what these figures show? Let us make clear—

Mr. PUCINSKI. Would my colleague yield?

Mr. DELLENBACK. Let me finish. Let us make clear what the witness is telling us today and let us make absolutely clear that these are the facts of the situation. I think it is important that the people of the Nation as well as this committee truly understand these facts. Where we go from these facts is another question.

I will yield to my colleague from Minnesota.

Mr. QUINN. Some of the information from NEA and others indicates that southern schools have learned to segregate students in integrated schools the way they have in the North.

Mr. DELLENBACK. I want to go further, because again, Mr. Leonard, I am interested in this important testimony you are giving us because now—on the bill which is before us and on which we are having hearings—I gather that what this bill says is the mere fact that a school system now fits within the 58.9 or whatever the percentage above that may be, there is still much to be done within that school system.

And this is a first step. We must first get it within the desegregated system and then whether it be something that takes place in Georgia or in any of the other 11 States, there is still much to be done. That is the purpose of the Emergency School Aid Act, to see that those things within the desegregated system are actually carried out, that the steps are taken in the way of special training for faculty, remedial education, counseling, instructional techniques and community activities and quality of educational facilities.

When we have merely desegregated the system, we then have the real heart still to do and that is what this bill is speaking to.

Mr. LEONARD. Mr. Dellenback, I think you hit the nail right on the head, because what this shows is that, unless there is substantial aid and assistance given, we will have what the chairman is concerned about, only paper desegregation.

These systems need help. If you are going to move from 5 percent of those black children in those schools to 90 or 95 percent in a unitary school system, and if you are going to take these systems and merge them on a mass basis, which has obviously at least been done on paper, and make it work, this is a large problem. And these systems need help.

Mr. DELLENBACK: In no part of your testimony do I read you as saying that even if we get to 90 percent, the job is done, or even if in these 11 States we get to 100 percent, the job is done. I read you as saying in many other States there is still much to be done, but looking initially at this problem, you have made, it seems to me, an immense stride in the last quarter and one-half in moving toward desegregated systems.

You are now, as the top item of priority, saying we have much to do within these systems without in any way saying there is not much to do out beyond this. Am I again correct?

Mr. LEONARD: That is correct. And with respect to the claims that there will be segregation within the schools, or that there will be continuing denial of the black children's rights in other ways, I can only say that we will see to it that those acts which are clearly unconstitutional and clearly contrary to the laws enacted by Congress will be remedied as fast as they come to our attention.

I am not saying that such situations will not occur or that we will not need to act.

Mr. DELLENBACK: Then the last point I read from your testimony, in addition to what you have confirmed as my understanding of your testimony, is that in these school districts, however, the number may be 60 percent or 70 or 80 or hopefully 90 percent this fall. The thrust is to try to give the local educational agencies considerable discretion under the terms of this bill as to exactly which things should be done in order to make this desegregation really effective and meaningful.

And you say on the last page there is a flexible approach which is desirable instead of the Federal Government trying to come in with its typical categorical stamp and say, "Every one of these hundreds of school districts must do exactly the same thing" whether or not that happens to fit the specifics of their own greatest need. The thrust of this aid is to say we will go to the schools which as a result of their start down the road of desegregation have immense tasks, substantive in nature, to be implemented, and we will not try to say to every one of them, "We will run it from HEW or from Justice as to exactly what you will do. We will give you great discretion subject to approval by OE as to exactly which project is most suitable."

Am I again correct in reading your testimony?

Mr. LEONARD: Exactly.

Mr. DELLENBACK: Thank you very much.

Mr. BELL: Thank you.

I want to point out that some of your statements, Mr. Chairman, were not completely denied as fact by Mr. Leonard.

Mr. PUCINSKI: For good reason.

Mr. BELL: I assume we want to get the facts before we charge in and try to change things. I think perhaps that that was one of the problems that should be mentioned.

Mr. Leonard, we discussed State courts and Federal courts regarding future action on double counting. Why should we worry about the difference between State and Federal courts? Why not double count under State order, for example?

Mr. LEONARD: My colleague, Mr. Pottinger, informs me that the Secretary indicated that as long as the district met title VI requirements and the standards and regulations that are to be developed

by the Office of Education, whether the court orders were State or Federal would be immaterial.

Mr. BELL. They would have to file under title VI, correct?

Mr. LEONARD. They would have to file under the procedures and the regulations established by the Secretary, but if they were in compliance with the law, the fact that it was under a State court order as opposed to Federal court order would really be immaterial.

Mr. PYCINSKI. The act provides these youngsters be double counted when they are only under a plan of desegregation of a Federal court. Are you suggesting, Mr. Leonard, that you want to change the bill?

On page 11 of the bill there is the language:

(f) The term "plan of desegregation" means a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act for the desegregation of racially segregated students or faculty in elementary and secondary schools or which has been undertaken pursuant to a final order of a court of the United States requiring such desegregation or otherwise requiring the elimination of racial discrimination in an elementary and secondary school system.

Mr. LEONARD. Mr. Chairman, let me say, first of all, that that question is not—

Mr. PYCINSKI. Mr. Bell wants to know whether or not youngsters could be double counted in California, in Los Angeles, where they are under a State court involving some 289,000 youngsters to be bused.

Mr. LEONARD. If I might yield to Mr. Pottinger, he has had the benefit of the discussions at HEW with respect to specific interpretation of subparagraph (b), which is on page 5 of the bill, beginning at line 12. It would appear to me just on the surface that that situation would be covered by that language.

Now, on the other hand, if the committee wants Justice to look further into that, we will do that. But I think Mr. Pottinger may have some better idea of how he envisions this as working.

STATEMENT OF STANLEY POTTINGER, OFFICE OF CIVIL RIGHTS, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. POTTINGER. If I may interject before my testimony, there are essentially two ways in which a district may be double counted—one through a Federal court order and the second is through a voluntary compliance plan with title VI.

A State court order which meets the requirements of title VI, would be accepted by our office as a so-called unitary plan. That is to say, it would meet the requirements of title VI and would, therefore, fall within the category of acceptable plans which may be double counted and, therefore, the children in that district could be double counted for the purpose of this act.

Mr. PYCINSKI. You are saying, then, Los Angeles would come under this act for double counting.

Mr. POTTINGER. If the court order in Los Angeles met the standards, the Federal Government standards as imposed under title VI of the 1964 Civil Rights Act.

Mr. BELL. And if they were in the process of carrying it out.

Mr. POTTINGER. That is correct.

Mr. PYCINSKI. But if it did not?

Mr. POTTINGER. If it did not, it could not be double counted or aided any more than any Northern district. No district under this legislation

could be aided if it does not meet the Federal or constitutional standards, whether it is in California or the South.

Mr. PUCINSKI. In the Los Angeles cases on de facto segregation, you have no Federal standard or guidelines on that.

Mr. POTTINGER. Perhaps I should take this up in my own testimony, but, strictly speaking, that is not accurate because a de facto district, if it is adjudicated to be de facto, does not violate the 14th amendment. The 14th amendment requires State action and by definition requires a de jure action of some sort by the school board.

I propose to take this up in my testimony, because I think there is some confusion about the term de facto and de jure as it applies to northern districts.

Mr. PUCINSKI. What you are saying now, in answer to Mr. Bell's question, is that if a State court orders a plan which meets Federal standards, that district will be double counted as if the order had been issued by Federal court?

Mr. POTTINGER. That is correct.

Mr. PUCINSKI. If that is correct, then obviously the table that you have submitted, not you but HEW has submitted, to this committee would be totally inaccurate. This table, for instance, showed Los Angeles as not being counted in the distribution of both \$150 million and \$5 million in the bill. But you are saying now that it would be counted.

Mr. BELL. They are not in the process of carrying this out.

Mr. POTTINGER. That is correct. If in effect it were cited by title VI or if title VI were able to reach out in the course of an application from Los Angeles to consider the possibility of funding Los Angeles, it could be considered. At that point we would have to measure whether this district is in compliance with title VI.

The reason this problem does not arise in many Southern districts is that as a matter of law, every Southern district has been adjudicated at one time or another to have had either dual systems or some suggestion of dual systems. Therefore, there is no question about whether or not they must comply with Federal law.

This question needs to be answered as a threshold in most Northern districts. If that threshold is passed, they are subject to funding and double counting.

Mr. PUCINSKI. Then obviously it would upset and seriously alter your formula of distribution and the main thrust would not then necessarily be on the 11 Southern States.

Mr. POTTINGER. If Los Angeles were to submit a plan under the new legislation and if the new legislation is reported out and passed favorably, at that point they would be considered. We have not included them in this table, because there is no reason other than our understanding of what is happening through the media to believe Los Angeles is different than any other northern city.

For us to take the official position that Los Angeles is different at this time in the formulation of this legislation would be taking judicial notice of something we officially have not the capability of doing.

Mr. BELL. I ask this question of either Mr. Leonard or Mr. Pottinger, whoever wishes to answer. Possibly they won't want to answer at all. Will the Los Angeles situation culminate with a Supreme Court decision on de facto segregation.

Mr. POTTINGER. Mr. Bell—

Mr. BELL. I am talking about the Judge Gittelson's decision.

Mr. POTTINGER. You are asking us to guess as to whether or not—first, I just don't think there is any way for me to do that, frankly, because I am not involved and I am not sure whether Mr. Leonard representing Justice would care to answer.

Mr. LEONARD. I would not, but I would like to comment this far. I think it is important to look at the decision. It seems to me, as I read the decision, that an important factor in the case was a rule or a regulation or a policy that had been adopted by the California Board of Education having to do with pupil assignment. Judge Gittelson's decision was at least in part based upon that rule and not the Constitution, at least not solely the Constitution.

So I think it would be unfortunate for us to get into a position where we are trying to analyze the Los Angeles case here. I am not in any way dissuading you from pursuing the question, but I am saying I don't think we know enough about it to try to comment.

If you would like to have us do it, we will look into it more deeply and see how it would compare with the language we pointed out on page 4. Also there is some very important language on page 14 in the bill.

Mr. BELL. I personally would like to see a report from your office on this matter. It is something that pertains very much to what is going on in Los Angeles and what we are discussing here. It is a large area and I would like to get some form of concept of it from you.

Mr. LEONARD. We will see if we can provide you with an answer.

Mr. PUCINSKI. Mr. Leonard, we would like to have that memo.

In line with the questions by the gentleman from California and the statements made by Mr. Pottinger, am I to understand that if a city like Chicago were to file an acceptable H.E.W. desegregation plan, a plan acceptable to H.E.W., that they would be qualified to be double counted?

Mr. LEONARD. I think it would be important before you ask a constituent agency to do that, to take a look at the language on page 14 in paragraph (f), because as I read that language it seems there would have to be some kind of a finding or an admission that there was racial segregation of students or faculty in elementary and secondary schools.

Now again I want the chairman to understand that this is a question that comes to us really out of the blue and maybe we should have been prepared for it, but I was not. But it seems to me that that language would indicate that you would either have to admit that you were segregating students racially or you would have to have some kind of finding by somebody.

Mr. PUCINSKI. Mr. Leonard, why don't you prepare a memorandum on this question and submit it for the record.

(The document referred to follows:)

THE PROPOSED "EMERGENCY SCHOOL AID ACT OF 1970" (H.R. 17816);
LITIGATION INVOLVING BOARD OF EDUCATION OF LOS ANGELES

1. On May 18, 1970, the California Superior Court for Los Angeles County issued its final judgment in *Craicford v. Board of Education of the City of Los Angeles*.¹ The petitioners, Negro and Mexican-American parents, charged the

¹ On February 11, 1970, the superior court had issued its proposed findings and conclusions of law. The final decision was essentially similar to the order proposed in February.

Board with discrimination in the operation of the school system. The court, by Judge Alfred Gittelsohn, found that policies of the Board preserved and promoted a segregated system. Specific discriminatory practices found by the court included the manner of selecting school sites, the establishment of attendance zones, the policy regarding transfers, and the failure to correct segregation resulting from housing patterns.

The court concluded that the actions and omissions of the Board violated the Federal and state constitutions and California State Board of Education regulations regarding elimination of racial imbalance.² Rejecting the distinction between de facto and de jure segregation, the court held that any segregation of public schools was a denial of equal protection.

The decree directed the Board to develop a master plan of integration which would establish a nondiscriminatory, unitary system for all schools. Such a plan was to be presented to the court by July 1, 1970. However, the Board appealed the judgment to the State Court of Appeals. As a result, the order of the superior court is stayed pending appeal, and the Board has not submitted a plan to the superior court.³

2. The provision of the "Emergency School Aid Act of 1970" which deals with "double counting" in the allocation to the states of two-thirds of the authorized funds is section 4(c). Such allocation is based upon the "adjusted number of minority group children" in the state. That term is defined as follows in section 4(c):

For the purpose of this section, the term "adjusted number of minority group children" for any State means a number equal to the sum of (1) the number of minority group children (as defined in section 9(d)) enrolled in public schools in local educational agencies in such State which are carrying out a plan of desegregation (A) pursuant to a final order of a United States court, issued within a period not to exceed the two fiscal years preceding the fiscal year for which the allotment under this section is to be made, or (B) pursuant to a determination of the Secretary, made within such period, that such plan is adequate to meet the requirements of title VI of the Civil Rights Act; and (2) the number of minority group children enrolled in public schools in local educational agencies in a state. * * *

Another relevant provision in the statute is section 9(f) which defines the term "plan of desegregation."

Under the quoted provision, desegregation pursuant to a final order of a Federal court (issued within the previous two years) gives a basis for application of double counting. However, as representatives of the Department of Health, Education, and Welfare have explained, a State court judgment regarding desegregation of a school system may furnish a basis for double counting if the order is determined by HEW to satisfy the requirements of title VI of the Civil Rights Act of 1964 and such plan of desegregation is properly implemented.

As noted previously, the decision in *Crawford v. Board of Education of Los Angeles* has been stayed pending appeal and no desegregation plan has been adopted.

Mr. PUCINSKI. I do not think there is any question that most of your Northern cities have segregated schools. They have segregated schools, both white and black, because of the housing patterns. And no one denies de facto segregation, I don't think.

But the language on page 14 in (f), as the term "plan of segregation" means a plan approved by the Secretary as adequate until title VI of the Civil Rights Act for the desegregation of racially segregated students or faculty. Now am I to understand that this language means that if the city of Chicago or any other city which has—and you have

² The cited regulation was repealed by the State Board of Education in March 1970. Subsequently, however, the superior court in Sacramento held the repeal to be invalid.

³ No decision has been rendered by the court of appeals.

⁴ Section 9(f) provides as follows:

The term "plan of desegregation" means a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act for the desegregation of racially segregated students or faculty in elementary and secondary schools or which has been undertaken pursuant to a final order of a court of the United States requiring such desegregation or otherwise requiring the elimination of racial discrimination in an elementary and secondary school system.

charged the city of Chicago with a segregated faculty and you have threatened Chicago with a lawsuit if they do not do something by September 1—now if the city of Chicago comes in and with an acceptable teacher integration plan or teacher desegregation plan or whatever you want to call it, and it is acceptable to you under title VI, does that qualify Chicago for double counting under this bill?

Mr. LEONARD. I think from Mr. Pottinger's remarks it would. It is true that the Justice Department has charged the city of Chicago with racially segregating faculties. But the point I make is that I think it is important for you to understand the difference between racial segregation and racial isolation.

Mr. PUCINSKI. What is the difference? For the record would you give us that distinction?

Mr. LEONARD. The bill envisions the difference clearly between *de jure* and *de facto* as we went over it earlier.

Mr. PUCINSKI. But we do understand now that within the language incorporated in this bill, if a community (a) admits that they have a segregated faculty and (b) submits a plan acceptable to HEW for the desegregation of that faculty, that community then would be eligible for double counting under this bill.

Mr. BELL. If they take action on it.

Mr. PUCINSKI. Of course. But not until that?

Mr. BELL. But not until that.

Mr. POTTINGER. One other response to your question: In the first place, in the hypothetical you have just given, it would not be necessary for Chicago or any other district, for that matter, to admit a violation of constitutional law. In other words, under this bill it is my understanding that you would not have to, in effect, admit guilt under the law in order to make an application.

I want to make it clear that that is my understanding. I will stand corrected if I am incorrect.

Second, with regard to teacher desegregation plan, I am not sure whether the Department has concluded that teacher segregation as opposed to or aside from pupil desegregation is in and of itself sufficient for an application.

There may be an answer to that, but I cannot give it to you. In other words, what I am suggesting is that it may be necessary for a plan to be acceptable under this legislation to deal with pupil desegregation as well as faculty desegregation.

Mr. PUCINSKI. Then you are proposing or suggesting that this language had better be changed, because the language now reads "for the desegregation of racially segregated students or faculty."

Mr. POTTINGER. I am not proposing that it should be changed. If my understanding is incorrect, I would like to stand corrected and leave the language in the legislation as it is, because I frankly would not be in a position to change that language.

Mr. PUCINSKI. Now, Mr. Pottinger, then if you approved a desegregation plan in South Carolina—in Columbia in South Carolina—that leaves four all-black elementary schools undisturbed and eight others more than 95 percent black and you have approved this plan, will that particular school district qualify for double counting?

Mr. POTTINGER. Yes; it will and let me state that in that particular plan the extent of desegregation under current Supreme Court law

was as great as it could be. The plan had been negotiated over a period of 2 years.

As long as they have met minimum standards of Supreme Court and constitutional law at the present time, as they have, they would be double counted.

Mr. PUCINSKI. And they would benefit from this windfall, even though they continue to have all-black segregated schools?

Mr. PORTINGER. Well, I would not characterize it as a windfall.

Mr. PUCINSKI. It is called additional funds.

Mr. PORTINGER. I would not say that the fact that there are some majority-black schools in that city is a standard that is in contravention to the Constitution. If, in fact, it were, I would be the first to disapprove the plan, but the fact of the matter is that under the Supreme Court and the fourth circuit rules which deal with such large impactions as this particular city, that plan is a constitutional plan.

There has been pairing in that district. There has been a use of transportation capacity. There has been, in effect, a use of all facilities, including new construction in order to effect a viable constitutional desegregation plan. Nevertheless you are correct in stating that under this plan, as under the plans that were proposed for the last 2 years, under the previous administration as well as this, there still would remain a few majority-black schools.

Mr. PUCINSKI. In these four all black elementary schools in Columbia, S.C., what new or additional problems do they have there that all the other segregated black schools throughout the country do not have in providing for approved quality education that would justify this additional funding and double counting under this bill?

Mr. PORTINGER. Vastly different problems.

Mr. PUCINSKI. What are they?

Mr. PORTINGER. In the vast majority of districts throughout the South you will find that the districts are rural in makeup and small in makeup in terms of the number of students and the number of schools to deal with. As a consequence, the amount of additional busing or transportation of children—

Mr. PUCINSKI. I am talking about these four schools, four black schools, that you have approved, and you now say that, even though nothing has changed in those schools, they will remain all black, they will get double counting and get this additional Federal funds under this bill to improve the quality of education.

And all I am asking you is what is different between those four schools and the thousands of schools all over America, heavily or predominantly black population?

Mr. PORTINGER. That is what I am answering. In the thousands of other schools, as you put it, the vast majority of them—your first question was throughout the South—the vast majority of those schools are in smaller rural nonurban districts where the methods—

Mr. PUCINSKI. That is true of 167 schools in Chicago or is that true of the 220 schools in New York?

Mr. PORTINGER. Where the method of desegregation in order to desegregate the schools are quite clear, either through pairing arrangements, through the use of existing transportation facilities, and I might add in the vast majority of Southern States, unlike Northern

States, transportation is typically already a method that the schools use and must use simply because the children live so far from their schools.

In some of the larger areas, the circuit courts have said, and Mr. Leonard referred to one, that where it is virtually impossible to disestablish some of the all-black schools because of the geography, the size, the barriers that exist which I could enumerate at great length--then if you have desegregated the schools to the extent it is virtually possible to do so, and that in and of itself creates great community disruption, then you have met the constitutional standards.

Our office, as well as the Justice Department, is not permitted--and I think understandably so--to impose a standard upon school districts that is greater than the constitutional standards that must be applied. So what I am saying here is that the school district that you referred to--and we could bring up the same subject or same question with regard to Mobile or Houston--is constitutionally meeting the desegregation standards.

It meets these even though there are a few remaining all-black schools.

Mr. PUCINSKI. Mr. Leonard, the problem I have in understanding this legislation is how you can say that in Columbia, S.C., where you have permitted four all-black elementary schools and eight others with 95 percent black, 12 schools which will be able to qualify under this act for double counting because they are under an acceptable HEW plan, how can you give these schools additional Federal funds when you have in Los Angeles, in Chicago, in New York, in Denver, in Cleveland, in St. Louis, de facto segregated schools which have the identical problems of financing quality education and you say to those schools, "You are not going to get anything."

But South Carolina, because it is under an acceptable HEW plan, is going to get these additional Federal funds for improving the same for improving education, within the framework of the same problems.

Mr. PORTINGER. The distinction in a nutshell is that various courts, recognizing Supreme Court standards, have said, "You must act. You must desegregate your schools."

That same standard has not been applied in Chicago or St. Louis, to my knowledge, or to many northern cities. If those cities act just, let us say, comparably to South Carolina or Houston, Tex., then they will be on exactly the same footing as this city. But the distinction is they must come up with a desegregation plan before they will be funded.

Mr. PUCINSKI. What you are saying is if they are willing to roll over and surrender themselves to you, they will get the money. If not, they don't get the money. Isn't that what you are saying?

Mr. PORTINGER. That is not what I am saying.

Mr. PUCINSKI. Mr. Leonard, you have talked on page 8 about special training for faculty members, programs in remedial education, counseling services, development of techniques, community activities. The chairman of this committee, Mr. Perkins, at the first hearing we had on this legislation said that all of the things this legislation envisions can be done under existing legislation if the administration will fully fund existing programs; namely, title I of ESEA.

It occurs to me from your testimony, Mr. Leonard, that this money is directed primarily at improving the quality of education. If that is true, how can we argue with the statement made by the gentleman from Kentucky? In other words, what is the need for this additional categorical kind of spending program when you already have vast programs for compensatory education on the books today and if we could get 100-percent funding instead of 50-percent funding, as recommended by the administration, we could not only solve the problems of these schools, but all the schools in the country.

Mr. POTTINGER. We have considered that. The Department has considered that carefully. The answer is, in order to have the same impact on desegregation processes that this rifle-shot legislation presently proposed would have, it would be necessary to increase the title I expenditure by \$1 billion.

Now I would guess—and I do not say this facetiously—I would guess it would be difficult for any Congressman to go to his constituency and say simply because we have title I on the books and we don't want to rifle shot this particular new legislation, we are going to ask the people of this country to put \$1 billion extra into the program to accomplish the same thing this legislation would do by targeting the money.

Mr. PUCINSKI. I think your statement of \$1 billion is not correct. You would have to bring up the full authorization.

Mr. POTTINGER. You would have to increase the authorization by \$1 billion on the basis of the figures that we have projected in HEW in order to have the same desegregation impact. First, title I is not a desegregation piece of legislation. It is not aimed at desegregation. It is a compensatory program, so as a consequence in order to use this rather blunt tool, in order to flood the district with money to help achieve the desegregation problems or alleviate those problems, you would have to increase the amount of money in title I in order to get it into desegregated districts by \$1 billion.

And that, I think you would agree, is not an economical way of achieving results.

Mr. PUCINSKI. You say title I is not a desegregation program. I don't understand your statement.

First, you are going to bludgeon a school board over the head with either court orders or HEW plans. Now they have to first agree to one or the other.

Mr. POTTINGER. No, sir; that is not correct.

Mr. PUCINSKI. Of course they do. To qualify for this, they have to be under court order or they have to be under your plan, one or the other.

Mr. POTTINGER. That is not correct. It would not be an HEW plan. It would be a voluntary plan devised by the people of the district, by the local community itself.

Mr. PUCINSKI. Approved by you.

Mr. POTTINGER. Approved by the Federal Government as to its constitutionality. That is true with every district, Mr. Chairman. That is true with southern, northern, western and eastern districts. There is no distinction in the law.

Mr. PUCINSKI. Would you give us please a memorandum at your earliest convenience of how you arrived at the figures that we would

need \$4 billion additional to do this across the board across the country. Would you please give us that?

(Memorandum follows:)

The emergency desegregation legislation is designed to meet the special problems of minority children. Title I, on the other hand, is designed to focus on the educationally disadvantaged. These programs thus tend to differ both in terms groups and by purpose.

Data from the 1968 survey on compensatory education indicate that only 35% of the children participating in title I are members of a minority group. Therefore, only 35 cents out of each title I dollar is directed toward minority children while 65 cents is received by non-minority disadvantaged. To achieve an expenditure of \$4.5 billion for minority pupils would thus require additional Title I expenditures of about 3 times this amount, or more than \$4 billion.

This is of course only part of the issue. Title I does not focus on many of the key purposes of the proposed new legislation. It is not aimed at reducing racial isolation of both the de jure and de facto types. It does not provide monetary incentives to undertake such programs and in general it finances activities which are not directly related to racial problems. In sum, title I is a broad formula grant designed for a comparatively different set of needs.

Mr. PUCINSKI. And, Mr. Leonard, I have one final question of you because I want to let you go.

Congressman Bill Ford yesterday said that the more he listens to this testimony and the more he looks at this bill and the guidelines, that this is really a kind of reparation by this administration to the South for failing to hold back the court decision.

I think he was facetious at the time, but in listening to this testimony I am beginning to wonder whether or not there is not some basis for that statement and I wonder if you would care to comment on that. It seems to me there are a tremendous number of contradictions here.

Here we have a school board in Columbia, S.C., that is going to have 12 segregated all-black schools which you have approved, and they are going to get this additional Federal assistance. But a similar situation existing in a de facto school system where the Negro kids urgently need good education, where the Negro kids have no control over the fact that they are caught in a de facto segregation, to those youngsters we say, "No, you are not going to get this additional Federal help."

We talked about State orders. The gentleman from California, Mr. Bell, raised a question, well if a school district is under a State order, would it qualify for double-counting, and you say, "Only if the State order met Federal standards."

And so it seems to me like this is very carefully designed to fit a southern strategy plan. And it seems to me if you are going to open up to State courts and the other things we have talked about here, it would upset the balance of distribution, and I am not too sure that Mr. Ford is not right. Can we have a comment from the attorney on that?

Mr. LEONARD. Mr. Chairman, I suppose legislation, like anything else, is interpreted depending on perspective that you look at it in.

Mr. BELL. You mean whether you are a Democrat or a Republican?

Mr. LEONARD. The concern we have, Mr. Chairman, is for millions of schoolchildren in these southern school systems who are, for the first time in their lives, attending a unitary system—and I think the figures which I gave to you clearly indicate the tremendous impact, the tremendous movement of people, the tremendous change that is going to be taking place and is taking place now—that is going to have a substantial impact on the lives of these children.

Now, if we are going to be successful in merging the two independent school systems which have existed one white and one black, in a substantial part of this country, which now must be merged, I believe for moral as well as legal and constitutional grounds, if that merger process is going to be successful, if these children are going to have a meaningful education as they participate in the educational process in these States, then we are going to have to find a way to help the school systems to continue to deliver the kind of educational product that I know, Mr. Chairman, you are dedicated to, because you have expressed this to me on many occasions, your concern over the quality of the educational product.

Now please try to understand that what we are doing is insisting that these school systems meet standards which have been established by the Congress of the United States pursuant to the Constitution of the United States. This merger is going to take place. This administration is going to see to it that it takes place, and that the law is complied with, but in doing so let us not lose track of the fact that the most important thing is the impact on the lives of these children. What we are talking about is a matter of priority. These children in the 11 Southern States are going to get a greater shock than the shock that children have in the traditional unitary school system where there is isolation. And at least at this stage of the game and for this coming September, let us funnel more of the dollars on a little higher priority basis to those children that are going to get the more severe shock.

This legislation is designed, Mr. Chairman, to see to it that the money goes to help the children who are feeling the shock and the impact of accomplishing uniting systems.

Now, I think it is clear that the situation in Milwaukee, Wis.; and Minneapolis, Minn.; and Chicago, Ill., is substantially different from what it is in Houston, Tex.; Atlanta, Ga.; Columbia, S.C.; and Mobile, Ala., and these other systems with respect to what they are facing for this school year.

All we are asking, Mr. Chairman, let us channel some funds to try to help the children breach the important gap of moving from a dual to unitary school system.

Mr. PUCINSKI. I really appreciate and respect the complete sincerity in which you approach this subject. There is no question in my mind that you are a great champion of this cause, but let us look at the other side of the coin so you will see what disturbs this committee.

You would have us believe that no money was being spent previously in these school districts on the black children that are now being moved in the white schools and the white children that are being moved in the black schools, where there is a desegregation of de jure school systems.

So you say now we have to come in with \$150 million of additional money into this system to help these schools achieve integration. But, really, all that you are doing is you are moving bodies. You still have the funds for developing educational programs in those communities. So what you are saying here is that because we do not want the white children who are now going to be integrated with black children to have any diminution of educational standards, we want \$350 million more into that school system at the expense of the rest of the country.

How much help do you want to give those school districts?

First they are going to get title I money that they never got before because as a number of underprivileged or disadvantaged youngsters are integrated into all-white schools or heretofore white schools those schools are going to start qualifying for title I assistance they never had before.

Now you want to put on top of that this windfall into those schools at the expense of the rest of the schools.

All I am saying is that if you really want to face up to the problem of trying to overcome segregation in this country why not help all the schools of America? The schools in New York and the schools in Watts, Calif., and the schools in Chicago have no less problem. They are on the verge of bankruptcy. They have been shortchanging these ghetto kids simply because we have not the money.

What you are saying to this committee is "We want you to take a half billion dollars and pour it into eleven States that have held back, that are being dragged in, screaming and shouting, by their heels to accept what the Constitution has imposed on them years ago," and you are saying "We are going to give them this," this reparation as Bill Ford says, to the tune of one-half billion dollars at the expense of the rest of the country.

All I am saying is I cannot find any justification for this double counting. I am willing to go along with single counting. I am willing to count every youngster, minority youngster, and give that school assistance to upgrade themselves, but—

Mr. BELL. He has talked about de jure segregation and you are talking about de facto. We have a problem of de facto segregation in the cities of the North. The Supreme Court has not made a decision on de facto segregation yet. The problems of the South concern de jure segregation.

Mr. PUCINSKI. To make sure this is not partisan, the Governor of California is a Republican. I am not sure what the mayor of Los Angeles is, but when we talk about the great problem of California I don't think it is partisan at all.

Mr. Leonard, you have been most helpful and I am grateful to you. I think you have helped us clarify many of the points. We want that memorandum from you on the State courts because surely this would be a very important consideration by the committee.

I am grateful for your having taken the time to be with us.

Mr. QUIN. If the Supreme Court should rule de facto segregation unconstitutional, I think you would look at double counting different.

Mr. POTTINGER. Mr. Chairman, in the light of the time element, unless you should want me to do otherwise, perhaps I should follow Mr. Leonard's position on the opening statement and not read the opening statement.

Mr. PUCINSKI. We will put your opening statement in the record at this point.

(The statement referred to follows:)

STATEMENT OF J. STANLEY POTTINGER, DIRECTOR, OFFICE FOR CIVIL RIGHTS,
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. Chairman and members of the committee: I appreciate the opportunity to testify this morning in connection with the Administration's Emergency School Aid Act of 1970.

Within the Department of Health, Education and Welfare, the Office for Civil Rights is responsible for administering title VI of the Civil Rights Act of 1964, which prohibits discrimination as to race, color or national origin in Federally assisted programs.

The Office for Civil Rights is composed of professional compliance officers. Enforcement of title VI extends not only to public elementary and secondary education, but also to other Federally assisted institutions such as universities and colleges, hospitals, and State welfare agencies.

Our approach with the school program, as provided under title VI and the Regulation, has been to seek voluntary compliance by means of negotiation with affected school districts. That is, we have proceeded to negotiate for the submission and implementation of effective desegregation plans covering districts which until recently operated by law a dual school system.

As you know, the Federal courts have held that it is the responsibility of local school officials to end discrimination—to end the discriminatory effects of the dual school structure. The requirements for desegregation under title VI are applied in accordance with the decisions of the courts, particularly the Supreme Court. Thus a desegregation plan is deemed acceptable under title VI only when in our judgment it meets the constitutional requirements as set forth in the case law.

With respect to the former dual school systems in the seventeen Southern and Border states, the Office for Civil Rights has dealt directly with more than 1,800 districts in seeking compliance with title VI.

After initial enforcement efforts many of these districts agreed prior to the 1968-69 school year to take the measures necessary to bring about complete desegregation. Other districts became subject to court orders, and therefore desegregation was finally brought about or is to be brought about through the judicial process.

For the school year 1968-69, our Office negotiated 102 terminal desegregation plans; for the school year 1969-70, 207 such plans took effect; and as of June 15 of this year, 198 plans had been negotiated for implementation next Fall. Another 194 districts under our jurisdiction are in a fund cut-off status, are in administrative enforcement proceedings or are otherwise still unresolved. In all, a total of 688 school systems under the Department's title VI jurisdiction are potentially eligible to apply for emergency school assistance as proposed by the Administration.

The responsibility to determine the most suitable means of achieving effective desegregation rests primarily with local school authorities. At the same time, school districts may request, or they may be ordered by a Federal court to request, assistance from the U.S. Office of Education in preparing and implementing desegregation plans.

Basically, the desegregation process in the seventeen Southern and Border states has been prompted by both administrative action under title VI and by court action. When a school district becomes involved in court litigation, the Department of Health, Education and Welfare suspends all further title VI proceedings in the case. However, the district is not in formal compliance with the requirements of Title VI until the Department receives from school officials notification of a final court desegregation order and a written assurance of the school district's intention to comply with such court order.

Under the provisions of Title VI, when a school district fails to implement the measures necessary to accomplish effective desegregation, local officials are given notice of an opportunity for a hearing before an independent Federal hearing examiner. Following a decision in the case either party may appeal to the Department's Reviewing Authority. If the Government's position is upheld, to the effect that the district is not in compliance with Title VI, the Secretary reviews the case and ultimately Federal financial assistance may be terminated. The hearing process is known as "administrative enforcement proceedings," as opposed to judicial enforcement. At the present time, 42 school districts are still terminated in accordance with the provisions of Title VI.

As I indicated earlier, Title VI is applied in concert with court decisions and therefore is pertinent only when the condition of racial separation in the schools can be shown to have resulted from State or official action. Herein lies the key to understanding the reach of Title VI and the compliance problems we face in areas where student racial isolation is not demonstrably the effect of recent State law.

The trigger under Title VI is not *per se* racial separation in the schools, which prevails all across the nation. For the Federal appellate courts have held that,

in areas outside the former dual school system, there is no constitutional obligation to desegregate a school system unless the intent to separate children by race can be clearly demonstrated as a matter of record. For this reason enforcement activity in the thirty-three states outside the Southern and Border region is based on on-site investigatory work.

It is a time-consuming process. To give but one example, it took more than 35 man-weeks of professionals' time to assemble the necessary documentation in the case of Ferndale, Michigan, although the district has only 8,100 students with a 9.5% minority enrollment and one school that presents a compliance problem. The case is still pending in administrative enforcement proceedings: the hearing was held last July, 1969, producing a 1500-page transcript; a brief has been filed by the Department's General Counsel but we do not anticipate a decision before September 1.

I mention this case only to indicate the restraints imposed by law in attempting to deal with the conditions of school segregation where a legal remedy is not immediately available. It is a situation which does not lend itself to resolving, evenly and efficiently, the moral and educational dilemma of this massive nationwide problem.

Nevertheless, we intend to pursue vigorously the Title VI compliance activity outside the South and the increased resources sought in our Fiscal Year 1971 budget, now before the Congress, will help considerably in this regard. Also in the area of elementary and secondary education, we will be turning our attention to the review and monitoring of desegregation in court-ordered and voluntary plan districts in conjunction with the Department of Justice.

Mr. PUCINSKI. May I ask you a couple of questions?

In the guidelines put out by HEW for the implementation of \$150 million desegregation appropriations now working its way through the Congress, which is a forerunner of this legislation and will be deducted from the half billion dollars that we authorized in this bill so that we will still wind up with a half billion dollars—assuming Congress approves the legislation in those guidelines—they state that "eligibility for sponsorship of project is limited to local education agencies which are implementing a court ordered or HEW approved plan of desegregation for September 1970 or which have implemented a plan of desegregation during the school year 1968-69 or 1969-70."

And, (b) "Public or private 'community or civic organization' other than LEA's which are assisting a local school system in implementing a court ordered or HEW approved plan of desegregation for September 1970 or which have implemented a plan of desegregation during the school year 1968-69 or 1969-70."

What do we mean by public or private community or civic organization? And how would this work?

Mr. PORTINGER. Well, the purpose for adding "other than LEA's" to the bill is to insure that agencies which have previously assisted in the desegregation process would not simply be cut out of their continuing ability to assist.

Mr. PUCINSKI. Give me some examples.

Mr. PORTINGER. Mr. Chairman, I am trying to find the names of some of the organizations that are more prominent. The better way to describe them, I think, would be generically and that is to describe them as local biracial committees, local community parent organizations, various agencies that have already assisted in desegregation processes whose bona fide credentials are established to the satisfaction of the Secretary.

I should supplement the record with some of the names. They were brought up 2 months ago, the types of some of the typical kinds of agencies.

Mr. PUCINSKI. Would you supplement that for us?
(The information referred to follows:)

The proposed guidelines submitted to the Congress and referred to during this hearing are not final.

However, section 1 (B) refers to any non-profit organization or group which may be funded for the purpose of assisting school districts in implementing an approved desegregation plan.

Many such organizations, both national and local in scope, have had great practical experience in supporting the desegregation process. If an organization, other than a local educational agency, wanted to sponsor a project for a school district which is designed to assist desegregation in that district, the organization would be eligible to apply for funds for this purpose.

Mr. PUCINSKI. Now, would this include community or civic organizations which are assisting in the implementation of court ordered HEW approved plans of desegregation but are doing so not necessarily with the approval or consent of local school boards?

Mr. POTTINGER. I think that that is within the discretion of the Secretary to determine. I don't believe that the legislation precludes it or demands it, either one.

Mr. PUCINSKI. In other words, if you had a school district which qualified for this assistance and you had a public or private community or civic organization which was carrying on a certain campaign and it became clear that the school district itself was kind of dragging its feet in carrying out the implementation, I gather from this guideline that the Secretary could fund this community or civic organization to carry on this activity.

Mr. POTTINGER. Yes, that is my understanding of the provision.

Mr. PUCINSKI. The other provision in the guideline is (c), sponsors of projects.

Mr. QUIE. The guidelines have not been implemented, since this is a draft.

Mr. PUCINSKI. They have a caveat here, "these draft criteria are being considered for purposes of administering the special \$150 million appropriation requested and are subject to change. They have not yet been reviewed by all who might be able to contribute ideas and useful suggestions. They do not represent the same criteria, in whole or in part, that may be developed to implement the Emergency School Aid Act of 1970 or similar legislation now under consideration by the Congress."

They do give us a pretty good idea of what the thinking of the department is.

Mr. QUIE. Referring to them as guidelines is a bit inaccurate and I think it is well that you mentioned the caveat that they have there.

Mr. PUCINSKI. As you know, I have some strong feelings about guidelines. I like to try to see how the legislation we pass here is going to be implemented and that is why I am asking Mr. Pottinger these questions.

This proposed guideline also provides: "(c) Sponsors of projects will be expected to demonstrate that provision has been made for minority groups, parents, members of the community, and others at interest to participate in an organized way in the development, review, and evaluation of the project."

What does that mean?

Mr. PORTINGER. I am not sure, Mr. Chairman. I think to give you a fully accurate answer, I would appreciate the opportunity to supplement the record on that particular question.

Let me add, if I may, one qualification on my testimony. That is, as Director of the Office for Civil Rights, my involvement is in enforcement much as Mr. Leonard's was this morning, not directly in the preparation of the legislation. Where title VI questions are concerned, obviously, I would be happy to respond.

(The information referred to follows:)

The proposed guidelines submitted to the Congress and referred to during this hearing are not final.

However, in line with proposed guideline 2(c) mentioned by the Chairman, the intent is to ensure that sponsors of projects, such as local educational agencies, permit community representatives to participate in designing and reviewing the projects. This could be accomplished through the appointment of bi-racial advisory committees.

Mr. PUCINSKI. Finally, Mr. Pottinger, you heard the questions here earlier. I wonder if you would like to, for the record, show us what in your judgment is the relationship between the additional cost involved in bringing about integration of de jure segregated schools. Why is this legislation necessary and what will it do, in your judgment, that existing legislation can't do?

Mr. PORTINGER. I would appreciate a chance to respond to that.

A moment ago, I responded to the deficiencies of title I as a mechanism for accomplishing this objective. I mentioned that under that title it would create a much greater demand, proportionate demand, for money to achieve the same results that would be created under existing legislation. Let me supplement that, and briefly, by pointing out there are approximately 16,000 districts in this country subject to funding under title I of which about 1,000 are in the process of desegregating under current standards. That means in order to reach those 1,000 districts it would be necessary under title I to increase the allocation greatly so that all 16,000 could participate in the funding.

It is for that reason I suggested on our projections it would create a demand of approximately \$4 billion more.

The next reason it is important to recognize the need for this legislation is that, as Mr. Dellenback pointed out, in a very short period of time, roughly 18 months, there has been tremendous movement, I think, toward desegregation among de jure systems and those are primarily found for historical reasons in the South. It is true that many people are concerned about it, and I might say both black and white people are concerned about the desegregation process. You mentioned Mr. Bond who is concerned about black children going into white schools and the problems there. Those problems of in-school segregation and desegregation are arising now only because it is now for the first time that there has been a massive push.

Obviously in schools, forms of discrimination were a problem in prior years because there was no desegregation. There were all-black schools and all-white schools. Now that there is a rise of the figures from roughly 5 percent to something that is presently unknown but we hope will be in excess of 90 percent of the districts desegregating, of course there are additional problems, but this administration, I think, is committed to deal with them on an equitable and fair basis.

I raise that as an example not only to point out a response to the earlier questions, but also to respond to your immediate question.

The massive number of problems that will take place this fall and in the coming months in the South are, I think, not comparable to the problems that we find taking place in many other parts of the country. Those problems do require, if I may, funding as well as attitudinal development.

Mr. QUIE. If some of those school districts that now would be eligible for money under this program had been ineligible for title I of ESEA but now are eligible because they are following the court order, that will be taken into consideration when the money is allocated for that project. Under this proposal there is no entitlement to the school district because of the number of minority children, as in title I there is an entitlement to the school district because of the number of poor kids they have. So if the \$200 per child is now available to the school district for the first time this fall and they make application for a grant under this program, new Federal money will be taken into consideration before the Secretary determines the amount of money available to them?

Mr. PORTINGER. That is a correct statement.

I might add—in answer to the chairman's statement a while ago—that this legislation we are now talking about may not in all cases add on to existing title I funds in the South. We may find that title I funds in some cases, Mr. Chairman, would be reduced.

I thought you made a statement to Mr. Leonard that you thought title I funds would increase, or at least the legislation now would add onto it. But that is not what we expect.

Mr. PUCINSKI. Do I understand correctly both from the sponsor of the legislation, Mr. Quie, and from you, Mr. Pottinger, that if a school that has disadvantaged children qualifies for title I funds and applies for them and receives them, that whatever it gets from title I funds will be deducted from whatever money—

Mr. QUIE. No, we are talking about those school districts that were ineligible for title I funds because they were segregated.

Now, they are available. If they put in a bill for total compensatory education under this bill they will be told by the Commissioner of Education that you utilize your new funds under title I for compensatory education and what additional expenses you have because of desegregation will be Federal funding.

Mr. PUCINSKI. In other words, you are saying this money will be put on top of the title I money and indeed they need additional money.

Mr. PORTINGER. Yes, sir; but with the very important caveat that the title I money could be greatly reduced. The title I funds may not be exactly what they would ordinarily be.

Mr. QUIE. What do you mean greatly reduced? There is entitlement, you see, under title I. That is based on a number of poor children. As long as they devise satisfactory programs, they get that money.

Mr. PORTINGER. What I meant to say was the number of children who would be disadvantaged and, therefore, subject to title I programs, would itself be decreased through the desegregation process.

Mr. QUIE. That is based on the 1960 census. They don't have enough welfare kids.

Mr. PUCINSKI. I think we are going to have to clarify that point in greater detail because I do think we opened up a new element of discussion here.

(The information referred to follows:)

A question has been raised as to the effect of desegregation, by voluntary plan or under court order, on the amount of funds available under Title I of ESEA. Three points should be made. School districts which have been adjudged as out of compliance with title VI of the Civil Rights Act are not eligible for title I assistance in the fiscal year next following a preliminary or final adjudication of non-compliance. Therefore, school districts adjudged out of compliance with title VI can only restore their *eligibility* for Title I funding by submitting an acceptable desegregation plan.

Second, the formula by which the *entitlement* of every district to funds under Title I of ESEA has been specifically set forth in the statute and is therefore unaffected by desegregation. Third, pursuant to § 110.17, Title 45, CFR, the actual Title I *funds* which are *received* by the school district could be reduced as a result of a plan of desegregation if (1) the number of eligible attendance areas which can be funded declines; i.e. socio-economic isolation declines, (2) as a result, the number of project areas which are being funded declines and (3) the school system fails to redesign its title I program so that no adjustment is made in expenditures per project.

It is also possible but unlikely that title I *funds received* by a school district will increase as a result of desegregation because of an increase in socio-economic isolation accompanying a decrease in racial isolation; e.g. poor whites now attend school with poor blacks who had previously attended schools with the middle class blacks.

Mr. JENNINGS. I noticed in the President's message he said that there were more than 500 school districts in the North which are presently negotiating title VI plans. Is that an accurate statement?

Mr. POTTINGER. There are 500 school districts in the North, 505, which we have targeted as potential, as representing potential title VI violations. Now, we have not reached all 505. The first reason simply being a manpower limitation that we have. We have actually begun reviews of about 50. But there are 505 which are targeted. They have, in effect, the way the target is designed, one or more minority black schools or minority Mexican-American schools.

Mr. JENNINGS. But only 50 are under actual review?

Mr. POTTINGER. That is correct.

Mr. PUCINSKI. It would occur to me, then—we have had some sharp statements about the windfall and reparation and various other statements about what all this means to the South, but it would occur to me, what you are saying now is if by the time this legislation becomes available or the \$150 million, if these 505 school districts now under negotiation come into the fold, this would certainly change that formula substantially for the South, wouldn't it?

Mr. POTTINGER. Let me say it is 50 school districts presently subject to review. There are 505 targeted.

Mr. PUCINSKI. These 505 can come in quickly on their own and submit a plan acceptable to HEW and they would then be double counted?

Mr. POTTINGER. That is correct.

Mr. PUCINSKI. Couldn't that then spread this \$150 million more evenly around the country?

Mr. POTTINGER. It seems to me it would. I see no alternative unless there are further appropriations.

Mr. PUCINSKI. We are saying here we don't think these southern districts ought to start counting their money too soon.

Mr. POTTINGER. One final point. Categories 2 and 3, I should em-

phasize, would in fact reach the same people and the same districts that you have been referring to in the northern cities, Mr. Chairman. That is to say that, wholly aside from title VI and court-ordered districts, those second two categories would permit the Secretary to delegate funds to those districts in order to deal with many of the same racial problems we are talking about here today that exist in the South.

Mr. PUCINSKI. Mr. Pottinger, thank you for your testimony.

I am sorry we have to run, but I thank you for being here. You have been very helpful to us this morning.

The committee will stand adjourned until tomorrow.

(Whereupon, as 12:20 p.m., the subcommittee recessed, to reconvene at 10 a.m., June 18, 1970.)

EMERGENCY SCHOOL AID ACT OF 1970

THURSDAY, JUNE 18, 1970

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10:10 a.m., in room 2257, Rayburn House Office Building, Hon. Roman C. Pucinski (chairman of the subcommittee) presiding.

Present: Representatives Pucinski, Meeds, Bell, Quie, and Dellenback.

Staff members present: John F. Jennings, counsel; Alexandra Kiska, clerk; and Robert C. Andringa, minority professional staff assistant.

Mr. PUCINSKI. The committee will come to order.

We are very pleased to have with us this morning Mr. George Fischer, the president of the National Education Association, who will be our first witness.

Mr. Fischer has another meeting, I believe, at 11 o'clock. So, we will try to get you out as soon as we can.

I might say I just met your charming successor, and I think things are looking up in the NEA.

Mr. FISCHER. A vast improvement. [Laughter.]

Mr. PUCINSKI. Mr. Fischer, you are here today to testify on H.R. 17846, the President's emergency school aid bill. We have your statement over here. It is a brief statement, so why don't you just read it.

STATEMENT OF GEORGE FISCHER, PRESIDENT, NATIONAL EDUCATION ASSOCIATION; ACCOMPANIED BY STANLEY McFARLAND, ASSISTANT SECRETARY, OFFICE OF LEGISLATION AND FEDERAL RELATIONS, NATIONAL EDUCATION ASSOCIATION

Mr. FISCHER. Thank you, Mr. Chairman. With me this morning is Mr. Stanley McFarland from our legislation and Federal relations office, who will help me answer any of the technical, difficult questions that I cannot handle.

Mr. Chairman and members of the committee, I am George D. Fischer, president of the National Education Association which now has a membership of 1,100,000 educators. When we add our local and State affiliates to that number, we have 2 million members. We appreciate the opportunity to express our views on H.R. 17846, the administration's proposed Emergency School Aid Act of 1970.

The NEA is deeply interested in the cause of integration of the schools in all parts of the country. We have been disturbed at the re-

gression in this area which has so far characterized the Nixon administration. We hope that the proposed Emergency School Aid Act is evidence of a reversal of the Nixon record in this matter, so clearly described by Peter Gall, formerly with the HEW Civil Rights Office, in a recent article in the Washington Monthly:

From almost its first month, the Nixon administration began to nibble away at our program. First, the desegregation guidelines were weakened in a joint HEW-Justice statement drafted primarily at the White House. Then several school districts got favored treatment that violated all the standards that had been maintained until then. Then Secretary Finch sent a letter to the Fifth Circuit Court of Appeals, asking for a delay for 30 Mississippi school districts, in what then appeared to be (and was later held to be) direct conflict with rulings of the Supreme Court. Finally, the administration adopted the code words "busing" and "neighborhood schools" as the definition of what school desegregation was all about, abandoning the contention of the Supreme Court, Congress, and the previous administration, that the issue was equal educational opportunity under a very explicit law . . .

The firing last week of Commissioner of Education James E. Allen, virtually the only voice in the Nixon Administration expressing deep commitment to the cause of integration, is the latest event in this sequence of negative actions.

We are heartened by the fact that the administration is now proposing legislation to advance desegregation and hope the action will match the rhetoric this time.

While in sympathy with the objective of H.R. 17846, we have several comments about the bill which we advance for the committee's consideration:

1. We question the advisability of allotting two-thirds of the appropriation to the States, with the Secretary of HEW retaining one-third of the funds to use where and as he sees fit. The first-year authorization would reserve \$150 million of the \$500 million for HEW. We repeat our often stated comment before this committee that we do not believe all wisdom lies in Washington. We are aware of HEW's penchant for contracting with profitmaking corporations who will do almost anything for a profit. We reject the idea that public and nonprofit agencies cannot handle programs effectively. We urge that the one-third reserve for the Secretary of HEW be eliminated and that all funds be committed to the States.

2. We are aware that the bill does not provide for approval of district projects by its State education agencies and that the allotted funds are to be distributed directly by HEW to local districts within a State. Such a policy is practical in this situation.

3. As indicated above, we strongly object to granting HEW authority to contract with profitmaking agencies to carry on activities which are the legal prerogative of public agencies. We do not object to grants or contracts with nonprofit organizations per se, since it is easy to imagine situations where only a nonprofit, independent agency can function in the field of integrated education in the face of negative attitudes of official, legally responsible public agencies. But we see no possible reason why any corporation or person should profit financially from a program aimed at alleviating injustice.

4. The bill, and the accompanying publicity, refer to de facto segregation which exists in some major cities. However, the bill, weighted

as it is to de jure segregated systems, holds out more promise than the formula fulfills. We believe it engenders false hopes which cannot be realized under the formula and the comparatively small amount of money involved for de facto situations. There appears to be no method of assisting a city system which seeks to eliminate racial imbalances through district reorganization.

5. We feel that the formula as outlined in the bill seems to reward school districts which have resisted integration at every possible point to date. The bill speaks specifically to districts which are under court order. What about assisting those many school districts which acted in good faith, without the necessity of court orders or HEW investigation? Are they to receive no assistance? The philosophy of rewarding those who resist is one which troubles us. We recognize that the objective is to assist children who by geographical accident live in districts where officials are not acting in good faith. We wish that legislation could be enacted which would provide for criminal proceedings against the public officials—school boards, mayors, Governors—who thwart the law of the land. We feel that present laws which permit cutting off of Federal funds result in punishing innocent children for the delinquency of adults.

6. In keeping with the above we believe the law should provide that school districts which transfer, lease, or sell public school property to private groups for the purpose of establishing racially segregated schools shall not participate in the provisions of H.R. 17846. In addition, safeguards preventing use of Federal funds to supplant local and State funds where desegregation occurs should be written in the bill. Furthermore, districts which refuse other Federal funds because of the cutoff provisions of the Civil Rights Act of 1964 should not be permitted to receive funds under this act.

7. We believe that if a school district's plan for integration includes some expenditures for pupil transportation, the use of Federal funds for this purpose should be permitted—but should not be required. No Federal officer or agency should be permitted to require pupil transportation as a condition to receiving funds if, in the judgment of the local district, such transportation is impractical or inefficient.

8. We believe that funds for school construction are essential, particularly in de facto segregation situations. We do not believe that it is practical to attempt to patch up a faulty system without provision of substantial funds for necessary facilities.

9. We wonder why the objectives of H.R. 17846 cannot be accomplished through existing legislation, such as title I of ESEA and title IV of the Civil Rights Act—plus a substantially funded school construction bill.

10. We repeat that the best basic answer to the problem of education is the enactment of general Federal aid to education, providing at least 30 percent or one-third of the cost of education from the Federal Government, with the provision that any school receiving Federal aid must be in compliance with the Civil Rights Act of 1964.

We thank the subcommittee for this opportunity to express our views and stand ready to be of all possible assistance to the subcommittee in its deliberations.

Mr. PUCINSKI. Thank you very much, Mr. Fischer. Your concern about giving the Secretary one-third of these funds has been of concern to some members of this committee. When the Secretary would get the full \$1 billion, that would mean that he would have some \$330 million to just dispense at will within his own concepts and standards and one of the things that disturbs me about this legislation is that it is forever. We have learned a long time ago that you do not kill Santa Claus in Washington. We are trying to get the impact bill restructured so that we can make that more equitable. Everybody agrees that the impact bill is most inequitable but nobody seems to be able to do anything about it, simply because nobody wants to give up any funds they get out of this bill.

What I am concerned about is that this legislation, while it would appear that it is only for 2 years, I think any reasonable person who has seen anything of the situation in Washington over the years knows that this is forever. Once you pass this concept, once you establish this concept, you can be reasonably certain that it is going to be around for many, many years to come. So, I think you are right in voicing the concern that this ought to be based on some predictable formula where a school district, a school board, or a State would have some idea of what sort of money they can expect to make some long-range plans.

It seems to me that the provision in this bill now is a kind of an ad hoc operation. I was wondering if you think that school superintendents can run school systems and address themselves to integration and all the other problems on that basis.

Mr. FISCHER. Well, as we have said here, this begins to violate the concept of Federal money without Federal control. As the opponents of Federal aid to education have always pointed out, if we are not careful, the next thing we will have is a U.S. school system run out of Washington. When you begin to give the Secretary a third of the money, you are giving him a third of the voice and the power and I think this is a danger.

I actually think that in the good school systems which are in compliance and are acting in good faith with respect to desegregation guidelines, probably the money given to them will be used better. I still believe that the best scrutinized dollar of any public expenditure is the education dollar. It is carefully watched by the local school boards in local public schools. We would prefer to see something that moved that money out to the locals without any control or very little control here.

Mr. PUCINSKI. You say, though, in your point 2 that you would support the concept of the Secretary allotting the funds directly to the school district, bypassing the State. I wonder if we really understand the formula here.

As I understand the formula in this bill, you would count the minority children in a State, then you would count them again if they are in a school district under a court order against de jure segregation, count them twice. You would ascertain the State's entitlement under that formula, but the Secretary here in Washington would continue to dispense the money even after you have established a State formula.

The distribution of that formula would be from Washington, so that really what we are saying here is that the Secretary would have a billion dollars to dispense instead of only a third. The formula is the—the allocation of the formula is just for his guidance, to ascertain what a State is entitled to, but the Secretary here would decide how that money is going to be spent within that State.

I was wondering if you people are aware of this.

Mr. FISCHER. We are aware of it. We are really not in favor of this. However, it seems practical in this situation the way the bill is written. We have said we object to a third being held here, so this is the only way it would work.

Mr. PUCINSKI. Yes, but—

Mr. FISCHER. Over in No. 5, you see, we direct our remarks toward the formula where it rewards the districts that have resisted. We are against that.

Mr. PUCINSKI. The thing that disturbs me about this formula, and it is bad in many ways, is that after you have ascertained what a State's allotment would be, no school district in that State is assured of any funds or no school district in that State has any idea what it would get.

Now, a school district may have 20 percent of the minority children in that State and it may have 20 percent children under de jure court order, but there is no assurance in this legislation that that particular school district would get one penny from the Secretary—

Mr. FISCHER. No. There would have to be—

Mr. PUCINSKI. Even though the children in that district have been counted toward the allocation formula. And that is what disturbs me about this legislation among other things.

Mr. FISCHER. Well, it should be amended to provide an appeal procedure for these districts.

Mr. PUCINSKI. My final question I want to ask you, Do you think we ought to have an advisory council in this bill which would be representative of people close to the problem so that there could be some sort of surveillance or at least some sort of recourse to the dispensing—

Mr. FISCHER. If they are educators.

Mr. PUCINSKI. Dispensing of this huge sum of money rather than leaving it strictly within the administrator's judgment?

Mr. FISCHER. Yes; particularly if they are educators, because they deal with the problem daily and know.

We do not really think that this is good legislation. I come back to No. 10. We think a general aid bill is far superior to the one we are discussing. The real answer is a general aid bill providing about a third of the cost of education in this country from the Federal level. This is some sort of a stopgap that the President has proposed and these are our comments on it.

Mr. PUCINSKI. Well, I am trying to be as objective as I possibly can on this bill. It is before the committee and we certainly want to give you every degree of fair and impartial consideration, but I must say the more I look at this bill, the more I am persuaded by the argument made by our colleague, Mr. Ford, Bill Ford from Michigan, who the other day said this looks more and more like a reparations bill to the

Southern districts that have been forced by law to do certain things they should have done a long time ago.

Mr. FISCHER. We raise that point, too. There are a lot of dangers in this bill. You see, the whole philosophy of money being directed to the schools could change with successive Secretaries or successive administrations. We have already seen enough change to date in that to frighten us.

Mr. McFARLAND. We have not seen any breakout on distribution by States. I understand there is one available, comparing the breakout of the distribution of funds under this bill to States. I would like to raise a question of how they compare with the present breakout of distribution of funds under, say, title I. I think this would be a very interesting thing to see.

Mr. PUCINSKI. We do not have a comparison but we do have a breakdown on the distribution of the first \$150 million that is now working its way through the other body, and then the \$500 million, but even that breakdown is subject to serious change because Mr. Leonard, the assistant U.S. attorney in charge of civil rights enforcement, testified yesterday and brought in some new dimensions that in my judgment, would seriously alter the anticipated distribution of these funds.

Under his interpretation, a substantially larger number of Northern States conceivably could qualify that apparently have not been counted in in the original breakdown.

Mr. McFARLAND. Well, it is very open. In several places in the bill guidelines are referred to. Actually, in some ways this would be a legislative blank check.

Mr. PUCINSKI. Well, the chairman of this committee, Mr. Perkins, made an observation the first day of hearings on this bill that he was at a loss to see what this measure would permit a local district to do that that very same local school district could not do under title I. Now, Mr. Jerris Leonard said yesterday and Mr. Pottinger, who is in charge of the title VI enforcement, they both conceded that in the course of integrating these de jure segregated schools, youngsters from disadvantaged families will be moving into schools that heretofore had never had such youngsters and there is going to be some title I money following those youngsters into those schools.

Now, the question we wanted to know is whether or not these particular schools will get a double shot or really a triple shot of Federal help, one out of title I, one out of the fact that they are a minority, and, three, the fact that they are under de jure court order. And Mr. Leonard said yesterday that whatever money flows into this school by virtue of a new entitlement to title I would be deducted from their allocation.

Well, now, if that is true, if I understand him correctly—

Mr. BELL. You must have misunderstood him.

Mr. PUCINSKI. If I understood him correctly, this would change the balance, and so when—and there was some question—Mr. Bell is absolutely correct, that there was some question and we finally agreed that they would all take another look at this whole thing because I do not think they were quite sure—

Mr. BELL. Mr. Chairman, would the gentleman yield? I think there was some mistake in your interpretation of the answer.

Mr. PUCINSKI. What do you think?

Mr. BELL. Let me finish. I specifically asked Mr. Finch that question when he was testifying and his answer was no: there will be no deductions as a result of this.

Mr. PUCINSKI. In other words, then, you are saying that a school which heretofore had not had disadvantaged children and now gets disadvantaged children will get, (a) benefits under title I entitlement, (b) benefits under the minority formula in this bill and (c) entitlement under the double counting as youngsters attending a de jure segregated school.

The question that any citizen in this country has a right to ask, how much money do you want to pour into this school simply because you are dragging in by both feed to do something they should have been doing legally a long time ago.

Mr. BELL. Mr. Chairman, you yielded to me a minute ago.

Mr. PUCINSKI. I want you to answer it because you are now saying we are going to triple count.

Mr. BELL. I am saying we are going to double count.

Mr. PUCINSKI. But you are saying—

Mr. BELL. Do I have the floor to ask questions?

Mr. PUCINSKI. You are saying, though, that we are going to have title I money and this money in the same school. Is that correct?

Mr. BELL. Yes. That is my understanding.

Mr. PUCINSKI. All right.

Mr. BELL. Mr. Fischer, your statement sounds like a very partisan Democratic statement, if I might say so. For example, you say in the first of it:

We have been disturbed at the regression in this area which so far has characterized the Nixon administration. We hope that the proposed Emergency School Aid Act is evidence of a reversal of the Nixon record in this matter, so clearly described by Peter Gall,

and so forth.

You start out by stating that the Nixon administration has regressed in the area of civil rights; a lot of people might argue on that point in the area of desegregation of the school system. Did you perchance see the Attorney General's statement yesterday in which he found that prior to the 1969-70 school year, only 5.2 percent or 161,000 of the Negro students in the 11 States attended unitary or desegregated school systems? That is 1969-70. "Significant changes will occur by the next school year. At the present time, there are in effect court orders or HEW-approved voluntary plans which will mean that by the 1970-71 school year, 58.9 percent or 1.8 million Negro students will be attending desegregated systems. These plans are in order and are moving ahead."

Now, that does not sound like an administration that is going backward in the area of segregation, does it?

Mr. FISCHER. I hope the Attorney General is correct and this will happen.

Mr. BELL. This is factual, 58.9 percent.

Mr. FISCHER. I testified in the Senate the day before yesterday. As you know, we have had large teams in the South at our expense. There were 27 people in Louisiana and Mississippi, investigating the truth of what is happening down there. I would refer you to that testimony.

Mr. BELL. Yes.

Mr. PUCINSKI. If it is agreeable, the reports of the NEA task forces on school desegregation, the NEA task group in Mississippi, January 13 to 23, 1970, and the task group in Louisiana, February 15 to 22, 1970, will be put in the record at this point.

(The documents referred to follow:)

I. PRELIMINARY FACT-FINDING REPORT OF NEA STAFF TEAM ON SCHOOL DESEGREGATION IN MISSISSIPPI

Problems of major proportions have emerged in the school systems of the South as a result of the Supreme Court's order for unitary school systems by February 1, 1970. These problems are particularly severe in Mississippi and Louisiana. The focal point of massive trouble at the present time is in Mississippi.

Having received an action request from the NEA-PR&R Commission followed by a request from the Mississippi Teachers Association, the NEA Executive Committee on January 9, 1970, asked the Executive Secretary to send a staff team to Mississippi to collect factual information, to evaluate current conditions, and to recommend a positive course of action that the NEA could take on behalf of its members in Mississippi and in the interests of public education.

The NEA team visited schools and met with teachers, principals, school officials and other citizens in 27 of the districts affected by the recent Supreme Court decision and another two dozen districts yet to be desegregated or already in progress. Daily briefings and discussions with State and county association leaders broadened the team's understanding of Mississippi school desegregation problems. The team's interviews and observations during its two-week investigation revealed the following as the major, *immediate* results of the current accelerated effort:

Black educators are being dismissed, demoted, and pressured into resigning from desegregating school systems, to be replaced by whites who, in many instances, are less qualified by preparation and experience than their black colleagues.

Many white parents are abandoning the public school system and are establishing all-white private academies in order to avoid sending their children to integrated schools; accompanying the parents in their exodus are significant numbers of white administrators and teachers who are either leaving education or who are accepting employment in the private academies.

Racially segregated classrooms and other facilities are being maintained in the newly "desegregated schools;" the desegregation process primarily is being carried out on terms set by whites with a consequent submersion of the group identity and interests of the black community.

These were the three major areas of concern on which the NEA team focused its fact-finding effort.

This preliminary report and its recommendations are motivated by the following basic principles, to which the NEA is committed:

1. The rights of educators whose jobs are jeopardized by the desegregation of public schools must be protected.
2. The establishment of private schools to circumvent the integration of public schools is ethically and educationally reprehensible.
3. NEA resources must be made available to assist the effort in local districts to bring about meaningful integration.

Displacement of black educators

In 1965, the NEA Task Force on Teacher Displacement reported:

"... 'white schools' are viewed as having no place for Negro teachers. As a result, when Negro pupils in any number transfer out of Negro schools, Negro teachers become surplus and lose their jobs. It matters not whether they are as well qualified as, or even better qualified than, other teachers in the school system who are retained. Nor does it matter whether they have more seniority. They were not employed as teachers for the school system—as the law would maintain—but as teachers for Negro schools."¹

¹ NEA-PR&R Commission. Report of the Task Force Survey of Teacher Displacement in Seventeen States. Washington, D.C.: The Commission, December 1965, p. 28.

The pattern of black educator displacement--which has long accompanied the process of school desegregation in other southern and border states--is clearly evident in the desegregating school districts of Mississippi. One superintendent told the NEA Fact-Finders that under the desegregation plan for his district, 13 black teachers would have to be discharged. When asked whether this would be difficult to do, he said, no, that it would be easy!

The team discovered several techniques similar to those used by white administrators in other States to rid newly desegregated schools of black teachers. For example, a black teacher of English in one district was assigned to teach French--a language she neither speaks nor writes. The teacher expects to be dismissed soon for "inability to perform as assigned."

Some desegregated schools visited by team members have co-principals--one white, one black--but the black principal seems to have inferior status. Black administrators in other systems have retained their title of principal but since desegregation have been placed under the direction of a white "supervising principal." In some districts, black principals have been given titles such as "assistant principal," with undefined responsibilities and no apparent authority. The team did not find any instances where black principals have been dismissed or where their salaries have been reduced. Moreover, the appointment of black and white co-principals is, on the surface, an improvement over the earlier desegregation practices in other areas of the South. But the improvement is only on the surface. For whatever title they are given, the consequences of desegregation for black principals seem to be the same: greatly reduced authority and professional status, low visibility, responsibilities that are either undefined or of a clerical or menial nature, or restricted to black students and teachers.

In one district, a black principal, who was given the title of principal in a formerly all-white school, is reportedly performing janitorial duties. In another county, the white principal remains in his former office, while his black counterpart is relegated to a small room behind the school's lavatory. Team members met with the former principal of a black high school, a relatively new building which had been closed when the system desegregated; but the black students and principal had been transferred to the formerly all-white school. This black former principal had not yet been able to find out what his new title or duties were; he had been given a desk in an alcove of the main office that had to be passed by teachers on their way to the teacher's lounge.

A commonly used rationale for the displacement of black educators is the traditional claim that they have had inferior educational training and, thus, are not "qualified" for the desegregated system. However, several of the school leaders pointed out that frequently the academic and experience credentials of the black teachers and principals in their counties are superior to those of their white colleagues. One white principal remarked that the blacks' record may look better on paper, "but that doesn't prove anything."

One Negro band director, with an exceptional record, was turned down when he applied for a band directorship at a formerly all-white high school. The white school administrator flatly declared that "the time was not right for a black band director." The school then advertised for another band director.

The State has no tenure law; the school districts have no grievance procedures. With few exceptions, therefore, the black educators are without defense against the most blatant kinds of mistreatment. Those few exceptions are in the districts where black educators and communities have joined together into organized protest action, such as boycotts. For example, a group of black educators organized and led one community in a protest against the transfer of two of the most highly qualified black teachers from the black to the formerly all-white high school. As a result of the protest action, the teachers were returned to the black school. In another community, after a series of three economic boycotts, four black principals were able to tell a white school board attorney (who was also a state legislator) that a proposed "testing" program included in the district's desegregation plans would be unacceptable to the black community. The board backed down. Some of the black teacher leaders interviewed by the NEA team stated that they were fully aware of the dangers of economic and other kinds of reprisal as a result of their organizing effort, but they felt that they could no longer resign themselves to mistreatment: whatever the risk, there was no acceptable alternative to exercising their own initiative against injustice. In most of the districts where black initiative had been exercised in organized ways, NEA team members found real evidence of fair play and good faith. In a few districts biracial action by community and school leaders has accomplished similar results.

It should also be noted that the emergence of black political organization is already in evidence in a number of Mississippi localities; the major center of such organization, of course, is in Fayette where Charles Evers is Mayor. In virtually all districts team members visited, blacks are totally without representation on school, county, and municipal governing bodies. But in some of the areas with large black populations, it can be seen that black citizens have made good use of the provisions of the 1965 Voting Rights Act. The development of black political strength and community organization—although not yet widely apparent—was one of the few encouraging factors that could be observed by NEA team members in the current Mississippi situation.

Private schools

In some Mississippi districts, the work of community and school leaders is easing the transition from dual to unitary school systems. In other communities, leaders are forecasting the end of public schools for white students. Particularly in the heavily black counties (but also in those with 50:50 and 60:40 white-black ratios), there is a massive exodus of white students to hurriedly-established private academies; and significant numbers of the white educators, also, are fleeing the public schools for the all-white sanctuary of these private academies. It is predicted that in some parts of the State, few, if any, white students will remain in the public schools. It is also predicted that whites will move to other localities within the State, leaving some counties almost 100 percent black.

Various plans are being used to establish the private schools. Team members learned that private schools are being set up in churches of various denominations, in abandoned public schools; and in one locality, a former factory houses the newly established private academy. In another community, local press accounts detailed the procedures whereby a public school was transformed into a private academy: The public school, opened in 1947, was declared surplus by school officials in June 1969 and sold to an individual, using sealed bids, for \$1,500. Team members learned that the purchaser, in turn, sold it to a private group for \$10. The school, a relatively modern and well-built facility, is now privately operated for white students only; former public-school buses, also declared surplus and put up for bid, have been obtained and are now being used to transport the students to the school. In another county, a retired district superintendent set up a private school; in still another district, a local judge is responsible for the establishment of the private school. The State has declared it legal for textbooks and school lunches to be furnished to the private academies, but transportation must be provided by the white citizens themselves. In some localities "surplus" public school furniture has been sold to private schools; some equipment purchased with title I funds disappeared from the public school in one county.

Devious techniques have been used to relieve white citizens of the financial burden of establishing and maintaining private schools. One of the most ingenious was as follows: In one school district, testimony revealed, it has been announced that teachers would be reassigned to integrated schools the following week and that they would have only one week to accept their new assignments or quit. No appeal from the assignment was permitted. However, the annual contracts of these teachers specified the schools to which they would be assigned for the year; the reassignment constituted a breach of contract. Thus, for the remainder of the year, the school board might be obligated to continue paying the reassigned teachers who refused to accept the transfers. Press reports indicated that the Attorney General for the State of Mississippi has issued an opinion that teachers who are involuntarily transferred may be paid through the end of the current school year. The teachers would then be free to teach in private schools; and the remainder of their year's salaries from the public school would supplement their private school salaries. This ploy would permit the private school to operate at reduced cost, at least for the remainder of the school year.

The NEA team members were cautioned against visiting the private schools for fear of difficulties involving trespassing. The teams attempted to go through proper channels to visit some of the private schools but were not successful in finding the channels. It was almost impossible to gather information concerning enrollments, class size, sources of books and materials, usage of unqualified or non-certified teachers or sources of income for these private institutions. Mississippi school people said they thought tuition in private schools will amount to about \$450 a year. They generally agreed that most Mississippians could not

afford to pay this amount. Some school people were predicting that if public schools maintain standards significantly above those of the private schools white students would in time return to the public schools, especially at the high school level because of the high cost of quality programs. Parents would see that children remaining in the public schools were getting just as good or better education than the children in private schools--and without tuition.

School accreditation is a serious problem in Mississippi during this desegregation crisis. Mississippi is the only state where the professional associations accredit the schools--MEA accredits the white schools, MTA the black, both using the same criteria. If the two groups merge, they might jointly continue to accredit. However, if the professional associations were to withhold accreditation from the private schools, a private school organization would probably be established to accredit them. A student does not have to graduate from an accredited school to qualify for entrance into a Mississippi college or university. Therefore, with or without accreditation from a bona fide accrediting organization, the white private school graduate could begin his college education in Mississippi, taking perhaps one or two years to acquire the academic credentials necessary for acceptance by the college or university of his choice in another state.

The lack of a mandatory school attendance law is an additional factor that militates against school desegregation efforts. In a number of districts--particularly those with high percentages of black population--white students whose parents cannot afford private school tuition are simply being taken out of school entirely to avoid desegregation.

It should be noted further that, in the view of some association leaders, the current school desegregation crisis is having a markedly adverse effect on the prospects for merger of the MEA and MTA. More specifically, some persons commented, the success of the merger proposal is seriously endangered by the movement of so many white teachers into private academies and by the attitudes of some whites that this movement so clearly conveys.

Integration/desegregation

There is an important difference between desegregation and integration. *Desegregation* refers to the ending of segregation; it means breaking down the de jure and de facto barriers to the physical juxtaposition of black and white. With varying degrees of compliance, some of the districts visited by NEA team members are desegregating. *Integration* refers to blacks and whites cooperatively relating to each other as equals. The NEA team members saw little evidence of integration.

In some localities, as noted earlier, community groups and school leaders are working cooperatively to facilitate orderly desegregation. In one city, university and community groups have become involved in the development of the area's desegregation plan and have spoken in support of the public schools. Team members attribute the good community climate there to the efforts of the local Human Relations Council and the League of Women Voters, both of which have helped organize periodic community meetings for black and white citizens. Significantly, the community leaders emphasized the value of quality public schools in attracting industry to the area.

In other communities, biracial committees have been established by the district school boards to help with desegregation problems; there was testimony to indicate, however, that the black members of those committees, far from giving legitimate representation of black community interests, have been, in fact, carefully hand-picked by school authorities for their willingness to accommodate themselves to white interests.

The investigation revealed a variety of schemes and machinations to avoid integration or desegregation. Virtually all elementary schools have maintained internal segregation, with the white and black classes retaining their former composition and teaching personnel. Black and white students eat lunch at separate hours, have separate recess periods, and in at least one school, use separate libraries. In one formerly white school, black and white students sit on opposite sides of the classroom. The rationale for maintaining segregated classrooms in one district's "desegregated" school is as follows: Different textbook editions were previously used in the black and white schools (older editions in the black schools despite the traditional claim of "separate but equal"); therefore, the black and white students are not at the same preparation level and must be grouped accordingly.

In another school, bells to signal class changes ring at different times for black and white students so that even walking through the halls is segregated. The white teachers and pupils in one "desegregated" school are housed in two rooms at one end of the building. The two white teachers, with a total of six white pupils in their classrooms, have no contact with the black principal. Team members visited one school where remarkable desegregation progress was plainly apparent; they soon learned, however, that 35 of the 50 white children were orphans, having thus no parents to remove them from a previously all-black school.

At a supposedly desegregated high school, the 40 cheerleaders are white. When one black co-ed sought to become a cheerleader, she was told to come back after she had raised \$80.

One Mississippi district has eliminated racial segregation only to replace it with another kind of segregation: all the male students are housed in the formerly all-black school; the female students attend the formerly all-white school.

Since desegregation, team members were told, student activities have been sharply curtailed or have been organized in such a way as to ensure the exclusion of black students. One of the most obvious—and tragic—consequences of desegregation for the transferred black student is the forfeiture of his own sense of school spirit and group identity. Testimony, and the team members' own observations, indicated that trophies and other recognizable items of black identity from the closed black schools are not transferred along with the black students to the formerly-white schools, although such materials could easily be transported. A black student who had been in a predominantly white high school for three years commented to team members that he still did not feel that this was his school.

The NEA team met with a number of school leaders who expressed the view that, for better or worse, school desegregation was inevitable. They had sharp criticism for the failure to State school and governing officials to assure leadership in efforts to preserve the public schools and to facilitate compliance with desegregation laws and standards. Their own jobs at the local level, they said, would be made easier if they could have support from higher governmental levels. Despite the vacuum of official leadership, however, there are some hopeful efforts toward racial harmony at the State level. The National Congress of Colored PTA and the National Congress of PTA have completed plans for merging during the summer of 1970; plans are also underway for merging of the Mississippi white and black state PTA's; the black and white PTA Councils in Jackson are cooperatively developing plans for merging. These state and local leaders are working with community groups to dissuade parents from withdrawing their children from the public schools and in developing programs and activities to prepare for unitary school systems.

Within local school districts, NEA team members could find little evidence of positive school leadership in preparing the community, the students, or the teachers for the experience of desegregation. A glaring deficiency in most districts is the lack of inservice training programs to orient educators to working in a desegregated situation. Jackson (city) has developed an inservice program in complying with their order.

Thus, while NEA team members heard from school officials many expressions of concern about the way school desegregation is going—the lack of positive State leadership, the proliferation of white private schools, the loss to the public schools of white professional personnel—they found little evidence of aggressive local efforts to overcome white resistance to the feared social change of desegregation or to deal equitably with the concerns of black educators, parents, and students.

CONCLUSION

The pattern of desegregation that the NEA Fact-Finding Team found in Mississippi is not new; it is for the most part, simply a repetition of the patterns already established in the States where desegregation has proceeded in advance of Mississippi.

After its own eyewitness experience in Mississippi, the team is convinced that the tragic impact of what is happening to black educators, students, and parents as desegregation proceeds cannot be fully conveyed by this report, or by the many other reports that have recorded the same or similar injustices in other areas. NEA team members are deeply aware that no investigation is its own excuse for being; unless the investigation report is able to stimulate prompt and aggressive remedial action, then the fact-finding effort itself was wasted.

The team concludes this preliminary report, therefore, with the urgent request for an *effective* NEA presence in Mississippi and submits the following recommendations as a basic guideline for a program of positive action by the Association to serve the critical needs of its members in this state.

RECOMMENDATIONS

The following recommendations are in broad categories, recognizing that there are some things the NEA can and must do directly and others that it can influence to be done.

It is imperative that those recommendations requiring direct action by NEA be implemented at once. If they are not, implementing the other recommendations will have little, if any, impact.

NEA ACTIONS

Legal and legislative

Provide prompt legal assistance to educators who are unfairly dismissed, demoted or assigned because of desegregation or in reprisal for exerting leadership in civil rights activities.

Enter suits in any district where NEA can, either alone or in cooperation with other groups, such as the NAACP Legal Defense Fund.

Take appropriate legal action to prevent or void the sale or transfer of public school property such as buildings, texts, furniture and equipment to private segregated schools where sufficient evidence is available.

Take legal action against the State of Mississippi and its officials to prevent State support of private segregated schools established to avoid integration.

Take legal action to enjoin the operation of private segregated schools established to avoid desegregation of the public schools.

Encourage and support efforts in Mississippi to enact a State tenure law and to establish local grievance procedures.

Encourage and support efforts in Mississippi to enact a State negotiations law.

Encourage and support efforts in Mississippi to enact a state compulsory attendance law.

The NEA Legal Section prepare a handbook to include rights of teachers to protest unjust action, procedures and rules of board elections, etc., for use of Mississippi educators.

Organizational

Establish an NEA office in Jackson to assist educators throughout the State by informing them of their rights, and where those rights have been violated, offering legal and organizational assistance.

The Jackson staff should establish contact and cooperate with other organizations in the state which might assist educators, such as the NAACP, civil rights organizations, and civic organizations which support desegregated public schools.

Assist educators in those districts not now under court order but which must desegregate in the coming months so that some of the problems found in the 30 districts now under court order may be avoided.

Instruct the Professional Ethics Committee to investigate reports of violations of the Code of Ethics in the State of Mississippi.

Assign a consultant to the Southeast Regional Office to assist educators in human relations and leadership training.

Develop and implement under the Division of Press, Radio and TV an aggressive public relations program within and outside Mississippi which will help to achieve orderly school desegregation.

Assist members in Mississippi to develop and implement an accreditation system which will guarantee that, responsibility for control of accreditation will be borne by the merged association.

Send a letter to every NEA member in the State of Mississippi advising them of their rights and responsibilities in the current educational crisis.

FEDERAL

Request a meeting with the President of the United States to discuss the findings in the report and request his active support in effecting the recommendations in this section.

Make the report available to HEW and Justice and request that each determine if investigation and action by them is required.

Apprise HEW Secretary Finch of NEA's concern that some of the approved desegregation plans in Mississippi have not and will not effectively implement desegregation. Urge the Secretary to select interracial consultant teams who are clearly supportive of the letter and the spirit of the Revised Guidelines of 1965.

Take a strong public position and lobby intensively for the unqualified extension of the Voting Rights Act of 1965, emphasizing the need to retain Section 5 of that Act, which forbids those States and localities that have been guilty of discrimination in this area in the past from instituting any new voting standards, qualifications, or procedures, without prior approval of the U.S. Attorney General or the U.S. District Court for the District of Columbia.

Request the Federal Communications Commission to investigate the reportedly monopolistic press practices of newspapers, and of radio and television stations. (News coverage is unfair and incomplete.)

Support the request of the U.S. Office of Education for an appropriation of \$10 million to assist in developing inservice education programs to meet the challenge of school desegregation.

RELATED AND LAY ORGANIZATIONS

Establish an Emergency Committee for School Integration consisting of prominent national leaders from education and all segments of society.

Urge DESP, NAASP, and AASA to investigate practices and to take appropriate action against those administrators who are guilty of unfair treatment to educators and children, and to protect those who are being unfairly treated.

Establish and strengthen ties with civil rights or other public service organizations in communities and seek their support and cooperation in legal actions.

Encourage colleges, universities and industry to help bring about integration and better human relations in their communities.

Urge the National Congress of Parents and Teachers, in cooperation with the Mississippi State PTA's to initiate programs designed to prepare communities for integration.

Urge the National School Boards Association to consider action which it might take or programs which it might establish to provide assistance to boards of education.

Request the Southern Association of Colleges and Schools to take a strong position with regard to accreditation standards for both private and public schools.

Request the American Association for the Accreditation of Teacher Education establish a human relations activity and implement standards with regard to the accreditation of teacher preparation programs.

Urge the national boards of various religious denominations and the National Council of Churches to investigate and to take steps to prevent the use of local churches and religious centers for private, segregated education.

Approach Mississippi industrial leaders, and leaders of industries considering moving to the state seeking their support in exerting pressures publicly and within the political and financial communities to establish quality integrated public schools for all Mississippi children.

Encourage all lay organizations in Mississippi to take steps toward the merger of those organizations and offer to provide information on NEA's experiences in achieving merger of its affiliates.

II. PRELIMINARY FACT-FINDING REPORT OF NEA TASK FORCE ON SCHOOL DESEGREGATION IN LOUISIANA

The ruling of the U.S. Supreme Court in October 1969, striking down the "all-deliberate-speed" clause of its historic *Brown* decision of 1954, has brought a new dimension of crisis to the prolonged ordeal of southern school desegregation.

As of February 1970, some 250 southern school districts were under HEW citation or fund cutoff for failure to comply with the desegregation requirements of the 1964 Civil Rights Act.¹ Hundreds more, under court-ordered "freedom-of-choice" plans, had managed to achieve no more than token desegrega-

¹ Department of Health, Education and Welfare, *Status of Title VI Compliance, Inter-agency Report*. Recorded through Feb. 12, 1970.

tion. It is in these districts, concentrated most heavily in the states of the Deep South, that the problems of immediate conversion from dual to unitary systems of public education are most complex and critical.

Two States where the desegregation crisis is currently most severe are Mississippi and Louisiana. In response to action requests from the NEA-PR&R Commission and from its recognized affiliates in those states, the NEA has dispatched fact-finding teams to Mississippi and Louisiana to collect desegregation-related data, to assess current conditions, and to recommend a positive course of action by which NEA can protect the rights of its members and assist those who seek quality education for all children. The Mississippi Task Force study was completed on January 24, 1970; its findings, released on February 18, showed that the failure of local and state officials to carry out the intent of the law in desegregating the school systems of this state is having a tragic impact on the professional security and status of black educators, the educational welfare of black students, and, indeed, on the entire black community, which, in most instances, is neither consulted nor fairly considered as desegregation plans are carried out.

The Louisiana study was conducted from February 15 through 22, 1970. During that week, the twenty members of the NEA Task Force, grouped into two and three-member fact-finding teams, went to 48 of the 66 school districts in the state, visiting schools and meeting with educators, school officials, and community groups. The Task Force and its coordinating staff conferred daily with LEA and local association leadership in order to further clarify their understanding of the status of desegregation in Louisiana.

A STATISTICAL OVERVIEW ¹

Virtually all of the desegregation that has occurred in Louisiana Public Schools has been implemented since September 1969. Prior to that date, only one school system could fairly be described by state officials as "totally desegregated:" less than 10 percent of black students and teachers were in formerly all-white schools, and only 241 white students and 3 percent of the white teachers were in formerly all-black schools.

In September 1969, court-ordered desegregation plans were introduced in 15 Louisiana school systems, enrolling approximately 200,000 of the 845,000 students in the state. Eighteen additional systems were ordered desegregated effective February 1, 1970.

Desegregation suits have been filed in 59 Louisiana districts as of February 1970; two of these districts have suffered Federal fund cutoffs due to noncompliance with HEW desegregation Guidelines. In three additional districts where Federal funds have been withdrawn, no desegregation suits have yet been filed. Four districts are operating under HEW-approved desegregation plans.

On February 25, 1970, the Executive Director of the Public Affairs Research Council of Louisiana, Inc., asserted:

"Today in Louisiana 34 of the 66 school systems can be classified as totally desegregated in addition to three more systems which have signed compliance agreements with HEW and are therefore committed to total desegregation. In these 37 systems, there are 290,133 white children and 160,145 black children, for a total of 450,278 children registered in totally desegregated systems.

"This is roughly double the amount of desegregation that existed only a month ago.

"These numbers alone indicate that 53 percent of the total public school registration of 844,194 are now in totally desegregated systems. In addition to this number, it is estimated that between 20 and 30 percent of the remaining students in Louisiana are actually in desegregated schools, even though these systems have not been adjudged totally desegregated.

"By September 1970 it is expected that no more than five parishes, if any, will escape total desegregation."

Measured by these statistics, desegregation progress in Louisiana since the opening of school in 1969 has indeed been impressive. But behind the statistics lies quite another story. The findings of the Louisiana study, in major ways, comprise a repetition of the patterns and problems of desegregation that were revealed earlier by the NEA Task Force in Mississippi. As in its neighboring State, the current transitional period in Louisiana is bringing about the following critical consequences for educators, students, and public schools:

¹ Data obtained from report by Executive Director, the Public Affairs Research Council of Louisiana Inc. (Presented in an address to the Task Force for Quality Education, Baton Rouge, La., Feb. 25, 1970.)

Hundreds of black educators are being displaced through demotion, dismissal, pressured resignations, and assignments out of field as Louisiana public schools desegregate; taking their place in administrative, supervisory, and top teaching posts are white educators who, in many instances are less qualified in preparation level and experience.

Thousands of white students and significant numbers of white teachers are fleeing the public school system for the all-white sanctuary of hastily-established private schools. It is feared that organized efforts will be made at the next legislative session to legalize major public subsidies of private school education; such efforts, if mounted, will constitute a serious threat to the entire financial structure of public education in the state.

Within the so-called "totally desegregated" districts, many of the old patterns of racial segregation and discrimination are maintained. Segregated classrooms and segregation within classrooms are commonly found. In most districts, the terms and conditions of desegregation have been unilaterally determined by whites without involvement of black educators, students, and parents. Whatever progress has been made in improving educational opportunities for black students is jeopardized by the submersion of their interests and needs in the current desegregation process.

In many Louisiana districts, the usual pattern of desegregation is one-way, involving the transfer of black students into formerly all-white schools. Black schools (many of which are modern, well-constructed facilities) are being closed and "phased out," resulting in the waste of millions of dollars worth of capital investment.

These were the major areas on which the NEA Task Force focused its fact-finding effort.

This report and its recommendations are based on the same principles that motivated the earlier Task Force study in Mississippi:

1. The rights of educators whose jobs are jeopardized by the desegregation of public schools must be protected.
2. The establishment of private schools to circumvent the integration of public schools is ethically and educationally reprehensible.
3. NEA resources must be made available to assist the effort in local districts to bring about meaningful integration.

DISPLACEMENT OF BLACK EDUCATORS

Exact statistics are not available—and perhaps they never will be—to measure the full extent of black educator displacement as a result of school desegregation in Louisiana. But in district after district, NEA team members found that the problem is indeed of crisis proportions.

The most immediate casualties of school desegregation in this State, as in Mississippi, are the black administrators, counselors, department heads, coaches, and band directors. Black personnel in all of these categories have suffered wholesale demotion since September 1969.

Principals

In a few scattered parishes, it is possible to find black principals who have retained their positions with full management responsibilities and authority, in desegregated schools. But this is the exception. The demotion of black administrators is the rule; and it is executed in varying ways:

Through assignment to teaching positions, which may or may not be in the demoted principal's field of specialization.—Team members met with many elementary principals who have been assigned to classroom teaching positions with lowered salaries. One of these had been principal of a recently constructed elementary school; when the system desegregated, the school was closed and all of the students and teachers were transferred to formerly all-white schools. The principal was made a part-time janitor and fourth grade teacher, with a salary reduction. He was subsequently relieved of the janitorial duties and assigned, still as a fourth grade teacher at reduced pay, to another school. In another parish, an elementary principal with 27 years' tenure, was reduced in salary and assigned to teach Math in grades 4-7. He is not certified in this area. He reported that a white supervisor has observed him six times in the last two weeks without comment or assistance except to say that the former principal did not know the subject properly and he (the supervisor) would recommend firing.

Through assignment as "assistant," "associate," "sharing," or "co-principal," under the direction of a white principal.—It is unlikely that Louisiana Public

Schools have ever been so fully supplied with assistant principals as they have been since September 1969. Many of these positions, like those of "coordinating" and "sharing" principals are no more than token offerings to black principals whose schools have been closed in the wake of desegregation. NEA team members met with black assistant principals whose sole charge was supervision of primary grade children. One black assistant principal, whose office is in a cubby-hole constructed for his use next to the white principal's office, stated that he has been placed in charge of attendance. "My major duty," he said, "is giving out excuses." Another stated that his responsibilities have not been defined, but that school authorities had informed him that they felt he would be "more effective in dealing with black students."

In another parish, two black former principals (one who, before desegregation, had responsibility for 1,100 students and 42 teachers, and the other who had managed a school with 600 students and 30 teachers) had been named "sharing principals" of a special school for educable mentally retarded students. This special school, with its two sharing principals, had a total enrollment of only 110 students (predominantly black) and a teaching staff of 10. Less than half of the classrooms in the school were in use at the time of this Field Study.

A commonly used desegregation method is based on the "paired-schools" plan, providing for desegregated junior high enrollment at one formerly segregated high school and desegregated senior high enrollment at the other. In parishes where the results of the "paired-school" plan were observed, however, it was the formerly black high schools that were "phased down" to house only junior high students and the formerly white high schools that were "phased up" to house only senior high enrollment. It is also frequent practice for school officials to name the principal of the formerly all-black school to the position of "coordinating principal" or "coordinator of instruction" between the two desegregated schools and to name white educators as principals of the paired schools. The "coordinating" position appears to have no defined authority. One such "coordinating principal"—according to press accounts, "the most highly educated educator" in the parish—has been a principal in his school for 28 years; he has a master's degree and has completed all course work for a doctorate at Columbia University; his replacement at the formerly all-black school is a white football coach.

Through demotion from high school principal to junior high principal, or from secondary to elementary principalship.—The "phasing down" of a formerly all-black senior or junior high school may also mean that the black principal is "phased down" along with it and that he has fewer pupils, lower status in the educational community and, in some instances, the prospect of a lower salary.

Through paper promotions.—Another method of disposing of the black principal is to "kick him upstairs" to a central office post with undefined or hazily defined responsibilities, lowered visibility, and no authority. Team members met with a number of black former principals who have such titles as "federal program coordinator," "supervisor of child welfare and attendance," and "teacher assistant." In one parish, for example, a black former principal, now "teacher assistant" reported that his "office" is in a corner of the school board meeting room. His duties, he said, consist mainly of distributing textbooks.

In parish after parish, black educators and parents, meeting with NEA teams, would testify, "Before desegregation, we had nine [or "six" or "five"] principals, and now we have none." With rare exceptions, even where black principals have retained their title in desegregated schools, management authority is in the hands of a white administrator, whatever his official title may be, whether "supervising principal," "co-principal," or even "assistant principal."

Coaches, counselors, band directors, department heads

For black professionals in all of these categories as well, the price of desegregation has been the forfeiture of their former positions of authority. Black coaches, including those with top qualifications, long experience, and winning team records, are consistently relegated to assistant coach or classroom teaching positions when they and their students are transferred to formerly all-white schools. A typical case of discriminatory demotion was that of a former head coach with 16 years of highly successful experience in an all-black high school. With desegregation, the school was turned into an elementary school: upon transfer to the formerly white high school, he was assigned to the post of assistant coach to the B team; the white man employed as head coach of the A team was former junior high school coach. This demoted black coach, like many others interviewed, expressed concern that the high potential—and scholarship

opportunities—of his former team members would never be realized now that they were minority members of an inadequately trained, predominantly white team.

Over and over again, the Task Force heard testimony from—and about—black band directors who had been demoted to assistant band directors or to teaching posts in formerly white schools, department heads, and counseling personnel assigned to classroom teaching in subject areas that were often not within their field of competency. And over and over again, the Task Force heard testimony from black educators that in desegregating Louisiana school systems, a “white skin” is the one prime qualification, over and above all others, for employment or promotion to administrative, supervisory, and top instructional positions.

Classroom teachers

Team members met with black teachers who, upon transfer to formerly all-white schools, have been assigned to subject areas and grade levels outside their field of certification. It is understandable that, particularly in those 18 districts ordered desegregated as of February 1, 1970, completion of the teacher transfer process within such a short time would necessarily involve some assignments out of field. Testimony indicated, however, that it is the black teacher, far more often than the white, who is misassigned.

The faculty desegregated ruling that is now generally applied in Louisiana's court-order districts was contained in a December 1969, decision of the Fifth Circuit Court of Appeals, providing that for the remainder of the 1969-70 school year, the ratio of black to white family members in each school is to be substantially the same as the ratio of black to white faculty members in the entire system as of February 1, 1970. The intent of this ruling, of course, is to ensure against racially discriminatory dismissal. However, under the discriminatory staffing pattern of their formerly dual systems, most districts have employed a disproportionate number of white teachers; the segregated white schools have had, generally, a lower pupil-teacher ratio and larger numbers of specialized professional personnel than have the black. To establish a black-white ratio of staff in each desegregated school based on the ratio of the entire staff has meant that a number of systems have had to employ additional white teachers.* And some districts have so distorted the intent of the Fifth Circuit Court ruling and similar district court decisions that they have used the court orders as a basis for dismissal and demotion of black educators. Team members found varying methods of teacher transfer in the districts visited. In one district, for example, the black-white faculty ratio to be established in each school is 78.02 white to 21.08 black; the student population is 25 percent black.

In this district, three methods of teacher transfer are being used: (1) *Appointment*—At its own discretion, the administration may select certain teachers for appointment to selected schools; (2) *Volunteer*—A teacher may select three schools of his own choice and may be placed in one of those schools if he has the qualifications required by the administration and if such placement will not upset the necessary black-white ratio in the school; if the desired appointment is not approved by the administration, the teacher will be placed by lottery or will not receive a contract; (3) *Lottery*—A teacher may place his name in a lottery; if the name is pulled, the teacher will have to go to the school selected by the administration or will not receive a contract. Black teachers reported that the practice of the administration is to give preference to whites in appointments and in approval of volunteered choices for transfer. They stated that a disproportionate number of black teachers have been transferred through the lottery process. A press account in the local paper substantiated this claim: The account stated that out of 136 teachers whose names were drawn in the lottery, 92 were black.

Undoubtedly, the court ruling on staff racial composition does provide some safeguard against discriminatory dismissals; this ruling, however, seems to ignore the more logical and equitable principle, which would be to provide a racial balance of faculty in accordance with the black-white ratio of the student population in each district.

In the school systems visited, a clear pattern of black teacher misassignment appeared: black teachers are assigned to remedial classes with all or predominant-

*It should be noted that in one of the districts visited, it was reported that compliance with the Fifth Circuit Court ruling on black-white faculty ratio has resulted in widespread misassignment of white teachers. The district had an oversupply of white secondary teachers and an undersupply of white teachers in elementary schools. In order to establish the required racial composition in each school, the team was told, it was necessary to transfer a number of the white secondary teachers to elementary and middle schools.

ly black pupil enrollment; they are assigned to teach music, vocational subjects, health, physical education, and sometimes math. But it is rare indeed for a black teacher to be assigned to teach any of the language arts. In some districts, it was reported that black teachers are not usually assigned to social studies classes, and that secondary teachers are commonly placed in elementary grades. NEA team members met with a black science teacher who, before desegregation, had taught in grades 9-12.

When transferred to a formerly all-white school, he was assigned to teach a 7th grade science class, although there was an eighth grade vacancy. The person assigned to the eighth grade class was a white agriculture teacher, who had no science teaching experience. The black science teacher, who has his master's degree from New York University and has done additional graduate work beyond the master's level, has not been assigned to any permanent classroom; he teaches in whatever classrooms happen to be vacant; thus, he must carry his instructional equipment with him from room to room. The former agriculture teacher, on the other hand, has been assigned a permanent room and has inherited the excellent, federally funded science laboratory that had been used by the black science teacher in his all-black school prior to transfer.

Many teachers, in fact, reported that since transfer to formerly all-white schools, they have not been assigned to regular classrooms but that they remain as "floaters," using whatever classrooms happen to be available. It was also reported that since desegregation, a number of school systems have departmentalized instruction even in the early elementary grades. The reason for this, black teachers explained, is that white parents "are not ready" for their children to be in a self-contained classroom all day long with a Negro. In one parish, NEA team members were told, the white elementary teachers are assigned to self-contained classrooms; while the black teachers are assigned only to specialized subjects.

In another parish, where black teachers have been assigned to desegregated classrooms, they reported that white parents frequently sit in their classes taking notes; black parents, on the other hand, are not allowed to visit the classrooms. White teachers in one parish have been appointed as "helping teachers" in the desegregated classrooms staffed by their black colleagues. The result is that the black teachers are reduced to performing little more than the functions of teacher aides.

In some parishes, black teachers told of severe disciplinary problems they have had since desegregation. Some of the white children, they said, refused to be directed by, or to respect as their teacher, any black person. The black students, noting the behavior of their white classmates, conclude that they too, should have the freedom to be disruptive. The result, in some instances, has been a serious breakdown in discipline—intensified in those districts where black teachers have been told that they should take no disciplinary action against a white pupil, but should refer the matter to the principal. The white teachers in these same districts have been told that they are free to whip the black students.

Many transferred black teachers, however, have not had problems of any kind in dealing with white students, because they deal with no white students. In the desegregated schools, they teach in all black classrooms; and in some parishes the black students and teachers are not only segregated in classrooms; they are isolated in certain sections of the school or in a classroom building on the campus. Facilities in the all-black classrooms, school wings, and separate buildings are generally inferior to those in the "white sections" of the schools. One teacher and his black students were consigned to a dilapidated old building on the school grounds that had neither heat, water, nor lights; he himself set up an arrangement with a garden hose and a water pump to provide running water in the building.

In some parishes visited, interracial staff relationships were reported to be amicable and both teachers and administrators expressed feelings that the inevitable problems of desegregation were being dealt with in a constructive way. But in others, testimony indicated that humiliation is heaped upon black teachers from all sides—from the students who say their parents have told them "not to listen to no nigger;" from the principal who addresses them only by their first name; from school board members and superintendents who, openly and in their presence, have announced that no parents would send their children to a "nigger" school—or to a "slum" school; and from the white parents—thousands of them—who have withdrawn their children to private schools in order to avoid the stigma of having them taught by black teachers or associate with black children.

One of the many tragic stories was told by a young black teacher who, along with three of her colleagues, was transferred to a formally all-white school in September 1969. For a month, the black teachers had to be escorted by Federal marshals. In the mornings, they would be met by as many as 200 picketing whites, shouting taunts, threats, and epithets. In the evening they would receive repeated threatening telephone calls. This particular teacher told the NEA team that her parents had pleaded with her to leave the school; but, she said, "I could not leave. I simply could not give up."

The black educators in Louisiana have not given up; many of them still have hope. All of them have courage; for simply to survive under such circumstances requires a degree of courage far beyond that ever demanded of most whites.

What do black educators have to hope for in the future? Conditions are difficult now; but current signs suggest that the situation will grow worse. Among the discouraging prospects are the following:

A number of superintendents have announced that the loss of pupil enrollment (due to withdrawals of white students to attend private schools) will make it necessary to establish more stringent screening procedures for employment of new teachers and retention of nontenured teachers. One superintendent told the NEA team that before the next school year, all nontenured teachers in his district will receive letters suggesting that they look for other jobs.

It is reported that the National Teacher Examination, already in use by some Louisiana districts, will be more widely used next year. Discriminatory use of NTE as a criteria for promotion and placement on tenure status has been documented in previous reports of the National Education Association and is counter to established policy and recommendations of the Association.*

The widespread practice of assigning black teachers outside their field of certification provides another easy method for teacher dismissals on such grounds as "failure to carry out assignments."

Dismissals

Statistics are not available to measure the total number of dismissals that have occurred since the first major desegregation effort in September 1969. Testimony indicated, however, that there have been substantial numbers of desegregation-related dismissals of black educators during this period of time. The NEA Task also was shown Xerox copies of 12 letters of dismissal dated June and August 1969, which had been received by black educators in four districts. Four of the letters contained no statement of cause, although the Louisiana Teacher Tenure Law requires that dismissal even of nontenure teachers shall be accompanied by a statement of the reasons therefore. Three of the letters all bearing the letterhead of the same school board, contained a clearly spurious statement of cause. These letters informed the respective teachers that—

"In compliance with the most recent court order of July 25, 1969, U.S. District Court, Eastern Division, Civil Action No. —, . . . this is to advise that your services as a teacher in the ——— Parish School System will no longer be needed."

It should be obvious that no court desegregation order will require the dismissal of a teacher; for a school official to use a court order as the basis of dismissal is a gross subversion of the intent of the law.

Private schools

Data recently released by the Louisiana Public Affairs Research Council¹ indicates that in the 18 Louisiana school districts desegregated as of February 1, approximately 5,300 white students (6 percent of the total white registration) have withdrawn from the public schools. In some parishes, the Council reports, the exodus is critical: "One small system lost 69 percent of its white students. Another small system lost 51 percent. Three others lost between 20 and 30 percent of the white students. Four of the 17 reported no loss." Statistics on the total number of white student withdrawals since September 1969 were not available to the Task Force. However, there is nothing confidential about the fact that a network of all-white private schools is spreading throughout the state.

To circumvent desegregation, white citizens have established private schools in the following kinds of facilities: An abandoned bowling alley; an abandoned

*National Education Association, Commission on Professional Rights and Responsibilities, *Report of the Task Force Survey of Teachers Displacement in Seventeen States, 1965*; and *Report of Florida Investigation: A Study of Political Atmosphere as It Affects Public Education, 1966*. Washington, D.C.: The Commission.

¹ Contained in an address by Edward J. Steimel, Executive Director of the Council, presented on February 25, 1970, to the Louisiana Task Force for Quality Education.

saloon; an old furniture store; churches, and church buildings; an abandoned fair ground; a deserted barn; an old hotel; public schools, acquired in various ways; a mule barn on abandoned fair grounds.

Various leading figures of white communities have been instrumental in establishment of private schools; among these have been a banker, ministers, school board members, a superintendent, and a principal. In one parish, where school board members and a high school principal openly supported the private school movement, a school system leased a spacious, well-built, modern school plant to a private school group for \$300 a year. The transfer of the property included all of the furniture and instructional equipment within the school. The school board of another parish sold a public school to a private group under sealed bid, for \$501.50. A press account reports that this same school board at the same meeting, "spent more than an hour" discussing the problems in buying supplies and maintenance materials in an attempt to find some place to cut costs.¹

It is anticipated that bills will be introduced at the next legislative session proposing the use of State funds to help support the segregated private schools. Already there is substantial public subsidy: In a number of districts, it was reported, public school buses are used to transport private school students (despite the widespread aversion to busing, some white students are bused past desegregated schools to private schools). State-supplied textbooks are used in the private schools—a practice which, reportedly, has created a textbook shortage in the public schools of some districts. It was reported further that old furniture and equipment have been in various districts donated, rented, and sold to the private school groups.

White teachers, along with students, are leaving the public school system to become a part of the private school establishment. Testimony indicated that many white teachers still in the public schools are under heavy pressure from white citizens to resign and accept private school employment.

A number of groups within the State—human relations councils that have been formed in some parishes, civic and community groups, school officials of many parishes, and the Louisiana Education Association, are making sustained efforts to preserve the public school system in Louisiana. It is encouraging to note that in some districts, white student withdrawals have ceased and, in fact, white students are returning to the public schools. But in many districts, particularly those of heaviest black population, the exodus continues.

DESEGREGATION: COMMUNITIES, SCHOOLS, AND STUDENTS

In some localities of Louisiana, community groups and school leaders are working cooperatively to bring about orderly desegregation. In one parish, a public school study group, involving school officials and black and white leaders of the community, are engaged in an apparently effective effort to develop and implement plans for an equitable desegregation process. In all of those parishes where there has been any evidence of real progress in achieving an effective and equitable desegregation program, the relative success can be attributed, in large measure, to the fact that school officials, educators, and communities are working together toward this goal.

But, once again, these evidences of good faith are scattered; in most parishes, black educators, students, and communities have been excluded from desegregation planning and they have not been informed of those plans until after the desegregation programs were firmly established and ready to be implemented.

As noted earlier, the pattern of desegregation in many Louisiana parishes is one-way, involving the mass transfer of black students and teachers to formerly all-white schools and the closure or phasing out of the black schools. Repeatedly, Task Force members were told of modern, well-built black schools, representing millions of dollars worth of capital investment, that have been closed since the desegregation process began. In many instances, students transferred from these schools have been assigned to aged, dilapidated school facilities.* The losses, both educational and financial are enormous.

Whether their school is closed down or phased down, the black students who are transferred are giving up far more than a school building. One of the most tragic consequences of desegregation for the transferred black student is the

¹ *Ceneshatta Citizen*, January 8, 1970, "Board Studies Cost Cutting".

*In the late 50's and early 60's, to encourage blacks to be satisfied with segregated schools, Louisiana, like other states, upgraded these schools markedly, constructing many excellent black school plants.

forfeiture of his own sense of school spirit and group identity. Left behind to be stored, scattered, or abandoned are trophies, pictures, plaques, and every symbol of black identity, of black students' achievements, and of their school's history. Team members visiting one parish noted that all of the black athletic trophies had been carefully stored in display cases at the local YMCA.

In those black schools that are continued in use as a desegregated facility, the same obliteration of black identity occurs. Pictures and trophies are removed; the schools, even the most well-kept and freshly painted, are renovated and repainted, with particular pains being taken with the restrooms, gymnasium, and lockers. In one formerly all-black school, a large wall mural depicting the school's history had been painted over.

After all of the losses, and the trauma of transfer, the black students find that desegregation itself, as it is practiced in many schools, is hardly worth the price. No longer can racial discrimination be shut outside of the school door, as in the days of total segregation. Within the unitary system, it is a constant presence, felt in tangible and intangible ways.

In addition to the actual segregation of classrooms, some white teachers enforce racial segregation within the classroom, placing the black students on one side of the room or at the back. In one school, it was reported, a teacher places all blacks in one corner of the classroom and turns his back to them while teaching. In the same school, another teacher refers to the black students as "spooks." A principal in another school told the NEA team that the black students "look like little monkeys running around the school yard." There is discrimination in discipline. It was reported, in a number of instances, that when black and white students are involved in a fight or scuffle, the black student is suspended; the white student is only reprimanded, if that. There are discriminations in some districts. For example, one district has adopted a rule (obviously directed toward the wearing of Afro haircuts) prohibiting male students from wearing their hair more than one and one-half inches from the head. There is no corresponding rule for white students. It was reported that the hair-length ruling was strictly administered only in the schools that were formerly all-white. In a number of schools, student testing has been used as a means of establishing "ability grouping"—and racial segregation. It is anticipated that this practice will be more widely instituted next year. In most desegregated schools, black students are subjected to "segregated" textbooks, showing a white, middle class world and an idealized southern-style history. In one school system, new multi-ethnic textbooks were purchased at the beginning of the 1969-70 school year; these textbooks were soon withdrawn, however, because white parents threatened to burn them unless the school system discarded them. Extracurricular activities are sharply curtailed. School-sponsored activities are supposedly integrated; however, in some systems, it was reported that black students participate only minimally because of their feeling that they are regarded by the whites as "outsiders" . . . unwelcome interlopers. In some formerly all-white schools, it was reported, the student councils have been disbanded since desegregation.

An entire report could be written describing the kinds of mistreatment to which black students are subjected, how they have reacted, and the brutal impact of continuing discrimination on their sense of self-worth and ability and will to learn.

It is clear that the black educators, the students, the parents, and the entire black community have a mutual need to join together to protest the wrongs that are being done and to exert collective pressure on white school officials and communities if blacks are ever to begin exercising their proportionate share of control over the public school system to ensure that it serves them properly. The black teachers will need organizational assistance, from their own State and local associations; and that assistance, if it is to be fully effective, must have the wholehearted support of the National Education Association.

CONCLUSION

The racial problems that were witnessed by the NEA Task Force in Louisiana are of a magnitude that defies solution. And yet for black citizens, and their white supporters, to concede defeat would be to collaborate in that defeat. From current newspaper reports, from earlier investigation reports of the NEA and other agencies, it should be clear by now that the situation in Louisiana and Mississippi is not different from that in other desegregating states of the Deep South. But there is this difference: The two NEA Task Forces have been in

Louisiana and Mississippi. They have raised the expectations of black educators throughout these states. They have caused NEA members and nonmembers to have hope that meaningful assistance will be forthcoming from the national organization. And there can be but one conclusion: That assistance must be provided; it must be strong enough to make a significant difference in the organizational effectiveness of black educators throughout the State, so that with the support of their state association—and in alliance with black communities—there can be a sustained and collective *local* application of pressure against the cruel neurosis of racism in the public school institution.

RECOMMENDATIONS

The NEA Task Force concludes this preliminary report with an urgent request for an effective NEA presence in Louisiana and submits the following recommendations as a basic guideline for a program of positive action by the Association to serve the critical needs of its members in this State.

NEA ACTIONS

Organizational

Provide prompt and substantial organizational support to the Louisiana Education Association in its effort to strengthen local LEA units and to assist them in working more effectively with civil rights and political organizations of their communities. This aspect of NEA assistance should include—

Establishment of a headquarters office in Baton Rouge to direct, in cooperation with LEA, a coordinated statewide strategy for development of organizational strength and leadership training in local education associations.

Continuing NEA fact-finding, monitoring, and investigative assistance to provide needed data upon which new litigation, motions for further relief, or other types of remedial effort could be based.

Continuing communications assistance to local associations throughout the State, providing information concerning professional and civil rights and action strategies to prevent or defend against abridgements of those rights.

Assignment of field service personnel to work in various regions of the State, to provide for prompt emergency assistance to educators whose rights have been violated and for continuing investigative and organizational assistance to local associations.

Dispatch information to all local education associations in Louisiana concerning affiliation with NEA, in order to fully acquaint association leaders with the various services and resource materials available from the national association.

Institute, through the NEA Citizenship Committee, a series of political action workshops (Blueprints for Action) for educators in various regions of the State.

Institute, through the NEA Center for Human Relations, a series of human relations workshops for interracial groups of educators in various regions of the State.

Conduct, through NEA Press, Radio and Television Division, a public information program to provide continuing exposure of desegregation-related violations of teacher and student rights, and to illuminate those instances where school officials and communities are working together in good faith toward equitable and educationally sound desegregation programs.

Immediately place funds into the Student LEA organization in order to strengthen that organization so that it can realize its potential as a force for social and educational change within the State.

Legal assistance

Conduct an immediate review of desegregation and teacher rights violation cases currently in litigation and, in cooperation with Louisiana-assigned field personnel, investigate desegregation-related complaints, in order to develop early recommendations to the DuShane Administrative Committee to file new suits, or motions for further relief in current suits, to defend against continuing violation of the rights of educators and students as Louisiana Public Schools desegregate.

Through the NEA DuShane Fund establish a coordinated legal assistance program, in cooperation with the LEA, the Legal Defense Fund of NAACP, the

Lawyers Constitutional Defense Committee, and other potential sources of legal support, to prevent, and defend against, the following kinds of action:

Discriminatory dismissal and demotion of black educators in the desegregating school systems of Louisiana.

The continued phasing out and closure of black schools in the implementation of desegregation plans.

The discriminatory treatment of black youth through the enforcement of continued segregation within the so-called "totally desegregated" school systems of Louisiana, and through various exclusionary tactics, as outlined in this report, to deny black youth full participation in all of the educational programs and activities of their school systems.

Discriminatory use of National Teacher Examination in assignment, retention, and promotion of educators.

Discriminatory student testing practices as a means of perpetuating segregation in desegregated school systems.

The sale or transfer of public school property such as buildings, texts, furniture, and equipment to private segregated schools, and the provision of public school bus service to such schools.

Any possible move by the Louisiana Legislature to legalize State subsidy of private segregated schools.

Instruct NEA Legal Counsel to prepare a handbook of legal rights, to include rights of teachers to protest unjust actions, procedures, and rules by school and governing officials.

Obtain copies of court-ordered and HEW-approved desegregation plans for Louisiana school districts and send these to local association leaders, to assist them in determining whether such plans are being implemented in compliance with court orders and HEW requirements.

FEDERAL

Make this report available to the Department of Health, Education and Welfare, and the Department of Justice and request that each determine if investigation and action by them is required.

RELATED AND LAY ORGANIZATIONS

Seek to strengthen relationships between NEA and major national civil rights organizations, with a view toward establishment of joint committees, where appropriate.

Urge the national boards of various religious denominations and the National Council of Churches to investigate and take steps to prevent the use of local churches and religious centers for private, segregated education.

Approach Louisiana industrial leaders, and leaders of industries considering moving to the State, seeking their support in exerting pressures publicly and within the political and financial communities to establish quality integrated public schools for all Louisiana children.

Request the Southern Association of Colleges and Schools to take a strong position with regard to accreditation standards for both public and private schools.

Mr. FISCHER. To answer your statement that this sounds like a Democratic statement, it is not a partisan statement as far as parties are concerned. I have been a registered Republican all my life and was on Mr. Nixon's national committees. I am disappointed, however, on the Nixon record on this desegregation.

Mr. BELL. This record as pointed out yesterday by the Assistant Attorney General does not sound like it is retrogression in that direction.

In your first page—

Mr. PUCINSKI. Will the gentleman yield?

Mr. BELL. Mr. Chairman, I want to point out that you have had the floor for a considerable time but I will yield to you.

Mr. PUCINSKI. I think we ought to point out here, the gentleman was here yesterday, that Mr. Leonard did testify that that increase

from 5 percent to 58 percent resulted from the fact that most of those cases had been pending for many, many years and finally were brought to fruition through the normal process.

Mr. BELL. However, they came to be processed under and were pushed by the present administration. The other administration apparently had not pushed them to the extent that they should have.

Mr. MEEDS. If the gentleman will yield, may I ask which way—

Mr. BELL. Now, wait. Let me finish my questioning. You will have an opportunity to comment.

You also state that the administration adopted the code words "busing" and "neighborhood schools" as a definition of what school desegregation was all about. According to Secretary Finch and also according to the Assistant Attorney General who spoke yesterday, busing was expected but at the local level and on a voluntary basis.

The Federal Government was not taking part in busing as a means to bring about racial balance. Busing was recognized as a reasonable solution to some of the problems if done on a voluntary basis.

Mr. FISCHER. I think in item 7 we agree with that.

Mr. BELL. I have the impression that you felt that the word busing was interpreted simply as a means of desegregation.

Mr. FISCHER. We are quoting. That is a quote from Mr. Gall, who was formerly with the HEW Civil Rights Office.

Mr. BELL. And you say Commissioner Allen was virtually the only voice in the Nixon administration expressing deep commitment to the cause of integration. Now, that sounds rather partisan. I might point out that Secretary Finch has expressed himself time and again clearly in favor of integration. As to the route he goes, that may be—

Mr. FISCHER. We joined in an amicus curiae brief last fall in order to proceed to the Supreme Court to insist that the guidelines be enforced, if you will recall. The Supreme Court overruled Secretary Finch's slowdown.

Mr. BELL. There is an interpretation as to why. There were mechanical problems involved in these things. It was not just clearcut pro- or anti-desegregation.

You mentioned on page 2 that you "reject the idea that public and nonprofit agencies cannot handle programs effectively. We urge that the one-third reserve for the Secretary of HEW be eliminated and that all funds be committed to the States."

Are you saying in effect that you object to an agency that can do something for, say, less money, because it happens to be profit?

Mr. FISCHER. We really do not feel they are compatible. We have not been impressed by any of these private agencies up to date. We think professional educators and the nonprofit sector, given the resources, can do the job better.

Mr. BELL. There are professional educators, many professional educators, that have joined profitmaking programs of this kind. Are you aware of the pilot program in Texas and I believe in Florida, where the academic—

Mr. FISCHER. Texarkana.

Mr. BELL. (continuing). Education of the children was substantially improved?

Mr. FISCHER. We have not agreed to that. We have seen the reports. We have not agreed necessarily that it is true. We want to see more

data. We have not arrived at the point where we think the private sector can do this. In other words, we do not agree.

Mr. BELL. But you do not object to finding out whether it can be worked in a more efficient fashion?

Mr. FISCHER. In a limited way. But we do not believe the Government should get involved in contracting with vast profitmaking agencies to educate kids, vast numbers of them, at this point. We have not found significant evidence to prove that this is the answer. And we have gone through this cycle before. We went through it with the panacea of the teaching machines, too, which has virtually been forgotten now.

In other words, we do not think there is any substitute for a good teacher and a small class and a good teaching situation. We do not think anybody is going to come up with a system for teaching 50 kids how to read with one teacher. I gather that is part of the intent of this project, to develop some sort of a machine or some sort of a Pavlov dog technique or something like that.

Mr. BELL. As I said, you are not opposing attempts at a pilot program—

Mr. FISCHER. Not opposing experimentation.

Mr. BELL (continuing). In these two schools. It is my understanding that they turned out quite well, that the voucher system there seems to be working.

Mr. FISCHER. We have a position on the voucher system. We do not think the voucher system would be effective in deprived areas because it would allow the nondeprived people to shop and supplement the voucher with their own money and obviously, end up in superior schools and the poorer people would end up with only the voucher in a school that was not as good.

Mr. BELL. You do not object to experiments of this kind, though.

Mr. FISCHER. I would venture to say there is no area in America that continually experiments more than education. Experiments in education are going on in every college campus in the country and almost every school system. But I do not know that this is experimental.

Mr. BELL. I want to point out regarding the colloquy that you had with the chairman relative to title I, and so forth, that some have said that title I should simply be financially or monetarily expanded and that would be the answer. Actually, the thrust of title I is not necessarily just per se desegregation, whereas this bill is geared and programmed principally on the basis of desegregation of the schools and I think that it is obvious that this type of money is needed if we are going to move in this direction. I have always been in favor of moving in the direction of desegregation and integration and I believe the Nixon administration is, too.

Mr. FISCHER. We find, Mr. Congressman, that in the south, in many places, they have been spending far more money on maintaining dual school systems than it would cost to maintain an integrated school system. They have been spending more money on busing in order to insure that the school system remains segregated than it would cost to integrate, to pick these kids up, not pass them up but stop and pick up the kids, black or white, bring them to school, put them in one school.

Mr. BELL. Then, would you not generally favor the idea that money be spent to try to correct that situation?

Mr. FISCHER. Yes. But I do not think we should reward schools that have hesitated. This is the point: the systems that have resisted probably do not need that much more money.

Mr. BELL. But that is not the point. The point is that those schools do not get the money unless they do step into line on the desegregation policy. That is the purpose of this bill. It does not reward them money for not doing what they should be doing. It does not give them money unless they themselves take some action.

Mr. FISCHER. If they are under court order. We do not think that a district that desegregates itself without going under court order should be penalized while the district which resisted and finally ended up under court order should be paid extra money. We think we should remove those school boards because we have documented evidence of the subterfuge and circumvention that is going on in order to get around the desegregation guidelines. Probably we should just remove those school boards, put them into some sort of trusteeship, and let the kids continue to go to school and integrate them. That is better than playing these games down there, with the private schools, et cetera, using public money in order to maintain desegregated schools. As the chairman has introduced into the record, we have a lot of evidence——

Mr. BELL. Was that type of effort made in 1968 and part of 1969? Was the thing that was not done previously removing school boards?

Mr. FISCHER. I do not think it has ever been done.

Mr. BELL. That is right.

Mr. FISCHER. I do not think this has ever been done. This is a proposal.

Mr. BELL. You are talking about a pretty radical step. It may be necessary to do it. I do not know.

Mr. FISCHER. Perhaps it would be a radical departure. But look at what took place in Clarksdale, Miss. with probably 90 percent black kids, this fall. The school district's funds were cut off because the board, the white board, refused to conform with the guidelines. All the teacher aides there were doing remedial work were put out of a job. Ultimately, a large number of the kids could not come to school. Here the teachers and the students were being punished because of the actions of five adults who then turned around and wrote up a plan for the integration of Clarksdale without involving the community at all. Instead they went down to the white university and involved some of the white university professors, in order to help them write this plan.

This is a joke. And we all know that. And I think that we ought to get at these people who are doing it.

I was on a school board for 7 years. The people in my school district would not have put up with that kind of behavior.

Mr. BELL. This is something that has been going on for some time.

Mr. FISCHER. Right.

Mr. BELL. We have got to do something to correct it, I agree, but this is something that——

Mr. FISCHER. I think it would be just much simpler to pass a law that says if you are going to play these kinds of games, we are going to get rid of the school board and put somebody in there who will

make sure that the school runs in an integrated and fair fashion. I do think it is radical but I think the other things that are going on are radical.

Mr. BELL. There is no doubt that a certain amount of direct action is going to be necessary. I believe that this administration is taking it. But just which action is going to be the right one I do not know. I do find that this administration is pursuing the integration of our schools and I think this particular bill is one of the best indications that they are. This is one of the types of legislation that those of us who favor desegregating schools as rapidly as possible embrace and support.

That is all, Mr. Chairman.

Mr. FISCHER. We have before us another problem that probably would apply to this. The House in Louisiana last week passed a bill which would allow public money to be given to private segregated schools that are springing up. We think there should be language in this bill that would prevent any of this kind of money going to them.

Mr. BELL. I would agree that that makes some kind of sense.

Mr. PUCINSKI. I think that the gentleman from California made such a convincing argument that I will be very happy to sponsor a resolution commending the Nixon administration for desegregating the schools of the south. [Laughter.]

Mr. BELL. Good. We will accept that.

Mr. PUCINSKI. I do not think the President will sign it.

Mr. MEEDS?

Mr. BELL. I see we have no argument.

Mr. MEEDS. Thank you, Mr. Chairman.

At the outset I would like to commend the witness and also to commend the association which he heads, the National Education Association. The witness personally has to my knowledge, been an outspoken advocate not only of quality education but equality in education for a number of years, and the association which he serves has done an excellent job, particularly in the recent studies with regard to segregation within segregation and segregation within integration.

I would like first of all, to ask for the reports which you have received from your—I think in Louisiana and Mississippi. I would like personally to have reports, if I may.

Mr. FISCHER. Thank you. I am very flattered and our association is complimented by your remarks and we will send you the information.

Mr. MEEDS. Thank you. And then, assuming I think as we must, that the administration's intention in the sponsorship of this legislation is a good intention and that they really are seeking to do something about a monumental problem, I come to the point that I agree with much of what you have said. In fact, almost all of the objections you have to the bill would be my same objections, but cannot we go further and perhaps make some suggestions as to how this legislation or some type of legislation can direct itself specifically to the problems which we all know exist and which your further in-depth study has only served to point up more? Do you have some suggestions?

I read your statement with regard to general aid to education and things like that. Can you be specific and say you think this could work within title I of ESEA with some modification?

Mr. FISCHER. I will have to be a little general now, if you will allow me.

Mr. MEEDS. That is why I am asking.

Mr. FISCHER. The whole process in the South—and in the North, too, as far as that is concerned, but it is a slightly different problem which must be attacked a little differently—is one of changing attitudes. It is hard to legislate attitudes and I am sure the Congress is equally frustrated by this. It is very easy to figure out ways to get around laws.

As you may know, in Louisiana and Mississippi, we have expelled both of our white associations from the NEA because they refused to merge with the black associations. Now, this is a racial step. Those were the only two States in the South. We at one time had 21 dual associations. Now we have only two States in which there are two, Louisiana and Mississippi.

We think that this radical action will cause them to get together. I just returned from there. However, the black leaders of the teachers groups in Louisiana and Mississippi think that there is a conspiracy, a definite conspiracy to eliminate the black teachers from the two States, by demoting, firing, humiliating these people, principals and teachers. They think, if something is not done within a year or two, there will not be any black teachers in the South so there will not be any problem of integrating faculties.

You appreciate what this does to the attitudes of the black and the white kids when they think they see that there is no black man capable of teaching. This reinforces the child's feelings that black is an inferior color and white is superior.

We have a professional negotiations bill that has been introduced. We think that negotiation, that legally allowing these associations at the local level and at the State level to negotiate working conditions, integration or results of integration, all the things that affect the child and the teacher in a classroom, would be one way to get at this problem of displacement. Mr. McFarland here can point out many of the things in the legislation.

I give Mr. Nixon and his administration full credit in intending to try to desegregate and integrate the South and the North. But to give money to school districts which have a record of circumvention—

Mr. MEEDS. That is what bothers me about it.

Mr. FISCHER (continuing). Bothers me. I think we should just move in there if necessary and take over these schools until they are running right. When they begin to be run right and the kinds of people who will insure this are elected, then we should back up.

I know what the implication would be of this in the South. It would cause a real uprising.

Mr. MEEDS. May I make a suggestion in the form of a question just to get your reaction to it. What would be wrong with a very general bill which allocated funds to school districts on the basis of minority populations within those school districts? Say you had a school district in Mississippi that had 50 percent blacks and it would get on a formula certain funding because it had 50 percent blacks, and to do that across the Nation.

Now, would that not have the effect of putting the money into school districts both that are under orders to desegregate and school districts that have substantial minority populations which have voluntarily desegregated and which perhaps and probably need some financial assistance in their carrying out of their voluntary desegregation? Would that not be better than the administration proposal here where it ends up obviously just as you have said, rewarding the recalcitrant school districts who have failed to desegregate?

Mr. FISCHER. This gets into our general aid bill and I will ask Mr. McFarland to comment.

Mr. McFARLAND. I think—

Mr. PUCINSKI. Mr. McFarland, would you just stop for one moment?

We are most pleased to have with us this morning a very distinguished colleague from North Carolina, Congressman Leonard, who is here and he is here to hear the testimony of Mrs. Hagler, who is going to be testifying a little later on.

We were not aware when we scheduled this meeting this morning that the House was going to meet an hour early. So, it is my plan to go right through with the hearing.

There may be a quorum call and we may have to recess for just a few minutes to answer a quorum call but in view of the fact that we have witnesses from North Carolina and Louisiana, it is my intention to go through with the hearing this morning as scheduled.

Thanks very much.

Mr. McFARLAND. Mr. Meeds, I think this would be a very definite possibility. One of the questions that has been raised in relation to the Emergency School Act of 1970 has been that the funds that would be available under this legislation would be actually used for the same purpose, general education purposes, as the money from existing Federal legislation. Of course, in the testimony Mr. Fischer has questioned whether or not this could operate much more effectively if enacted as amendments to existing legislation.

Mr. MEEDS. I appreciate your answer. It seems further to me that this would even aid very substantially in what the language of this bill refers to as isolated—racial isolation, disadvantaged by racial isolation, which I read to be de facto segregation. It seems to me that it would even aid very substantially in these areas if we took the heavily minority group impacted areas of the large cities of our Nation. It would put money into those districts where—whether they need it because they are de facto or de jure segregated or not, for whatever reason they are, that they need it very badly, more than any other areas.

Mr. McFARLAND. They do not need equal education. They need superior education in order to bring the kids up to the same level because they are behind and everybody knows it.

Mr. MEEDS. Exactly. This, then, would obviate the problem which we get of simply rewarding the districts who have by their failure in the past placed themselves now in the advantaged position created by this bill or which would be created by this bill.

I would appreciate it if someone in NEA would work with me or make some suggestions—Stan, I would be very happy to work with

you—on this concept because I am very serious that something has to be done along the lines that this bill attempts very inadequately, it seems to me, to address itself to.

Mr. McFARLAND. I will be most happy to.

Mr. FISCHER. That is a welcome opportunity.

Mr. MEEDS. One other question, and I know it is a touchy question, but I want to ask it because I want your position. I think I know what it is but I want it very clearly in the record.

As you are aware, this is the second draft of this type of legislation coming out of the White House. The first draft which was proposed, as I understand it, at least, provided impediments to allowing funds under this bill to be used for the busing of children, and that this bill simply in effect allows it, that we have heard, at least, that the administration prefers this first draft and that it would probably support that concept on the floor.

Mr. BELL. Mr. Chairman—will the gentleman yield?

Mr. MEEDS. Yes; I will yield, if you have more information.

Mr. BELL. Do you have information of that kind showing that factually this is true?

Mr. MEEDS. Yes.

Mr. BELL. I do not have such information. Perhaps Mr. Dellenback.

Mr. MEEDS. Pardon me 1 minute.

Mr. BELL. You are assuming something here, and making a statement as though it is a fact. I question it.

Mr. MEEDS. It is my understanding that one of the administration witnesses before this committee indicated they prefer the first White House draft. Now, am I in error on that?

Mr. JENNINGS. No. I believe Secretary Finch testified that the administration bill would be preferable to Mr. Quie's bill on the busing section.

Mr. BELL. Perhaps I was not there when he said that. I do not remember him saying that.

Mr. McFARLAND. We understand this is the case on the Senate side as well, with the introduction of the Javits bill.

Mr. MEEDS. That is my understanding.

Mr. BELL. The point to remember is that Mr. Finch has endorsed this bill.

Mr. MEEDS. Well, I think it is important, however, Mr. Bell and the witness, to realize that the administration and any administration can say one thing in the papers and come up and twist the tail of the Congress in another direction under the table.

Mr. BELL. This happens in both administrations.

Mr. MEEDS. That is what I say. Any administration.

Mr. BELL. The only thing you can readily go on is the basic fact that Secretary Finch does endorse this bill.

Mr. MEEDS. I appreciate your assumption, Mr. Bell. That is not my assumption. My assumption is that they may well say one thing for publicity and do something else on the Hill and I am trying simply to get these people's position on this.

Would you feel that any kind of legislation which seeks the end of either de facto or de jure segregation which prohibits the utilization of funds under that legislation for busing is really going to do the kind of job that has to be done?

Mr. FISCHER. We do not—what you are really asking is, I would guess, is our position on busing. We do not think busing is the complete answer. Obviously, there are situations where busing is impossible or would not solve the problem.

Mr. MEEDS. Right.

Mr. FISCHER. We do think that where it is possible and where it will aid the problem, which is a local situation that differs around the country, that money of any source should be used to provide busing just like we believe money of any source should be used to provide books.

Mr. MEEDS. If the local school districts make that decision, that busing is needed to desegregate in their area, they ought to be able to use the funds under any Federal legislation for the purpose of this busing.

Mr. FISCHER. Yes. We say that here in item 7 in our comments on the bill.

Mr. BELL. You say it says that?

Mr. FISCHER. In item 7 we say: "We believe that if a school district's plan for integration includes some expenditures for pupil transportation the use of Federal funds for this purpose should be permitted—but should not be required." This leaves it up pretty much to the local district.

I have had experience at all levels, the local, the State, and the national, as far as education is concerned. I always go back to the fact that the folks at home, if they are adequately involved in planning the schools, will do the best job with the money and will do the best job for planning the school system unless it is a bias situation against race, unless it is a prejudice thing, but I am assuming that this is not the case. Then, sometimes you have to step over and remove these biases.

Mr. PUCINSKI. May I just admonish the committee that we have other witnesses and we have witnesses from out of town, witnesses who have been good enough to come here from North Carolina and Louisiana, and as you know, we are marking up the postal reform bill, so I wonder if we cannot give all these things consideration in allotting our time.

Mr. MEEDS. Mr. Chairman, your admonition was not needed because I was finished.

Thank you, Mr. Fischer.

Mr. PUCINSKI. Mr. Dellenback.

Mr. DELLENBACK. Thank you, Mr. Chairman.

I join my colleague from Washington in some strong feelings about NEA and the Oregon Education Association in particular. I have worked closely with them from the time I served on the State education committee and I found them a forward-looking group, deeply concerned about education. I am sure the same things which have held for OEA hold for NEA and I am delighted to see you here. I would ask a couple of questions.

Mr. FISCHER. I will report your remarks to Mr. Posey.

Mr. DELLENBACK. I have commended him here as I have commended him there. The purpose that underlies this bill, Mr. Fischer, is, as I am sure we both realize, an attempt to look at a problem which is

acute in one section of the country, as well as others, and see what can be done about it.

Now you and I both realize that there are a host of problems that afflict education and many of them require additional money. ESEA is aimed at some and other special programs are aimed at some. My deep concern is that if we use other programs which are more general in nature, we are going to find that the money is diluted. If we have a unique problem here that needs special help, it may very well not get the degree of special help that it needs.

I frankly am a strong believer in revenue sharing. I think this is a way we ought to use to get Federal funds back to the States and local governments so that any State, and Oregon would be one of them, which rates educational needs very high, would end up with a good deal of additional money for education. I think this is a better way than a whole series of narrow categorical grants. But I am concerned about some of the comments that have been made inferentially by you this morning. I do not really think we are hearing correctly as far as desegregation in the South is concerned.

There can be two different types of problems as far as desegregation is concerned, it seems to me. One is the question of whether or not students are attending desegregated school systems and then separate from that, within those desegregated school systems, what is happening to education?

Now, if I read correctly the report that has been brought back by the NEA investigative teams in the South, they have addressed themselves primarily to the second question. The question is what is really happening, whether the school district is a unitary or desegregated system in the classroom and to the teacher and the student. Am I correct in that?

Mr. FISCHER. Both. We have addressed ourselves to that. We have also addressed ourselves to the different varieties of circumvention that are being used to prevent desegregation through the private schools route.

Mr. DELLENBACK. Even within the so-called desegregated system?

Mr. FISCHER. Yes. I guess you could call it a so-called desegregated system where a white school is being sold to a private group, the buses are painted white and given to the white schools, books are given to the private group.

Mr. DELLENBACK. I make no brief for that whatsoever.

Mr. FISCHER. Black teachers are being fired.

Mr. DELLENBACK. But I see no sign in the official actions of the administration which if we look at it specifically and say, now, what is it that the administration has done to support this or condone this?

Mr. FISCHER. No. I would not imply that.

Mr. DELLENBACK. I do not read you as saying anything—

Mr. FISCHER. They have not done anything to stop it, that is our point.

Mr. DELLENBACK. With a host of problems to deal with, you have got to pick out which ones you are going to deal with first. I was struck by some of the testimony given to us yesterday by Assistant Attorney Leonard to which Mr. Bell made reference. I am not talking about the statistics that Mr. Leonard brought forth.

Now, I do not know whether you have had a chance to look at——

Mr. FISCHER. We have not had a chance to analyze it.

Mr. DELLENBACK. But let me tell you essentially what this one point says. Mr. McFarland, maybe you have seen it. They say this: Prior to the 1969-70 school year, only 5.2 percent of the Negroes, Negro students in the 11 Southern States attended unitary or desegregated school systems.

Now my first question would be, and if you cannot answer it now off hand I would be interested in your giving it to us for the record, do you quarrel with that statistic from your factual studies in the South? Do you have enough information to accept or reject it at the moment?

Mr. FISCHER. No.

Mr. PUCINSKI. Will the gentleman yield on that point?

Mr. DELLENBACK. Yes.

Mr. PUCINSKI. I think it is important to draw one distinction here on the Attorney General's statement. He is referring to systems, not schools. Now, it is entirely possible that you are going to have that high percentage in terms of youngsters attending systems but when we asked the question yesterday whether or not they have the number of schools within a segregated system that have youngsters now integrated, the Attorney General said that they were unable to provide that information. They do not have it broken down that narrowly.

Mr. DELLENBACK. Mr. Chairman, if you had been following what I was saying earlier, I started by making the distinction between the two different problems. Now you are alluding to the second problem and for the moment I have moved the second problem aside, of what is happening within the desegregated system. If we want to talk about that one, great, we will be glad to, but let us get to that in a minute but stay with the first problem, because you cannot start talking about what you are going to do within a desegregated system until you have a desegregated system. You have got to start some place.

Mr. FISCHER. We will be glad to provide you with our analysis of the Attorney General's report.

Mr. DELLENBACK. I would be interested in that but for the picture so we all have it clearly in mind, let me go on and allude quickly to the other two statistics he brought forth on this point. Since you cannot really talk about desegregation within a desegregated system until you have a desegregated system, I think it is absolutely imperative, Mr. Fischer, before you get to the specifics of the bill, when you talk about what was or was not being done by the present administration, I think it is imperative that we keep clearly in mind the fact that prior to 1969, there were—whatever had been done by all of those who had gone before trying to bring about desegregation of the schools in the South, as of that time, a grand total of 5.2 percent of the Negro students in the 11 States who were even attending desegregated systems.

Now what has happened since that time? And, again, this is Mr. Leonard's statement. I would be very interested in what you feel about it. Since that time, by the 1970-71 school year, that 5.2 percent, grand total, meaning 94.8 percent were not attending, that 5.2 percent had in that year grown to 58.9 percent.

Mr. FISCHER. All right, I will——

Mr. DELLENBACK. I think this is a significant advance.

Mr. FISCHER. I will address myself to that, although I cannot analyze the Attorney General's report yet. We must remember that this was the year that the deadlines fell or supposedly went into effect. All the legal techniques that had been used in the South over the last few years were knocked down one by one and we finally came to a deadline in September.

My point here on the first page of the testimony was that we were terribly disappointed in the administration's attitude. In fact, last summer our whole convention directed me to address a letter to the President stating that we were disappointed in his apparent relaxation of the deadline for the HEW guidelines. We wanted him to require that the guidelines remain in effect for the beginning of the school year. We finally had to join in an amicus curiae brief in the Supreme Court in order to provide this.

We think it was a change in attitude that gave the segregationists hope. If, on the other hand, the administration had taken a tough line and insisted that there be no deviation from the deadline, that developed plans go into effect at the beginning of the school year, we would not have had a lot of this backing and fixing and the problems we have had this year.

Granted, that since January, a lot of these districts have finally complied, have agreed to go ahead and desegregate. Perhaps the figure is 58 percent. But with the hope that they had been given, they continue to play the games that they have been playing. We think a lot of this could have been eliminated with a tough, firm program.

We do not like the administration's approach. That is what it is.

Mr. DELLENBACK. Elsewhere in your testimony you have made clear that your goal is not to cutoff funds and thus to do injury to the students. The question is not what sort of rhetoric one will engage in. The question not what sort of vast programs will be launched without implementation. The question is not what great sweeping speeches will be made but what results will follow, and the fact of the matter is that in the time that has elapsed since the beginning of 1969, already that 5.2 has become 58.9 and the expectation is that by this fall it is expected to be in excess of 90 percent, so that the year and a half, year and three-quarters measured by results and not by rhetoric is apt to prove to be the most productive time in the history of desegregation of schools.

Mr. FISCHER. Well, I am sure that whatever happens this year, next year, is the result of a lot of work that has gone on ahead.

Mr. DELLENBACK. Of course. I am not saying that everything began on January 1.

Mr. FISCHER. We feel it could have been done a lot better and a lot sooner, with better results. That is all. This is just a difference of opinion.

Mr. DELLENBACK. There is no use our going back and forth in empty rhetoric on that but I think the point still remains, and this is a point that is not made clear sometimes in testimony before us. We start from information, not just yours alone, but also in public statements. I do not think it is clear that there has been a major attempt by the administration not to just go in and wield great powerful sticks but to look at these areas, see that they have immense problems with which many dedicated people in these areas are attempting to deal.

Everybody? Of course not. Everybody elsewhere in the United States, in the city of Chicago, in the cities of Seattle and Portland? Of course not. But they have many deeply dedicated people in all sections of the country who are striving to bring about effective desegregation. Again the reach of the administration, and if we listened to yesterday's testimony not by Mr. Leonard, but by Mr. Pottinger, Director of the Office of Civil Rights at HEW, if you look at the question of trying to negotiate with the South, not just going in with a powerful court order, but to go in and sit down with these people, you find that 102 desegregation plans were negotiated in 1968-69 which was prior to the beginning of the present administration. In 1969-70 there were negotiated 207, twice as many negotiated the previous year.

As of June 15 of this year, 198 more plans. So that in the last 2 years there have been in excess of 400 plans worked out to desegregate the school systems, whereas before that time with all the talk about power and order and the majesty of the law, there had been far less than that. It seems to me if we are talking about desegregation from the standpoint of the results, because this is what you want as it is what we want, we have found very considerable results achieved if we will look at what actually has happened so far as the desegregation of systems is concerned.

The bill that is before us now attempts to say there is another step beyond that. If the system desegregates and if our concern is the youngster and not punishment or cutting off or something else, then we have got to move in and give them some special help. It is an attempt in this bill to say in these areas, which either through court order as you commented earlier, or through the voluntary plans which have been worked out and negotiated, we have ended up with a desegregated system, then there must be some special help given to them and that is what this bill is striving to do.

Would there be anything on that point that you would say? And I am not talking about the specifics.

Mr. FISCHER. We are not against the results. In fact, we think if the problem had been handled sooner, by the end of this year a hundred percent of the schools in the South could have been desegregated. But I am more inclined to go along with Mr. Meeds in thinking that legislation should be developed to help with all school systems that could be helped with desegregation that results from situations beyond their control, whether *de jure* or *de facto* desegregation.

Mr. DELLENBACK. The Supreme Court, as you know, and Mr. McFarland knows, has not yet spoken on *de facto* segregation.

Mr. FISCHER. Right.

Mr. DELLENBACK. So, therefore, the present attempt is to reach into those areas where it is clear as a matter of law what it is that has to be done. It does not confine itself just to that but is attempting to go beyond that. My own deep concern is, you see, one of two things, Mr. Fischer. If we say we refuse to look at this problem in its confines of where it is most acute but we insist on broadening it and expanding it to cover anything that would be called desegregation anywhere in the United States, then one of two things. Either we are going to have to move in immediately with massive, many, many, many times the number of dollars that we have talked about as far as being real-

istic, being obtainable at this point—I have already expressed myself on what I think needs to be done in the long run—or else we are going to stay with a limited number of dollars and we are going to dilute it down so that there will be so little in any particular part of the United States that the job will not get done.

Mr. FISCHER. Our difference is just in what it takes to encourage these districts to desegregate and we feel that it is better to reward the ones that have tried rather than the ones that have not.

Mr. DELLENBACK. I am interested in the children and what happens to them and not rewarding adults who have done things one way or the other.

Mr. FISCHER. We are interested in the same thing.

Mr. DELLENBACK. I am sure you are. I appreciate the chance to hear your testimony this morning.

Mr. PUCINSKI. Mr. Quie?

Mr. QUIE. Mr. Fischer, you object to one-third of the money being retained for the Commissioner or Secretary. Is your objection only to the fact that he could make grants to profitmaking institutions and that if we remove the authority to make grants to profitmaking institutions, would you then support one-third retained for the Commissioner?

Mr. FISCHER. We do not really like the bill, as you can gather, and we do not like the idea of granting the control of a third of any Federal grant to hands in Washington. We would rather see it go back to the States or the local areas. This is our philosophy on almost all Federal spending for education.

Mr. QUIE. I thought that you supported retaining title III of the ESEA, under the Commissioner rather than turning it over to the States. Have you had a change in attitude since then?

Mr. FISCHER. Yes. We are really not in favor of categorical aids of any kind. We like the general aid principle better and always have. Sometimes we have had to compromise.

Mr. McFARLAND. Mr. Quie, we supported the return of title III to the States.

Mr. FISCHER. That was our position originally.

Mr. QUIE. At the time when it was first fought out? I may be wrong but it is my recollection that NEA—

Mr. McFARLAND. We supported the bill when there was not an alternative in 1965. In 1967 and 1968 we supported the return of the title III funds to State control.

Mr. QUIE. All of it?

Mr. McFARLAND. Yes.

Mr. QUIE. You also say that you wonder why we could not accomplish the objectives of this bill in existing legislation and refer to title VI of the Civil Rights Act. I doubt if there is any authorization for expenditures of money for public schools in title VI. I cannot find it.

Mr. FISCHER. Our statement was in error.

Mr. QUIE. You are talking about title IV.

Mr. FISCHER. That is a typo.

Mr. QUIE. Title IV seems to me rather limited. It provides the authorization for the type of programs the administration wants to engage in with \$150 million but not the expansion beyond that as

the Attorney General and some of the others expressed. You would need some authorization other than just title IV of the Civil Rights Act. Do you think they ought to bring the aid to the schools under title I of ESEA? That is not specifically for the problems of desegregation but rather all of the compensatory education and it would benefit the de facto segregated schools. Do you think we ought to aid the school districts that have de facto segregation whether they have desegregated or not?

Mr. McFARLAND. I think if it were to go the title I route there would certainly have to be additional language to take care of the kind of problem that you have just raised.

Mr. QUIE. Then, you would have to get away from the entitlement concept as well; would you not?

Mr. McFARLAND. This would create other problems, obviously.

Mr. QUIE. Well—

Mr. FISCHER. In No. 10 we tell you what we really think.

Mr. QUIE. Well, that is just to get Federal money to continue to do what you are doing now.

Mr. FISCHER. We think desegregation can be accomplished by other means than rewarding those districts which have been recalcitrant. In fact, I said earlier that probably it would be easier just to replace the school boards where they refuse to desegregate rather than holding a carrot out in front.

Mr. QUIE. You probably will have to govern the election of school boards, too, then, because if we put those in jail who are presently heads of school boards because they did not desegregate, you probably would have Mrs. Hicks all over the place winning elections.

Mr. FISCHER. I do not know about putting boards in jail, but perhaps we should put the school in some sort of trusteeship.

Mr. QUIE. If the Federal Government did that, I think we can guarantee you the most reactionary type of school boards elected.

Mr. FISCHER. I am sure there would be upheaval but I doubt if it would have to be done many times.

Mr. QUIE. That is questionable. I can understand if you question whether it is necessary to move toward racial balance in the schools because there are many people whose, I think, views must be respected who do not believe that that is necessary. As I put it sometimes myself, is it necessary for a black child to sit by a white child in order to learn? It is sort of degrading to the black. It seems to me your testimony indicates compensatory education providing the best sort of education ought to be done no matter what the school districts decide about the integration or racial balance of schools.

Now, I do not claim that you claim that we ought to permit de jure segregation to continue. I recognize that is not constitutional and I think you would accept the constitutional decision of the court but on de facto desegregation I gather from this that you doubt whether it is wise to encourage the schools or even force the schools to bring about racial balance. Judging from your testimony, I would gather that you would think that is—

Mr. FISCHER. This is a very complicated problem. It gets into public housing. It is hinged on economics. In the interim period we do believe that in de facto segregated areas, compensatory education

should be improved and superior education should be given to the deprived child regardless of whether he sits next to a white kid or not.

Psychologically and in the long run, we think it is far better to have all the races mingled. We could go into a long psychological dissertation on that with pretty good evidence. We have a project we are going to begin, I believe in Indianapolis, called ideal schools project, or Operation Upswing, in which we are going to try to involve the community and the school board and the power structure deeply in the rearrangement of the schools in this community to prove that the NEA can help lead the way to meaningful ghetto education.

This is a problem that has frustrated the finest minds in the Government and education, the de facto problem.

Mr. QUIE. I recognize it is there and that will probably be the underlying reason in people's minds who object to this legislation a great deal. I think that Dr. Coleman's testimony on Monday was well taken, where any school that is desegregating, whether it is because of court order or HEW requirement or whether they do it on their own, should have the same counting, whatever you call it, double counting, and receive the same kind of assistance to desegregate. I would favor this. But, however, as long as this administration has committed itself to assist schools to desegregate, I think it is commendable that they put some money where their mouth is. That has not happened in many administrations in the past. And secondly, if they want to do that, I think we ought to assist all of the schools that are desegregating but I would just as soon not assist at all in this legislation schools that are not desegregating. Just because they have got minority kids, I think that they ought to get their aid under title I.

Mr. McFARLAND. Mr. Quie, we would like to commend you for your leadership in introducing this bill.

Mr. MEEDS (now presiding). Thank you, Mr. Quie.

Thank you, gentlemen, for appearing and for your very fine testimony.

Off the record.

(Discussion off the record.)

Mr. MEEDS. Our next witnesses, I understand, will be a group headed by Mr. August Steinhilber, who is director of Federal relations for the National School Board Association and he has with him Mr. William Norris, president of the Ouachita Parish School Board, Ouachita, La., and Mrs. H. Hagler, a member of the Maxton School Board, Maxton, N.C., who is being—Congressman Leonard, did you want to—

Mr. LEONARD. Thank you, Mr. Chairman. I will not take the time of the committee to go through a formal introduction of our distinguished visitors here today. I am just here to join in your welcome of them. They speak with authority.

Mr. MEEDS. Thank you very much. We are very happy that you have come over to join with us in hearing this testimony, Mr. Leonard.

I assume you will proceed, Mr. Steinhilber. We have your written testimony. It can all be inserted in the record and you can testify extemporaneously or it can be read into the record, whichever way you choose.

STATEMENT OF AUGUST STEINHILBER, DIRECTOR, FEDERAL AND CONGRESSIONAL RELATIONS, NATIONAL SCHOOL BOARDS ASSOCIATION; ACCOMPANIED BY WILLIAM NORRIS, PRESIDENT, OUACHITA PARISH SCHOOL BOARD, OUACHITA, LA., AND MRS. H. HAGLER, MEMBER OF MAXTON BOARD OF EDUCATION, MAXTON, N.C.

Mr. STEINHILBER. I will submit my statement for the record and read from portions thereof, and to give you the general outline of our testimony, I will begin to speak specifically to the terms of the bill and the legislation itself.

Mr. MEEDS. Without objection, the written testimony will be inserted in the record at this place.

(Mr. Steinhilber's prepared statement follows:)

STATEMENT ON BEHALF OF THE NATIONAL SCHOOL BOARDS ASSOCIATION BY AUGUST W. STEINHILBER, DIRECTOR OF FEDERAL AND CONGRESSIONAL RELATIONS, NATIONAL SCHOOL BOARDS ASSOCIATION

Mr. Chairman, members of the Subcommittee, my name is August W. Steinhilber and I am Director of Federal and Congressional Relations of the National School Board Association. On behalf of the Association, we thank you for the opportunity to appear before this Subcommittee to discuss The Emergency School Aid Act of 1970.

On April 11, the National School Boards Association at its 1970 Annual Convention adopted the following resolution:

CIVIL RIGHTS

The National School Boards Association urges the Congress and the President to recognize that school districts may be faced with large costs in their efforts to desegregate their systems. Often these costs cannot be borne by current Federal programs as is the case where a need exists for new facilities. To assure full access to educational opportunities for all children regardless of race, ethnic background or economic status, we urge the Federal government to provide financial assistance to those districts which are unable to pay for these added costs.

The position of our organization is clear; we applaud the President for advancing this bill, we are grateful that this Subcommittee is holding prompt hearings, we support the basic thrust of the proposed legislation and we urge its passage. Our Association has one basic caveat to our support of this new legislation. Monies to fund this proposed law *cannot* be taken away from any other domestic programs whether they be administered by the Department of HEW, the Department of HUD, the Department of Labor or the Office of Economic Opportunity. It is our understanding from hearing the statements of former Secretary of HEW Robert Finch and former Commissioner of Education James Allen that the Administration has promised not to rob any other programs to support desegregation efforts.

The form of the legislation is, however, not without some flaws which this Subcommittee can easily correct without hurting the basic concepts.

De Facto—De Jure Segregation

One of the suggestions NSBA is offering to this Subcommittee is the separate method in which applications concerned with de facto and de jure segregation are handled.

De jure segregation is, of course, segregation under the color of law. Such segregation can be caused by State statutes, state constitutions, or the conscious rulings of a local school system to discriminate in its school admission policies through such device as the gerrymandering of school attendance zones.

De jure segregation is forbidden by the Fourteenth Amendment to the U.S. Constitution as enunciated by the U.S. Supreme Court starting with *Brown v. Board of Education*, up to *Alexander v. Holmes*. The Executive Branch of the Federal government has been given broad powers over de jure segregation by Congress in the passage of the 1964 Civil Rights Act. The Department of HEW has been engaged in enforcing the constitutional rights of school children through Title IV of that law for nearly six years. Given this legal setting and years of experience, we believe the Federal government could handle applications dealing with de jure segregation. However, such applications should be more formally reviewed by State education agencies than is now provided in this legislation. It makes little sense for the Federal government on one hand to file a law suit against a State education agency to force it to correct statewide segregation practices and at the same time give them only a casual review of plans designed to accomplish this end.

De facto segregation is caused by factors other than the operation of law. Usually the cause is housing patterns. As attorneys would say, the state of the law on de facto segregation is "unsettled." While many legal scholars are currently arguing that school districts have a constitutional obligation to correct segregation regardless of its cause, this has not been ruled upon by the U.S. Supreme Court. At this point in time de facto segregation is really a matter of state policy and its resolution is a severe local educational problem. We believe any Federal legislation dealing with de facto segregation must be administered through a State plan. Thus, the State policies could be merged with sound educational practices developed to fit the unique problems of a particular school system. We would, of course, look to the U.S. Office of Education for leadership in this operation by giving advice, by disseminating information about good programs in other areas, reviewing the State plan to see if it can realistically accomplish its goals, etc. We do oppose giving the Commissioner complete discretion in accepting or rejecting all grant applications.

We believe the use of the State plan for this program is sound because:

1. The reason for this legislation is to resolve some very difficult and sensitive educational issues. This can only be accomplished through coordination and cooperation between and among Federal, State, and local officials. If education changes are necessary, they must be accomplished within the system. The superimposing of any policy from above and the bypassing of the usual system of operation only alienates those involved and in the long run, will undermine desegregation efforts.
2. The direct application method is more likely to develop unnecessary friction. Any mistake, coercion, or unreasonable force exerted by a Federal official would have wide political repercussion which could endanger current Federal education programs.
3. State education agencies are more likely to know of particular problems, can concentrate funds to solve those problems, and coordinate desegregation efforts within the State.

U.S. OFFICE OF EDUCATION

As drafted in the bill, the responsibility for the implementation of this legislation now resides with the Secretary of HEW. We suggest this responsibility be placed with the U.S. Commissioner of Education.

On a number of occasions members of this Subcommittee have objected to the proliferation of education programs among various governmental agencies and the lack of continuity of educational policy among those agencies. We who have the responsibility to govern the public schools are continually plagued by different Federal agencies setting different policies on education. In the long run the only real solution to this problem would be for the setting up of a Department of Education under whose auspices all Federal education programs would be placed. In the interim, as many education programs as possible should be under the control of the U.S. Commissioner of Education.

We also see a possible conflict in education philosophy developing should this program gravitate toward those administering title VI of the Civil Rights Act. That office's propensity toward unilateral action and force is not what is needed under this new program.

GRANT ELIGIBILITY FACTORS

The Administration has contended that school construction costs are not eligible for funding under this bill. On many occasions we have found that new construction is essential to the development of a sound desegregation plan. In a number of instances desegregation is impossible without new construction. While we would agree that this Emergency School Aid Act should not be turned into a school construction bill, construction should be an eligible item of expense if it is part of the overall desegregation package and is properly approved by the state education agency.

Section 5(a)(3) of the bill authorizes the Secretary to make grants and contracts with private agencies including profit making corporations to carry out interracial education programs within school districts. The Administration did not explain what it was attempting to accomplish with these provisions or their purpose. We view with alarm the possibility of setting up separate school systems within school districts with no coordination of programs or objectives. We urge the removal of these provisions from this bill. The needs of public education to resolve its racial discrimination problems are severe enough without direct Federal intervention in the school district. We recognize the Secretary may wish to try some experiments or to run some demonstration projects with private agencies. This he can accomplish through the Cooperative Research Act as amended. This section is also troublesome in that it could be misused to support private segregated schools. The bill must contain specific language which would prevent any assistance being siphoned off to assist private segregated academies.

FORMULA

Certain aspects of the formula are not logical and we speak specifically to the method of double counting, i.e., counting again children in school districts under Federal court order or under a title VI compliance order. It has been suggested by the Administration that the double counting factor will concentrate funds where the need is greatest.

We contend that the urgency for assistance to a school district is the same whether that district is under a Federal court order, or State court order, or whether the administrative order was determined by the Federal Government under title VI of the Civil Rights Act or by a State agency under a State law. Thus, if there is to be double counting, such counting should take into consideration all of these contingencies.

CONCLUSION

We urge broad bipartisan support to help our schools resolve the most serious problem they have faced—a problem which could eventually destroy our system of free public education.

The form of the legislation should be basically a State plan program and we would support a bill that funded the entire authorization in this manner. We would not object, however, if a slightly different approach were used on applications to alleviate de jure segregation.

Thank you.

Mr. STEINHILBER. Thank you, Mr. Chairman.

On behalf of the National School Boards Association we thank you for the opportunity to appear before this subcommittee to discuss the Emergency School Aid Act of 1970.

On April 11, the National School Boards Association at its 1970 annual convention adopted the following resolution:

Civil Rights.—The National School Boards Association urges the Congress and the President to recognize that school districts may be faced with large costs in their efforts to desegregate their systems. Often these costs cannot be borne by current Federal programs as is the case where a need exists for new facilities. To assure full access to educational opportunities for all children regardless of race, ethnic background or economic status, we urge the Federal Government to

provide financial assistance to those districts which are unable to pay for these added costs.

I might add that the position of this organization is clear and we applaud the Congress and especially this committee for starting hearings on this bill and, of course, the President for sponsoring legislation of this type.

We have one basic caveat to our support of the bill as a concept and that caveat is that moneys for this program are to be in addition to current programs. We do not want them to be taken from any of the existing educational or other domestic programs regardless of what department they may be from.

We have heard the testimony both in this committee and in the other body, that both former Secretary Finch and former Commissioner Allen have promised that there would be additional funds.

Now, a couple of comments with respect to specifics. One is that we find the way that de facto and de jure segregation is somewhat lumped together causes us problems and we contend that perhaps they should be separated.

Our position here is outlined in the statement but it runs something like this, that with respect to de jure segregation we have a long history of judicial rulings going up to and including the most recent case of *Alexander v. Holmes*, and we have a long experience with the Civil Rights Act, that the Federal Government in enforcing the 14th amendment rights of schoolchildren has experience in this matter.

Now, on de facto segregation which is caused by other than the legal operation of any official at any level and is usually caused by housing patterns, with respect to this, as attorneys would say, the law is "unsettled." While many legal scholars are currently arguing that school districts have a constitutional obligation to correct segregation regardless of its cause, this has not been ruled on by the U.S. Supreme Court. At this point in time de facto segregation is really a matter of State policy and its resolution is a severe local educational problem.

We believe any Federal legislation dealing with de facto segregation must be administered through a State plan. Thus, the State policies could be merged with sound educational practices. We do look to the U.S. Office of Education for leadership in helping us with this endeavor. We believe the State plan is the only reasonable approach to accomplish the desired end of the legislation. If educational changes are necessary they must be accomplished within the system. The superimposing of any policy from above or bypassing the system will only alienate the community and those involved and in the long run will undermine desegregation efforts.

The direct application method is more likely to develop unnecessary friction and any mistake, coercion or unreasonable force exerted by a Federal official would have wide political repercussions which could endanger not only this bill but all current educational programs.

Finally, we agree with the representative of the National Education Association that all wisdom does not reside in Washington. The State educational agencies are more likely to know the particular problems and concentrate funds to resolve these problems. And more important, they can coordinate desegregation efforts within the State.

Now, as the bill is drafted, the responsibility for administering the legislation resides with the Secretary of HEW. We would suggest that this be changed to the U.S. Commissioner. This goes in line with our policy of trying to coordinate all programs under a single Federal administrative head. We have had enough problems with different Federal agencies setting up different regulations and different guidelines.

Mr. QUJE. Could I ask you about this? This came up at a conference before and we finally decided on the Secretary of HEW. Does not the Commissioner really work for the Secretary? If you give it to the Secretary, he can then delegate it to anybody he wants to.

Mr. STEINHILBER. He certainly may, but we also fear in this particular piece of legislation, if this type of program which is designed to aid local school districts in their desegregation efforts were transferred, say, to the Office of Civil Rights within the Department of HEW, there have been enough problems administratively within that particular office and we say that their philosophy seems to head toward unilateral action and that at this time, at this stage, this is not what is needed to resolve a serious educational problem.

Now, the administration—I would like to go to some other factors within the bill as far as what is eligible for funding and who is eligible to receive funds.

The administration has contended that school construction costs are not eligible for funding under this bill. On many occasions we have found that new construction is essential to the development of a sound desegregation plan. In a number of instances desegregation is impossible without new construction. While we would agree that this Emergency School Aid Act should not be turned into a school construction bill, construction should be an eligible item of expense if it is part of the overall desegregation package and is properly approved by the State education agency.

One section of this bill authorizes the Secretary to make grants and contracts to private agencies including profit-making corporations. We, too, object to this type of provision. We think this could set up all sorts of problems within a school district and the needs of public education to resolve the racial discrimination problem would not be served by it. We recognize the Secretary may wish to try some experiment or run some demonstration projects. We contend he can already accomplish this through the Cooperative Research Act.

This section is also troublesome in that it could be misused to support private segregated schools. This bill must contain specific language which would prevent any assistance being siphoned off to assist private segregated academics.

We do also have problems with the double count in the formula and I will leave that for the record.

I will conclude by saying we urge broad bipartisan support to help our schools resolve this most serious problem that they are to face, a problem which eventually could destroy the system of free public education.

I would now like to turn to my two other companions because we think that the committee should hear from school board members as to the problems that they actually have faced in their own school sys-

tems and what the financial difficulties are. I would first like to turn to Mrs. Hagler, who will speak on behalf of the Maxton City Board of Education, Maxton City, N.C.

Mr. PUCINSKI (presiding). Mrs. Hagler, we want to welcome you before the committee. And as I said earlier, Congressman Leonard has been here and he will be back. He had to go to the floor to answer a quorum call. We are very pleased to have you here and I am particularly anxious to hear some of your own experiences in this problem.

Mrs. HAGLER. I would like to read most of mine, if I may.

Mr. Chairman and members of the Subcommittee on Education, I appreciate the opportunity to appear before you today in the interest of House bill No. 17846 and to urge you to do everything possible to expedite passage of this vital and much-needed legislation. I represent an area which by tradition has been proud of its quality of education. Much of our community life is centered in the life of our schools.

Today in Maxton, N.C., we are confronted with educational problems which could be solved in a large measure by passage of this proposed legislation. When I read President Nixon's policy statement of March 24 and his message to Congress on May 21, I felt that he surely must have had Maxton in mind. Maxton is a small community located in Robeson County in southeastern North Carolina. Our town is situated halfway between two large cities, Charlotte and Wilmington. For many years, agriculture has been the main source of income for the majority of our people.

According to the 1960 census, the Maxton township population was 5,204, with 1,757 persons living in the corporate town limits. Of 1,523 children, a total of 1,288 were economically deprived. The Maxton School District serves the entire township.

For the 1970-71 school term, the Maxton City schools will have an enrollment of 1,630 students. A racial breakdown of this figure is as follows:

Elementary 1-8, black, 543; Indian, 341; white, 269; total, 1,153.

High school 9-12, black, 216; Indian, 121; white, 140; total, 477.

Total, black, 759; Indian, 462; white, 409; total, 1,630.

Our most critical problem this past school year was housing. In May 1969, a 10-classroom high school building was totally destroyed by fire. Following the fire, eight temporary wooden structures were erected adjacent to the remaining nearly 50-year-old high school building to serve as academic classrooms. During the past school term, restroom facilities, hallways, and a cafeteria designed for 250 students, were greatly overtaxed by the 450 students which they had to accommodate. The school system in Maxton is financed as follows:

Current expense budget: State, 85 percent; local, 8 percent; Federal, 7 percent.

For the 1970-71 school year, our schools will be completely integrated, according to a plan submitted and approved by the Department of Health, Education, and Welfare. All grades 1 through 12 and all faculties will be racially mixed. One of the recent requirements of HEW is that no student living within the Maxton Township boundary lines may attend school in Robeson County or vice versa. As a result of this ruling, we will have approximately 200 additional students for which to provide housing this fall.

Most of these additional students are Lumbee Indians, who are justifiably proud of their racial background. They have attended segregated schools provided by the county system for many years. Needless to say, they are reluctant to leave these schools and are resentful of announced plans for forced integration.

One of the results of our problems with desegregation and with totally inadequate facilities is a loss of experienced personnel. Several of our teachers have resigned this spring, giving as their reason the desire to teach in schools with better facilities than we have.

The most perplexing problem in our community today is that of adequate housing for our present and expected enrollment. First of all, our foremost need is for a new high school building designed for educational effectiveness for all of our students. In addition, we need funds to carry out some necessary improvements to existing facilities in order to upgrade them for new programs of learning which we hope to be able to provide for the very best education for every child who attends school in Maxton.

We need to expand and improve our curriculum, as well as our methods of teaching. This would include offering more occupational courses of study for our high school students. In recent years, several nationally-known industrial firms have located plants in this area. These new plants have provided many new job opportunities for our young people.

Federal funds for occupational courses are available on a matching basis. However, a small unit such as ours does not have the money necessary to meet the requirements for these funds. We would very much like to be able to provide additional occupation programs to enable our high school graduates to become successful in life, whether they attend college, technical school, enter the business world, without continuing their higher education.

Another vital need is that of more specialty teachers on the elementary level. As knowledge increases, and I believe the rate at the present time is that all knowledge doubles every 8 to 10 years, we cannot expect our teachers to keep up with this increased knowledge and deal with desegregation problems all at the same time. We need special teachers in subject matter areas to give assistance to our elementary, as well as our high school teachers.

In September of this year, we are planning to implement a new program of team teaching in grades one through six. This new method of teaching is one that requires much planning on the part of the teachers involved. It is most difficult for teachers to function in the classroom all day and then have to spend additional time in planning the next day's work, plus evaluating the one just completed. We need specialty teachers and semiprofessional personnel to free the classroom teachers so they can spend more time on the important matter of education.

Equipment, teaching aids, and instructional materials to help our teachers present information in a better and more effective way are other needs facing our school personnel at this time.

The area of guidance and counseling is one of utmost importance in the process of desegregation of our schools. Students in a desegregated school find themselves in situations that cause frustration,

anger, resentment, suspicion, and other personal and distressing emotions. Much of the time these students do not understand what really makes them feel as they do and often they have no valid reason for the above mentioned emotions.

In our district we have barely scratched the surface of guidance and testing programs. We need to go further in this area, but our real need is for counselors who can understand and relate to students of all races in such a way as to ease tensions in the individual student. This counseling should be comprehensive and should include counseling with parents and guardians, so they can understand the problems of their children who are trying to learn in a desegregated environment.

Salary supplements for our local unit are also needed in order to attract and hold top-grade, experienced teachers. Within the combined school systems under desegregation plans, the number of supervisory and administrative positions is often decreased. This means that many capable people are left without employment or else they must take a salary cut in a lower paying position. I would like to see a provision in this bill whereby local school boards could supplement salaries in order to maintain former pay scales and thereby retain the valuable services of many experienced individuals.

As we are able to secure new and more sophisticated buildings and additional equipment, we will need to improve our maintenance and janitorial services with salaries that will attract and hold personnel who are trained to provide these services. With jobs available elsewhere at higher wages, it has been practically impossible to keep competent maintenance and janitorial help. If funds were available, these workers would not be enticed by similar higher paying positions after having been trained. Another area of concern is that of providing cocurricular activities for our students. In a small high school like ours, these activities consume a great deal of the teacher's valuable time. This time is needed in adjusting to an integrated situation, in trying to plan so that each student will be reached in the learning process, and in striving to improve techniques for the slow learners. This means that their time is taxed to the limit. Here we find one of the many areas where the employment of a teacher's aide or some semiprofessional could be used to allow teachers to devote more time to actual teaching.

In addition, we need funds to support these cocurricular activities. At the present time, there are no funds to finance such programs other than fees charged to students, as members of a particular organization or activity, and in the case of the athletic program where entrance fees are charged to students and adults.

Funds for in-service training are also needed in a serious effort to offer additional educational opportunities for our teachers and other personnel. These courses would be offered to improve the effectiveness of our instructional staff. If we are to offer better education for our boys and girls, we must provide for our teachers to increase their knowledge.

Passage of this bill would aid many schools which face the same

problems caused by desegregation that Maxton is wrestling with right now. This appeal is being made to your committee in the hopes that some of our many needs and those of other school districts may be met in order to carry out desegregation more expediently and more effectively.

In Maxton our greatest need is for a new high school building. I sincerely hope that you will recommend that the funds to be made available by this proposed legislation be spent for permanent construction. Elsewhere in my presentation I have tried to give our problems in regard to facilities. No program to improve a learning situation in our schools can be effective without facilities to carry out that program or those enumerated by the President. There is no point in having a plan to improve instruction and curriculum unless there is first an adequate building in which to carry out these plans. Permanent construction is our first and foremost need.

In addition to improving the teaching situation and offering space for expanded areas of learning, money spent on permanent construction can be witnessed by the entire community as tangible evidence of improved educational efforts and would arouse a feeling of pride and cooperation on the part of all three races.

I sincerely hope that your committee can propose that this legislation give the local school board the privilege and responsibility of spending this money as it best fits the need of its community. It is imperative that this money, especially the Emergency School Aid Act fund, be made available to local units in the shortest time possible, with a minimum of restrictions and time-consuming redtape. There is a dire need for this money and the need is not tomorrow; it is now.

It is important that this money come directly to the local unit. Sometimes when money is appropriated by Congress it has to go through a number of departments and each agency places its own interpretation on what Congress meant. By the time it gets to the local unit, it is neither what Congress intended, nor does it fit the local need.

Local school board members and superintendents have lived with and will continue to live with these problems caused or accentuated by desegregation. I strongly recommend that their knowledge and experience be called upon to help draw up the guidelines used to implement this bill.

If we are given the privilege of spending this money, we will gladly accept the responsibility for spending it wisely. While our needs in solving the problems caused by desegregation in our district may have something in common with other school districts, our method of meeting these needs may and should be different from those of other districts.

We have asked our architect, Reginald McVicker, of the firm of Jordan, Snowdon & McVicker, to prepare a statement concerning the building program we need to solve our problems. This is included in the printed copies of this testimony and I would like to ask that you give it consideration in your deliberations.

(The document referred to follows:)

JORDAN, SNOWDON & McVICKER,
Laurinburg, N.C., June 9, 1970.

Re building program, Maxton City schools.

Mr. DAVID M. SINGLEY,
 Maxton, N.C.

DEAR MR. SINGLEY: Having completed a Preliminary Study of the proposed facility requirements for the Maxton City School System we are enclosing a copy of a proposed budget for your consideration.

These cost projections are based on current construction market conditions and are presented in a comprehensive budgeting format similar to the Engineering Data Supplement used by the Department of Housing and Urban Development.

If you need more information, please contact us at anytime.

Yours very truly,

J. REGINALD McVICKER, Jr., AIA.

FACILITIES SURVEY, MAXTON CITY SCHOOLS

High school building: Enrollment 1970/71—477

Classrooms	Permanent	Temporary	Mobile
Academic.....	6	10	
Business education.....	1		
Science.....	1		
Special education.....	1/4		
Total.....	8 1/4	10	0

Food service, dining area.—1,025 sq. ft.

Recommended seating per shift—100. Use=enrollment $\times .80$ $477 + 272 = 749 \times .80 = 600$ —six shifts. Increases in the Junior High or High School level usage will result in a seven shift, 2 1/2 to 3 hour, serving operation.

Science classroom.—938 sq. ft.

Recommended student load—30=150 students per five period day=enrollment accommodation of 31.5% for Science Lab facilities.

Library.—1,322 sq. ft.

Seating accommodation, 30; Recommended for High School Enrollment, 477=75 seats; Recommended for Combined Enrollment, 749=90 seats.

Administration.—570 sq. ft.

Present staff, 7; Recommended area, 1,400 sq. ft.

Sanitary facilities.—Enrollment, 477.

	Present	Minimum North Carolina plumbing code
Boys:		
Water closets.....	10	4
Urinals.....	4	8
Lavatories.....	4	5
Girls:		
Water closets.....	10	6
Lavatories.....	4	5

Physical plant.—2 story, 25,000 sq. ft.

Built 1924, consists of exterior masonry walls, wood framing for roof, walls and floors. Would be presently classed as type V ordinary construction, type C occupancy.

Existing building exceeds present N.C. Building Code allowable area for type V ordinary construction by 250%.

1. Present allowable area—2 story=10,000 sq. ft.
2. Required Exit stairs are of wood construction and in violation of N.C. Code Sect. 115.7, requiring that smoke tower and stairs be of noncombustible material.

PRELIMINARY PROGRAM, MAXTON CITY SCHOOLS

Part I.—*New high school program*

	<i>Square feet</i>
A. Space requirements:	
Classrooms: 14 Academic, @ 768; 2 Science, @ 1,152; 2 Sp. Use, " 576.....	14, 208
Vocational training, career skills: Shops, storage, classrooms (2).....	4, 032
Library/resource center: 12,000 volumes, 75 seats.....	3, 700
Multipurpose area: Dining, physical education, group assembly.....	4, 600
Administration: Offices, health room, teachers lounge, storage.....	1, 536
Total assigned area.....	28, 076
Unassigned area: Mechanical equipment, toilets, lockers, dressing, general storage, circulation, covered walks.....	9, 906
Total project area.....	38, 036

PART I.—*Elementary program (R. B. Dean School)*

	<i>feet Square</i>
A. Space requirements:	
Classrooms, 8 @ 1,000: total assigned area.....	8, 000
B. Total project area:	
High school program.....	38, 036
Elementary program.....	8, 000
Total.....	46, 036

	High school	R. B. Dean
PL I—Total project cost estimate:		
A. Building.....	\$685, 000	\$144, 000
Site improvements.....	15, 000	5, 000
Utilities.....	12, 000	2, 000
Contingency, 5 percent.....	35, 600	7, 500
Movable equipment.....	70, 000	15, 000
Total.....	817, 600	173, 500
B. Architectural/engineering services:		
Fees.....	55, 600	14, 400
Surveys, borings, tests.....	2, 000	500
Total.....	57, 600	14, 900
C. Project administration:		
Legal and administration.....	13, 700	6, 900
Interest during construction.....	53, 300	7, 500
Government field expense.....	8, 000	4, 000
Contingency, 5 percent.....	47, 500	10, 300
D. Total project cost.....	997, 700	217, 100
PL III—Land acquisition: 50 acres recommended (land, legal fees, contingency).....	60, 000	60, 000
PL IV—Summary:		
High school program.....	997, 700	217, 100
Land.....	60, 000	60, 000
Total.....	1, 057, 700	277, 100
R. B. Dean addition.....	217, 100	217, 100
Total program budget.....	1, 274, 800	494, 200

Mrs. HAGLER. There are also included photographs—and I have those here—of our present high school site, showing the old building and the temporary wooden structures. You will see from these photographs our dire need for permanent construction.

In closing, I would like to quote what President Nixon said in his message to Congress last month:

The tensions and difficulties of a time of great social change require us to take actions that move beyond the daily debate. This legislation is a first major step in that essential direction.

The education of each of our children affects us all. Time lost in the educational process may never be recovered. I urge that this measure be enacted on speedily, because the needs to which it is addressed are uniquely and compellingly needs of the present moment.

I would like to thank this committee most sincerely for allowing me to appear before you in behalf of the National School Boards Association and the State School Board Association of North Carolina.

Mr. PUCINSKI. Well, thank you very much, Mrs. Hagler. We appreciate your statement.

Do you want to conclude with your last witness?

Mr. STEINHILBER. Yes. I think we now can move on to our last witness. Mr. Norris.

Mr. PUCINSKI. Mr. Norris, your prepared statement will go into the record at this point.

Mr. NORRIS. Thank you.

(Mr. Norris' prepared statement follows:)

STATEMENT ON BEHALF OF THE OUACHITA PARISH SCHOOL SYSTEM BY
WILLIAM NORRIS, III, PRESIDENT, OUACHITA PARISH SCHOOL SYSTEM,
OUACHITA, LA.

I—INTRODUCTION

Honorable Chairman, and distinguished members of this Sub-Committee. I am William Norris, III, a practicing attorney in West Monroe, Louisiana, a small but growing city of approximately 18,000 people, located in Ouachita Parish, Northeast Louisiana. I am 33 years of age, married and the father of 3 children, ages 10, 9 and 6. All three of my children attend the public schools of Ouachita Parish, Louisiana. In addition to my private law practice, I serve the City of West Monroe, Louisiana, as its City Attorney and have been an elected member of the 19 member Ouachita Parish School Board since 1964. I have served as President of the Ouachita Parish School Board since January of 1968.

II—A BRIEF DESCRIPTION OF THE OUACHITA PARISH SCHOOL SYSTEM

The Ouachita Parish School System, located in Northeast Louisiana in Ouachita Parish (land area of 643 square miles), serves all of the Parish except portions of Monroe, Louisiana, which is served by the Monroe City School System. On the fringe areas of the City of Monroe, many students (living in the City Limits) attend Parish schools, some of which are likewise in the Monroe City Limits. There are at present no established boundaries between the Parish and City School Systems. Ouachita Parish is the trade center of the 13 parishes comprising the Northeast Louisiana trade area, and is the growth center of the region.

The Ouachita Parish School System is one of the larger school systems in Louisiana, serving to educate approximately 18,000 children. The ratio of white to black students in our system is 72% white and 28% black. We have 579 white teachers in our system and 219 black teachers.

The Ouachita Parish School System is one of the largest and most important businesses in Ouachita Parish. Its present budget is eight million, eight hundred four thousand, five hundred eight-nine and 22/100 (\$8,804,589.22) dollars and the system employs a total of thirteen hundred and eleven employees.

III—BRIEF HISTORY OF DESEGREGATION IN THE OUACHITA PARISH SCHOOL SYSTEM

The Ouachita Parish School System operated as a dual or segregated school system until 1967, during which year a suit was filed against our system in the Federal District Court, Western District, State of Louisiana by a black citizen named Jerimiah Taylor. Time would not permit me to detail to you the countless hundreds of agonizing hours spent by our board in preparing desegregation

plans, in actual court hearings and in public information meetings, that occurred between the time our first court order was signed on March 31, 1967, and our most recent court appearance on June 3, 1970, and, incidentally, we are not out of court as yet. Frankly, being President of the Ouachita Parish School Board has been a full time job from the day I took office until the present time.

Basically, the desegregation plan under which our School System operates, and which, by the way, was proposed by our Board in good faith, is: Neighborhood schools for elementary children which feed into the nearest Junior High School and the Junior High Schools then feed into the nearest High School. Recently, however, because geographic zoning had not resulted in the integration of one of our schools situated in and surrounded completely by an all black neighborhood, the Federal District Court, on orders from the Fifth Circuit Court of Appeals, reversed part of our plan, closed this particular school and ordered us to bus these black children out of their neighborhood environment to other schools in the system, several of which are as much as five miles away from the closed facility. Many, many black leaders in this community have contacted me and protested the closing of this school and the busing of these children. There are many sound educational arguments in favor of the neighborhood school concept such as economy, comfort and security for the child, parent involvement in school activities, and teacher-home communication—all of which were not considered by the Court in its quest to provide for a "unitary school system"—that mysterious concept which has never been adequately defined by anybody. This Court ordered change in our desegregation plan, affecting only one of our 37 schools, will cost our school board in excess of THIRTY THOUSAND DOLLARS in transportation costs alone which is quite a blow to a school board anticipating a cash balance at the end of this fiscal year of only sixty eight thousand two hundred fifty dollars and 76 cents.

As I stated in the beginning of this section, time would not permit me to relate to you the difficulties encountered by our administrative personnel in trying to educate children and run a school system while at the same time having to spend most of the working day planning for scheduled court hearings; the difficulties encountered by hundreds of cross-over teachers suddenly and coldly thrust into a strange teaching environment for which they are not adequately prepared; the difficulties and anxieties encountered by children and parents who have had their neighborhood schools closed or have had to change schools and teachers all in the middle of the school year.

Magnify the problems I have posed above by about one thousand times and place yourself "smack dab in the middle" as an elected official or as a top administrator of your local school system; pleasing neither white nor black constituents, nor the Federal Courts, harassed and threatened by pressure groups of both extremes, sought after endlessly by news media asking how you are going to solve the "impossible" problem of a "unitary school system" and at the same time attempting to operate a school system and you have some indication of what "desegregation" has been like the past two years in my Parish and in many Parishes throughout Louisiana.

I am not attempting to blame any institution for this problem, but only point out these difficulties so that you can understand why public education faces a crisis in my State at the present time.

You must remember that school boards and school administrators must look at desegregation plans in two phases. One of these involves the mechanical process by which a "unitary system", whatever that means, is accomplished. Though the school board is involved, the Courts are in charge of determining whether the first phase or facet is acceptable. The second involves a far more important and complex issue—that of providing a quality educational program after the "unitary system" has been achieved. If public education in my State and in other surrounding states is to survive the crisis it now faces it is the essential implementation of this second phase that will save the day.

IV. FINANCIAL PROBLEMS FACING SCHOOL BOARDS AS A RESULT OF DESEGREGATION

A. After almost two years of continuous court activity, proposing plans, having them rejected, then proposing new plans and having them rejected also, the Court, in January of 1970, ordered the complete desegregation of our school system by February, 1970. To say the least, this did not give our school system much time to lay the groundwork for smooth transition. Hundreds of teachers

"crossed over" or switched from teaching situations in former white schools to former black schools and vice versa, to meet the requirement of a 70-30 white to black ratio in each of our schools. Hundreds of students changed schools and teachers in the middle of the year. This traumatic experience further inflamed the emotions of an already concerned and confused public, both black and white citizens alike. The people began to say that they would never vote any more taxes for public education. Politicians on both local and national levels began to use school boards and the public schools as a political "whipping boy" issue. Private schools and talk of more private schools began to spring up all over the State. Where the white to black ratio began to approach the 50-50 mark, whites began to leave the public school system in favor of hastily thrown together private schools. At the very minute that I speak to you, the Louisiana Senate may be considering a bill that will give State aid to private schools. This bill has already passed the House of Representatives and, if enacted, will siphon money away from public education. At a time when wise expenditure of money by school boards and school administrators needs to be put to use to combat the crisis facing public education, the people and the State Legislature are not in a mood to provide additional funds for public education.

In my opinion, and in the opinion of many other laymen as well as professional educators, the "desegregation crisis" that has existed in my State over the past several years has either created the following important needs or has forced us to face the truth of some of these needs.

B. Special needs of school systems caused or brought to light by desegregation that would make school desegregation easier and more effective:

(1) First and foremost, desegregation has convinced us that one of our greatest needs at the moment is the need for extensive in-service training programs for teachers and administrators. This type of training is urgently needed NOW to combat the difficulties confronting confused "crossover" teachers who find themselves in situations with which they were not prepared to cope. Many of today's teachers are from educationally and culturally disadvantaged backgrounds, and the years of attendance at racially isolated or poor rural or slum area schools have not helped them to overcome the disadvantages. Neither has the college preparation been effective in erasing the disadvantages. In some cases this preparation was obtained decades ago, when the teacher-training institutions they attended offered less than first-rate higher education programs. In other cases it was obtained at racially isolated institutions where student bodies were composed primarily of persons from disadvantaged families and where programs and standards were geared to these students.

Many teachers with these backgrounds are not prepared to cope with the problems of desegregation and assimilate up-to-date curriculum materials and present them in a quality instructional program that meets the high standards demanded of the schools today. If our school system and the other school systems throughout the State of Louisiana could provide a competent teacher for every classroom and a competent administrator for every school, who, through special training could deal with the special problems presented by desegregation then I believe the problems of desegregation would be decreased tremendously because we know where we have competent teachers we have few problems. Our State Superintendent of Education, William J. Dodd, organized a Louisiana Task Force for Quality Education. The Task Force singled out two items that they felt needed immediate attention.

One item was a salary schedule to entice the better college students into teaching, and the other item, an immediate and massive in-service education program for the improvement of the existing teaching force in the public schools in Louisiana. The State is not going to supply the finances to put this type of program into effect and the local school boards certainly do not have the funds. Federal monies to meet this pressing "special need of desegregation" is needed desperately and is needed immediately. I would suggest that such programs should be worked through the State Department of Education so that a certain amount of money would be available and each school system would be allowed to design its own program to fit its own need with the approval, of course, by proper authorities.

(2) We have also found a great need for school systems instituting a pre-school or kindergarten program. Many of our black students begin school at a disadvantage, not because they are black, but rather because they are poor children who come from homes that lack environment that encourages learning. A strong pre-school program as a part of the school system's regular program would help tremendously in this area and to overcome this disadvantage.

(3) Desegregation has forced us to face the truth. The "separate but equal" doctrine, as a general rule from my observation, was never practiced. Or, if in recent years, the practice was begun there was just not enough time to catch up. Now, white students moving into formerly all black schools often find these schools lacking greatly in physical facilities. Adequate gymnasium space, shower and rest room facilities, music rooms, play areas, and libraries are often lacking. This causes great concern to the white child and parent and only deepens the hard feelings of the black community toward to school system. We need to, insofar as possible, have adequate physical facilities at all the schools we are utilizing.

Once again, a confused and angry public is not at the present time interested in voting bonded indebtedness to provide these needed facilities. My Parish could vote in excess of ELEVEN MILLION DOLLARS in bonds for new and added construction and maintenance without raising the millage. It is my considered opinion, however, that at this time such a proposition, if put before the people, would be soundly defeated. In adjoining Parishes bond issues for schools have failed miserably and even in isolated cases where they have passed they are under Court attack from suits questioning the Constitutionality of the elections. Such suits usually come from citizens angry over the desegregation issue. If our SEVEN MILL Maintenance Tax were before the people today I would fear the outcome of the the election. Yet, to save the public school system we must have these facilities. Again, the State is either unwilling or unable to come to our aid.

(4) Funds are needed to reduce the class size and allow for the formation of special classes for children with special needs.

(5) Immediate funds are needed for the purchase of materials specifically designed to fulfill the requirements for students who are below level, as well as materials for those who are capable and willing to go beyond the experiences provided for in the regular classroom setting.

(6) In the event in-service training programs are instituted funds are needed for the employment of substitutes so that the regular teacher can have release time to participate in these programs.

(7) Funds are desperately needed for the employment by the school systems of additional personnel to work with parents of children who are having difficulty adjusting to integrated schools. While many hesitate to admit this is a real problem in our schools, the fact of such difficulty is undisputed.

(8) From a curriculum standpoint funds are needed for vocational and technical education which would enable a school system to offer a more varied program geared to the needs of individual students.

(9) Rather than massive busing to achieve simply a number percentage of integration and thereby taking children away from their neighborhood schools to which they are accustomed, funds could be provided for innovated programs or techniques that would give children in racially isolated schools educationally sound interracial experiences. In such programs, a portion of a child's educational activities may be shared with children from other schools. Therefore, rather than attempting to dislocate a child from his customary environment, some of his education is in his neighborhood school and some outside of it. If funds were available, I feel sure that competent educators could innovate such programs.

(10) Funds must be obtained and used to assure that every school in use within the system, is, in all respects, offering the very best quality educational program possible. This would greatly help the plight of neighborhood schools that are in racially impacted areas.

C. Because of the reluctance of the public to vote additional funds for schools at this time, and because as, in my State, the Legislature is either unwilling or unable to vote funds for the normal growth of public education, I feel that the Federal government has an obligation to provide funds to help public education in its day of crisis. We have found in working with the Federal programs, that, as a general rule, the more restrictions placed on funds by the Federal government, the less creative or individual their use can be to a school system. Excessive restrictions will eliminate the most effective use of funds for some of the systems in my State since each school system in Louisiana has problems of different nature. In making funds available to local school boards, I feel that primary weight should be given to the considered judgment of the local boards and the administrators of the system provided, of course, the boards are in good faith and within the law. Naturally, Federal advice and aid should be available on request but, as the President has stated: "Federal officials should not go beyond the requirements of law in attempting to impose their own judgment on the local school district".

V—THE RATIONALE FOR SAVING PUBLIC SCHOOLS

Gentlemen, if I have painted a bleak picture for public education in the State of Louisiana, and I know the same situation exists in other States, then I have painted a picture of fact. My school system has been fortunate. While our situation has been almost impossible, I personally know of Parishes in Louisiana that have not fared nearly so well as Ouachita. In some Parishes in Louisiana the whites have left or are in the process of leaving the public school system. Public education in my State is in a time of crisis. It can be saved through maintaining a high quality of education in the public schools. This takes money as I have tried to point out and money is hard to come by locally or from the state. Again, if money is to come from the Federal government it should be placed in the hands of the local school boards with the least restrictions possible.

There is no doubt, public education in my State is in danger. Should it be saved? What is the rationale for saving public schools? Should they be saved or can the public school system be replaced by a massive private school system? First, it should be acknowledged that private and parochial schools, both in the nation and in Louisiana, have performed a very useful role and make a positive contribution both to education and in reduced costs to the State. Private schools will continue to provide a suitable alternative for some students but the evidence is overwhelming that it can only be alternative for a relative few.

Less than one in eight children in the entire nation obtain their elementary and secondary education through private and parochial schools. In Louisiana, the proportion is less than one in seven children, and the percentage has been declining for years. The principal reason has been the cost factor. It is of such significance that several States are now appropriating money for use in private and parochial schools. Such a bill almost passed Louisiana's Legislature last year and has already passed the House of Representatives in this year's session and may have passed the Senate before I return home.

There can be no doubting that those who cannot afford a private education must somehow be provided a quality education, not just for their sake but for the public good. Else they will be relegated to a future of low productivity, low pay, low capacity to spend, and thus become a massive depressant on the entire economy of the State—and this would include a majority of Louisiana's people, both black and white.

Uneducated, man tends to be dependent; half educated, half productive; well educated, he returns to society economic benefits that far exceed the costs of his education.

Louisiana's economy today trails behind the national economy, primarily because of the lack of education of its citizens. In the aggregate, the Negro members of our labor force earn less than half as much as the white members. While many factors have contributed to this, the greatest factor today is lack of education. If the Negro citizens in Louisiana had equal capacity to produce and therefore earn, which they can only obtain through education and training, then that in itself would increase the total personal income of the people of Louisiana by at least twenty percent—almost wiping out the lag Louisiana now suffers in relation to the rest of the nation.

Of increasing importance to industry is the presence of a good quality public school system where its employees may send their children without added and prohibited expense. The plant manager of a large industrial complex recently stated that a large number of his professional personnel have requested transfers out of Louisiana. The reason is their concern about whether public schools will survive and, if they do, whether their children will get a decent education. How can we hope to bring industry into a State where there is a question as to whether the children of its employees will have a public school system to attend? Can we expect them to go into an area where they have to pay five hundred dollars, or six hundred dollars, or seven hundred dollars a year per child to send them to a private school when there are other States where these industrial concerns can go where there will be public schools? Texas, our No. 1 competitor, will have public schools, and no one doubts that.

The Public Affairs Research Council of Louisiana Inc., after three years of study in this area reached the conclusion that there is no suitable alternative to the public school system for the mass of students in Louisiana, and that our State can be more than Death Valley without a public school system. With all its faults, the American system of education has produced a better educated total population than that enjoyed by any other major nation and with that has come the very strength of this nation and the highest standard of living ever enjoyed by any people in any civilization.

The answer is unequivocally "YES"! The public school system must be saved. Quality education for all is the answer. Funds must be made available to assure that each school system can offer the very best educational program possible. Though the most difficult period lies ahead with proper financial aid the public schools can and will be saved.

There is no commitment of a democratic society so sacred and so important as that to free, public education of the highest quality. "If a nation expects to be ignorant and free, in a state of civilization," wrote Thomas Jefferson in 1816, "it expects what never was and never will be". The State of Louisiana has a continuing challenge to provide the very best educational system for its youth that it possibly can.

The majority of the school boards in Louisiana, bloody but unbowed, stand ready in good faith to do their part but they desperately need additional funds to meet the problems caused by several years of turmoil, emotional distress and confusion. I believe you members of this subcommittee are considering whether or not to divert monies ear-marked for other purposes to the purpose of education. I certainly hope and humbly request that especially, in this time of crisis, you will decide in favor of that great democratic institution, public education.

Mr. NORRIS. Mr. Chairman, distinguished members of this subcommittee, I would like to say at the outset that you have my written testimony and with your leave, I will follow it in part and improvise in part and the reason that I would like to do that is that prior to arriving in Washington yesterday or last night, I had not seen a copy of this particular bill. I was contacted by my secretary of the local State schoolboard association and asked if I would come here and present to you people a picture of desegregation in my district and in the State of Louisiana and the need for financial aid because of the desegregation situation, and also talk about a crisis that we think exists in public education in our State and in other States around us.

So, my testimony is not particularly geared to the bill itself but to my own personal knowledge and experience in the situation.

I am Bill Norris. I am a practicing attorney in West Monroe, La., which is a small but growing city of about 18,000 people located in Ouachita Parish in northeast Louisiana. Incidentally, that is named after an Indian tribe. And in addition to my private practice of law I represent the city of West Monroe as its city attorney.

I have been an elected member of the 19-member Ouachita Parish School Board since the year 1964, and I have served as president of that board since January of 1968.

The Ouachita Parish school system is located in northeast Louisiana in Ouachita Parish. Ouachita Parish is a trade center of the 13 parishes comprising the northeast Louisiana area. It is the growth center of that region. We have a sister city to the city of Monroe, La., which has approximately 60,000 people. I think the parish now has approximately 155,000.

Our system is one of the largest school systems in Louisiana. We serve to educate approximately 18,000 students.

Now, in our system the ratio of white to black students is 72 percent white, 28 percent black. In the city of Monroe, which is right across the river from us, they have their own separate school system, one of two that are not parish systems, in Louisiana. They have almost a 50-50 ratio of black to white.

Also our school system is one of the largest businesses in Ouachita Parish. Its present budget is \$8,804,589.22 and employs a total of 1,311 employees. The ratio of teachers—we have 579 white and 219 black.

From some of the comments that have already been made, I think if you would care to ask questions, we probably will get down to some nitty-gritty points that have been raised because our system operated as a dual system until 1967.

Now, I could not tell you that was in defiance of the law. I just think it has never filtered down particularly that far and nobody particularly was dissatisfied with the situation, but in 1967 a suit was filed against our system by a black citizen named Jeremiah Taylor. This was in the form of a class action. Jeremiah Taylor has long since disappeared and moved from Ouachita Parish, but, of course, the action goes on, and the plaintiffs now are really the Black Citizens Council.

Now, time would not permit me to detail to you the countless hundreds of hours that have been spent by my school board in preparing desegregation plans, in actual court hearings and in public information meetings that occurred between the time of our very first court order, which was signed on March 31, 1967, which abolished the dual school system, and our most recent court appearance on June 3, 1970, and we are not as yet out of court. Frankly, and I will be honest, being president of my school board has been a full-time job from the day I took office until the present time. And we do have, contrary to what many people might believe, we do have dedicated people serving on school boards in Louisiana and throughout the South who are trying to comply with the law if they can understand what the courts mean by a unitary school system.

In my own particular case a recall petition was circulated against me in my own ward because of the desegregation crisis and because of the fact that I went with the superintendent to Dallas to consult and to work with the HEW officials in trying to formulate a plan that the court would accept. But, basically, the desegregation plan under which our system operates and which, by the way, was proposed by our board in good faith after hours of consultation with the Department of Health, Education, and Welfare, Jerry Brader, Dr. Bell, and it is this: Neighborhood schools for elementary children which feed into the nearest junior high schools, and then the junior high schools feed into the nearest senior high schools. Recently, however, because geographic zoning had not resulted in any white students attending one of our schools situated in and surrounded completely by an all-black neighborhood, the Federal district court, on order from the Fifth Circuit Court of Appeals, reversed part of our plan, closed this particular school and ordered us to bus these black children out of their neighborhood environment to other schools in the system, several of which are as much as 5 miles away from the closed facility.

Now—

Mr. PUCINSKI. At that point, are there vacant classrooms in the receiving school?

Mr. NORRIS. These classrooms, Mr. Congressman, according to our superintendent, the schools are almost at capacity.

Now, I would like to digress and say this. This plan has not pleased the black citizens of that community and recently they organized with some school board members in that ward a biracial committee of their own, proposed that this not be done and that they be allowed to go to a closer school in that particular community.

Mr. PUCINSKI. Even if it is all black?

Mr. NORRIS. This school will not be all black. They have no—and I say this honestly—they would like to retain some predominantly or all black schools because of the thing that they call now black identity. They do not like the situation that many of their schools have been inferior with physical facilities, a point I will cover later, but they indicate to us that they are proud of black identity and a predominantly black school is not something that they are against. But—

Mr. PUCINSKI. You are aware that in Columbia, South Carolina, the HEW has accepted or has received as acceptable a plan where they retain four all black schools and eight schools are 95-percent black.

Mr. NORRIS. Yes, sir.

Mr. PUCINSKI. And they considered this an acceptable plan under the circumstances.

Mr. NORRIS. Our problem, Mr. Congressman, has really not been exactly HEW. There is a lot of misinformation in the south, but basically, trying to deal with the fifth circuit court of appeals, in other words, they are the ones who decide whether or not our plan is unitary and sometimes they do not even agree with HEW, either.

As I stated, many black leaders in this community have contacted me. They protested the closing of this school and the busing of these children. They feel like they have a situation worked at that will help them stay in that neighborhood but will result, incidentally, in an all black or an almost all black high school.

Now, they have requested that the school board adjust its building fund moneys to designate almost \$300,000 to that all black high school. Recently we put in a new oxigest system. We are building a \$100,000 fieldhouse there now. But they are very proud of it. Athletically, I think they have the best football team in the State in their conference and basketball team and that sort of thing. But we feel that there are many sound educational arguments in favor of the neighborhood school concept, especially for elementary children, such as economy, comfort and security for the child, parent involvement in school activities and teacher-home communications, all of which, incidentally, were not considered by the fifth circuit in its quest to provide for a unitary school system.

And the next statement I make I do not make lightly. I say that definition is a mysterious concept which has never been adequately defined by anybody and I think that is true when we try to speak of what a unitary school system is as far as the court is concerned. But this court order change in our desegregation plan, which if it stands, affecting only one of our 37 schools, will cost our school board in excess of \$30,000 in transportation costs alone just for the buying of buses, and this is quite a blow to a school board anticipating a cash balance at the end of this fiscal year of only \$68,250.76.

As I stated in the beginning, and I wish the gentleman from NEA had stayed, time will not permit me to relate to you the difficulties encountered by our administrative personnel in trying to educate children and run a school system while at the same time having to spend most of the working day planning for scheduled court hearings, the difficulties encountered by hundreds of crossover teachers suddenly and coldly thrust into a strange teaching environment for which

they are not adequately prepared, the difficulties and anxieties encountered by children and parents who have had their neighborhood schools closed or have had to change schools and teachers all in the middle of a school year.

I do not think that I am being out of line when I say you can magnify the problems that I pose above by about 1,000 times if you place yourself right smack dab in the middle as an elected official or as a top administrator of your local school system pleasing neither white nor black constituents nor the Federal courts, harassed and threatened by pressure groups of both extremes, and I say this honestly. There are times when we have got even out of the school board meetings just barely with our skin. Sought after endlessly by the news media asking how you are going to solve the impossible problem of a unitary school system, and all at the same time attempting to operate a school system and you have some indication of what desegregation has been like for the past 2 years in my parish and many parishes throughout the State of Louisiana.

Believe me, I am not attempting to blame any institution for this problem because I think the time for blame is past. Public education must move forward under the framework of the law. I do not believe in punishing parents or school board members. I am only here in the interests of children, in the interests of public education. But I point out these difficulties so that you can understand why public education faces a real crisis in my State at the present time.

You must remember that school boards and school administrators must look at desegregation plans in two phases. One of these involves a mechanical process by which a unitary system is accomplished. Though the school board is involved in this process, the courts are in charge of determining whether the first phase is acceptable. The second phase involves a far more important and complex issue, that of providing a quality educational program after the unitary system has been achieved.

If public education in my State and in other surrounding States is to survive the crisis it now faces, it is the successful implementation of this second phase that will save the day. Incidentally, our school system has almost by process of elimination, we almost have a unitary system. We have been reversed now by the fifth circuit on this particular school and one other zone and when that is cleared, the rest of our system will be considered a unitary system.

Now, I turn to a point of financial problems facing school boards as a result of desegregation and say this in all sincerity, that after almost 2 years of continuous court activity, proposing plans, having them accepted and then rejected by the court, proposing new plans, going through the same process, the court in accordance with the U.S. Supreme Court ruling in January of 1970 ordered the complete desegregation of our school system by February 1970. Heretofore the court had approved that we would have until September 1, 1970, to get the final phase going. We had partially and then the final phase. We went one through eight to begin with and are going to desegregate the rest of it by September 1970. But those plans were interrupted after they had been accepted by the Federal court in accordance with the Supreme Court ruling.

To say the least, this did not give our school system much time to lay the groundwork for smooth transition. We got the order in Janu-

ary and we had to go to work by February. Hundreds of teachers crossed over or switched from teaching situations in former white school to former black schools to meet the requirements of the black-to-white ratio in each of our schools. Hundreds of students changed school and teachers in the middle of the year and this experience, whether people feel it justified or not, in fact further inflamed the emotions of an already concerned and confused public, both black and white citizens alike.

The people began to say that they would never vote any more taxes for public education. Politicians began to use school boards and the public schools as a political whipping-boy issue. Private schools and talk of more private schools began to spring up all over the State. Where the black-to-white ratio began to approach the 50-50 mark, whites began to leave the public school system in favor of hastily thrown together private schools. At the very minute I am speaking to you the Louisiana Senate might be considering a bill that will give State aid to private schools. This bill has already passed the House of Representatives and if enacted, in my opinion, will siphon needed money away from public education at a time when wise expenditure of money by school boards and school administrators needs to be put to use to combat the crisis facing public education.

The people and the State legislature are not in a mood to provide additional funds for public education.

In my opinion, and in the opinion of many other laymen as well as professional educators from my area, the desegregation crisis that has existed in my State over the past several years has either created the following important needs or has forced us to face the truth of some of these needs. I have tried to enumerate in my report some of these needs, the filling of which would make school desegregation easier and more effective.

First and foremost, desegregation has convinced us, has taught us that one of our greatest needs at the moment is the need for extensive inservice training programs for teachers and administrators. This type of training is needed right now to combat the difficulties confronting confused crossover teachers who find themselves in situations with which they were not prepared to cope.

Now, if our school system and the other school systems throughout the State of Louisiana could provide a competent teacher for every classroom and a competent administrator for every school who through special training could deal with the special problems presented by desegregation, then I believe the problems of desegregation would be decreased tremendously because we know where we have competent teachers we have few problems.

This is one of the items that the Louisiana Task Force for Quality Education has pointed out in a report to our State superintendent of education.

Now, the State is either not going to or is not able to supply the finances to put this type of program into effect and the local school boards certainly do not have the funds at this time. Federal moneys to meet this pressing special need of desegregation are needed. They are needed immediately. I would suggest that a program such as this bill that you are considering should be worked through the State department of education so that a certain amount of money would be avail-

able and each school system would be allowed to design its own program to fit its own need with the approval, of course, by proper authorities.

We have also found a great need for school systems instituting pre-school or kindergarten program. Many of our black students begin school at a disadvantage. This is not because they are black but rather because they are poor, who come from homes that lack environment that encourages learning. A strong preschool program as part of the school system's regular program would help tremendously in this area and to overcome this disadvantage.

Desegregation has forced us to face some truths. The separate-but-equal doctrine as a general rule, from my observation, was never practiced or if in recent years the practice was begun, there was just not enough time to catch up.

Now, white students moving into formerly all black schools often find these schools lacking greatly in physical facilities. Adequate gymnasium space, shower and restroom facilities, music rooms, play areas, and libraries are often lacking. This causes concern to white parents who were never concerned about the situation before and to point this out, for them to point this out to us at school board meetings and such, only deepens the hard feelings of the black community toward the school system because this situation exists. We need to, insofar as possible, have adequate physical facilities at all the schools that we are utilizing.

Once again, a confused and angry public is not at the present time interested in voting bonded indebtedness to provide these needed facilities. My parish could vote, according to a report that we recently compiled in excess of \$11 million in bonds for new and added construction and maintenance without raising the millage. It is my considered opinion, however, that at this time such appropriation if put before the people, would be soundly defeated.

Mr. PUCINSKI. Mr. Norris, at this point why would you think that my taxpayers are supposed to take on the burden that your own taxpayers do not want to take on?

Mr. NORRIS. Mr. Chairman, it was my understanding that this bill, and I was interested in your comments, was a stopgap measure.

Mr. PUCINSKI. Not a stopgap measure. You say here—this is a most revealing statement. I am grateful to you for making it. You say:

My parish could vote in excess of \$11 million in bonds for new and added construction and maintenance without raising the millage. It is my considered opinion, however, that at this time such appropriation if put before the people, would be soundly defeated.

So you are saying, Mr. Pucinski, "I want your taxpayers to take on this \$150 million obligation to help this particular school district because my own people in my parish will not do it."

Mr. NORRIS. Well, if you put it that way, in a sense I am asking—

Mr. PUCINSKI. Is there any other way to put it?

Mr. NORRIS. I am asking other people to help, that is true.

Mr. PUCINSKI. But you are not asking your own people to help. Your statement says you could raise \$11 million without raising the millage but you say my people will not do it, even though in section 3 you say:

Desegregation has forced us to face the truth. The separate but equal doctrine as a general rule from my observation, was never practiced. Or if in recent years the practice was begun, there was just not enough time to catch up. Now, white students moving into formerly all black schools often find these schools lacking greatly in physical facilities. Adequate gymnasium space, shower and restroom facilities, music rooms, play areas, libraries.

Now, you are saying to me, Mr. Pucinski, I want you and your taxpayers in your district to provide all these facilities for our youngsters down there because their parents will not vote a bond issue to provide these things. I find this incredible.

Mr. NORRIS. It is my opinion that they would not vote a bond issue at this time; yes, sir.

Mr. PUCINSKI. Fine. Then, their children will not have any showers and their children will not have any libraries and their children will not have any gymnasiums or music rooms, but will you tell me how in God's name I can justify saying to my constituents and the people all over America, because the people down there in this parish will not do it, you have got to send a half billion dollars down there and do it for them?

Mr. NORRIS. I do not think you will find that situation existing only in this parish. I think you will find it existing in a lot of places that this bill, after I read it, is designed to try and help.

Mr. PUCINSKI. Sure. But the point is that we are talking now about your particular parish and I really must tell you that I am most grateful to you for this testimony. I do not want you—

Mr. NORRIS. I am honest with you.

Mr. PUCINSKI. Do not think I am trying to treat you in an adverse way because I am not, but you have really put your finger on one of the great weaknesses of this legislation in that we are saying to people all over this country who are today faced with huge financial problems—there is not a school district in America that is not on the verge of bankruptcy—we are saying to those people, well, the people down there in this particular parish could raise \$11 million but they do not want to do it, and so the rest of the country has to do it.

Mr. NORRIS. This is for construction.

Mr. PUCINSKI. Yes; but the fact is now if your school district had reached a bonding capacity, if indeed, you had reached a situation as some school districts in the country have, where they just cannot go any further, they cannot borrow any more money, I would say, sure, as Americans, it is our obligation to help our fellow Americans. But I find it very difficult to reconcile in my own judgment in the light of your statement that, "My parish could vote in excess of \$11 million in bonds for new and added construction and maintenance without raising the millage but it is my considered opinion that at this time such appropriation if put before the people, would be soundly defeated"—well, why do you not finish. Continue.

Mr. NORRIS. I want to be clear that this deals with construction and the reason for this is that I think the people are confused. Their emotions are up. I do not think this is a situation that is going to last. In other words, I am not asking somebody to send me \$11 million. I am trying to point out an attitude of people at the present time and the need of public education and the need of children. That is what I am trying to do. I understand your point, though.

Mr. BELL. What is the attitude? Los Angeles has voted down school bonds, too, but I think I know at least the major reason. What is the major reason down there?

Mr. NORRIS. It is confusion—if you have ever been right there in the middle of it when you go to moving a teacher, you make the teacher unhappy. You move a parent's child, you make that parent unhappy and pretty soon the public becomes pretty well inflamed and this is happening.

Now, you can come back and say to me, well, complying with the law, and that sort of thing, and that is a good argument but I am telling you as a fact the people have become inflamed.

Now, we voted a sales tax to raise teachers' salaries. The legislature gave us that right. They passed the salary schedule, then they did not implement it with the money and the teachers got nervous, and so they passed legislation allowing us to vote local sales taxes and it took four times for us to put that over. Either three or four times we had to go before the people with that proposition. The teachers were threatening to strike and that sort of thing. Public education is in a turmoil in Louisiana.

Mr. PUCINSKI. Yes; but you know, I think it is only fair to point out that the Congress has been very generous in its various performances over the years in recognizing the fact that some of the Southern States did not have the resources. All you have got to do is look at the impact formula and we favor the Southern States because we permit them to take either their local effort or the State, one-half of the State effort, or one-half of the national effort, and since the national effort is higher than the others, they all opted out for the national effort.

In the title I ESEA formula we again have the advantage for the Southern States. So, I must say I am sure that there are going to be an awful lot of people, Mr. Norris, in this country who have a high regard for the Southern States but are going to ask at what point do we bring some equity into this country. In other words, how long do we recognize only the problems of these communities when—and I must say that your statement here is devastating for this bill. I appreciate your frankness and I want to congratulate you for your frankness and candor, but I do not see how in the world we could defend this concept when we have a situation where a community could help itself, does not want to help itself, and then comes to the Federal Government and says you have got to bail us out.

Mr. NORRIS. You have to remember this is in one area, now, in construction.

Mr. PUCINSKI. But there will be lots of others like this because we are going to make a very careful study district by district and see how many of these school districts in the South that this legislation is designed to help are in the same boat that you are, where they can help themselves and choose not to do it for whatever the reasons may be. I just do not believe that the American people will sit by and have money diverted from their needs to take care of these needs.

Mr. STEINHILBER. Mr. Chairman, I think we are not looking to the point that money is being diverted because we have an entirely different situation when we are talking about using the power of the Federal

Government in terms of income tax base at a broad base of expenditure and local property tax base, and our position is that even though we recognize that some of our—that our organization includes the North, South, East, and West, there are areas in which the total problem is so severe that public education as we know it today is at a crisis point, that in that kind of a situation—

Mr. PUCINSKI. Mr. Steinhilber—

Mr. STEINHILBER. It is justified.

Mr. PUCINSKI. It would seem to me, then, that we ought to do what I proposed here the first day of these hearings, and what Mr. Meeds has emphasized further today, and what I believe a lot of other members are going to be emphasizing. Let's recognize the fact that when you have minority groups in a school district that is undergoing great changes, whether it is North or South, everybody is undergoing changes in this decade of change, why not draft a bill here that will give help to every school district in the country that is impacted by the problems of changing minorities or integration?

Mr. STEINHILBER. We would agree to that.

Mr. PUCINSKI. Why just select the school districts in 11 States down South and say we are going to help only them because they are under de jure order and why say we are going to distribute this \$150 million and ultimately the half billion dollars, and ultimately the \$1 billion primarily among those 11 States and their school districts when the problem in the May School in the Lawndale area of the city of Chicago, which is now in a changing community and is undergoing racial change, is just as enormous as everything that Mr. Norris had said here now.

And so I would prefer and I would like to see the National School Boards Association take a look at this legislation and say we have all got problems.

I recognize Mr. Norris' problem and I sympathize with his problem, but I think that Mrs. Hagler gave a marvelous statement over here in which she showed us the kind of problems that you are confronted with. I congratulate Mrs. Hagler. But it seems to me what you ought to do is now take a real hard look at this bill, the distribution formula, and what it proposes to do, and apply this thing across the country.

Mr. STEINHILBER. I think this is exactly what we have done. In fact, this is our position. We have problems with the distribution formula and my statement does speak to the problems of double counting and we do raise objections to it, but I was speaking then specifically and at this particular juncture trying to give you a reason why we are supporting legislation which will help school districts which have a tremendous problem which cannot really—when you say "cannot" there is a difference between fiscally being impossible and politically being impossible, and I think the public education is so important that we have to take this into consideration.

I agree that should be taken into consideration wherever it exists, North or South.

Mr. BELL. Will the gentleman yield?

Relative to the point that the gentleman spoke to a few minutes ago, Mr. Steinhilber, my understanding of the bill is that some of the money would go under a voluntary desegregation program, to areas like Chicago; isn't that correct?

Mr. STEINHILBER. That is correct.

Mr. BELL. So it isn't all going to certain areas of the South. It is going to where desegregation is taking place.

Mr. PUCINSKI. That is under categories B and C, but, of course, the plain thrust of this—under this double counting is the school districts under de jure—

Mr. BELL. If the gentleman will yield.

Mr. PUCINSKI (continuing). Court order to go—

Mr. BELL. The point being that there is a Supreme Court decision involved. The Supreme Court decision has ruled de jure segregation is illegal. They have not yet ruled that de facto segregation is illegal. So there is a hardship being faced in many areas which don't have the funds necessary to do the job that the courts require. That is the purpose of this bill, to help out.

Mr. PUCINSKI. My colleague—

Mr. BELL. Would you concur in this?

Mr. STEINHILBER. We generally concur.

Mr. NORRIS. I hope I didn't give the impression I was here trying to get all this money for the seven States. I did not intend that by any means.

Mr. PUCINSKI. My colleague is not a witness here, so obviously I am not going to ask him a question, but I would be tempted to ask him if he thought he could persuade his constituents in his congressional district in Los Angeles, Calif., to support this kind of a bill in the light of the statement you made here, Mr. Norris, that your people can help themselves but don't want to.

Mr. NORRIS. In construction.

Mr. PUCINSKI. In raising \$11 million. I wonder if my colleague were to ask his constituents, and I happen to have been there a few weeks ago and I know the problem they have financial like everybody else in the country, whether his constituents could reconcile themselves for the support of this bill to provide help to the school districts in your parish when you state here that your own people could help themselves but choose not to for whatever reasons there might be.

That is the only point I am making, Mr. Norris.

Mr. NORRIS. It might be—

Mr. BELL. In answer to your question, we are talking about construction and—

Mr. PUCINSKI. What is the difference? It is money.

Mr. BELL. But that isn't what the—

Mr. NORRIS. You can only use it for that purpose.

Mr. BELL. The principal thrust of this bill, Mr. Chairman, and you are fully aware of it, is to bring about desegregation principally in the de jure areas where the courts have ordered it. It is not to build a lot of buildings.

Mr. PUCINSKI. I wish that some day my colleague take the stand because I don't want to propound questions to him since he is not a witness, but there isn't a school in his district or in my district or any of the other 20,000 school districts in America where they have adequate gymnasium space, physical facilities, shower and rest room facilities and music rooms and play areas and library areas, and all I say is this bill before us here proposed to make funds available to a school district that is under court order for de jure segregation to

provide Federal funds for these facilities which the people in the community do not want to provide themselves.

Mr. BELL. The chairman isn't a witness, so therefore I can't ask him this question, but I would like to suggest that perhaps people in Los Angeles, in California, have contributed money to other areas of the Nation where school bonds have been voted down. I imagine that may have happened in Chicago. It isn't fair from that standpoint either.

Mr. PUCINSKI. I must say you get all of it back in defense contracts.

Mr. BELL. I appreciate that this has to be a partisan issue.

Mr. PUCINSKI. One question I want to ask you, because you have both—this discussion to a great extent has been academic. Both of you have spoken about the huge needs that you have.

Mrs. HAGLER, you talked about the fact that you need a new high school to solve your problem, and Mr. Norris, you talked about all of these needs. But the guidelines for this bill, at least proposed guidelines, provide that equipment and minor remodeling, procurement and relocation of temporary classrooms, trailers, mobile facilities and demountables, procurement and relocation of equipment, and classroom furniture including replacement of the obsolete items, minor building renovation and remodeling for general upgrading of a facility.

So I am afraid that both of you are reading into this bill a kind of help that is not contemplated within the proposed guidelines that we have had submitted to us, because I think you would be very disappointed if indeed this bill were to be passed in its present form because even if you wanted to, I don't think within the framework of these guidelines that either one of you two could get anywhere near the kind of construction help that you are both seeking.

Mr. STEINILBER. Mr. Chairman, I think this is the position precisely that we are taking, that there are certain changes in this legislation that should be made before it is reported out of this subcommittee.

Mr. NORRIS. I feel, Mr. Chairman, that you have taken one need that I have outlined here and taken it out of proportion to the other things. This is only one of an itemized list. My district might now even be in line if construction was in there for this particular need. I have listed—this is only one of these.

Mr. PUCINSKI. Let me ask you this, all of you, if I may. The things that you have outlined—Mrs. Hagler, you have talked about various counseling and various other things you want to do, and, Mr. Norris, you spelled out considerably employment of substitutes, and so forth, in the case of your own situation. Mrs. Hagler, you say that of the 1,523 total, a total of 1,288 were economically deprived.

What is your definition of "economic deprivation"?

Mrs. HAGLER. Some low-income families.

Mr. PUCINSKI. Under \$2,000 a year?

Mrs. HAGLER. Yes.

Mr. PUCINSKI. And on public aid?

Mrs. HAGLER. That is right. That is why so much of our money—

Mr. PUCINSKI. Aren't you getting now title I money in your school district?

Mrs. HAGLER. Yes, we are getting some title I.

Mr. PUCINSKI. If we were to fully fund title I, I estimate—well, I had an estimate here—if we were to fully fund title I, it would seem to me—maybe I am wrong—it would seem to me that you would be much better off with that large a concentration of economically deprived youngsters, 1,288 out of 1,523, that you would be markedly better off if title I was fully funded to do all the things you want to do here than you would under this bill.

Mrs. HAGLER. Well, of course, under title I you can't use any for permanent construction either, and that is—

Mr. PUCINSKI. Yes, but you can for all the other things you have enumerated. The counseling, guidance.

I was wondering about your current expense budget. You say 85 percent of your income comes from the State, 8 percent from local sources, and 7 percent from the Federal Government. That seems awfully low to me in view of the high concentration of deprived children, unless you are not counting title I in.

Mrs. HAGLER. Let me ask Mr. Singley, our superintendent.

Mr. SINGLEY. We took that out simply because it is categorical aid.

Mr. PUCINSKI. What is the difference? It is aid.

Mr. SINGLEY. But only—

Mr. PUCINSKI. Your population is practically 82 to 85 percent deprived.

Mr. SINGLEY. And we cannot use it for permanent construction either.

Mr. PUCINSKI. Aside from the construction, which of the things that Mrs. Hagler has outlined here—

Mr. SINGLEY. We are doing some of it but we can't do the complete job.

Mr. PUCINSKI. Which of the things you couldn't do, aside from construction, of title I money that you could do with this money, that you couldn't do better with title I money if title I money were fully funded?

Mr. SINGLEY. Well, you cannot spend this money for people who are not economically deprived. You have got problems with desegregation with all children.

Mr. PUCINSKI. But if 80 percent of the children in a school are deprived, the whole school qualifies.

Mr. SINGLEY. No, sir.

Mr. PUCINSKI. Yes, it does. Of course, it does.

If 80 percent of the youngsters in the school are title I children, you don't cut off the other 20 and say we are not going to help you. You help them all.

Mr. SINGLEY. Well, maybe we don't understand the guidelines.

Mr. JENNINGS. Within a particular school.

Mr. SINGLEY. But not in the school district.

Mr. JENNINGS. No.

Mr. SINGLEY. We are talking about a district.

Mr. BELL. You help the children by helping the school.

Mr. SINGLEY. Right.

Mr. PUCINSKI. The point I make here, if you have 80 percent of the youngsters in a school under title I, you don't segregate the remaining 20 percent and say you are not going to participate in compensatory programs.

Mr. SINGLEY. No, but we started out with two schools. Only one school was qualified under title I.

Mr. PUCINSKI. Well, with this large population of economically deprived, 1,288 out of 1,523, I haven't percentaged this out, but it is pretty high.

Mr. SINGLEY. I agree with you that in the first guidelines that came out from HEW, 5 years ago, there was a statement in there that if a school district had a certain percentage of economically deprived children, then the money could be spent for the entire district. However, we have not been able to do so.

Mr. PUCINSKI. Now, under this proposed bill, I would like to get a reaction from both Mrs. Hagler and Mr. Norris, and whoever else wants to testify. Would you identify yourself for the record.

Mr. SINGLEY. David Singley, superintendent of schools, Maxton.

Mr. PUCINSKI. As you know, this bill envisions going into a State, counting all of the minority children in that State, and then counting the children who are in school districts under court order for de jure segregation, counting them again. We ascertain the total number of children in that State. We then apply that against two-thirds of whatever Congress appropriates for this program, assuming in this instance \$150 million.

You would apply it against \$100 million. The Secretary then decides which school districts in that State will get whatever amount of money and there is no necessary correlation between the number of children that you have in your particular district that are counted and the amount of money you ultimately get. The Secretary makes that decision here in Washington.

Now, under title I, you have a fixed allocation formula. You know how much you are going to get and you can make some rather substantive plans, assuming that Congress funds the program.

Now, the title I formula, the ESEA, goes through your State superintendent for distribution to the school district. Now, I was wondering which of these two bills or two approaches would you rather have? Would you rather fully fund title I and go the route of what you know you are getting and getting your full entitlement on the basis of the youngsters that you have in your school district, or would you rather take your chances on what you are going to get from the Secretary here in Washington after he has counted your children?

Mrs. HAGLER. You mean if the bill stands as it is now?

Mr. PUCINSKI. If the bill that is before us—now, we have two choices. We have this bill but the chairman of this committee, Mr. Perkins from Kentucky, has raised some rather strong questions as to whether or not this additional legislation is necessary, whether the same goals cannot be achieved by fully funding title I of ESEA and distribute that money to you people for these purposes.

Mr. STEINHILBER. Mr. Chairman, I would like to speak to that point.

Mr. PUCINSKI. I would like all of you to comment.

Mr. STEINHILBER. I would like to take it in several stages. One is a very political stage in that while we like title I of ESEA, and there is no organization that is a stronger supporter of title I, especially in our efforts on the appropriations side in the last 2 years—you know that we have fought very hard to have the additional money into title

1. But the President of the United States through his officers has said he is going to ask for \$1 billion more for—

Mr. PUCINSKI. You know the President only proposes. We dispose.

Mr. STEINHILBER. He is going to ask for an appropriation of \$1 billion for an emergency school act. He has indicated on numerous occasions not quite that kind of support for title I of ESEA. And, query whether or not it is an academic exercise just to say title I can do the job, I think it can do the job with the exception of construction, on a legal basis; but a practical one, we sincerely doubt that we would get that kind of an appropriation through the U.S. Congress if it were opposed by the White House.

Mr. PUCINSKI. You are saying, then, that as a practical proposition, you are opting out for this bill's approach simply because you think that is the best you can get out of this administration.

Mr. BELL. Let me—

Mr. PUCINSKI. Is that what you are saying in effect?

Mr. BELL. Let me interrupt and ask a question.

Mr. PUCINSKI. Can he answer that?

Mr. STEINHILBER. I don't think this is a question of opting out. I think it is a question of choosing what is the best possible method of solving some serious problems.

Mr. PUCINSKI. What you are saying is, the Government is—in your judgment, this is possible. Fully funding title I is not possible.

Mr. STEINHILBER. You see, we are talking about an emergency situation.

Mr. PUCINSKI. Yes; but Mr. Steinhilber, you know one thing and I know one thing. You have been around here long enough to know that when this bill is passed, it is passed forever.

So please don't be naive enough to sit here before this committee and try to tell us that if this legislation is adopted by the Congress, it is going to somehow disappear in 2 years, no more than the impact bill, no more than anything else did around here.

Mr. BELL. If the gentleman will yield, I would like to clarify one point. You are asking a difficult question of Mr. Steinhilber because you are talking about two bills that do two different things.

One is the title I of the ESEA. The other one is the Emergency Act which we are talking about now; its principal thrust is to eliminate and help desegregate some of the areas under de jure segregation. They do two different things.

You would have to spend a great deal more money under title I to accomplish the same thing that you want to accomplish under this present bill. It would cost you almost double the amount of money because you would be doing two different things.

I think it is an unfair question to try to place them both in the same category and say they do the same thing.

Mr. PUCINSKI. Well, now, my colleague has made that statement a number of times, so I think that perhaps we ought to set the record straight. This legislation is not going to help integrate one single school or one single child in this country.

Mr. BELL. That is this gentleman's opinion, not mine.

Mr. PUCINSKI. This legislation is not designed for that purpose. It is designed to help those school districts which have either volun-

fairly or by court order undertaken the task of integration, and I do not expect a single school district in this country that has up to now resisted integration to jump through the hoop and go into a big integration program simply because Federal funds are available.

This legislation is designed primarily to help those school districts which are under a court order, at a dead end, they can't go any place. They have exhausted all of their recourse, appellate recourse, and now they are confronted with the prospect of integrating, and so the bill comes along and says, all right, you have financial problems. We are going to help you.

Now, that is the purpose of this legislation. Let there be no mistake about any other purpose.

In the guidelines handed down by the HEW on how the \$150 million that is now working its way through the Congress is going to be spent, these are HEW's guidelines, not mine. I didn't write them. It clearly says, "Funds may be used for activities that maintain and improve the quality of education during the desegregation process."

And then they list a whole series of examples which Mrs. Hagler had mentioned, which Mr. Norris had mentioned, and I submit to my colleague that if you look at this bill, if you look at these guidelines, he will find that there isn't a single, not one single item in this bill that cannot be achieved by title I.

Mr. BELL. The gentleman is not correct. The thrust of this present bill is primarily in the direction of achieving desegregation. The thrust of the title I is for deprived children.

Let me give you an example which would not apply to the de jure situation. You have a school in Baldwin Hills, Los Angeles, that has a high academic achievement and is 95 percent black. It is in an affluent area.

Something might be done in the area of desegregating that school but its academic standing would not be improved. The money would not be needed perhaps, as badly there as somewhere else, and yet desegregation might be very desirable.

This legislation is primarily geared to attack and help in that problem of desegregation. Title I does not do that; it is not its specific job. You can talk all you want to about what it could do. The point is that it is the thrust of the legislation that is important.

Mr. PUCINSKI. Let's ask the witnesses. I presume that we are all frank and honest and sincere in trying to find some answers to a very serious problem in this country. But, Mrs. Hagler, let me ask you this.

You are now under court order, right?

Mrs. HAGLER. No.

Mr. PUCINSKI. You are not.

Mrs. HAGLER. Voluntary.

Mr. PUCINSKI. You are voluntary.

Mrs. HAGLER. Yes, sir.

Mr. PUCINSKI. You offered a voluntary plan but I presume you realize, as somebody has said, the time has come and you are going to have to face up to this issue.

Mrs. HAGLER. That is right.

Mr. PUCINSKI. Do you think that this legislation would encourage a single school district in the South or the North which otherwise would not move in the direction of integration simply because this particular legislation is not opposed?

Mr. HAGLER. Do I think it would encourage them?

Mr. PUCINSKI. Yes.

Mrs. HAGLER. Yes; I do.

Mr. PUCINSKI. Why do you say that?

Mrs. HAGLER. Well, they would have for this—I will tell you, we need a lot of guidance and counseling in our school.

Mr. PUCINSKI. That you can do under title I.

Mrs. HAGLER. Not fully, I don't think. I am not really up to date on title I, but—there are a lot of things that you can't use title I for. They are very strict on that in North Carolina. Our State department is. And we just don't have the funds or enough of this type funds.

Mr. PUCINSKI. It is your judgment, then, that this kind of legislation would stimulate that movement?

Mrs. HAGLER. I definitely think it would.

Mr. PUCINSKI. Mr. Norris?

Mr. NORRIS. Yes. I would have to agree with that for the simple reason that I think this type of legislation would make things go much smoother. As she pointed out, in-service training, counseling, immediate needs for pupils that are below average for materials, and pupils above average. You say these are available under title I.

We have a Federal Director and our superintendent is very knowledgeable on this thing and we haven't gotten this sort of help through title I as yet. These are some of the things that I was pointing out that we need.

Mr. PUCINSKI. Why don't you have these under title I?

Mr. NORRIS. I don't know.

Mr. PUCINSKI. It is within the jurisdiction of this committee. Why isn't title I working more effectively in your area? Perhaps Mr.——

Mr. BELL. Could it be the thrust that makes the difference, the direction in which title I is pushing?

Mr. PUCINSKI. Which way is title I pushing? What is the thrust of title I? I mean, perhaps my colleague from California would like to tell us. What is the thrust of title I?

Mr. STEINHILBER. We consider the thrust of title I the helping of the educationally disadvantaged children and to give them a better start, along with providing a quality of opportunity for them in such a manner as to those areas and those people who have not really had a chance at good education, to give them in some instances a superior education to bring them up to the norms.

Mr. BELL. And what is your opinion, Mr. Steinhilber, as to the thrust of this present legislation?

Mr. STEINHILBER. The thrust of this current legislation is an immediate help to those school districts which need money to implement desegregation whether it be court ordered or——

Mr. BELL. Precisely. Two different thrusts make the difference.

Mr. PUCINSKI. In other words, what you are saying, Mr. Steinhilber, is that what this country ought to do in Mrs. Hagler's district is, first of all, give her one-half again as much as the national average per child in her district for each of those 1,288 underprivileged children

to provide compensatory education, whatever form that takes, remedial reading or what-have-you.

Then the Nation ought to provide Mrs. Hagler's district a pro rata share of the two-thirds—of the \$1 billion for every youngster in her district who is a member of a minority group. And then we ought—and then this Nation is to provide Mrs. Hagler a third category of assistance because she is under a voluntary HEW plan, approved by HEW. And so now what you have got is three additional sources of funds to help her overcome the fact that she has an integrated school district.

That is what you are saying, isn't it?

Mr. STEINHILBER. This is not what we are saying because we do have questions with the formula and this is why I said, you know, we discussed the formula at the same time we were discussing the needs of a particular school district, and this committee is now wrestling with something that we have been discussing before, within our association before we came to testify.

This is the reason that we are suggesting that rather than going through the route of giving the Commissioner or Secretary full authority to pick and choose which school districts, which in his own wisdom he thinks need the money and how much, it should be operated similar to such legislation as you, sir, have been the father of, such as vocational education, where you have it work through the States and it can be coordinated and needs can be shown.

Of course, there have to be proper guidelines to make sure the money is not misused, but this, to us, is a more rational approach.

Mr. PROINSKI. In other words, if we were to restructure this bill to provide Federal assistance to every school district that has minority groups, that is faced with problems of integrating their schools, whether we do it by a court order, whether we do it by voluntary means, whatever factors are involved, you would have no objection to that kind of a formula—

Mr. STEINHILBER. That is correct.

Mr. PROINSKI (continuing). If it went through the State, and where the school district would indeed know with some degree of certainty what they are going to get, how much money they can expect in 1971, 1972, assuming Congress comes within a reasonable range of funding the program. This is the trouble with this bill. It seems to me that a school director like yourself, Mrs. Hagler, or you, Mr. Norris, you would never know from year to year what you are going to get, if you are going to get anything.

Mr. NORRIS. I could not understand about, if you have a formula, if you are not going to follow the formula in sending out the money.

Mr. PROINSKI. They count your kids but you have no assurance you are going to get any money.

Mr. NORRIS. I don't know what the purpose—somebody evidently had a purpose in making it that way. I don't know what it was. But I would think if you had a formula and you counted it, you are entitled to so much money, you ought to be able to get it.

Mr. PROINSKI. I think we can arrive at some reasonable agreement and I think the Congress would recognize the fact, my judgment would be that Congress would recognize the fact that in this great period of transition and huge educational needs, those communities of America, those school districts that have impact of minority groups, low-

income families that are being integrated, do have special problems such as you have related here in a very, very dramatic way, Mrs. Hagler in a very dramatic way, and I think the Congress would probably be agreeable to providing some formula that would be a good deal more equitable than the one we have before us now.

Would you support such a formula, Mr. Norris?

Mr. NORRIS. Yes, sir, I think I would.

Mrs. HAGLER. I would, too.

Mr. STEINHILBER. Of course.

Mr. BELL. I have no questions, I would like to state, though, that it is obvious that there isn't any bill, whether it is ESEA or whatever to which there can't be made amendments to.

This bill possibly requires some amendments before passage. But the essential thrust is the same.

Your problem is that you cannot compare the two types of bills. The ESEA title I's thrust is for deprived areas as you just said. The thrust of this bill is to solve a great social problem that we have, that is required by law to be solved, that the schools must have some help in doing.

Mr. NORRIS. That was the point I was trying to make, Mr. Chairman. As I stated in the beginning, I came here not to have you people get mad at people in Louisiana because children are children. Children can't vote bonded indebtedness. Children can't provide money and yet public education in my opinion is one of the most important democratic institutions that this country needs to support.

Mr. PUCINSKI. Well, I will tell you why I have always supported these programs, and as Mr. Steinhilber knows, I have been in the forefront even though I don't get a penny, not a penny of any of these programs in my district, but I learned a long, long time ago that what happens to a child in Louisiana sooner or later affects the people of my district. No question about it.

Mr. NORRIS. That is precisely the point. In other words, education is a good investment for this country. It is one of the best investments that we can make and it is going to have repercussions—you may disagree with the people in my district but it is going to have repercussions outside of my parish. An educated person returns a great deal to society.

Mr. PUCINSKI. Now, I want to ask both of you, if I may, very quickly, there is a provision in the guidelines and this recurs in almost every bill around here. As I said the other day, someday before I die I will find out who it is in HEW that always dreams these things up, but there is somebody in the woodwork someplace. I think he is in charge of maximum feasible participation, and we have in these guidelines this language:

Sponsors of projects will be expected to demonstrate that provision has been made for minority groups, parents, members of the community, and others at interest who participate in an organized way in the development, review, and evaluation of the project.

Now, you have been a president of a school board for a long time. You know the problems you have in running the school board. And, Mrs. Hagler, I presume you have been very active in the school board.

What is your reaction to this sort of a mandate? Before you can qualify for funds, you have got to demonstrate that you have made provisions for this and have had that participation. I could go along

with the parents. I think parents ought to be consulted. But I have some real serious problems about members of the community and others at interest, because that may very well include the Black Panthers, it may include SDS, it may include all sorts of others who want to get into the act and really tear you up before you get off the ground.

I would like to get your reaction.

Mr. NORMAN. You run into this problem, too. There is always an opposite group to the one you include. If you include this group, somebody else says, we have got an equal right to be a part. We run into this problem with the court's language about biracial committees. In other words, as a member gets on the biracial committee that belongs to the Black Citizens Council, somebody says the Ku Klux Klan ought to be represented. It goes on and on and you have a hard enough time with 19 board members, much less going through this other process.

Mr. BELL. What you are saying, in effect, is that no matter what you do, whenever you try to bring the community in, the parents in, and so forth, you are always going to have a certain group of minorities that don't like what is going on. This happens in Congress and it happens anywhere that you have a group of people meeting on a subject of this kind. I don't see anything unusual about that; I certainly hope that my colleague isn't recommending that members of the community should not play a part in the school system because if you are, you are liable not to be reelected.

Mr. PUCINSKI. It is one thing to ask members of the community to play a part. Obviously, it is one thing to ask members of the community to submit their suggestions, their recommendations, whatever other contributions.

Mr. BELL. That is playing a part.

Mr. PUCINSKI. And I think it is one thing to have parents which I think we ought to have. Parents ought to be involved in the school. I raised all kinds of fuss in my city because up until a couple of years ago the schools weren't even listed in the telephone book. If you wanted to call a school and see what was happening to your child, you couldn't get through. It was impossible.

But I would like to get your views because that is what you are here for, on whether or not you think that we ought to make it a matter of law that you have to first certify before you can be eligible for any of these programs and any of these funds, that you have made provision for members of the community and others at interest, and I really don't know what that "others at interest" is.

Mrs. HAGLER. I don't understand that either.

Mr. PUCINSKI. Others at interest who participate in an organized way for the development, review and evaluation of the project. As I say, it is one thing to invite as broad a range of public opinion as you can in a community. You say, look, we would like to get your views on this. What do you think we ought to do? It is another thing to be forced by law to do this before you can qualify for any funds.

Mrs. HAGLER. I do not think it should be that way. I don't think it should be a mandate. I think other people should be interested in it, but as you say, you run into problems if you are required by law to have others come in. Is that what you mean?

Mr. PUCINSKI. Yes.

Mr. NORRIS. I have never been against an advisory committee and we have worked with them and I think we need to have them, because I think the people need to know what is going on with regard to the schools. That is some of our biggest problems, is that they don't know, they are not informed, and by not being informed, they become inflamed.

I would agree with you that other parties at interest could include almost anybody in the country and maybe rather than make it mandatory, they might form this committee—they might agree or disagree as to the program and that might carry some weight, but not necessarily jeopardize the whole thing.

Mr. BELL. I would suggest that possibly this clause was included because some school districts have in the past run their school systems as though they were private fiefdoms. As you said a minute ago, people become inflamed and we have trouble in our schools.

I think that it is good to make it clear that parents and the community must participate. I don't see that that is a serious problem.

I think we have kept the witnesses long enough, Mr. Chairman.

Mr. PUCINSKI. I would presume, then, if the Ku Klux Klan doesn't like the fact that you are going to have some white children and black children attending school together, it would be all right for the Klan to just tie you up in all kinds of knots because this regulation requires that you must demonstrate that you have given all of them an opportunity to—

Mr. BELL. Tying you up in all kinds of knots isn't the purpose of this clause. The question is whether decisionmaking is open to the public or not.

Mr. PUCINSKI. If you read this language, you are going to find that—my position is that it is more important to have people participate but I do not believe that you should make it mandatory as a condition of getting this assistance.

Mr. BELL. Well, if you don't make it mandatory perhaps the school won't let them participate.

Mr. PUCINSKI. You have been very kind, Mr. Norris, and of course your full statement will go in the record in its entirety.

Mr. BELL. The record should show we are very good friends, despite this.

Mr. PUCINSKI. I wish we could get more, and I am going to instruct the counsel to get more, school board members from these various southern parishes here. I think you are the people that have to live with this legislation. So often—and I want to congratulate Mr. Steinhilber for bringing you two up, Mr. Norris and Mrs. Hagler, to the committee. This is the kind of testimony that I think the committee needs and this is the kind of a dialog that we need to come up with some meaningful legislation. So often we legislate around here on the basis of those who have a professional interest in a piece of legislation but you never talk to the people who have to live with this legislation after it becomes law.

So I want to thank both of you for taking time out to be with us.

Mr. STEINHILBER. Thank you for allowing us to come.

Mr. PUCINSKI. The committee will stand adjourned until Wednesday.

(Whereupon, at 1:20 p.m., the committee adjourned, to reconvene on Wednesday, June 24, 1970.)

EMERGENCY SCHOOL AID ACT OF 1970

WEDNESDAY, JUNE 24, 1970

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 2261, Rayburn House Office Building, Hon. Roman C. Pucinski (chairman of the subcommittee), presiding.

Present: Representatives Pucinski, Bell, and Quie.

Staff members present: John F. Jennings, counsel; and Alexandra Kiska, clerk.

Mr. PUCINSKI. The committee will come to order.

We are very pleased to have Mr. Alexander Bickel, of New Haven, Conn., here this morning to discuss with us H.R. 17816, the President's Emergency School Aid Act of 1970.

Mr. Bickel, who is from Yale University, has done considerable writing in this field and we are very pleased to have you here with us this morning to get your views on this very important bill.

You have a prepared statement and you can just proceed in any way you wish. If you want to put the full statement in the record, it is agreeable; if you would rather read it, that is all right, too.

STATEMENT OF ALEXANDER M. BICKEL, YALE LAW SCHOOL

Mr. BICKEL. Well, it is a short statement, Mr. Chairman, and I guess I would just as soon read it, because I would just be repeating myself.

Mr. PUCINSKI. Would you like us to put in the record at the conclusion of your testimony the statement that you had prepared for the Phi Delta Kappan, "Desegregation, Where Do We Go From Here?"

Mr. BICKEL. I have no objection to it, of course.

Mr. PUCINSKI. Fine. We will put this in at the conclusion of your testimony.

Mr. BICKEL. I am glad to be here this morning, Mr. Chairman, at the subcommittee's invitation to register my support of H.R. 17816. Indeed, my enthusiastic support of it.

If the proposal is enacted, as I hope it will be, it will mark the first time that substantial Federal resources have been committed in aid of the desegregation of public schools which were formerly segregated by law or official administrative action. This bill will mark the first time also that any Federal resources have been specifically and specially committed in aid of voluntary local action to alleviate condi-

tions of racial imbalance in public schools, or to cope with the consequences of such conditions. The Emergency School Aid Act of 1970 would be a very important new Federal undertaking, and, in my judgment, long overdue.

It is true, of course, that title IV of the Civil Rights Act of 1964 authorized technical assistance and training grants to desegregating school districts. But appropriations made to implement this title have always been minor, and the authority extends only to aiding districts in the process of desegregation, which is specifically defined as not including measures to overcome racial imbalance, even voluntary measures. The Elementary and Secondary Education Act of 1965, as amended, while designed to aid poorer school districts in meeting the special educational needs of deprived children, is a general aid-to-education measure, a measure in aid of general educational purposes and needs. It does not aim specifically at, and it has not with any impact hit the special targets at which the Emergency School Aid Act of 1970 would be directed. So I repeat, this proposal is a new departure, long overdue, and, for me at least, highly welcome. Frankly, I think this should have been done 15 years ago.

Under the double-counting provision of section 4, as it applies to desegregating districts, some two-thirds of the billion and a half dollars that the act would authorize would go to districts engaged in the process of desegregating pursuant to court order, or pursuant to a plan approved by HEW. Some districts in the North and West may be involved, but the vast bulk will be Southern districts.

I don't for myself see that the formula of section 4 rewards districts that have been particularly recalcitrant, and have waited to have desegregation forced upon them, except as inevitably the fact that we have waited 15 years before having such a statute naturally rewards districts that have also waited, and in a sense works injustice on districts that desegregated long ago. It can hardly be helped. I think, this late in the game, that many districts worked out their problems without Federal assistance during the many years when none or very little was available. Many of these districts had relatively easier problems to deal with.

For a variety of reasons, not excluding in many instances bad faith on the part of local authorities, the problem persists in varying degrees in hundreds of districts, and if this bill is passed, the Federal Government will finally be doing something substantial to help in its solution. But the formula of section 4 does not now reward districts which wait to have the force of law brought to bear on them before desegregating. It offers special help equally to districts operating under a court decree issued in the last couple of years or to be issued this fiscal year and next, and to districts operating under voluntary plans approved by the Secretary of Health, Education, and Welfare, pursuant to title VI of the Civil Rights Act of 1964.

The formula embodied in section 4 recognizes that there is still a special problem in the South. And there is. It is a reproach to all of us that 15 years after the decree in *Brown v. Board of Education* several hundred school districts in the South have still not completed desegregation, but that is the fact, and this bill faces it.

At least since the spring of 1968, the aim of the Supreme Court has been to complete the process of desegregation forthwith. The

deliberate-speed doctrine was never intended to define a permanent condition, the Supreme Court has been deemphasizing it for some time, and last fall, in *Alexander v. Holmes County*, the Court made its abandonment of the doctrine as clear as could be. The law now demands that every Southern school district must operate a desegregated, unitary system when schools open this coming fall. There is thus not only a remaining special problem in the South, but a special opportunity. Many existing desegregation plans must be brought to a final conclusion this summer and fall, and where no acceptable plan exists, it must be worked out and put into effect now.

A special need exists, as I have said, this summer and fall, and there is a special opportunity. Both call for a special effort, which, in my judgment, this bill represents. Yet it is not quite true that the problem in the South can be solved entirely this summer and fall, for while every district must act now if it has not desegregated itself to the satisfaction of a court or of HEW, it is not yet clear what end result a desegregating district must attain. Formerly segregated school systems must be converted into unitary ones, but we have no detailed, authoritative definition of what a unitary system must look like.

We know that freedom-of-choice plans superimposed on an essentially dual system, and producing no more than a minor black presence in previously all-white schools will not do. Nor will residential zoning, if the good faith of a school board is in doubt, and whites who have been zoned into a substantially Negro attendance area are allowed to transfer out. Faculties must be desegregated, so that a monolithically black or white faculty does not characterize a school as black or white. But the Supreme Court has not indicated, one way or the other, whether a racial balance of any sort must be achieved in each school, or whether zoning which causes residential patterns to be reflected in the school is unconstitutional as such. The Court has not said whether the persistence of some predominantly or even wholly Negro and white schools is unconstitutional.

Some lower Federal courts have gone farther. The main drift of many decisions over the past year and a half has been toward requiring some measures of racial balance. But such decisions are not ultimately authoritative. And they have not been uniform. Most of them are in any event conditioned by the particular circumstances and the history of litigation in a particular school district. Moreover, such generalizations as can be drawn from these decisions do not all point in the same direction. Even within a single court, the Court of Appeals for the Fifth Circuit, covering the Deep South, one can find, for example, decisions that do not accept residential zoning, and decisions that do.

Desegregation this summer and fall must proceed in this state of ultimate uncertainty, which perhaps the Supreme Court may dispel by one or more decisions at its next term, to be implemented a year hence. To the question of how a unitary school system is ultimately to be defined, this bill is not addressed. Under the President's statement of March 24, 1970, we may assume that the administration will not pursue a policy, in the South or elsewhere, of insisting on racial balance, or of insisting that no predominantly black or white, or all-black or all-white school be allowed to exist. But there is every indication that the administration will insist on good-faith disestablishment of legal systems of segregation in the South, and disestablishment in a

place where legal segregation has prevailed recently can only be demonstrated by results, which in turn may mean that some measure of racial balance needs to be shown, to be achieved by school pairings, by closing some altogether substandard Negro schools, and by choosing sites for new schools and drawing zone boundaries for existing ones with an eye to some measure of integration. Certainly such requirements have been laid down by judicial decrees, and the courts may lay down further ones. In any event, this bill will devote Federal resources to assist in implementing whatever desegregation plans are called for. It is aimed at assisting desegregation, not at defining it.

So far as the North and West are concerned, the bill rests on the principle of local initiative, which it encourages. It makes available one-third of the authorized billion and a half dollars to help school districts eliminate, reduce, or prevent racial imbalance in the schools, or, as the bill calls it, racial isolation, and to carry out interracial educational programs or projects. I don't know that more can or should be asked of the Federal Government with respect specifically to the problem of racial imbalance in the public schools. More in the way of money, no doubt, but not more in the way of substantive policy.

I should like now to deal with one omission in the bill, which I regret, and with one marginal point, the question of busing.

In my judgment, one of the developments in public education in the United States worthy of encouragement is the movement for community control, for decentralization and diversification of public school systems under the management of the communities, rather than the larger political subdivisions, which the systems serve. Decentralization and community control are not techniques that will lead to better racial balance in the schools. They are techniques that will make the schools more responsive to cohesive groups of parents, that will alleviate the frustration and sense of powerlessness on the part of these groups, and that will thus, hopefully, improve education because the parents will demand it, and are the first to know whether they are getting it.

I should add that community control of decentralized schools must rest not only on the principle of local initiative, but on the principle of family voluntarism. It should be considered acceptable only so long as no segregation is required by law or is otherwise officially imposed, and so long as families which wish to send their children to more integrated, centrally controlled schools are not only free to do so, but equally encouraged and supported.

Decentralization and community control are no panacea. Nothing is known to be a panacea. If anything were, we would, I trust, concentrate all our resources and all our efforts on it. But we know of no single technique that is sure to produce the best and most acceptable education for everybody, and that is why, except for the process of desegregation, all the Federal Government can now do is aid diverse efforts voluntarily undertaken on the local level. My plea is simply that the bill ought specifically to make provision also for aiding decentralization and community control as one of the efforts that may be locally undertaken on a voluntary basis to reform and improve education in the public schools.

As the President said in his statement of March 24:

An open society does not have to be homogeneous, or even fully integrated. There is room within it for many communities especially in a nation like America. It is natural that people with a common heritage retain special ties; it is natural and right that we have Italian or Irish or Negro or Norwegian neighborhoods; it is natural and right that members of those communities feel a sense of group identity and group pride.

It is equally natural and right that they should sometimes wish to control their own schools, and to enhance the sense of group identity and group pride through the educational programs of those schools.

Now, in conclusion, a word about busing, Mr. Chairman. It is in itself, in my judgment, a false issue. The proper questions are to what end it is used, by whom, and how. Desegregation may sometimes require busing, just as segregation imposed by law sometimes required it. This is particularly true of school districts that cover a large geographical area and are sparsely populated. Elsewhere, efforts to alleviate racial imbalance, or the operation of the interracial programs may require busing. Throughout, this bill offers assistance. It does not prescribe methods. I see no reason why busing, when undertaken pursuant to a desegregation order or elsewhere voluntarily, should not be assisted if it is used as a means to an end that this bill supports.

Hence I welcome section 6(g) of H.R. 17846.

That is the end of my prepared statement. I would be delighted to entertain questions.

Mr. PUCINSKI. Thank you very much, Mr. Bickel.

On page 2, starting on page 1, you say "It does not aim specifically at, and it has not hit with any impact, the special targets at which the Emergency School Aid Act of 1970 would be directed."

Could you more precisely identify those special targets?

Mr. BICKEL. Well, I had in mind, Mr. Chairman, in talking as I do there about the Elementary and Secondary Education Act of 1965, that while it is directed at poorer schools—the flow of money under that act relates to the level of income in a school district—it is not directed at aiding specifically efforts either to desegregate a formerly de jure segregated system or voluntary efforts to integrate a de facto segregated system.

It takes quite a bit of doing, as I happen to know from local experience, to get a program to fit the requirements.

Mr. PUCINSKI. But we have had this statement made before to the subcommittee on a number of occasions, and I am just wondering whether you can define specifically and can you give me some examples of what are the kinds of things that you think constitute the special targets, as you call them, which this act would address itself to that no other act addresses itself to?

Mr. BICKEL. Let me try. Let me say, by way of preface, that something is bound to be left to be desired in the specificity of one's answer, because nobody can predict with assurance just exactly what kind of proposals will flow up from local districts with requests for funds.

But I would have in mind this sort of thing: Starting with the North where one-third of the funds would go. For example—

Mr. PUCINSKI. Wait a minute. What do you mean by one-third of the funds would go to the North?

Mr. BICKEL. Two-thirds of the funds under the double-counting formula of section 4 would go, I take it, to desegregated districts, and the one-third which is discretionary with the Secretary would be available for northern school districts.

Mr. PUCINSKI. Perhaps we better explain this formula. The formula, as I understand it, counts every youngster in a district of a minority background and then it would count every youngster in that State who is under a court order for de jure segregation or integration. They would then apply the double-count against the two-thirds and distribute it on a pro rata basis among the States to ascertain a State's quota. The Secretary, though, would still have the final word here as to how that State's quota will be distributed within the State.

Mr. BICKEL. Right.

Mr. PUCINSKI. That is for the two-thirds. He would then have the remaining one-third to spend anywhere in the country and there is no assurance or nothing in this bill to indicate that that one-third would necessarily be spent exclusively in northern districts under HEW approved plans. On the contrary, the Secretary could spend the \$333 million, assuming that \$1 billion was appropriated, in the southern districts very much the same way he would spend the first two-thirds or \$666 million. There is nothing in this bill that would even hint that the Secretary is going to spend his one-third in northern districts.

Mr. BICKEL. Well, I agree with everything, if I may say so, Mr. Chairman, but your last sentence. I quite agree that there is nothing in the bill that requires the Secretary to spend his discretionary one-third in the North. But I don't agree that there are no hints. I think that the structure of the bill hints indeed very strongly that two-thirds, the two-thirds that are allocated by that double-counting formula which would apply to de jure segregating districts, namely, the South, is to go there, and if he is to meet the full purposes of the bill which go beyond that he is to use the other third elsewhere. A Secretary of HEW who would administer this bill by using that extra discretionary third also in the South would be fulfilling only half the purpose of the bill as enacted and, I suppose, would not be administering it in good faith. He would be spending the money authorized for an entire set of purposes for only part of it and that, I suppose, would not be good faith.

Mr. PUCINSKI. Within that framework, can we identify more specifically the special targets?

Mr. BICKEL. Well, starting then with the North, whatever money he expends there, I should think that things of the following order would be involved: There are a number of programs in smaller northern cities, there are some around New Haven and Hartford which go under the name of Project Concern, for example, which bring inner-city children into suburban schools. Money is needed for transportation, money is needed for all sorts of additional services that that requires if it is to be done effectively.

There are possibilities, even in some larger urban centers, of school pairings; again, that requires money, usually not so much for transportation as for the provision of special services, for special training of teachers, for bringing in different kinds of personnel and different kinds of educational techniques. There are, of course, possibilities in all or in most urban centers for supporting majority to minority transfer plans.

Now, these have often been tried by simply legally opening it up, but without any special effort made to induce and support it. And when they are tried that way they don't work very well.

But suppose you put some money into it, provided transportation, provided special services and special inducement in the receiving schools, I should imagine that these programs would then work a great deal better. That is in general the kind of thing. And one can't be too specific and, of course, not comprehensive, because what this bill seeks to induce is the initiative and ingenuity of hundreds and thousands of school districts across the country, and one hopes new opportunities would arise.

In the South now, where two-thirds is going, and I think justly the greater amount of money, I would imagine that it would be used, for example, if you are going to go to a unitary school system and zone, you will find, very unfortunately and regrettably in many Southern communities, that a formerly all-black school into which you want to zone white children is badly substandard, is in terrible shape, and it takes money to put it into better shape, not only physically but to bring into it all kinds of educational opportunities that have been lacking. Many of these all-black schools were quite consciously organized to train people to be ditchdiggers, not to prepare them with a full educational program. It does cost money to expand that.

Mr. PUCINSKI. Are you suggesting that they were never separate but equal?

Mr. BICKEL. They were separate but not equal.

Mr. PUCINSKI. And that is now coming to light?

Mr. BICKEL. It comes to light when a middle-class white child finds himself in a formerly all-black school and recoils, you might say, in horror and says, "My God, that is how it is on the other side of the track."

Mr. PUCINSKI. How do you reconcile a statement made to the committee last Thursday by a president of a school board in Louisiana who said the very thing you are saying, they discovered that the schools were separate but not equal. And as they moved the white children into the previously all-black schools they are discovering the horrible shortage of all sorts of facilities—gymnasiums, washroom facilities, shower facilities, and all these other things that do not exist there. But this president told the committee, and it is in the record, that his parish could raise \$11 million without increasing the millage 1 single cent in that community. But he said the local community won't do it and so now he is saying that the rest of the country ought to provide the fund to upgrade those schools for those youngsters simply because the local community will not do it, even though they had the resources and they could raise the \$11 million. They could raise up to \$11 million without increasing the millage 1 penny.

I can appreciate a school district that has reached its bonding capacity and now has to turn to other resources for help, because they are frozen, they are locked in.

But, Mr. Bickel, how do we justify to the rest of the country the fact that here is a parish that can help itself, can resolve its problems, chooses not to, and so we say to the rest of the country: "Well, you have to assume this responsibility through this legislation."

Mr. BICKEL. Mr. Chairman, that is an eminently fair question. I don't wonder that it troubles you. I, of course, don't know the conditions in the parish that we are talking about. I would say that the Secretary, under this bill, is by no means required, and perhaps

it would be a good idea to write that in quite specifically, to make grants to any parish without looking into local ability to pay. Because, after all, we can, by court decree or HEW requirement, force that parish to do it out of its own treasury if there is some cash in it. So I would say that the Secretary is not required by this bill to distribute the money without regard to need, and I would think it quite proper to indicate to him in the bill that need is one of the things he ought to look in to.

I would add that my suspicion would be that that parish in Louisiana that you mentioned is a rather fortunate exception to most school districts in the South. We are not dealing in the hard-core areas that are now in question with a rich part of the country, Mr. Chairman. We are dealing with many rural districts, many small urban, semiurban, semirural, which are probably among the poorest parts of the whole United States, where getting this kind of cash out of them is like trying to get blood out of a stone; and when they don't do it, they don't do it because they can't afford to do it.

Mr. POCINSKI. Now, the other thing, Mr. Bickel, and then I will yield to my colleagues here: As you know, yesterday, in the other body, some of the Senators were successful in writing into the \$150 million appropriation that the President had sought to be made available by this fall, a provision that none of this money could be used in private schools which continue racial discrimination. And once that amendment was accepted by the other body, Senator Stennis then, of course, raised a point of order and struck down the whole provision, which indicates rather strongly that the support of at least some members of the other body was predicated on the fact that these Federal moneys would be used to evade the very court orders that you have been talking about. Would that be a reasonable conclusion in the wake of the action taken yesterday?

Mr. BICKEL. Mr. Chairman. I don't have to tell you that this is an issue that for 15 years has roused the most heated emotions in the Congress, and that time and again it gets itself tied up in some kind of symbolic statement by one side and then by the other and the result is a mess such as occurred in the Senate yesterday.

I cannot for the life of me see—I believe it was Senator Mondale who snatched this defeat out of the jaws of a possible victory—I can't for the life of me see why anybody would suppose that money appropriated under this act could be used to support a private school, segregated or not. The thing seems to me utterly beyond belief. And all I can say is that once that symbolic issue had been drawn, once the liberals in the Senate drew a line in the dust and dared Senator Stennis to step across it, with a point of order hanging in the air all day, and everybody there knowing that it was there for anybody to make, once you make a symbolic issue like that you get what you ask for. But I think it is all, if I may say so, nonsense.

Mr. QUIN. The amendment prohibited any of this money going to a school district which used its own money to give property to a local private school.

Mr. BICKEL. I am sorry, I guess I misunderstood.

Mr. QUIN. That is my understanding. The chairman has the language right here, but this is my understanding. I don't know how they qualified under either the HEW plan or the court order, if they

did that. But supposing they did, I have no objection to the Mondale amendment. In fact, I would expect an amendment of that nature would probably be attached to this bill before it ever came out, because I wouldn't think we would, in any way, support a school district which used that kind of subterfuge.

Mr. BICKEL. Of course, a school district that uses public moneys in any way to support a private school which is segregated and which draws pupils out of the public school system is in unconstitutional noncompliance with the most solidly established law that has been held in the *Poindexter* case and half a dozen cases after that. It was held 6 years ago in the *St. Helena County* case. No money under this bill can go to it if it is not in compliance with the law laid down in judicial decree.

Mr. PUCINSKI. The question that comes up here is, when you contemplate the possibility of the use of this money for those purposes, you did get the kind of quid pro quo in the Senate yesterday where nobody exercised the point of order. But once it was made very clear that no funds could be extended to school districts which have transferred property or services to private schools and practice discrimination on the basis of race, color, or national origin, that quid pro quo was thrown out the window and the opposition to this bill then developed and exercised a point of order.

So I say to you, Mr. Bickel, I don't question—surely I want to make this very clear to you—I don't question your sincerity in supporting this bill, but I think that the action in the Senate yesterday surely made it very clear under what conditions this kind of legislation will be acceptable in certain parts of the country; namely, the very parts of the country that you think need the aid most urgently. That is the thing that makes this whole approach somewhat questionable.

Mr. BICKEL. If I may reply to that for a minute, Mr. Chairman, because I don't entirely agree with it.

I appreciate what you say about my own motives. I think it, in my judgment, is probably true of the motives of the administration in supporting the bill. I think the bill as it stands—and I think Mr. Stennis must understand that, because he knows of these cases as well as I do, and I would have hoped Senator Mondale understands, that the bill as it stands makes it impossible for any money under it to go to a district such as you have just described. A district which in any way, by transferring property, by allowing tuition grants, let alone by direct grants, supports a segregated private school is not a district that is in compliance with the current well-established constitutional law. It is not a district that can have a plan approved by HEW; it is not a district that can be operating in compliance with a court order; it is, therefore, not a district to which a penny of this billion and a half can go.

What happened in the Senate is that Senator Mondale wanted to have that explicitly on the record and when that happens Mr. Stennis makes a point of order. If you let the thing be clear, as it is clear without mentioning it, you can get it past Senator Stennis. For 15 years that kind of thing has been going on. If you rub people's noses in that type of symbolic statement they act accordingly. The sleeping dog is just as secure legally if you let it lie or wake it up.

Mr. PUCINSKI. I think the thing that disturbs Senator Mondale is that he never knows which way that sleeping dog is going to move

when he wakes up in the present frame of thinking around here. So Senator Mondale did what he thought he ought to do and the moment he did that, apparently in good faith, this, of course, tore apart the agreement and the understanding the gentlemen in the other body had.

Mr. BICKEL. They were also in a peculiar parliamentary situation where a simple point of order could do that. I am sure on a vote in the Senate they would have carried it anyway. It was just an unfortunate situation.

Mr. PUCINSKI. Mr. Bell?

Mr. BELL. I will yield my time to Mr. Quie.

Mr. QUIE. I think that is right, just the fact they got enough votes for the Mondale amendment indicates that they would have adopted the bill with the Mondale amendment on it.

Mr. BICKEL. What I am asking is, does it make sense to load this or similar legislative vehicles with symbolic statements that strike great verbal blows for liberty and which on legal analysis of the bill as it stands adds nothing. All they add is the symbolic statement. Now that may be very satisfying, but if one wants to get legislation through and do some good, it may be better sometimes to forgo that satisfaction.

Mr. PUCINSKI. Would the gentleman yield?

Mr. QUIE. Yes, Mr. Chairman.

Mr. PUCINSKI. You seemed to treat this amendment lightly. What about when Senator Stennis in the ESEA insisted on the language that the same policies of enforcement of desegregation must be applied to Northern schools as to Southern schools. And apparently nobody was too disturbed that that was symbolic because that was the price of getting the bill through; otherwise they would have filibustered it to death.

Mr. QUIE. That wouldn't have gone anyplace if it hadn't been supported by Senator Ribicoff.

Mr. BICKEL. That was one which involved the merits. The Stennis amendment said there is not any special problem in the South, and I think that is wrong, I think there is one in the South which is quite different from New Haven or Chicago or New York.

Mr. QUIE. When you talk about many of the school districts which didn't have much problem voluntarily desegregating before they were required to, wouldn't that be most all of them?

Mr. BICKEL. I wouldn't wish to overstate that, Mr. Quie. I was simply saying one is entitled to suppose that school districts which desegregated in the last dozen years, many of them under court order, of course, and that are not affected by this bill, probably had an easier time than the remaining hard-core districts. I think what is remaining is likely to be the poorest, many of the black-majority districts. I don't think that is universally true and I certainly don't mean to say that they don't have problems and couldn't use assistance. I say that merely in the context of: Are we now doing a frantically unjust thing of giving money to districts that desegregate now and here are these hundreds of other districts that desegregated years ago without any kind of aid? But I think that probably the problems were somewhat easier. We are left with the worst. We are left with the hard core, most difficult and worst politically and economically.

Mr. BELL. Isn't it possible that if those particular districts had not been sufficient economically that they could not have segregated adequately?

Mr. BICKEL. I think probably it is. I think in many of them you also have politics and bad faith. But you are dealing with the poorest of the poor. You are dealing largely with the black belt, not entirely, not exclusively, but with rural black belt, poor majority.

Mr. QUIE. The chairman and I saw an interesting situation along the line you are talking about in Atlanta and De Kalb County. The county had 2 percent Negroes and they did it voluntarily. Of course, anybody can do it with 2 percent. De Kalb County is now desegregating.

Let me ask you about school pairing. It seemed to me in your answer to the chairman you indicated that they may not need additional busing in the case of school pairings. It seems to me that would be one situation of attempting to desegregate schools where you would have to increase busing.

Mr. BICKEL. I was referring at that point to possible voluntary Northern plans, Mr. Quie. I had in mind the possibility of pairing systems in the medium-sized cities where the distances are not major, where convenient public transportation is available. In many cases where it has been tried it has not worked. In some cases it has. The Princeton plan—you know, you try it in Queens, N.Y., and 2 or 3 years later the thing is desegregated and whites are fleeing to the parochial schools and the things are a mess and it hasn't worked. But there are places where it can. The principle of this bill is that the Federal assistance goes only to the school districts that want to do it. Presumably the local judgment is the best judgment available and sometimes it can work without requiring major transportation efforts. When it doesn't work, it often doesn't work because there is no preparation for it, because teachers aren't specifically trained, because you don't bring into the school various specialists, other kinds of special resources that may be needed. Very often when it doesn't work it doesn't work for reasons that could be alleviated by some financial assistance.

Mr. QUIE. Dr. Coleman testified before this committee and indicated the desirability of some community control, but he talked about biracial parent committees. Now, when you talk about community control, are you talking about biracial parent committees or people in the community who may or may not be parents?

Mr. BICKEL. I think to view community control as—of course, it is compatible with integration, but as a technique that you would use toward integration is unrealistic and doesn't really make much sense. If it is going to be community control, what that technique tries to do is to get parents interested and involved in the running of the schools and if those parents are going to do that effectively they are going to have to be a fairly cohesive group of parents, sharing the same interests, same needs, or else what you achieve is another political forum for people to fight each other and get into trouble with each other.

I think one has to frankly concede that the community control idea which is starting in New York City and which I think is hopeful is an alternative to major efforts at integration.

Mr. BELL. Would the gentleman yield?

Mr. QUIE. Yes.

Mr. BELL. Is community control necessary? Wouldn't community interest and influence be a good substitute?

Mr. BICKEL. I think, again, realistically, it is going to be hard to encourage parents, and it doesn't really answer to the impulse that leads to this, to encourage parents without giving them any real say. The impulse that leads to this in large school districts is, after all, what? They find that in New York, let's say, their demand, their requests of the school authorities are hard to get satisfied because the bureaucracies, the huge central bureaucracy is downtown and if you want some extra books or if you want some air conditioners, it takes a year and a half to fill out 17 forms in quadruplicate. They find, second, if they don't like a teacher, they think a teacher isn't running the classroom well, they have absolutely no hold on the school administration to enable them to get anything done. Community control answers those needs, I believe.

Mr. QUIE. From your answer it sounds to me like you may not be for community control and yet in your testimony you say you are for it. You say we should be specific in the legislation. Can you be specific in the kind of community control you think would work in legislation of this nature?

Mr. BICKEL. Again, you know the thing is in its infancy. I think what has, in the judgment of many observers, worked in some measure have been the experimental decentralized districts like the IS 201 district and the Ocean Hill-Brownsville district. The structure of those districts has simply been that in a community election you elect a school board which then has authority to appoint, in effect, a local superintendent.

The trouble they have had in these districts is that it hasn't been clear that they had power to fire or change teachers, and of course that led to the strikes in New York and what have you. It hasn't been clear, although they have done it informally, what powers they have over curriculum. But the essential structure would be that you could elect out of the community. I would frankly vote only parents. The electorate is not so restricted in New York. I think if you vote only parents you are a lot nearer to the model of real control as exhibited in a private school. I would vote only parents. The parents could elect the school board, the school board could have an authority to appoint somebody to run the half dozen or whatever schools they have over which they have control. I would have with some procedural due process restrictions of course, authority in them to hire and fire teachers. I would give them, subject to the requirement of State law, which governs the curriculum in some measure, curriculum authority. I would give them the buildings in the sense that they could use them for other services. I would give them some funds to use parents in paraprofessional roles for paraprofessional services. And I would hope in that fashion community leaders would arise out of this which would have new ideas which would serve their interests and their purposes.

I conceive of education as a State function in part only. Education is an extension of a family and these are our children and their children that they are talking about. I have really a fundamental right in guiding the upbringing of my child.

Mr. QUIE. When you suggest we be specific, would you accept the specific language limiting the community control to the parents?

Mr. BICKEL. Well, that would be my preference. I would think it inadvisable at this stage of the experience in this state of the art for a bill like this, which after all makes funds available in response to local initiative, to be too specific about the kind of plan that is acceptable. I would be specific about local initiative, about family voluntarism. I don't want a community formed by some clause in the legislation which then consigns me to that community and I can't get out if I want to. That I don't want.

Mr. QUIE. The reason I am asking questions on this is you made a point that the Mondale amendment would have been better left unsaid. I can see the same thing coming up about community controls. We found this in other legislation and we really get into hot water. And the bill now provides that an application can be approved by the Secretary if he determines that such application contains such other information, terms, conditions, and assurances as the Secretary may require.

Mr. PUCINSKI. Would you yield?

Mr. QUIE. Yes.

Mr. PUCINSKI. You see what you are getting yourself into, once you follow the reasoning of my colleague from Minnesota is that you give the Secretary a rather open ended broad authority and this is what the results are. Here are the guidelines that have been proposed for the implementation of the \$150 million that was shot down yesterday. "Sponsors of projects will be expected to demonstrate that provision has been made for minority groups, parents, members of the community, and others at interest," whatever that is, "to participate in an organized way in the development, review, and evaluation of the projects."

Now, here we have a rather open ended statement in the bill which sounds very, very innocent. But then you see what the administrator does when he sends down the guidelines and his guidelines are no longer all that innocent. I don't know what the Secretary's definition of "others at interest" is, but conceivably it could be the Black Panthers, it could be the SDS, it could be the Ku Klux Klan, it could be all sorts of people that I haven't the slightest idea who they are. And, as you said very properly, it creates a new forum for all sorts of political battles that they couldn't carry on anyplace else. This is why it seems to me that this language requires the greatest attention from the Congress.

Mr. BICKEL. I would personally favor restricting it to parents. You will hear it said that there is, under recent decisions there may be some constitutional difficulty about that. I frankly think not. I frankly think that to the extent that people draw that kind of inference out of the *Kramer* case or the recent *Bond* election cases, they are wrong and I would hope the court would not so hold. I certainly would not advise you against restricting it to parents.

Mr. PUCINSKI. You know, Mr. Quie was instrumental in this -- the Elementary and Secondary Education Act, I believe in 1971, does require that a principal must certify before he can qualify for funds that the parents of the school have been consulted and have played a part in the development of the programs.

Mr. QUIE. I wanted it expanded more than that.

Mr. BICKEL. Mr. Quie, in our colloquy a minute ago, I take it you were assuming that a community control project could probably be supported by the Secretary under this bill. But that is what troubles me a little bit. In the definition of authorized activities in section 6, it does not seem to me quite to make room for that and that is why I mentioned it so prominently in my testimony. I think it is in fact virtually excluded. I don't argue for the inclusion of it with great specificity. I argue only for making room for it.

Mr. QUIE. That is all I have.

Mr. PUCINSKI. One question.

Mr. Bickel, you made quite a case here on providing some assistance to schools undergoing integration. The bill recognizes that there are some problems. The guidelines recognize that there are some problems. What would be your reaction if this bill provided some Federal aid to every school district impacted by minority groups where there is change occurring in any direction in dealing with the problem of better schooling for these youngsters? Why do we want to say that we are going to limit this only to schools that are under a court order or under a plan approved by HEW? There is a kind of arrogance about the proposition that only HEW can be a judge of whether or not a desegregation plan is workable or acceptable. I think some of those little school districts that are voluntarily trying to do this, Berkeley, Calif., and Evansville, Ill., they ought to be entitled to these funds also.

Where does it say in the great book that all the wisdom is in Washington?

Mr. BICKEL. Mr. Chairman, I am the first to agree that all the wisdom is not in Washington. Frankly, I don't live here for one thing. But I think we are back to the point that we had touched on originally, the one-third of the funds is available, and I think if the Secretary were to not make it available to districts such as Evansville, he would be administering the act in bad faith.

Mr. PUCINSKI. The criteria is that in each instance no money under the act can be expended unless the school district is either under a court order or under a plan approved by HEW. Suppose it is not approved by HEW? We had a big fight in a similar issue on the Philadelphia plan. We maintained the Chicago plan on desegregating building trades is much more effective than the Philadelphia plan. Yet Washington thinks that the Philadelphia plan is the only one that is acceptable. So the point I am making here is why should this legislation require that funds will be expended only if the plan is approved by HEW or by a court order? Why not let a community come in here and say, "We are trying to do something voluntarily. Now it may not meet your standards, but in our judgment it is going to achieve a greater degree of integration faster," and apply for these funds.

Mr. BICKEL. Perhaps I misunderstood. But as I understood the scheme of the act, two-thirds of the money is going to these southern districts which are either under court order or HEW approved order. Now, first of all, there HEW does not have the last word. It has to follow judicially made law. And I don't see any alternative. I don't see that the Federal Government ought to be giving money to districts that

are doing less or something different than the law of the Constitution now requires. The one-third of the fund that is available in the Secretary's discretion does not, as I read the bill, depend on either judicial decree or HEW approved plans. It is a categorical grant, and perhaps you are suggesting the alternative of block grants to specify certain school districts with certain kinds of school populations. And I am personally not unattracted by the idea. I would be quite opposed to it so far as application to Southern districts is concerned. We have had 16 years of experience. We know the difficulties and we know that the voluntary local effort is very often not good enough to comply with the law of the Constitution.

Mr. BELL. Aren't we really talking about the problem of de jure segregation?

Mr. BICKEL. For the two-thirds.

Mr. BELL. And for the one-third—de facto for the most part.

Mr. BICKEL. Quite so.

Mr. BELL. The big problem, therefore, until the Supreme Court makes a decision on whether de facto segregation is proper or not, is de jure. De jure segregation is violating the terms of the Constitution.

Mr. BICKEL. That is quite so.

Mr. BELL. And that is where the emphasis should go and will go until the Supreme Court makes a decision on de facto segregation.

Mr. BICKEL. I quite agree, Mr. Bell.

The weight of the real problem remains the Southern problem, and that is where the weight of the money under this bill is placed, and in my judgment properly so; and the rest of the money, one-third, is freely available as categorical grants to other parts of the country which face problems of racially impacted schools. And unless we go to a block grant system this seems to me quite unacceptable.

Mr. BELL. Let me ask one other question if I can. Decentralization in the communities was tried in New York and several additional places and sometimes failed.

Mr. BICKEL. I would like to comment on that.

Mr. BELL. Is there a tendency to polarize, even racially, in a community like that?

Mr. BICKEL. To begin with, Mr. Bell, I don't think one can fairly say that the idea failed in New York. The two experiments particularly that I mentioned earlier, Ocean Hill-Brownsville and the IS 201 district which led to the teacher strikes, those were set up with altogether too vague a description of the powers that were to go to the community; there were misunderstandings on both sides as to what powers the community properly had. If the teachers were right, and I think formerly they were, about the community's power to hire and fire teachers or transfer teachers and principals, then one can't say the experiment failed, because that is the heart of the matter. If you have community control without control over teachers and what goes on in the classroom, you have given them the shadow without the substance. So I think one can't now say that the idea has been tried and has failed.

As to polarization, we have got to be candid and frank and realistic about this thing. There is no question in my mind that lower class, black ghetto, or Southern rural or Southern urban children, North and South, have different educational problems and needs than your average middle class white child. That is at the heart of the difficulty. There

is also no question, and again one would have to be blind to deny it, that there are cultural differences between a black community in the core city and your suburban and/or high rise, expensive apartment, professional, white, middle class person in the city.

These groups, without being polarized, are different. Now decentralization is a way of recognizing these now existing differences, and consequently in educational needs recognizing them and trying to cater to them in the best possible way which is by the parents telling the system what their needs are and what they want and then being in a position to assess and control it.

It seems to me to recognize that is not to polarize the community. The polarization, I think, occurs in serious fashion when you shut your eyes to that and you take the black ghetto child with its needs and its ways and try to force it, without preparation or without doing anything about it, into the same school with the white, middle class child. That is when you get the fights, that is when you get the polarization, that is when in the end the whites flee and you are back with another ghetto school.

I heard a story about a very good black teacher, I guess, from one of these districts, visiting a white suburban school, and sitting in on some classes. At the end, the white teacher asked her "How did you like it?" She said, "Well, it was very nice. I liked your techniques. But it's so quiet in the classroom. Do you think that is good for the children?"

Well, I don't know if that is good for every child. I don't know that the way we teach suburban white children necessarily has to be the way we teach black ghetto children.

Mr. BELL. Just a sidelight that gives another twist to this: in Baldwin Hills, Los Angeles, we have a 95-percent black school with the highest academic standing in all of Los Angeles. The reason for the unusual standing is, we believe, that it is an affluent black community.

Mr. BICKEL. Middle class.

Mr. BELL. Middle-class black community. When you get down to it, it seemingly isn't black or white but economic integration that we're talking about.

Mr. BICKEL. I am very much of the view of Ed Banfield and Pat Moynihan that the problem we are facing is at least as much a socioeconomic problem as a race problem. There is a great deal of racism in the country and that is a problem also. But in education, at least, much of the problem is socioeconomic class.

Mr. BELL. Can you eliminate de facto segregation if you have community control?

Mr. BICKEL. No, sir; it is not a technique aimed at that, and it is a technique which, where employed, would probably postpone that. It is a technique which says realistically for a variety of reasons, racial balance, integration, in whatever place you apply it, is not the first priority. It is not now in terms of time on the time scale the first present priority. The first present priority is to educate children, to give parents a sense of participation in the educational process of their children, to give them the opportunity to govern the education of their children.

Mr. BELL. When you talk about community control, are you talking about bona fide elected representatives that are representative of that community?

Mr. BICKEL. Yes.

Mr. BELL. Are you talking about the parent coming in and directing it?

Mr. BICKEL. No, sir. I would set it up through such a political process, although my preference would be to redistribute the electorate to parents. One of the reasons for that is that I think if you don't, and this is something that was visible in New York, you make the community control issue a vehicle for general political expression in the community. And I think that is probably not something that conduces to the best education.

Mr. BELL. Community control without some kind of elected officials could decide nothing. It would be taken over by a certain element of people; this could be a problem.

Mr. BICKEL. I entirely agree with that.

Mr. BELL. The chairman of our subcommittee has frequently commented that we simply need to expand title I of ESEA to solve the problem. Isn't the important difference in the two solutions the thrust of the two proposals? Title I's thrust is for the general education of deprived children. This money could be primarily intended for the development of de jure desegregation. Desegregation would probably cost us more money through the title I method.

Mr. BICKEL. I entirely agree. I said in my initial statement that I didn't think anything now existing on the books is aimed at or hits the target at which this bill is aimed. That target is the desegregation of remaining de jure districts, and one-third of the discretionary fund is responding to local conditions to alleviate racial imbalance in de facto districts. Title I simply doesn't do that. It is general aid to education, which is dispensed by a formula that takes into account the local income level and it also goes perhaps in some measure to the same places, but it goes to different purposes. You can do this under title I, just lift section 6 out of here and write it into title I. I don't care how you do it.

Mr. BELL. Thank you very much, Mr. Bickel. I enjoyed your testimony and your articulate manner of handling the questions very much. I congratulate you on a very good job.

Mr. PUCINSKI. Mr. Quie?

Mr. QUIE. No, sir.

Mr. PUCINSKI. Thank you, Mr. Bickel. We are very grateful for your taking time to give us your views on this legislation.

As we said earlier, your article "Desegregation, Where Do We Go From Here?" will appear in the record at this point.

(The information follows:)

DESEREGGATION: WHERE DO WE GO FROM HERE?

By Alexander M. Bickel¹

(School desegregation has been both a success and a failure, says Mr. Bickel, a professor of legal history at Yale. The success was mainly in the South, the failure nationwide.)

(Reflecting an attitude now widespread among liberals and even among black radicals who once unreservedly supported desegregation efforts, Mr. Bickel is

¹Alexander M. Bickel, a contributing editor to *The New Republic* since 1957, is Chancellor Kent professor of law and legal history at Yale. His book, "The Supreme Court and the Idea of Progress," was published in February by Harper and Row. This article and the one which follows it are reprinted by permission of *The New Republic*, ©1970. Harrison-Balme of New Jersey, Inc. They appeared in the February 7 and March 14 issues of NR.

reluctant to advocate gambling major resources on a chase after integration, as in the court-ordered busing program in Los Angeles. These resources might be better spent, he thinks, in teaching children "how to read in place."

(In the article that follows Blekel's, Ivor Kraft deplors what he terms the backsliding of the liberals. He offers a powerful defense of the gains already made and calls for continued nationwide school desegregation efforts, the spearhead of the civil rights movement.)

It [was] 16 years this May since the Supreme Court decreed in *Brown v. Board of Education* that the races may not be segregated by law in the public schools, and [it will be] six years in July since the doctrine of the *Brown* case was adopted as Federal legislative and executive policy in the Civil Rights Act of 1964. Yet here we are apparently struggling still to desegregate schools in Mississippi, Louisiana, and elsewhere in the Deep South, and still meeting determined resistance, if no longer much violence or rioting.

The best figures available indicate that only some 23 percent of the nationwide total of more than six million Negro pupils go to integrated public schools. About half the total of more than six million Negro pupils are in the South, and there the percentage of Negroes in school with whites is only 18.

What has gone wrong? The answer is, both less and a great deal more than meets the eye: it is true both that the school desegregation effort has been a considerable success and that it has not worked.

The measure of the success is simply taken. Sixteen years ago, local law, not only in the 11 Southern states but in border states, in parts of Kansas, in the District of Columbia, forbade the mixing of the races in the schools, and official practice had the same effect in some areas in the North, for example portions of Ohio and New Jersey. Ten years ago, Southern communities were up in arms, often to the point of rioting or closing the public schools altogether, over judicial decrees that ordered the introduction of a dozen or two carefully selected Negro children into a few previously all-white schools. There are counties in the Deep South that still must be reckoned as exceptions, but on the whole, the principle of segregation has been effectively denied, those who held it have been made to repudiate it, and the rigid legal structure that embodied it has been destroyed. That is no mean achievement, even though it still needs to be perfected and completed, and it is the achievement of law, which had irresistible moral force and was able to enlist political energies in its service.

The achievement is essentially Southern. The failure is nationwide. And the failure more than the achievement is coming to the fore in those districts in Mississippi and Louisiana where the Supreme Court and a reluctant Nixon Administration are now enforcing what they still call desegregation on very short deadlines. In brief, the failure is this: To dismantle the official structure of segregation, even with the cooperation in good faith of local authorities, is not to create integrated schools, anymore than integrated schools are produced by the absence of an official structure of school segregation in the North and West. The actual integration of schools on a significant scale is an enormously difficult undertaking, if a possible one at all. Certainly it creates as many problems as it purports to solve, and no one can be sure that even if accomplished it would yield an educational return.

School desegregation, it will be recalled, began and for more than a decade was carried out under the so-called "deliberate speed" formula. The courts insisted that the principle of segregation and, gradually, all its manifestations in the system of law and administration be abandoned; and they required visible proof of the abandonment, namely, the presence of black children in school with whites. The expectation was that a school district which had been brought to give up the objective of segregation would gradually reorganize itself along other non-racial lines and end by transforming itself from a dual into a unitary system.

All too often, that expectation was not met. The objective of segregation was not abandoned in good faith. School authorities would accept a limited Negro presence in white schools and would desist from making overt moves to coerce the separation of the races, but would manage nevertheless to continue operating a dual system consisting of all black schools for the vast majority of Negro children and of white and a handful of nearly white schools for all the white children. This was sham compliance—tokenism, it was contemptuously called, and justly so—and in the past few years the Supreme Court, and HEW acting under the Civil Rights Act of 1964, determined to tolerate it no longer.

HEW and some lower Federal courts first raised the ante on tokenism, requiring stated percentages of black children in school with whites. Finally they demanded that no school in a given system be allowed to retain its previous char-

acter as a white or black school. Faculties and administrators had to be shuffled about so that an entirely or almost entirely black or white faculty would no longer characterize a school as black or white. If a formerly all-Negro school was badly substandard, it had to be closed. For the rest, residential zoning, pairing of schools by grades, some busing, and majority-to-minority transfers were employed to ensure distribution of both races through the school system. In areas where blacks were in a majority, whites were necessarily assigned to schools in which they would form a minority. All this has by no means happened in every school district in the South, but it constitutes the current practice of desegregation. Thus among the decrees recently enforced in Mississippi, the one applicable in Canton called for drawing an east-west attendance line through the city so that each school became about 70 percent black and 30 percent white. Elsewhere schools were paired to the same end.

It bears repeating that such measures were put into effect because the good faith of school authorities was in doubt, to say the least, and satisfactory evidence that the structure of legally enforced segregation had been eliminated was lacking. But whatever, and however legitimate, the reasons for imposing such requirements, the consequences have been perverse. Integration soon reaches a tipping point. If whites are sent to constitute a minority in a school that is largely black, or if blacks are sent to constitute something near half the population of a school that was formerly white or nearly all-white, the whites flee, and the school becomes all, or nearly all, black; resegregation sets in, blacks simply changing places with whites. The whites move, within a city or out of it into suburbs, so that under a system of zoning they are in white schools because the schools reflect residential segregation; or else they flee the public school system altogether, into private and parochial schools.

It is not very fruitful to ask whether the whites behave as they do because they are racists or because everybody seeks in the schools some sense of social, economic, cultural group identity. Whatever one's answer, the whites do flee, or try to, whether in a Black Belt county where desegregation has been resisted for 10 years in the worst of faith and for the most blatant of racist reasons; or in Atlanta, where in recent years, at any rate, desegregation has been implemented in the best of faith; or in border cities such as Louisville, St. Louis, Baltimore, or Washington, D.C., where it was implemented in good faith 15 years ago; or in Northern cities, where legal segregation has not existed in over half a century. It is feckless to ask whether this should happen. The questions to ask are whether there is any way to prevent the whites' fleeing, or whether there are gains sufficient to offset the flight of the whites in continuing the process of integration.

To start with the second question, a negative answer seems obvious.

What is the use of a process of racial integration in the schools that very often produces, in absolute numbers, more black and white children attending segregated schools than before the process was put into motion? The credible disestablishment of a legally enforced system of segregation is essential, but it ought to be possible to achieve it without driving school systems past the tipping point of resegregation—and perhaps this, without coming right out and saying so, is what the Nixon Administration has been trying to tell us. Thus in Canton, Mississippi, a different zoning scheme would apparently have left some all-black and all-white schools, but still put about 35 percent of black pupils in schools with whites.

We live by principles, and the concrete expression in practice of the principles we live by is crucial. *Brown v. Board of Education* held out for us the principle that it is wrong and ultimately evil to classify people individually by race. We would have mocked that principle if we had allowed the South to wipe some laws formally off its books and then continue with segregation as usual, through inertia, custom, and the application of private force. But substantial, concrete changes vindicating the principle of the *Brown* case were attainable in the South without at the same time producing the absurd result of resegregation.

This argument assumes, however, that the first of the questions posed above is also to be answered in the negative. Is there, in truth, no way to prevent resegregation from occurring? Approaching the problem as one of straight feasibility, with no normative implications, one has to take account of an important variable. It is relatively simple to make flight so difficult as to be just about impossible for relatively poor whites in rural areas in the South. There is little residential segregation in these areas, and there is no place to move to except private schools. State and local governments can be forbidden to aid such

private schools with tuition grants paid to individual pupils, and the Supreme Court has so forbidden them. Private schools can also be deprived of Federal tax exemption unless they are integrated, and a federal court in the District of Columbia has at least temporarily so deprived them. They can be deprived of State and local tax aid as well. Lacking any State support, however indirect, for private schools, all but well-to-do or Catholic whites in the rural and small-town South will be forced back into the public schools, although in the longer run we may possibly find that what we have really done is to build in an incentive to residential segregation, and even perhaps to substantial population movement into cities.

On a normative level, is it right to require a small, rural, and relatively poor segment of the national population to submit to a kind of schooling that is disagreeable to them (for whatever reasons, more or less unworthy), when we do not impose such schooling on people, in cities and in other regions, who would also dislike it (for not dissimilar reasons, more or less equally worthy or unworthy?)¹ This normative issue arises because the feasibility question takes on a very different aspect in the cities. Here movement to residentially segregated neighborhoods or suburbs is possible for all but the poorest whites and is proceeding at a rapid pace. Pursuit of a policy of integration would require therefore, pursuit of the whites with busloads of inner-city Negro children, or even perhaps with trainloads or helicopterloads, as distances lengthen. Very substantial resources would thus be needed. They have so far nowhere been committed, in any city.

One reason they have not is that no one knows whether the enterprise would be educationally useful or harmful to the children, black and white. Even aside from the politics of the matter, which is quite a problem in itself, there is a natural hesitancy, therefore, to gamble major resources on a chase after integration, when it is more than possible that the resources would in every sense be better spent in trying to teach children how to read in place. Moreover, and in the long view most importantly, large-scale efforts at integration would almost certainly be opposed by leading elements in urban Negro communities.

Polls asking abstract questions may show what they will about continued acceptance of the goal of integration, but the vanguard of black opinion, among intellectuals and political activists alike is oriented more toward the achievement of group identity and some group autonomy than toward the use of public schools as assimilationist agencies. In part this trend of opinion is explained by the ineffectiveness, the sluggishness, the unresponsiveness, often the oppressiveness of large urban public school systems, and in part it bespeaks the feeling shared by so many whites that the schools should, after all, be an extension of the family, and that the family ought to have a sense of class and cultural identity with them. And so, while the courts and HEW are rezoning and pairing Southern schools in the effort to integrate them, Negro leaders in Northern cities are trying to decentralize them, accepting their racial character and attempting to bring them under community control. While the courts and HEW are reassigning faculties in Atlanta to reflect the racial composition of the schools and to bring white teachers to black pupils and black teachers to white ones, Negro leaders in the North are asking for black principals and black teachers for black schools.

Where we have arrived may be signaled by a distorted mirror image that was presented in the Ocean Hill-Brownsville decentralized experimental school district in New York during the teachers' strikes of the fall of 1968. A decade earlier, black children in Little Rock and elsewhere in the South were escorted by armed men through white mobs to be taught by white teachers. In Ocean Hill-Brownsville in 1968, white teachers had to be escorted by armed men through black mobs to teach black children.

Can we any longer fail to acknowledge that the Federal government is attempting to create in the rural South conditions that cannot in the foreseeable future be attained in large or medium urban centers in the South or in the rest of the country? The government is thus seen as applying its law unequally and un-

¹For instance a UPI dispatch from Oklahoma City dated January 20 as follows:

"Mrs. Yvonne York, mother of a 14-year-old boy taken into custody for defying a Federal desegregation order, said today she will take the case to the Supreme Court. U.S. District Judge Luther Bohannon last week ordered the Yorks to enroll their son Raymond at Harding Junior High in compliance with desegregation rulings. The boy had been enrolled at Taft Junior High a few blocks from his home. Harding is four miles from his home. Raymond was taken into custody yesterday by Federal marshals when Mrs. York tried to enroll him at Taft. He was detained for a few hours." A city councilman is quoted as saying, "The people of Oklahoma are fed up with forced busing and Federal court orders running our schools. We demand an end to this madness."

justly, and is, therefore, fueling the politics of George Wallace. At the same time, the government is also putting itself on a collision course with the aspirations of an articulate and vigorous segment of national Negro leadership. Even if we succeed, at whatever cost, in forcing and maintaining massively integrated school systems in parts of the rural South, may we not find ourselves eventually dismantling them again at the behest of blacks seeking decentralized community control?

There must be a better way to employ the material and political resources of the Federal government. The process of disestablishing segregation is not quite finished, and both HEW and the courts must drive it to completion, as they must also continually police the disestablishment. But nothing seems to be gained, and much is risked or lost, by driving the process to the tipping point of resegregation. A prudent judgment can distinguish between the requirements of disestablishment and plans that cannot work, or can work only, if at all, in special areas that inevitably feel victimized.

There are black schools all over the country. We don't really know what purpose would be served by trying to do away with them, and many blacks don't want them done away with. Energies and resources ought to go into their improvement and, where appropriate, replacement. Energies and resources ought to go into training teachers and into all manner of experimental attempts to improve the quality of education. The involvement of cohesive communities of parents with the schools is obviously desired by many leaders of Negro opinion. It may bear educational fruit, and is arguably an inalienable right of parenthood anyway. Even the growth of varieties of private schools, hardly integrated, but also not segregated, and enjoying state support through tuition grants for blacks and whites alike, should not be stifled, but encouraged in the spirit of an unlimited experimental search for more effective education. Massive school integration is not going to be attained in this country very soon, in good part because no one is certain that it is worth the cost. Let us, therefore, try to proceed with education.

A great deal of the critical response to my article on schools has substance as well as favor, but is not properly addressed to me. Many of my critics see only two positions—theirs, and another that I am supposed to share with Senator Stennis. They are mistaken. They come to their error out of the experience of a decade and a half of fighting Southern segregationists, and out of the memory of how an earlier Reconstruction was defeated and nullified in 1877 by the politically motivated capitulation of the North. The experience is mine also, and I deeply respect those, lawyers and others, who fought and are still fighting as foot soldiers in the trenches, rather than, like myself, as support troops. I recognize, moreover, the danger of another Compromise of 1877. But those who read me more calmly will know that I proposed no capitulation and advocated no equivalent of the notorious Compromise. I had and have distinctly in mind the need to avert both.

Desegregation of Southern schools reached a turning point, I said, about two years ago, when courts and HEW made the transition from the effort to disestablish dual school systems to the active promotion of integration. The Supreme Court has not yet told us that total integration of pupils of both races, in disregard of neighborhood lines and other considerations, is the law of the Constitution. The law is in flux. The question is what it ought to become. The question that I discussed, whatever Senator Stennis may have in mind, is not whether we ought to renege on the desegregation that has been accomplished, or let up in the effort to accomplish it in parts of the South where it is not yet a reality, but where do we go from there?

I agree with Mr. Panetta, with Professor Tyack, with the less temperate Professor Orfield, and with others, whose comments have yet to be published, that desegregation has worked in the South and has produced many stable situations. I would do nothing to disturb this achievement, and I would, as I said, carry the task of desegregation to completion in the South. I agree also that some hopeful attempts at integration—racial dispersal—have been made in special places elsewhere in the country, and I would not disturb these either. But I question any generalization drawn from these few hopeful attempts.

Obviously I make a distinction, as many of the replies to my article fail to do, between segregation and racial imbalance, and a corresponding one between desegregation and integration or racial dispersal. Segregation is the separation of children of different races in the public schools by law or intentional administrative action. Desegregation is the disestablishment of segregation. Racial imbalance is just what it sounds like, and its causes are found in conditions that

school law and school administrators have not created and cannot help. Integration, aimed at curing racial imbalance, is the mixing of children of different races in the public schools by law or intentional administrative action. In order to be satisfied that segregation has been honestly disestablished in a place where it has in the past been imposed by law, it may be necessary to require some visible mixing of the races in the school. But it remains true that to require integration is quite something else.

I have argued that integration is, under present circumstances, impossible of achievement on a national scale; that attempts to impose it, in the South as elsewhere, often produce the perverse result of resegregation; that a rising segment of Negro leadership no more wants it imposed than do many whites; that it often amounts to the mixing of the black lower class with the white lower class, which is educationally useless, so far as we know, even though the mixing of the lower and middle classes might have some uses; and that, therefore, integration ought not to have the highest priority in the allocation of our human, political, and material resources. That is what I have tried to say—about integration, not desegregation—and I do not believe I have been successfully contradicted. I may add that I am not alone among students of the problem in saying what I do, and that I have myself been saying it for nearly a decade.

I realize that the debate about where to go from here may somehow—any straw will do—enspirit certain unreconstructed Southerners who would like to return to where we started from 15 years ago, and may consequently dispirit Southern moderates, whose fidelity to law in arduous conditions over the same period has been a tremendous national asset. I think, therefore, that the law of desegregation should be reaffirmed by Congress. I believe also that the continuing process of desegregation would benefit from an attempt to stabilize the law and clarify it, so that those who would still resist desegregation cannot make allies by claiming that what will ultimately be imposed is necessarily racial dispersal. To these ends, I have cooperated in drafting a bill with Representative Richardson Preyer of North Carolina, a former Federal Judge, and one of those Southerners whose career has been marked by fidelity to law and by personal commitment to the moral precepts that the law embodies.

As Professor Charles Hamilton wrote in these pages, government ought to support—not merely permit—the education of children in desegregated situations. And it ought to exert itself to improve the quality of education. The bill I speak of would create a national right for any public school pupil to transfer from a school in which his race is in a majority to one in which his race is in a minority. Transportation, if needed, would be provided at public expense. Secondly, the bill would commit the Federal government to the equalization of educational opportunities and facilities. Thirdly, without disturbing the authority of Federal courts and of HEW to measure the good faith of a desegregation performance, the bill would define the end result, which, in a term used by the Supreme Court but left by it undefined, is called a unitary school system.

In general, a unitary school system would be achieved either by a genuine neighborhood zoning of school attendance areas or by mixing the races in the schools in a ratio that, within a substantial permissible range, bears a relation to the proportion of one race to the other in the total school population in a district. Voluntary efforts by school boards to achieve better racial balance would, of course, be permitted, as would efforts to forestall resegregation of the schools, and the concomitant hardening of the lines of residential segregation. North or South, once a school system has reached—or has for a half century been in—a unitary State, Federal courts and HEW would retain jurisdiction to pursue and cure any measure, however covert, to achieve in whatever degree any forced separation of children in the schools solely on the basis of race.

Segregationists, says Professor Hamilton, "must be fought at every turn. But in our determination to defeat them, let us not devise plans that are dysfunctional in other serious ways. The principle is a free and open society, and we can pursue several realistic routes to its achievement." That is what I believe.

Mr. PRCINSKI. Our next witness is Miss Frances Sussna, director of the Multi-Culture Institute of San Francisco, Calif.

We have asked Miss Sussna to give us a very brief picture of the additional cost involved in trying to produce programs in changing schools.

Miss Sussna, if you will tell us how the Multi-Culture Institute, for instance, could be aided by this legislation, and give us some idea of what we are talking about when we are talking about additional cost in this whole operation.

STATEMENT OF MISS FRANCES SUSSNA, DIRECTOR, MULTI-CULTURE INSTITUTE, SAN FRANCISCO, CALIF.

Miss SUSSNA. Thank you very much.

I am grateful for the opportunity to appear. I don't have a written statement, but a rather informal one and I hope the members of the committee will interrupt me when there is a statement that seems to require further explanation.

I don't purport to be an authority on all the provisions of the bill, but I want to talk about those features that provide funds for new instructional techniques and materials designed to meet the needs of racially isolated schoolchildren and to develop innovative, inter-racial educational programs and special programs or projects designed to enhance the possibilities of successful desegregation.

I think these are the most important features of the bill, because I have a considerable reservation about the success of desegregation that puts children together without any kind of preparation, without any taking into account the cultural differences and the hostilities they may bring to school. We see this constantly in various school districts that have desegregated in the sense that they have bused children to the same school. In those schools, the children often don't sit together; they don't mingle on the playground; and they blow up out of proportion unpleasant incidents that may develop between children of different races.

This is not what any American had in mind in the dream of integration. Sometimes when you just simply put together children with expectations of negative experience, they have negative experiences.

We talk about examples of children coming to understand and love one another because they are together, but it doesn't always work that way. Somebody gave an example of a white person's life having been saved by a black person and thereby the white person was converted to a respect for black people generally. But this kind of incident doesn't happen very often; there are many more incidents where there are frictions between people and these increase racial hostilities.

Therefore, I believe that the most important thing, even more important than putting the children together, is finding techniques to help children learn to respect one another and interpret the differences that they have in ways that will lead to understanding and the ability to live together in peace and harmony.

This is what we are attempting to do at the Multi-Culture Institute in San Francisco.

I would just like to mention in passing that another important aspect of the bill is the fact that it makes funds available to private agencies. It is very clear that we have to do some things very differently from the way we are doing them now. And I think when you want to do something that is somewhat revolutionary you have to begin with the private institution.

At our institute which I am going to describe, we have people now visiting from school districts around the country who say they are thinking of initiating experimental programs based on our model. But I don't think we could have gotten a public school district to do the very first model, before they could point to a place where it is already in practice, and has drawn widespread favorable comment.

Basically what it comes down to is this: you have successful education for integration when you help children to acquire positive constructive attitudes first, toward themselves, and second, toward others.

The Multi-Culture Institute in San Francisco believes it has found a way to accomplish both goals, and has been demonstrating it in a model school program set up under a grant by the Ford Foundation.

Our children are separated for part of the day to learn about their own racial and/or ethnic group. Paradoxically, this leads to a marvelous interaction among the children when they are brought together again.

Our program has three major components:

- (1) General studies, in which the children are fully integrated.
- (2) Ethnic studies, in which the children are separated so that each ethnic group can have in-depth study of its own language and culture, and its contribution to the total American scene.
- (3) Sessions in which each ethnic group teaches the others about itself.

Our children have learned to understand, appreciate, and enjoy differentness. They are able to interact and function together amazingly well. And, interestingly enough, we see indications that their growing appreciation of self and others tends to "rub off" onto their parents.

A program officer of the Ford Foundation said on one of his recent visits: "We have been talking for a long time about something called quality integrated education. Here, at last, is quality integrated education."

By contrast this cannot be said about many other newly integrated schools. Some children coming to these schools bring with them feelings of shame, alienation, futility, rootlessness, and inferiority. Others bring feelings of superiority, hostility, and fear toward others. The fact that their new school has children of both groups does not always in itself change the attitudes of either one.

Successful integrated integration is the kind that leads children to see their own ethnic identities and those of the other children in positive, realistic, constructive ways—to realize that America is a mosaic of many kinds of people, each group (just like each person) having its own worth, and beauty, and contribution to make to the world.

At the Multi-Culture Institute, we have Black children, Latin American children, Chinese children, Jewish children, for whom we have separate classes. We also have children of Irish, Italian and many other backgrounds. We don't have separated ethnic classes for them because of financial limitations; however, we feel that every American child would benefit greatly from an indepth exploration of the culture and history associated with his ethnic background, in a program geared to giving him, at the same time, an appreciation of others.

There are many important things being done in education today. The trends toward nongrading, reduced class size, and independent learning, for example, are all very important. But if we don't deal with the child's attitude, if he doesn't learn how to live up to his potential and to live effectively with other people, we will end up killing one another.

The Multi-Culture Institute has received the enthusiastic support of all of the ethnic groups acquainted with it. The president of the board of trustees is Supervisor Terry A. Francois, a black man, who was for many years an outstanding leader in the civil rights movement and is now a member of the legislative body of the city and county of San Francisco. He has made considerable personal sacrifice for this project because of what he thinks it will do for black people and for race relations.

I will, if I may, ask to include in the record a reprint of a Reader's Digest article by Supervisor Francois, entitled: "A Black Man Looks at Black Racism." In it, Supervisor Francois describes how the Multi-Culture program can counteract racism, black and white.

The other ethnic groups have been similarly supportive and I should also like to include in the record a statement which appears in the Reconstructionist Magazine in which Rabbi Arthur Abrams of Berkeley, Calif., describes his visit to the Multi-Culture Institute and expresses his belief that this program can revolutionize education in America.

Mr. BELL (presiding): Without objection those matters will be included in the record.

(The information follows:)

[A Reader's Digest reprint]

A BLACK MAN LOOKS AT BLACK RACISM

(By Terry A. Francois¹)

Tim Peebles was 17 when he graduated from a California high school two summers ago. He was bright, well liked and active in student affairs. For four years Tim, a Negro, had been on the school Inter-Racial Council, and in a commencement speech he said that all of us, black and white, must learn to get along and communicate with one another.

But, after Tim enrolled at San Francisco State College, somebody taught him to hate. He became a "brother" in the Black Students Union, which preaches hostility to the white man for creating a "racist, oppressive society." Last winter, BSU led a student strike, and for four months there were violent confrontations between black students and white authorities. On March 5, the revolutionary rage engulfed Tim Peebles. Police charge that he and another student, William Pulliam, exploded a time bomb in the school's Creative Arts Building. When it apparently exploded prematurely, Tim was all but blinded and his hands were maimed. He was found drenched in blood, reportedly screaming, "Where is William? I gotta get out of here. . . ."

As the story of Tim—crippled for life—shows, racism now comes in two colors: white and black. Black racism is much less recognized, or understood, but it is just as reprehensible, sterile and cowardly as white racism. Unless we blacks face this now, and come to grips with its terrible implications, we are going to see the tragedy of Tim Peebles repeated in a hundred different ways in a hundred different cities.

¹ Long active in the fight for civil rights, Terry A. Francois initiated the lawsuit in 1952 which resulted in the U.S. Supreme Court decision outlawing deliberate segregation in public housing. In 1964, he was the first black man to gain a seat on the San Francisco Board of Supervisors.

THE VIOLENT ONES

What is black racism? It is:

Harry Edwards, organizer of last year's abortive boycott by black U.S. Olympic team athletes, telling a symposium at the University of Missouri-Kansas City that blacks should order the white businessman out of the ghetto, and that "if he doesn't understand, burn him out, kill him, murder him."

The reign of terror visited upon a San Francisco State College teacher. Dr. John Bunzel, who questioned the militants' insistence that only blacks should teach black studies—then found a bomb left outside his office door, his cars disabled, and his classroom disrupted time after time by shouting radicals.

Rioting black students threatening to rock-bomb a Chicago school bus last spring—for no other reason than that the driver and the young passengers were white. It took a phalanx of helmeted police to rescue the bus and its occupants.

A gang of black youths brutally beating a white boy last February because he had dared to play baseball on a San Francisco public playground that the gang had decreed was for blacks only.

"Whiteness" is held by the strident voices of black racism to be the universal, automatic enemy, to be opposed on all fronts, at all times, at all costs. *Only* black is good; white is *always* bad. On the basis of color alone, black extremists reject other Americans of goodwill.

Sometimes this racism commands blacks to "return," at least in spirit, to Africa. In Los Angeles, Ron Karenga directs members of his black-community organization—named, simply, US—to assume African surnames, learn Swahili, wear African-style clothes. When the Detroit-based Republic of New Africa (RNA) was formed last year from a number of radical black groups, its leaders demanded that the State Department give it \$400 billion in reparation for "labor stolen during slavery and damages suffered by blacks from racial discrimination," and also turn over Alabama, Georgia, Louisiana, Mississippi and South Carolina to RNA to become a new "African" nation. Members pay an income tax to support a paramilitary force—the Black Legion—for "defense" against white resistance to RNA's secessionist goals.

Increasingly, there is talk of the supposed inevitability of armed confrontation of blacks and whites. The Black Panthers, another revolutionary group, openly says that "when the people move for liberation, they must have the basic tool of liberation—the gun." In New York, 21 Panthers are under indictment on charges of plotting to kill policemen and to dynamite five stores during the Easter shopping crush.

This militancy feeds on white racism's historical oppressions. There have been advances, but as late as 1968 the Kerner Commission report on civil disorders warned that white racism was continuing to split our country into white and black worlds, increasingly separate, increasingly unequal. One year later, a study sponsored by the Urban Coalition and Urban America, Inc., told us that the status was mostly unchanged. Every day that goes by without a reordering of our national priorities to mount a massive effort at solving the ghettos' housing, employment and educational problems gives the black racists that much more apparent plausibility to preaching their hatred of whites.

THE WIDENING GULF

Even so, I am convinced that as of now the majority of adult black Americans do not lean toward racism. Rather, the real threat comes from the appeal of black racism to young blacks like Tim Peebles. My own experience with students—notably at San Francisco State—is a case in point.

During the 1950s and the early 1960s, when I was a leader in the San Francisco branch of the National Association for the Advancement of Colored People, black students frequently invited me to their campuses. There was nothing we couldn't debate. But, beginning in 1964, I saw changes in the students' attitudes. Increasingly, the blacks said that whites could never be trusted, were only interested in suppressing blacks—and had to be fought.

I came to feel that many of those who invited me to their meetings were no longer interested in listening to arguments in favor of integration. It was impossible to challenge anything they said without being called an Uncle Tom. All who opposed the new militancy were vilified as "Oreos"—like the cookie dark on the outside but white inside.

In the fall of 1968, the militants at San Francisco State put forward 15 demands. These included an autonomous black-studies department, "open admission" for any black student regardless of qualifications, and the rehiring of a temporarily suspended teacher who was a Black Panther. I asked their leaders which of the 15 demands were subject to bargaining. "None," I was told. "Every one is totally non-negotiable." They were not interested in working out an accommodation with the college; their goal, instead, seemed to be to provoke conflict by insisting on total surrender.

And so violence came. There were almost daily clashes with police, more than 600 arrests—and nine bombings. The tenth was the one that exploded on Tim Peebles. More than anything else, that seemed to shock our community; soon afterward, a bargaining committee, of which I was a member, brought about a compromise that all parts of the university could agree on.

PRIDE PERVERTED

If you analyze that confrontation, you see how black racism perverted what began as an eminently healthy development in this country—the birth of black pride. I welcome that prideful black consciousness, because without it there can be no true integration. As a leading psychiatrist put it, "Before you can integrate, you need an *identity* to integrate." But once you've said that black is beautiful, what then?

How does that slogan help a youngster who is flunking out of school? What good is that slogan to the young men on the street corners who are out of work? Here, then, lies the real indictment of black racism: They find it easier to curse Whitey than to face the tough fact that to take a meaningful place in America the young black has got to learn to do something that society needs and is willing to pay for. When black racists reject this simple truth, saying instead that color alone gives a man dignity, they are running away from the great challenge of creating a single America in which people of all colors have equal opportunities to live, work and play.

True, achieving that goal will be tough and demanding. It will require the white community to make a far greater adjustment than it has yet made to the needs of the black world. But it will also require blacks to understand that it is no longer enough merely to protest past indignities or to assert an air of superiority. If black people embrace separatism, as psychologist Kenneth Clark has made so clear, they will achieve by their own actions what white segregationists have never been able to accomplish: a society defined and structured by race alone, with the minorities sealed off in ghettos of hate as well as color.

REASON'S COURSE

The real issue now is: How do you motivate people who are out of the mainstream to try to lead productive lives? How do you equip them with the pride and courage to compete for a meaningful place in the world?

For the black man there is only one permanent solution: realistic, humanitarian education. In San Francisco, I believe that we are pioneering a way to accomplish that. We call it the Multi-Culture Institute, a new kind of school based on the idea that the first responsibility of any individual is to find out *who* he is, and then to accept himself for *what* he is.

The reason public education has so failed our black youth is that it never understood how the Negro child's emotional problems about his color interfere with his ability to learn. The white world relies on the family as the vehicle for transmitting to the young its goals, aspirations and a sense of achievement. But for blacks slavery destroyed the institution of the family, a disaster that we are still trying to recover from. Many black families in our urban ghettos are so chopped up that they cannot be counted upon to convey dignity, hope and reason to their children. As a result, the black child often comes to school with no positive self-image, no idea that it can be *nice* to be black, no appreciation of his black culture. The inevitable consequence is a severe motivational block; he sees no reason to pursue education because it is basically so irrelevant to him.

When the Multi-Culture Institute opens this fall, over 150 youngsters from various ethnic groups will be accepted for kindergarten and the lower grades. The children will learn their academic subjects together. But at certain periods they will be separated on the basis of ethnic background to allow them time to learn about themselves, and to examine their relationships to others, all under

the guidance of trained teachers. At other times they will assemble in combined classes so that each group can teach the others about itself.

My first reaction to these ideas was negative. All my mature years I have worked for an integrated America, and these ideas seemed contradictory to that ideal. But I came to see that this program envisioned a more realistic form of integration than we had contemplated. Learning positively about themselves and their heritage will enable black youngsters to go into the world with a secure identity and motivation to achieve. Is this teaching personal and racial pride? Certainly—but a constructive pride that causes one to respect the distinctiveness of others, as well as of himself. And we hope that we will demonstrate how our approach is adaptable to public schools everywhere.

To me, this is the course of reason. In these troubled days, when passions run high and frustrations abound, what real power we black people can muster—as a minority—must be coupled with the utmost in good judgment, or else we shall surely perish in disarray.

[The Reconstructionist, May 29, 1970]

A PLURALISTIC DAY SCHOOL

To the Editor:

It is ironic that your article: "Proposal For A Pluralistic Day School" March 27, 1970, should have arrived just the same week that I visited a unique experiment in education called the "Multi-Cultural Institute" in San Francisco. This nonprofit school provides an opportunity for a heterogeneous grouping of children to learn together in an integrated setting, and also to gain awareness of ethnic identification.

The school, which is housed in a complex of buildings which used to be a Jewish orphanage, was founded by Frances Sussna, who once directed the Brandeis Day School in San Francisco. In my interview with her, she explained the aims and goals of her school, which included the preservation of the ethnic identity of Black, Jewish, Chinese, Japanese, and Mexican-American children by treating them both as members of the larger society and of their specific ethnic groups.

How fascinating! There is an answer to the problem of living in pluralistic American as American and Jew, American and Black, etc. This program has tremendous possibilities for creating a whole new concept in public school education.

I visited the classes. In the morning the children, all of young elementary ages, were grouped together for instruction in general studies. There was plenty of interaction. After lunch the groupings went according to ethnic identification. One class for the Chinese children was being conducted in Chinese. The room reflected the heritage of China. A Nationalist Chinese Flag hung on the wall. Another class for the Black students was having a lesson in Swahili. A Mexican ethnic class was preparing a play *Simple Simon Says* in Hebrew. The room was decorated with symbols of Jewish Holidays and of Israel. It was like our week-day afternoon Hebrew Schools, only more so.

I discovered that the children not only became more aware of the poetry, literature, language and history of their own heritage, but also learned to share the culture of others and to appreciate a pluralistic approach to American Culture and history. No longer were they shy about their own identity, but also felt more natural about Blacks, Jews, Mexicans, etc.

The "Multi-Culture" Institute is drawing considerable attention in the Bay Area from school districts which are looking for new ways to cope more successfully with a multiculture approach to learning. This idea may revolutionize education in America. Instead of largely ignoring ethnic contributions in our schools, there would be an emphasis placed upon group identifications and recognition of the role of minorities in a pluralistic society. The possibilities are unlimited. We would be able to bridge the two-civilization concept of Mordecai Kaplan.

Our Jewishness would be a part of our educational experiences in public school. No longer would we feel that Jewish Culture is secondary to general American Culture. Our children as well as parents would feel a new sense of awareness and pride in their identification. As Miss Sussna pointed out: "We should feel a sense of belonging to a group which in no way means chauvinism. Our group is not better than the other, but does recognize the multi-cultural nature of America."

This approach, I feel, may be the answer to future directions in Jewish education as well as general education and may ultimately, if used, develop a much more aware, knowledgeable, and committed community of American Jews, in a society of many ethnic groups. This may be the answer to some of the dilemmas of race relations in America.

(Rabbi) ARTHUR J. ABRAMS.

Miss SUSSNA. Thank you. I should also like to quote a statement in which our regional NAACP director said of the multiculture program that it is " * * * far-advanced thinking and may represent the only way to educate people in a multiculture society such as ours in these United States. I wholeheartedly endorse it."

Mr. James Farmer, assistant secretary of HEW writing about the Multiculture Institute said:

At last someone has come up with a creative and imaginative program that is conceptually sound and relevant * * * honors the pluralism of American culture and recognized that the honoring of diversity does not contradict, but enriches, unity.

I hope that under the school aid bill funds will be made available for this kind of thing, not only the putting of bodies together but helping them find ways of living together when they get together.

I would be very happy to answer any questions you may have. I hope it will be possible sometime for the members of the subcommittee to visit the project, and I hope you will see in it the potential force that others have seen in it.

Mr. PUCINSKI (presiding). Do you feel, Miss Sussna, that in this proposal, where the Secretary has the one-third funds and the two-thirds are allocated to the State formula, if I understand what you are telling the committee is that this is your sort of program in trying to speed it along and make more effective the integration process and it could be funded out of this bill?

Miss SUSSNA. Yes. It is also my personal opinion that making it more effective is more important than speeding it along.

Mr. PUCINSKI. You have been funded by the Ford Foundation, as I understand?

Miss SUSSNA. Yes.

Mr. PUCINSKI. Is there any other legislation that you have received funds under or have applied for to carry on your program?

Miss SUSSNA. It is very difficult for private agencies to receive funds. Most funds have to go through a local school district, which I think is a mistake because then you become embroiled in the politics of the local districts and you are not free to attempt something that may be revolutionary. This bill would allow funds to go to private agencies which are so much freer to experiment.

Incidentally, Mr. Pucinski, I was very happy to find such a provision also in the Ethnic Heritages Studies Centers Act, which is an extremely significant and promising piece of legislation.

Mr. PUCINSKI. Your program primarily, as I understand your program, has been directed at the efforts to enhance integration. And it is my understanding that the President's act—you particularly stated that the act provides for funding of private agencies—could move in that direction. That is what I was particularly interested in. We have been trying to get some examples here of what are the additional costs involved, either in public schools or private schools, and you tell us that your program has been moving in that direction of

bringing about better integration through a better understanding of the multiethnic or cultural activities of your community.

Miss SUSSNA. Mr. Chairman, I can tell you what we would like more funds for. The Ford grant was just a launching grant. We would like to extend the program: we would like to expand it. We would like to involve the parents in similar kinds of classes. Our parents are almost unanimously interested in such a program, but we don't have the resources to pay additional teachers to do it.

We would like to go into various school districts in the North and South which are interested in trying similar programs. We would like to expand the very modest on-site teacher training effort we are beginning this summer. We want to be able to make films showing how ethnicity can enrich, rather than endanger, individuals and communities. We would like to be able to respond to others who want help in trying what has worked so well for our children.

Mr. BELL. Do you believe that the techniques of your center can bridge the class differences between children in school?

For example, how do you handle a situation where extortion is used by youngsters? I have heard of one example where children coming to school in the morning have to cross a bridge and a gang of young thugs, of whatever race, creed, or color, will jump them and demand money. If they don't have any money, they say, "you get it from your parents tomorrow and don't tell the police or your parents." The kid is scared to death and goes home and steals the money. Do you have any way of solving that?

Miss SUSSNA. Yes, I think we do. I think our approach relates very directly to questions of discipline and antisocial behavior. I happen to be Jewish. I believe that one of the reasons—this sounds very simple, but I think it is true—that we have so low a Jewish crime rate is that many Jewish children grow up with a sense of belonging to a group that they are kind of responsible to. There are certain things "we don't do." Now, every child is part of a group that has a special beauty and a special uniqueness, and if we help him really feel this sense of belonging, this sense of worthwhileness, you have a much better chance. I don't say that you eliminate crime 100 percent, but you have a better chance.

The group is not Jewish or Negro. I would have to know about the specific children, but I do believe that we can give all children a sense of dignity and self-respect that leads to behavior which is human and humane.

This can be done very effectively through ethnic identification, whatever that identification may be. For children with strong and obvious ethnic identification it is essential to use this means.

When one of our black teachers says to a child, "We are part of a group that is fighting for justice for ourselves and for all people and we behave accordingly," it really reaches the child. You can start saying this at any time but it is a lot better if you start in kindergarten, or earlier.

Thank you.

Mr. PECINSKI. Thank you very much, Miss Sussna. We are very grateful to you for appearing here today.

(Whereupon, at 11:40 a.m., the subcommittee adjourned subject to the call of the Chair.)

EMERGENCY SCHOOL AID ACT OF 1970

THURSDAY, JUNE 25, 1970

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The General Subcommittee on Education met at 10:25 a.m., pursuant to call, in room 2261, Rayburn House Office Building, Hon. Roman C. Pucinski (chairman of the subcommittee) presiding.

Present: Representatives Pucinski, Bell, Quie, and Ruth.

Staff members present: John F. Jennings, counsel; Alexandra Kiska, clerk; and Charles W. Radcliffe, minority counsel for education.

Mr. PUCINSKI. The committee will come to order. We are very pleased to have with us this morning to continue our hearings on H.R. 17846 our distinguished colleague from Florida, Congressman Fascell, who surely everyone would agree has made a great contribution toward education.

He has always been in the forefront in supporting legislation for good education of the youngsters of America.

Even though he himself serves on the House Foreign Affairs Committee, I have never ceased to be amazed at the enormous knowledge he has about the educational problems of this country, and I think it is fair to say he is one of the leaders in this Congress in fighting for more effective legislation.

So we are most pleased to have Congressman Fascell here this morning to tell us about this bill, and I would like the Congressman to introduce the panel of witnesses he has brought to the committee this morning.

STATEMENT OF HON. DANTE FASCELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. FASCELL. Thank you, Mr. Chairman.

I am grateful to you not only for the kind words but for the opportunity to appear here on this and have this distinguished group of experts from Dade County, to testify before this subcommittee and to discuss matters of grave importance based on not only their general knowledge but their specific knowledge in the school system in Dade County, Fla., which is one of the largest in the country.

Mr. Chairman, in the hearings that you are conducting here, and any time you discuss education, you are dealing with an extremely important and vital subject.

Today the transition that is taking place in all aspects of education, both as to its role, and the implementation of integration raises

questions which are so large that they demand constant attention by the Congress. The costs involved, of course, are obviously so great that Congress has long since recognized that fact and has given great attention to it.

These hearings, therefore, as I see it, are a continuation of the long interest which not only you, but other members of this great committee have had in this very serious problem.

The bill I introduced seeks to accomplish what the administration proposal does which is now pending before the committee. I introduced that bill on March 26, 1970, primarily because the leaders in our community who are here, who are working in the school system, were confronted with a specific problem which we now all recognize.

They could not meet it despite their best efforts financially at the local level, and therefore had to seek to provide some method, some base, some formula by which Federal assistance could be given and obtained.

There were some provisions for relief in existing law under title IV of the 1964 Civil Rights Act but it was extremely limited. This aid to school systems had to be broadened, and that was the purpose of the original bill.

The criteria which are laid down in the bill I introduced I frankly think at this point are inadequate. I think that the criteria laid down in the administration proposal are broader, and ought to be. But I am not sure that we ought to use even that broader criterion as a basis for whatever grant is going to be made to a local school district, because we are discussing, it seems to me, the whole philosophy of Federal assistance and not just a part of it.

The primary purpose it seems to me, is not a monetary incentive or punishment with respect to the action of a local school board in attempting to comply with the law on integration.

The primary criteria so far as the Federal Government is concerned is to recognize that quality education, in an effort to comply with law is disrupted by the efforts of school boards to comply with the law.

If we address ourselves to the issue in that fashion, then it seems to me your criterion really is how many children are there in school; what is the extent of disruption in providing quality education; how can we best provide some monetary assistance at the Federal level?

Clearly we have to have established some criteria that are measurable and reasonable, and I would hope that we could spell that out, Mr. Chairman, because I think this is important to keep them at a very minimum.

Under the pending proposal we have a broad grant of discretion in the Secretary of HEW, and I know that is welcome from a management standpoint, but it is not or may not be beneficial to a local school district.

It seems to me that minimum criteria ought to be spelled out, and a school system either gets the money or doesn't, based on whether it has met the criteria, and should not be based on subjective factors or other factors which may or may not be within the knowledge of the Secretary.

I think that is an important factor. I think, in other words, the committee ought to consider broadening the base for relief to the number of pupils in the school system. I don't think we have to hang our hat on a minority count as suggested in the pending administration proposal.

The issue is quality education. I think we ought to be very cautious, careful and prudent about the broad discretion of authority laid down to the Secretary in the administration bill. If it is possible, we ought to lay down a broad criteria that would allow school districts who meet that criteria to receive the money.

The bill is not written that way now. The Secretary has the money, the school board can apply based on whatever rules, regulations may be prescribed, and then the Secretary may or may not grant the funds.

I think this would create an area of uncertainty that is worse than the uncertainty we have now.

The reason we are here for Federal assistance is that we have so many varied decisions in integration implementation in the mill. Nobody knows whether a school system has a plan which meets the law, and I don't know how many times it may have to be changed before we get down to a final one.

So school systems are in a constant turmoil and disruption despite the best efforts of the local school board in our case to meet the law: to make the right decisions; to educate our children, and to bring them quality education, especially since no one knows what the next court decision will require.

It is so expensive to continue to make the changes that school systems need that financial assistance from the Federal Government. I have a prepared statement, Mr. Chairman, which after those extemporaneous remarks I would like to submit for the record, and then I would like to call on the experts who know far more of the daily problems than I ever hope to.

Mr. PUCINSKI. We will also insert in the record at this point your bill, H.R. 16693.

(The documents referred to follow:)

STATEMENT OF HON. DANTE B. FASCELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Chairman, I would like to say a few words in support of a bill which I introduced in March of this year, H.R. 16693. One of the major problems in effectively desegregating our schools has been a lack of money, concentrated in those areas whose needs are greatest, and which are endeavoring to comply. Both the proposals of the Administration and my proposal, H.R. 16693, aim to the process of desegregation by enabling the local educational agencies to comply with the Federal law on this subject. The results of any desegregation plan cannot be effective without the necessary funds to allow the schools to overcome racial isolation and to institute new and educationally viable programs of integrated learning.

It is not enough to merely shuffle the racial composition of a school—this does not automatically bring better education to the children involved. In fact, a mere reshuffling of local schools can have a detrimental effect if, at the same time, the schools in the poorer areas are not upgraded, among other things, by more textbooks, additional teachers and aides, and reduced class size. I sincerely feel that any additional money spent to aid the desegregation process must be spent with the purpose of actually improving the education of every pupil involved.

The bill I have proposed, H.R. 16693, is specifically designed to aid the local educational agencies which are suffering severe difficulty in meeting the financial burdens incurred by the requirements of Federal law in this matter. There is a

formula of payments included in my proposal which does not appear in the Administration's bills. I have suggested that the minimum amount of assistance to be provided each local educational agency should be determined by the number of children who would be required to attend a public school they would not otherwise have attended were it not for the Federal desegregation decisions. The formula would be: the number of children, multiplied by 15 per centum of the aggregate current expenditures for each child in average daily attendance in the schools of the agency, plus \$200 per teacher reassigned as a result of the desegregation effort.

The financial assistance provided each agency would be in the form of Federal grants. One of the attributes of this plan, in my opinion, is that every district would be aided in amounts proportionate to its needs. Those districts with the largest number of children to be shifted among schools would receive a greater proportion of the funds.

The money which would be authorized to local educational agencies if my proposal were passed would help these schools not only in the desegregation effort alone, but to improve their educational quality as well. Funds could be used to provide additional material resources and personnel which would all improve the instruction and programs of the local school system.

The purpose is not solely to provide a monetary incentive to produce a significant effect in meeting requirements of the law. The primary purpose is to assure that all children receive quality education and assistance is desperately needed when massive or substantial pupil dislocations must occur.

The problem of desegregation is not an easy one to solve: it is not easy for the pupils to shift from one school to another, often encountering racial antagonism. It is not easy for the teachers to handle an influx of new children, some of whom may be behind in their studies. And it is extremely difficult for school districts and local educational agencies to carry out smoothly an integration policy while attempting to improve the education of the pupils simultaneously. These are problems which must be met and handled locally, where they occur, but the Federal Government can aid in the process of desegregation by allocating the funds necessary to enable our schools to improve themselves. This is the aim of the legislation I have proposed.

91st CONGRESS
2d Session

H. R. 16693

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 1970

Mr. FASCELL introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide financial assistance to local educational agencies needed to meet requirements of Federal law.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Commissioner of Education is authorized to under-
4 take a program to provide financial assistance to local edu-
5 cational agencies which are suffering severe difficulty in
6 meeting the financial burdens imposed on them in meeting
7 the requirements of Federal statutory and constitutional law.

8 SEC. 2. Assistance under this section shall be provided
9 in such circumstances, on such terms and conditions, and for
10 such periods as the Commissioner may prescribe by regula-
11 tion. Such regulations shall provide that the minimum

1 amount of assistance to be provided each local educational
2 agency shall be an amount equal to the number of children
3 who, by reason of such decisions, are required to attend a
4 public school which they would not otherwise have attended,
5 multiplied by 15 per centum of the aggregate current ex-
6 penditures for each child in average daily attendance in the
7 schools of the agency, plus \$200 per teacher reassigned as
8 the result of desegregation efforts. Such assistance may be
9 used to reduce class size, hire additional teachers and instruc-
10 tional specialists, build additional classrooms, provide addi-
11 tional transportation facilities and textbooks, instructional ma-
12 terial resources, aides, guidance specialists, curriculum spe-
13 cialists and consultants services, and other special staff or
14 services deemed essential to improving programs and in-
15 struction. Assistance under this section is to be provided in
16 the form of grants.

17 SEC. 3. The Commissioner shall, in accordance with the
18 provisions of this Act, make loans to local educational agen-
19 cies for construction of elementary and secondary school fa-
20 cilities where he determines a local educational agency has
21 a special need for assistance because of its lack of resources
22 to meet exceptional financial burdens imposed on it in meet-
23 ing the requirements of Federal statutory and constitutional
24 law.

25 SEC. 4. (a) No loan pursuant to this Act shall be made

1 unless the Commissioner finds that the local educational
2 agency is unable to secure the amount of such loan from
3 other sources upon terms and conditions equally as favorable
4 as the terms and conditions applicable to loans under this
5 Act.

6 (b) A loan, pursuant to this Act shall be secured in
7 such manner, and shall be repaid within such period not ex-
8 ceeding fifty years, as may be determined by the Commis-
9 sioner; and shall bear interest at (1) a rate determined by the
10 Commissioner which shall not be less than a per annum rate
11 that is 1 percentage point above the average annual interest
12 rate on all interest-bearing obligations of the United States
13 forming a part of the public debt as computed at the end of
14 the preceding fiscal year, adjusted to the nearest one-eighth
15 of 1 per centum, or (2) the rate of 3 per centum, whichever
16 is the lesser.

17 SEC. 5. (a) Such financial transactions of the Com-
18 missioner as the making of loans and vouchers approved by
19 the Commissioner in connection with such financial trans-
20 actions, except with respect to administrative expenses, shall
21 be final and conclusive on all officers of the Government.

22 (b) In the performance of, and with respect to, the
23 functions, powers, and duties vested in him by this Act, the
24 Commissioner may—

1 (1) prescribe such rules and regulations as may
2 be necessary to carry out the purposes of this Act;

3 (2) sue and be sued in any court of record of a
4 State having general jurisdiction or in any district court
5 of the United States, and such district courts shall have
6 jurisdiction of civil actions arising under this Act without
7 regard to the amount in controversy, and any action in-
8 stituted under this subsection by or against the Commis-
9 sioner shall survive, notwithstanding any change in the
10 person occupying the office of Commissioner or any va-
11 cancy in such office; but no attachment, injunction, gar-
12 nishment, or other similar process, mesne or final, shall
13 be issued against the Commissioner or property under his
14 control, and nothing herein shall be construed to except
15 litigation arising out of activities under this Act from
16 the application of sections 507 (b), 517, and 2679 of
17 title 28 of the United States Code;

18 (3) foreclose on any property or commence any
19 action to protect or enforce any right conferred upon him
20 by any law, contract, or other agreement, and bid for
21 and purchase at any foreclosure or any other sale any
22 property in connection with which he has made a loan
23 pursuant to the Act; and, in the event of any such ac-
24 quisition (and, notwithstanding any other provisions of
25 law relating to the acquisition, handling, or disposal of

1 real property by the United States), complete, admin-
2 ister, remodel, and convert, dispose of, lease, and other-
3 wise deal with, such property: *Provided*, That any such
4 acquisition of real property shall not deprive any State
5 or political subdivision thereof of its civil or criminal
6 jurisdiction in and over such property or impair the civil
7 rights under the State or local laws of the inhabitants on
8 such property;

9 (4) sell or exchange at public or private sale, or
10 lease, real or personal property, and sell or exchange
11 any securities or obligations upon such terms as he may
12 fix;

13 (5) subject to the specific limitations in this Act,
14 consent to the modification, with respect to the rate of
15 interest, time of payment of any installment of principal
16 or interest, security, or any other term of any contract or
17 agreement to which he is a party or which has been
18 transferred to him pursuant to this section; and

19 (6) include in any contract or instrument made
20 pursuant to this Act such other covenants, conditions,
21 or provisions as he may deem necessary to assure that
22 the purposes of this Act will be achieved.

23 SEC. 6. (a) The Commissioner may make annual in-
24 terest grants to a local educational agency which he deter-

1 mines has a special need for assistance because of its lack of
2 resources to meet exceptional financial burdens imposed on
3 it in meeting the requirements of Federal statutory and con-
4 stitutional law.

5 (b) Annual interest grants to a local educational agency
6 with respect to any elementary and secondary school facility
7 shall be made over a fixed period not exceeding forty years,
8 and provision for such grants shall be embodied in a contract
9 guaranteeing their payment over such period. Each such
10 grant shall be in an amount not greater than the difference
11 between (1) the average annual debt service which would
12 be required to be paid, during the life of the loan, on the
13 amount borrowed from other sources for the construction of
14 such facilities, and (2) the average annual debt service
15 which the institution would have been required to pay, dur-
16 ing the life of the loan, with respect to such amounts if the
17 applicable interest rate were the maximum rate specified in
18 section 2 (b): *Provided*, That the amount on which such
19 grant is based shall be approved by the Secretary.

20 (c) No annual interest grant pursuant to this section
21 shall be made unless the Commissioner finds that the appli-
22 cant is unable to secure a loan in the amount of the loan with
23 respect to which the annual interest grant is to be made, from
24 other sources upon terms and conditions equally as favorable
25 as the terms and conditions applicable to loans under this Act.

1 (d) For purposes of this section, a loan with respect to
2 which an interest grant is made under this section shall not be
3 considered financing from a non-Federal source. For purposes
4 of the other provisions of this Act, such a loan shall be con-
5 sidered financing from a non-Federal source.

6 SEC. 7. For purposes of this Act—

7 (1) The term “local educational agency” means a board
8 of education or other legally constituted local school authority
9 having administrative control and direction of free public
10 education in a county, township, independent, or other school
11 district located within a State. Such term includes any State
12 agency which directly operates and maintains facilities for
13 providing free public education or which has responsibility
14 for the provision of such facilities.

15 (2) The term “construction” includes the preparation of
16 drawings and specifications for elementary and secondary
17 school facilities, erecting, building, acquiring, altering, re-
18 modeling, improving or extending facilities suitable for use
19 in providing elementary and secondary education; and the
20 inspection and supervision of the construction of elementary
21 and secondary school facilities.

22 (3) The term “elementary and secondary school facili-
23 ties” includes classrooms and related facilities suitable for use
24 in providing elementary or secondary education; and initial
25 equipment, machinery, and utilities necessary or appropriate

1 for elementary or secondary school purposes. Such term does
2 not include athletic stadiums, or structures or facilities in-
3 tended primarily for athletic exhibitions, contests, or games
4 or other events for which admission is to be charged to the
5 general public. Such term includes interest in land, but not
6 offsite improvements.

7 (4) The term "Commissioner" means the United States
8 Commissioner of Education.

9 SEC. 8. (a) The Commissioner may delegate any of his
10 functions under this Act, except the making of regulations, to
11 any officer or employee of the Office of Education.

12 (b) In administering the provisions of this Act, the
13 Commissioner is authorized to utilize the services and facili-
14 ties of any agency of the Federal Government and of any
15 other public or nonprofit agency or institution in accordance
16 with appropriate agreements, and to pay for such services
17 either in advance or by way of reimbursement, as may be
18 agreed upon.

19 SEC. 9. (a) The Commissioner shall not approve any
20 application for a loan under this Act except upon adequate
21 assurance that all laborers and mechanics employed by con-
22 tractors or subcontractors in the performance of work on con-
23 struction assisted by such grant or loan will be paid wages at
24 rates not less than those prevailing on similar construction
25 in the locality as determined by the Secretary of Labor in ac-

1 cordance with the Davis-Bacon Act, as amended (40 U.S.C.
2 276a—276a-5).

3 (b) The Secretary of Labor shall have, with respect to
4 the labor standards specified in subsection (a) of this section,
5 the authority and functions set forth in Reorganization Plan
6 Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and
7 section 2 of the Act of June 13, 1934, as amended (40
8 U.S.C. 276c).

9 SEC. 10. Payments under this Act to any local edu-
10 cational agency may be made in installments, and in advance
11 or by way of reimbursement, with necessary adjustments on
12 account of overpayments or underpayments.

13 SEC. 11. There are hereby authorized to be appropriated
14 such sums as may be necessary to carry out all purposes of
15 this Act, including the cost of administering the provisions of
16 this Act.

17 SEC. 12. No department, agency, officer, or employee of
18 the United States shall, under authority of this Act, exercise
19 any direction, supervision, or control over, or impose any
20 requirements or conditions with respect to, the personnel,
21 curriculum, methods of instruction, or administration of any
22 local school district.

Mr. FASCELL. The spokesman for the Dade County School System is Dr. Leonard Britton. On his right is Dr. Bert Kleiman, and on his left is Mr. G. Holmes Braddock, chairman of the Dade County School Board, all of them eminent people in their own right, technically, professionally, and personally dedicated to a great cause.

Mr. PUCINSKI. I want to thank you for your remarks, Congressman Fascell, and your statement will be in the record. I think you make one strong pertinent point, although I think all the things you said were extremely important, and that is this whole question of a court order.

We are going to go into that with your witnesses, but here you have several different court orders, and as far as I know they are not final.

There are all sorts of appellate procedures, so you obviously have to ask yourself "What do we mean by a court order?" A final court order which may last a number of years in litigation before that school district can get some help under this bill, or at what point does the help begin flowing?

I think you have put your finger on some very important aspects of this legislation that the committee will have to wrestle with in order to try to get some better language, more meaningful language that will do the job that obviously has to be done, and I am very grateful to you for coming.

Mr. FASCELL. Thank you, Mr. Chairman.

Mr. PUCINSKI. Dr. Britton, have you a prepared statement? You can proceed in any way you wish. You can either put your statement in the record and discuss it, or if you want to read it, it is okay with me.

STATEMENT OF DR. LEONARD BRITTON, ASSOCIATE SUPERINTENDENT FOR INSTRUCTION, DADE COUNTY PUBLIC SCHOOLS; ACCOMPANIED BY DR. BERT KLEIMAN, DIRECTOR, SPECIAL PROGRAMS; AND HOLMES BRADDOCK, CHAIRMAN, DADE COUNTY SCHOOL BOARD, DADE COUNTY, FLA.

Dr. BRITTON. Thank you, Mr. Chairman.

We are very pleased to be here this morning with regard to the Emergency School Aid Act of 1970. The superintendent of the Dade County public schools, Dr. E. L. Whigham, would have been here himself, but because of a longstanding previous commitment, he was not able to do so.

I am Dr. Leonard Britton, associate superintendent for instruction for the Dade County, Fla., public schools appearing for and with the approval of Dr. E. L. Whigham, the superintendent.

Since talking with Mr. Jennings a couple of days ago, I have had an opportunity to meet with various representatives of the Florida Department of Education and several of the county superintendents within the State of Florida, so that we might review and consider the various aspects of the proposed legislation.

I think you will find my comments refer primarily to Dade County, but they will be indicative of the situations and supportive of the needs as you find them in the other areas of Florida; namely Jacksonville, Tampa, Fort Lauderdale, and so forth.

In my brief comments to follow this morning, I would like to express our general reactions to the bill, to describe the financial burden and impact which is now being placed on Dade County in final school desegregation, and to indicate examples of those efforts needing to be supported by the funding provided in this act.

First, without question, the fiscal support indicated in this bill is needed now by those school systems undergoing staff and pupil desegregation, particularly when this must be accomplished within a short period of time under the mandate and provisions of court orders.

This is particularly true when we consider that this has to be done in a short period of time under interim and final court orders. The Dade County School System is the sixth largest in the United States. It serves the Greater Miami metropolitan area and will enroll about 250,000 pupils in 1970-71, including 60,000, or about 24 percent, black students.

During the decade from 1959 to 1969 there was a great deal of effort within the county and a great deal of progress toward what we call the disestablishment of the dual school system structure, by reassigning both pupils and professional personnel.

By 1969, the school system was assigning administrators, teachers, and pupils without regard to race.

In June of 1969, there was a report by the Department of Health, Education, and Welfare which indicated that the school system, "Apparently was not in full compliance with the Civil Rights Act."

Subsequently, the school system, in good faith, sought to correct the deficiencies noted in their report to us. As a result of this compliance by the school system, several local citizen groups attacked the plan in the courts and this litigation resulted in the school system coming under the jurisdiction of the Federal court system.

On the day before school opening in the fall of 1969, the court approved an interim desegregation plan under which the system has been operated during the 1969-70 school year.

In addition to certain steps to further pupil desegregation, the court subsequently ordered during the school year that the faculty of each school reflect the proportion of black and white teachers employed in the district as a whole.

This indicated that the elementary schools will have 76 percent white and 24 percent black, junior high schools would have 79 percent white and 21 percent black, and senior high schools would have approximately 88 percent white and 12 percent black.

In compliance with this portion of the order, we moved approximately 2,000 of the more than 10,000 teachers in the school system in February 1970, which was in the middle of the school year.

At that time, the court also ordered that we submit a final pupil desegregation plan the purpose of which would be to establish a unitary school system.

This plan was filed with the U.S. District Court in April and the ruling has not yet been received.

Our experiences in Dade County indicate that when you enter into the process of desegregation, there are three distinct phases requiring attention.

One is that point at which you reorganize your resources to accommodate the change. Secondly, you actually enter into the change and you make the required shifts necessary to accomplish what you

wanted to achieve, and third, which is turning out perhaps to be one often ignored in long-range planning but which must be considered, is that of stabilizing the system so that it may proceed in directing its resources toward the prime function of educating children and youth.

In general, the major costs in these phases are for the following purposes:

No. 1, the immediate and intensive in-service programs in human relations and intercultural relations; two, additional administrative and teaching personnel that have to be employed—people of various categories; third, the requirements for additional transportation; fourth, the requirements for additional security services; and fifth, to implement those provisions that will bring about equal educational opportunity for pupils who have been affected by past discrimination.

We are finding that the significant expenditures required for each of the phases are turning out to be considerably beyond those required for normal operating expenses.

Funds for these purposes are not available through State and local sources. The financial impact of desegregation is placing severe demands and burdens on the affected school system.

Our budget runs approximately \$250 million. We have explored ways for trying to bring about additional funding and have not found this possible. We have gone to the State legislature and have received minor improvements in funding for us. We recently went to the community and asked for an increase of 4 mills for capital outlay projects, which was turned down.

As one specific example of our crisis of limited funds, the State did come up with a provision a couple of years ago called the Educational Improvement Expense Fund, where Dade County was apportioned an additional almost \$19 million. However, of this amount we could not direct it all to improving educational programs, but had to put it into such things we call a millage rollback and teachers retirement contributions.

They limited the amount of millage which we can ask the community for to 10 mills. Almost 14 million of that 19 million had to be used to cover the tax rollback. Also, we had to use some of the money to cover the additional teacher retirement benefits.

So out of that 19 million, we have been able to come up with only about 960,000 that may be applied directly to innovative programs.

I mention this to indicate a statement of the restrictions that are on us in the county by way of the financial burdens.

As examples of these additional costs to school systems I would like to present some specific instances of the impact of desegregation in our school system.

First, the retraining of personnel in a school system with over 20,000 employees, to overcome discriminatory racial attitudes and develop the required human relations skills is extremely involved.

Over \$820,000 had to be earmarked in Dade County's operating budget during the 1969-70 fiscal year for staff development activities directly related to desegregation.

It is important that suitable time during regular working hours be provided for staff members to obtain additional training, rather than in the evenings and the weekends.

Although the need is expected to continue and increase when we receive our final court order, we will not be able to provide this effort without further assistance.

Second, the effect of changes with such great social impact on school-community relations is very detrimental. We are finding that there is yet not enough sustained emphasis on solid school-community racial relations.

Since efforts to overcome this problem have been left largely to the school system, additional personnel must be made available to deal with the problem.

During the past year in Dade County, three additional administrative positions were staffed in subdistrict offices and 15 in secondary schools to handle community relations problems growing out of desegregation.

As the number of schools affected by desegregation increases the need for this service will grow. Also, 24 teachers were selected and released from regular classroom assignments to work directly with other classroom teachers transferred in midyear.

Another effort has involved the support of a nine-member human relations team whose staff members assist schools and districts in developing and implementing school human relations programs.

From within our total budget about \$1.5 million expended by Dade County over the last 6 months to support desegregation, only \$114,920 has been made available to us by the Federal Government; \$75,600 of this Federal support came from title IV of the Civil Rights Act, \$6,000 from the Florida Desegregation Center which is federally funded by the same act, and \$33,320 from the National Defense Education Act, titles III and V-A.

Third, although Dade County does not contemplate the transportation of students to achieve racial balance, additional transportation costs are inherent in the restructuring of school boundaries for desegregation.

The 1970-71 budget for our school system will include the necessary funds for 40 new buses and drivers, plus expenditures required for gasoline, oil, and maintenance services. This cost will represent an additional expenditure of approximately \$670,000. A major portion of this cost is the direct results of restructuring boundary lines and eliminating optional attendance zones to comply with the interim desegregation plan.

It should be noted that the costs include no provision for cross-busing, nor is this included in the school board's plan for final student desegregation.

If the final order of the Federal district court alters the plan of the Dade School Board to any significant degree, the cost for transportation would increase in proportion to that change.

Fourth, an area which I believe is often overlooked in the impact of desegregation is that the disruption of schools arising largely from changes in desegregation requires that next year we budget almost \$1,200,000 to provide security services in our schools. In September 1969 the budget for security in Dade County was about \$350,000. In January 1970 this had to be increased to over \$460,000 and in May this budget was again increased to over \$594,000. For 1970-71 this

will be increased to about \$1,200,000. How long this requirement will exist we do not know. We do know, however, that even with these security measures it is difficult to maintain an orderly learning climate.

Tensions which develop in the community are usually directly reflected within the school, and a school system has no alternative but to provide protection for teaching staff, administrative staff, other persons in the school system, and school property.

As an added note, it should be pointed out that many costs are difficult to compute. The demands of desegregation planning on the time of administrative personnel employed primarily to educate children and youth are tremendous.

In addition to their regular responsibilities, administrators must hold public hearings on desegregation plans, prepare information for parents, revise policies and regulations, reschedule schools, reassign staffs, prepare for and appear in court hearings, and work for solutions of problems arising from social confrontation.

The cost for these services is considerable. For example, the school system has found it necessary to employ administrative assistance to help in such administrative planning.

Despite much talk about "Federal experts" in desegregation planning, our own staff, experienced in operating our schools and knowledgeable about social conditions in our county, know best how to accomplish desegregation. They need the time and administrative assistance to do so.

Finally, even with the vital importance of the necessary administrative and legal activities, it is in the classroom where integration succeeds or fails.

In analyzing requirements at the classroom level, we are asking, "What is needed to help the individual classroom teacher day by day?"

It is here that additional resources for innovative efforts and programs will be required to raise educational achievement for a diverse population. It is here that staff members skilled in solving the personal problems of students which arise from deprivation must work. It is here that paraprofessionals must be employed to assist the teacher in building the crosswalks between the home and the school. It is here where special programs, facilities, and materials must be provided.

In a school system such as Dade County, already hard pressed to provide basic services for an additional 8,000 students each year, it is impossible to develop the needed educational services, provide the additional professional staff, and employ teachers and community aides to accomplish effective integration without additional financial assistance.

I represent a school system which enjoys an excellent reputation because it was able and is able to assimilate and educate thousands of immigrant children whose parents fled the tyranny of communism.

This could never have been accomplished without the strong financial support of the Congress. It is our considered judgment that the task in which we are now engaged has even greater significance for the future of this Nation and will require an even greater commitment from both the Congress and the school system.

My remarks today were addressed to the requirements of one school system.

However, the requirements imposed by the task of desegregation will vary greatly among the school districts of this country.

Even in the Dade County system, the purposes for which funds will be needed may change from time to time. We would urgently recommend that any legislation establishing a partnership to eradicate the vestiges of racial discrimination provide for broad local discretion in the use of funds at the local level.

To be most effective, Federal funds must not be tied down to unrealistic restrictions, whether imposed at the legislative or administrative levels.

We believe that the discretionary provisions in the bill which permit one-third of the funds to be allocated by the Secretary directly is too broad, and perhaps should be allocated to the school systems which have been impacted, perhaps on some formula basis to be established by criteria yet to be established.

Also, and of vital importance, if these funds are to have a major impact in the 1970-71 school year, they need to be made available immediately.

Any further delay means that the funds will not be usable to their full effectiveness. As a matter of fact, such funding is already extremely late.

In summary we support and urge favorable consideration of the legislation under discussion here today.

Thank you.

Mr. PUCINSKI. Mr. Kleiman, do you want to add to that?

Mr. FASCELL. May we hear from Mr. Braddock, at this time, Mr. Chairman?

Mr. BRADDOCK. Of course, I am not the expert, Mr. Chairman, that Dr. Britton and Dr. Kleiman are, because they are directly involved in it; I am an elected official.

We are in the throes of desegregation, not only in Dade County but all over the country. I think it goes without saying that as Dr. Britton pointed out, if we are to survive as a country or as a school system, we are going to have to lick the battle of desegregation, regardless of where it is located or what type of desegregation it is.

We have problems. We are aware of the problems at our level. We have a school board that is a moderate school board, trying to solve these problems, but some of them are so great that we cannot solve them with local funds.

This is a massive thing. We are trying to change attitudes that have been building up for 200 or 300 years, and we are not going to change them overnight unless we have some help.

I think the initial step, though, has to come from us. We have to offer the leadership. We have to be willing to step out and say that this is what has to be done, and that we will support the decisions of the court or decisions of Congress, and all types of statutes and laws.

So that is our responsibility. But once we take that responsibility, we have to have some financial help, because these problems are monumental.

In all areas, we have people whose views have never been challenged along these lines before, and they are recalcitrant. They don't understand the changes that are being brought about, whether it be by court decision or by statute, or even by board policy.

So speaking as an elected person, who I feel has to give the necessary leadership, we are in the throes of this, and we need help and we strongly ask the Congress to recognize that this is a nationwide problem.

It is not just a problem of Dade County or Florida. It is a nationwide problem of desegregation and as Congressman Fascell said, and I concur 100 percent in this, that the whole goal of this is and should be quality education for every youngster and if that is the goal it is the goal everywhere.

If that is the goal, and I hope it is, then we will use whatever means is necessary to accomplish that goal. We will not put restrictions on the means. We have to always keep in mind that an education is a goal, and that the salvation of this country is through education, and that there has to be some kind of a partnership among the local people, State people and the Federal Government and——

Thank you, sir.

Mr. PUCINSKI. Dr. Kleiman?

Dr. KLEIMAN. I would like to reiterate some of the things the gentlemen have said. The necessity for speed is quite important.

I know the difficulties of putting together a difficult piece of legislation, such as this, but speed is of the utmost. I think the point that Dr. Britton made about the allowance to be used for broad purposes and with as little restriction as possible so that we can meet local problems is extremely important, and again I would like to reiterate and stress the better education for students.

That I think is extremely important. I think that is about all I have to say now.

Mr. PUCINSKI. Thank you very much, gentlemen.

I was wondering Dr. Britton, what your reaction is to a proposed guideline as suggested by the Office for Education for the \$150 million that is trying to work its way through the Congress on construction.

The guideline provides that equipment and minor remodeling, procurement and relocation of temporary classrooms, trailers, mobile facilities, procurement and relocation of equipment in classrooms, including furniture and replacement of obsolete items, minor building renovations and remodeling for the general upgrading of the facility.

With this limitation on construction, would this create any problems for a school district like yours?

Dr. BRITTON. That is the first I have heard it read in that detail. We do need funds for this area. Do I understand that it will be limited just to that?

Mr. PUCINSKI. There is no language in the bill. What I am reading from is proposed guidelines, and the guidelines provide only minor building renovations and remodeling for general upgrading of a facility.

Now I have noticed in our discussions here that some of the urgent needs are rather in major proportions in terms of providing facilities

for young people to carry on their education, and I am wondering what effect would this language limiting the Federal programs to only minor building renovations—

Mr. QUIE. Would the gentleman yield?

I think you are giving a wrong impression when you say they are limiting it only to that. What you are saying is that they can't have general construction.

Funds can be used for a variety of activities.

Dr. BRITTON. Within that framework, when you talk of \$150 million being available nationwide, by the time you have that trickle down, I think Dade County would get \$1 million or \$1.2 million at the most.

What we may need to do is the relocation or the purchase of some portable units. The provision of additional classes for special kinds of efforts, reduced class size, special talent development activities, might be considered.

If we could get construction funds, if there was ever enough money—I know one of the first things I would like to consider would be to go into some of the schools and add what we call comprehensive school facilities. This is where we have the academic classes, but where we put in vocational classes, both at the junior high and senior high level.

But to react to your question specifically, if we are not restricted only to minor renovations but could use them locally at our discretion, I think this is the way it ought to be.

Mr. BELL. What you are suggesting would take a considerable amount of money, and it would almost have to be a separate type of operation. Building, as I understand it, is a secondary aspect.

General construction, I would agree, is important, but it will probably have to be a different project.

Dr. BRITTON. If because of the court order you have to shift a boundary line and it increases the number of pupils in a school, you have to have portable units.

Mr. PUCINSKI. The point I want to make, and I want to get your impression on this, I am well aware that whatever we do is never enough.

But you told us about \$19 million that you received from various State and local programs in anticipation of the problems that you were confronted with in the desegregation process, and only \$960,000 of that actually went to the things that are needed, and the rest spent along the way on other programs.

My question to you is whether or not this legislation would not be more effective if it gave you, as the local school administrator, greater flexibility?

It is entirely possible that you can get more action if you were to take the \$1.8 million, or whatever you are going to get, and poured it into a new building than you would if you tried to spend it on a lot of other things which are permitted under this act.

The guidelines provide temporary teachers, teacher aids, special guidance counselors, monitors, clerical staff, in student services, remedial programs, diagnostic evaluations and testing, work study programs, health and nutrition services, and so on.

But then it seems to me that a local school board ought to be given the widest discretion in deciding how these limited funds are going to be spent.

What has happened in ESEA, we have zeroed in so tightly on guidelines and limitations that in many instances money is being spent on programs that school administrators say, "We wish we did not have to do that. We could spend the money more wisely in a different way."

Dr. BRITTON. I will have to agree with that. I need to make one correction. The impression I may have given on the educational improvement funds in Florida were not specifically for desegregation.

I used the example of the State's effort to give local school districts money for innovative programs. Our local restrictions are such that we have to use those funds to cover such things as millage rollback, and teacher retirement, leaving little money for the broad aspect.

Dr. KLEIMAN. My role in the county is getting the Federal grants ready for submission and I would like to say that I would hope the Congress would allow the greatest amount of latitude in the terms of the local school system to meet its own problems, because it could very likely be that in terms of the moneys provided, whatever they are, it could very likely be that an area—a junior high school, a comprehensive vocational program might be needed, and it could very likely be, as Dr. Britton has mentioned, that the millage has been turned down by our local community.

We don't have building funds. It could be that that would be of great assistance in terms of integrating student bodies.

So I would like to make the argument that there be the greatest latitude, and not restrictions, in the use of these funds.

Mr. PUCINSKI. One thing we may have to do here, and I am not sure how we will do it, is the problem of local communities deciding not to help themselves and then looking at the Federal Government for assistance.

We had testimony last week. A school board from Louisiana appeared, where it was testified that they could raise an additional \$11 million to take care of the improvements that these schools so urgently need, without increasing the millage but the voters down there decided against that, and so they are looking to the Federal Government for their help, and it seems rather difficult and incongruous to me to expect the people of Chicago, New York, Los Angeles, and the rest of the country to go into a district and provide Federal aid to a community that does not want to help itself.

I can appreciate a community that has reached the limits of its bonding capacity. Many school districts are in that position.

But what is your thinking on that?

I think it is going to be very hard to sell this bill if there is not some sort of a means test or a needs test or some sort of a local effort test or something along that line.

Mr. BRADDOCK. Could I respond to that, sir?

You are absolutely right.

We always run into a question of when has the local community reached that limit? I expect even among our 7 board members we could dispute that question.

We are taxing the legal limit. There are other counties which are

not doing this, I expect, but we are at the legal limit. Our voters, as far as operating money is concerned, are taxing themselves at the legal limit, so we, there, are pretty high.

Now how much higher they could go—because the law does permit us to be higher for capital improvements—but how much higher they would go, because we have a community of elderly people, and some of them reacted to the vote last week because they are on fixed incomes and they are not part of the rise in salaries or anything else.

I think the question is when do we reach that point, but we are at the legal limit. And we are taxing ourselves from this point of view.

I think the second thing that is involved in the matter of desegregation is this, there are a lot of people in my area who are voting against these issues not because they want the Federal Government to pay it, they don't want anybody to pay it when it comes to desegregation.

They don't want it, and yet the Federal Government is saying, rightfully so, that we must desegregate. But we have to recognize that a lot of people don't want us or the Federal Government to pay for it.

Mr. PUCINSKI. But the big need as I see it for many of these improvements is in the schools that previously had been all black and are now becoming integrated.

So that attitude really to a great extent denies assistance to their own children.

Mr. BRADDOCK. I am not agreeing with it. I am totally opposed to the attitude.

Mr. FASCELL. May I comment on that?

I think the chairman of our local board is right about the attitude of the people on voting money to carry out desegregation that is imposed by the Federal Government. I think the issue that has to be resolved by the Congress is whether, in recognizing that fact you are going to be punitive to the children.

You are either for quality education or you are not. This subcommittee had led the way in the Congress with respect to maintaining every possible assistance for the quality of education for all children.

That is at the heart of the problem. In carrying out the orders therefore, and it is going to hit everybody sooner or later, so soon as we get a decision on the Los Angeles case with regard to de facto segregation.

In Dade County we don't have de jure segregation. But when established housing patterns become a factor in the law of the problem it is going to be a national problem, if it is not already.

So you can rationalize the need for this money any way you want to by means of criteria, but what we are really talking about is putting a lot of money into the school system to overcome massive relocations of pupils which is disrupting the quality of their education. Does the Federal Government have a responsibility to meet that problem?

I think the answer to that is obviously yes. We have already partially done so. We have demonstrated it time and time again. Now the problem is getting bigger, the disruptions are faster and it is covering the whole country.

It is not limited to the South, by any stretch of the imagination.

I don't think, in other words, that we here in Congress can take recognition of the fact that a local board does not want to provide the funds for this quality education of their students.

Because as the chairman pointed out, they would just as soon close down the public schools and go to private schools. There is no telling how far some people might go in their opposition to the Federal law.

Mr. PUCINSKI. You said that you don't think we ought to stay with that two-thirds, one-third, plan, and give the Secretary one-third of the funds here for distribution in his own way.

Are you suggesting that we ought to take the full amount and set up a regular allocation formula by States, and then the States distribute this to the qualified districts, so that districts could make long range plans rather than be subject to the whims and caprices of the USOE?

Dr. BRITTON. You threw in one twist there that I would have to back out of. I will go with the funds being directly from the Federal level to the school district on a needs basis.

I don't see that the State has to be involved as a distribution point or having any influence on the approval of any such plans.

I believe the State has a place working with local school systems in the development of such plans, giving advice, but I don't believe they necessarily need to be involved as the distribution point.

Mr. PUCINSKI. Dr. Britton, the thing that disturbs me about the present formula, and I would like to get your comment on this. This present formula is based on taking account in the State of minority students, and counting them again if they are under court order or with a HEW approved plan, and then projecting that number against the total two-thirds of whatever funds are appropriated by this bill to ascertain a State's quota.

Once the quota has been ascertained the Secretary then decides which of the school districts within that State are going to get how much money out of that State quota.

The thing that disturbs me, or at least puzzles me is that at least conceivably all of the children in your school district could be counted and perhaps even twice, because they are under the court order.

But conceivably you might not get a penny of the State's funds. It seems to me that the formula ought to provide that if you are going to count children to ascertain a State formula or a State allocation, you ought to have some assurance that those children are going to share in this program.

Now what is your answer to that?

Dr. BRITTON. In general I would say agree with the way in which you present that. If you have been able to count the youngsters, and set up your needs, and you need those funds for those youngsters, you should get those funds directly.

Mr. PUCINSKI. It seems to me what you ought to do as a school superintendent is to be able to look down range and say if that program is going to be 2 years or 3 years, assuming that there is full funding, this is how much we are going to get in 1971 and 1972 and 1973, and if there is 70 percent of funding this is how much we are going to get.

You could then make some intelligent plans. It seems to me the present formula gives the Secretary \$1 billion to play with, but nobody in this country from day to day knows how much of that he is going to get.

The best you can do is ascertain how much of that billion dollars your State is going to be entitled to. That is about the best you can do, but you can't do any further than that.

I don't think that this makes for good planning in terms of the people at the Hustings, at the administrative level that you are.

Would you care to comment on that, gentlemen?

Dr. KLEIMAN. No, except I think the experience of ESEA title I bears out what you are saying.

You gentlemen in Congress made available forward funding, and in terms of planning one must make plans where you are going to go.

You "rev" people up in terms of the getting plans, and then there is a decision made somewhere else whether you are going to get the moneys or not.

I don't see how you can conceivably do rational planning this way.

Mr. PUCINSKI. Mr. Bell.

Mr. BELL. Thank you, Mr. Chairman.

Dr. Britton, before I got here you discussed the problems that you have with Cubans in your school system.

Are these funds needed to solve any problem there relating to desegregation?

Dr. BRITTON. Not anywhere to the extent of the problems we are having in relocating the black youngsters. We have made considerable efforts already to aid Cuban students.

Mr. BELL. Could some of the concepts employed in the Cuban aid program be applied to Mexican-American problems in Los Angeles?

Dr. BRITTON. From what I understand, yes, and we get contacts from people all over the country as to what kinds of programs we were offering in Dade County. Literally hundreds of people come yearly to learn about what we are doing.

Mr. BELL. You noted that money under this bill would go directly to the school districts rather than through the States. Under the ESEA program a lot of money is funneled through the States; you would rather see it funneled directly, is that correct?

Dr. BRITTON. That is right.

Mr. BELL. Is your State unique in appearing to be a poor funding mechanism; is its organization different? What is the reason behind your complaint?

Dr. KLEIMAN. Congressman Bell, I think a point that I would like to bring out vis-a-vis the State, about funding through the State, ESEA title I goes through the State to the local program. We found this to be a workable arrangement. The point being made here is that if moneys go through the State, money would have to be provided for people at the State level.

This is the point I would like to make. I don't see anywhere in here that the State staffs would be added to help us in terms of the planning. We met with the State people last week in Tallahassee to discuss this.

Mr. BELL. You would prefer not to have the States involved, is that right?

Dr. KLEIMAN. No, I would not say that personally, but I would say that if the State were involved, I would like the State involved in terms of being able to provide help—what I don't want is the kind

of a thing where the State serves a functionary role in passing the money on. I don't think we need another level of bureaucracy. That is essentially what I am saying.

Mr. BELL. Do you have a regular superintendent of schools in the State organization who directs the local school districts in general?

Dr. KLEIMAN. We have a commissioner of education.

Mr. FASCELL. He does not run the local school district.

Dr. BRITTON. Florida is a county school district system.

Mr. BELL. Your counties are fairly independent?

Dr. KLEIMAN. Within the State guidelines.

Mr. BELL. But basically the State does not direct county operations.

Dr. BRITTON. No. The local school board has great authority.

Mr. QUIE. Would the gentleman yield on that?

Under title I of ESEA all projects have to be approved by the State. Are you saying that you would prefer this program to work that way so you get an entitlement for your State and the project would be approved in Florida rather than here, or are you saying that you don't like the way ESEA is operating, that you would like an entitlement to your school, but you would like somebody in Washington to approve it?

Mr. BELL. I understood that you would prefer someone in Washington to approve it?

Mr. BRADDOCK. May I respond to this?

I think that what a lot of us feel, and on this I would speak for a number of board members in large cities, that so often you find that the expertise of the staff of a large school system is equal to or superior to that of a State department.

I suspect I will get "flak" on that, but we members feel that. That is a bottleneck of a deteriorating nature. They are far superior to the U.S. Department of Education.

Mr. BRADDOCK. So why have to go through two inferior bottlenecks?

Mr. QUIE. I gather you want it to be the most inferior.

Mr. BRADDOCK. Most large school systems, by the nature of their size, can attract and retain the best help that is available in these areas, and if we have to go through a State department, it is another bottleneck of time as well as people who are not necessarily oriented to the problems of the urban areas. They may be somewhat oriented, but not necessarily so to the extent that the people in urban areas are, and they may not understand the problems.

Mr. BELL. You are applying the principle, even though the law works the other way, to both cases?

Mr. BRADDOCK. That is right. We have had experience with ESEA and I am speaking through experience.

Mr. QUIE. Would you sooner go to Atlanta, the regional office? Are they pretty good down in Atlanta?

Do they understand your situation better than the local office?

Mr. BRADDOCK. Most anybody would.

Mr. PUCINSKI. Mr. Quie?

Mr. QUIE. Let's suppose that you prefer entitlement rather than giving discretion to the Secretary. What if you could make a case for

the Dade County schools where you could, say, get \$1.2 million under entitlement and divide this up among all the places around the country so that there would be so much per colored child, and you would then only get \$600,000.

Would you still prefer that?

Mr. FASCELL. May I throw in a layman's viewpoint on that? The assumption on entitlement is that all the districts are in the same hot water and all States are in the same hot water.

Mr. QUIE. You have an entitlement.

Mr. FASCELL. That is inherent in the question. I don't think all school districts have the same problem in providing quality education to their students.

Mr. QUIE. I agree with that. That is why it seems to me that a one-shot deal or a two-shot deal, you are assuming that some school districts have more problems than others, and, therefore you have to give them more money. But here we have a suggestion of an entitlement, and that means everybody gets the same amount as they do in ESEA or impacted aid.

Mr. PUCINSKI. Would you yield there?

Mr. QUIE. Yes.

Mr. PUCINSKI. Two assumptions you make and I know you better, and I know your judgment better: You don't think this bill is only a two-year bill, because you don't kill Santa Claus, and just as we can't do anything with impact after 15 years or 20 years, once this bill passes then it is forever.

Secondly, there are a great many school districts in this country now, undergoing the integration voluntarily—Berkeley, Calif.; Evanston, Ill.; White Plains, N.Y.

So, selfishly one could say yes, let's go in on an application basis and we will probably do very well. But it depends on how the legislation is drawn.

I have in front of me some plans we have been working on in our school district in terms of this act. We are not waiting around. Our needs are great, and so we have been planning.

I am sure, then, if the \$150 million of this ever becomes available which as I understand it, would be directly on grant application, we will be ready with our plans quite quickly, but I am trying to conceive of it in a broader framework.

Mr. QUIE. When you say that you would expect you would get about \$1.2 million, how much per minority, per minority child would this come out to?

Dr. KLEIMAN. I did not use that figure.

We saw an article in our local paper which quoted this committee, and I have it here somewhere—it is the Miami News, I don't know whether you want to put this in the record or not.

But it says that if the advance funding passes the Senate and the House, according to HEW plans, \$6.24 million would move immediately to Florida districts. I don't know where they got the figure.

We assume we just took the size of Florida, et cetera, and we get roughly 20 percent.

You can't discriminate against them.

Mr. PUCINSKI. There are numbers of communities around the country who are not under a court order or an HEW plan who are doing it themselves, because they felt there was a problem.

I think our colleague from Florida is correct. Not every one of the 20,000 school districts in America has a desegregation problem, but there are many that do, and there have been some suggestions on this side of the aisle that we ought to have some program that will make funds available to all of them, whether they are voluntary or under court order, because they all have the same problems to a lesser or greater degree.

Mr. QUIE. I would like your reaction to the proposition I proposed to you. Do you still feel entitlement is the best way of providing the aid?

Dr. KLEIMAN. It depends on how the legislation is drawn. If one were to say that this is going to be a two shot deal, and without being chauvinistic in terms of our school system we have been successful in applying for and receiving grants.

We are probably as successful as a lot of other school systems.

I think the problem is a wider one than this. I think one has to look past Dade County, and I think—well, as Congressman Pucinski said, not every school district may be affected by this, but who knows, you may have a broader problem than you can see.

Mr. FASCELL. HEW has the list now and they have not published it.

Mr. PUCINSKI. We have it, too, but I would not put too much credence in that list, because there are a number of factors not involved there that could change that figure substantially in the allocation and distribution.

Dr. BRITTON. Even this \$1.2 million is what I consider a minimum figure, because we have a greater proportion of black youth in Dade County than in other parts of the State.

Mr. QUIE. You in Dade County got about \$1.5 million to support desegregation, of which \$33,320 was from the National Defense Education Act.

Did you make your application for those NDEA funds for desegregation and the State gave you extra funds?

Dr. KLEIMAN. No, this is the State formula. This is regularly funded. However, we were able to use this in terms of some of our films and in preparing counselors for what is coming.

Mr. QUIE. Was the only money you received specifically from the Federal Government specifically for desegregation was from title IV of the Civil Rights Act?

Dr. KLEIMAN. And we have a present grant pending under the Civil Rights Act.

Mr. QUIE. How about your title I ESEA funds?

Why didn't you use any of that money for desegregation? That must be the largest sum of money in your school district.

Dr. BRITTON. We elected to place that amount of money directly on those children within the school system entitled to in-depth service.

We have it on the primary and secondary levels.

Mr. QUIE. What does title I in-depth service mean?

Dr. BRITTON. Under the provisions of title I, we have been restricted to identifying individual children and providing concentrated services to them.

Under the original provisions of title I you could identify a school that fell into a certain category. Now we go child-by-child.

We have elected to put the predominance of our money into that category, direct service to children.

Mr. QUIE. Are you also saying in your testimony that your needs other than busing are so great that you won't use any of your money for busing? That is what I gathered from all the things you are doing here.

It seems you would have a great enough need for paraprofessionals and security for your schools that you probably won't use money for busing. Is that what you are saying?

Dr. BRITTON. I don't follow your question exactly, but we have found out because of the changing of boundaries and transfer of youngsters from one school to another this is bringing about a need for greater transportation costs, and our plan as before the court right now would cost us \$670,000 just for that, outside of normal growth.

Should the court order substantially change what we have presented, eliminating de facto schools—we have a few of those left. If we are going to start cross busing in any way funds are going to have to be found to pay for those buses, and where that is going to come from I don't know without cutting programs and people and services.

Mr. QUIE. So in other words, I must have misunderstood you. You may use funds from this act for busing as well as other activities in the school?

Mr. FASCELL. The answer is yes. Otherwise it is conceivable that in attempting to comply with a court order all transportation costs would have to be borne by local funds.

He would use it for whatever purpose the act would allow, and we would hope it would be the broadest possible purpose with the fewest possible restrictions, to meet all those problems which he spelled out, and the one he is addressing himself to is a specific one.

Mr. QUIE. I am leading up to the language in the bill and the language in there that the administration witnesses proposed when they were up here.

The Federal Government can't force busing, but you can use the money for busing as a part of your plan. However, the administration would prohibit you from using the money for busing if it was solely for the purpose of attaining racial balance.

Would you have to have other reasons for using them for busing as well?

Do you have any preference on the type of language?

Dr. BRITTON. I think the way it is presented in the statement it is relatively clear.

Mr. QUIE. You want the greatest latitude, and if it was solely for achieving greater racial balance, you would want the opportunity to do that?

Dr. BRITTON. That is correct.

Mr. BRADDOCK. May I add something, sir?

I think my—any bill, to oversimplify it, which is difficult sometimes, to do—I think the bill only needs to say that we want the leaders, elected and otherwise, or we want the people to do whatever is necessary to get the best education possible for every youngster with no restrictions as long as they are more moral and honorable.

You could use it for busing or whatever is necessary, but don't close doors. We have had too much evidence of how, in certain circumstances, youngsters, would—do not get an equal educational opportunity, so the local boards, as was done in Berkeley, and you mentioned Evanston and so forth, have done certain things.

I think it is going to have to be left to the local boards in their wisdom, and of course that is challenged many times, to do whatever is necessary.

I would not want to see any bill passed that said we could not do certain things. I think the question here—we know for example that speaking generally, that as plans have been approved by HEW, that busing per se has decreased in the South instead of increased, even though the plans have not required any busing.

Under our set up, because we were operating a system since 1964 that was totally color blind, and it was a system that had a number of policies that were designed initially to further integration, but however, as years went by, they turned out to be provisions that further segregated, because we had optional areas.

We were hoping the black youngster would option himself into a white school.

That is what we were attempting to do. As this turned out, it turned out the other way.

If a youngster went to another school, he had to supply his own transportation, and that took someone off our buses, and reduced the number of buses. Now that we are not going to be doing that, in our case, because we have removed the optional areas, it means that now with the State law that every youngster who lives 2 miles or more from the school has to be transported unless he options himself out.

As Dr. Britton mentioned in his statement, we, this year, under a plan we have submitted, and we don't know yet whether it will be approved, but if it is approved we will have to add more buses to our system this year, although none of it will be for cross-busing purposes.

That will be for the kids being bused to their school heretofore were supplying their own transportation.

Mr. QUIN. Suppose the Congress did prohibit any money being used for buses. Would you then shift your local money around and use more then of the Federal funds for other purposes and come out about the same mix anyway?

Assume you would get \$1.2 million, and your needs are much greater than that. If we write a prohibition against busing as some members are talking about, whether it is your desire or anybody else's desire, would you still come out with about the same mix?

Mr. BRADDOCK. We still have the same problem, so if the court says you must do some of these things and you have to do it, it is a matter of spending money. Kids have to be taken to school and educated once they get there

I would certainly hope that the Congress in its wisdom would not be that short sighted and put that restriction on there, if they want quality education.

Those people who harbor those views, and I have a lot in my area, is like a youngster having cancer and you take him to the doctor, and say treat him, but don't use one way.

I am going to let him die before you can use this one method, and those people who harbor the views that no cross busing can be used per se, are saying that you can educate this youngster except this one way.

I would hope Congress would not take that view.

Mr. QUIE. Some people look at busing the way some people look at Krebiozen in treating cancer. In the House, the majority are against busing.

The Senate majority would permit busing. The Senate has prevailed so far, and I am on that side.

Mr. BRADDOCK. May I comment further?

This is a critical issue in the whole issue of quality education. Too many people are still fighting the means instead of the end. This whole busing thing has got them confused.

As I have said many times, heretofore, you could get elected to anything being for motherhood and against sin. Now if you are against cross busing you can get elected.

We are all hung up on this method of a means instead of the end. If I want to go from Miami to Los Angeles, if I am in a hurry I will fly, and if I have plenty of time I might drive or take a bus or a train.

But the point is Los Angeles is my goal not how I get there. If I want to get to Los Angeles, the means is immaterial, just depending on time

But the goal is Los Angeles.

The same with quality education, that should be the goal, not how we get there.

Mr. BELL. I want to point out that Los Angeles is a worthwhile goal.

Mr. BRADDOCK. I surmised earlier you were from Los Angeles. It is a good town.

Mr. BELL. Just one quick question. You mentioned in here funds for security.

What interpretation and what connotation should I get from that, security?

Mr. BRADDOCK. The safety, the staff and children and property—all three.

Dr. BRITTON. We have had a number of disruptions occur in the schools. Our security people are there to assist the principal and faculty to control the situation and investigate the matters that arise.

Mr. BELL. We have a problem of blackmailing attempts by students against others. How do you handle that?

Dr. BRITTON. Extortion?

Mr. BELL. Yes, extortion.

Dr. BRITTON. This is one that the principal and staff are alert to every day. Hardly a week goes by that we don't get reports of this—shakedowns.

We try to handle as many of them as quickly as possible. I am sure some of them are occurring, but this is a major problem, and we are using every means that we have in our hands, watching, observing, asking, interviewing.

Mr. BELL. Are you successfully quelling this?

Dr. BRITTON. I think to a major degree we are. Some of the youngsters are having confidence now in coping with it, coming forth and letting us know it is happening, without fear of being met elsewhere again.

We move very quickly on these again.

Mr. BRADDOCK. May I comment on that, sir? I think, again in this area we have problems here that always existed in our schools. Now again I can't speak for Los Angeles. I can speak of Dade County.

These kinds of problems always existed. There were some whites extorting from some whites, but not too much. There were always blacks extorting from blacks to a greater degree, and in white society, we did not much care because we were not involved in them when the black was being extorted.

It was only when we introduced the element of racial problems that most whites became aware that the problem ever existed and that this type of thing went on.

The black children always had this problem, but they just assumed that nothing was going to be done about it, and they handled it in their own way, if it got handled.

The progress which brought on the problem of integration, here, these things now come out in the open, and we know about them for the first time.

I expect some of this is true of Los Angeles, too, that for the first time they are becoming aware of these things.

These are the effects, and we have to deal with the causes if we want to get them solved.

Mr. PUCINSKI. Are these security people uniformed?

Dr. BRITTON. No, none of them are.

Mr. PUCINSKI. Are they armed?

Dr. BRITTON. Not on the campus, unless it is at night.

Mr. PUCINSKI. Does the FBI have agents in your schools?

Dr. BRITTON. We are in cooperation with the FBI on drugs, nothing to any extensive degree.

Mr. PUCINSKI. Do you believe that if their program were to be approved assuming all the things we discussed here this morning, Dr. Britton, that you can bring about better race relations in the schools?

Dr. BRITTON. Yes, I have been encouraged in many of the efforts we have already supported ourselves. It is one of the things you have to grab hold of and hang on, and I have been very pleased.

We have had a great number of problems at times, very intensive, but I have been impressed by the attitude of the faculty overall trying to solve these problems, a great effort not only on school time, but even on their own.

I know they have held sessions of their own, making requests. I have very favorable and positive attitudes on where we are going to be going.

Mr. PUCINSKI. Do I understand all of you to agree that there should be some assurance that if your youngsters are going to be counted in the State allocation formula that your youngsters are going to get this assistance?

Mr. KLEIMAN. Absolutely.

Mr. BRADDOCK. Absolutely.

Mr. PUCINSKI. We pointed out in the bill that the youngsters could be counted, but it is within the Secretary's discretion as to whether they are going to get help and, if so, how much.

You feel you should get your pro rata State allocation at least of the two-thirds.

Mr. FASCELL. Mr. Chairman, I think that is extremely vital. How that is done is within the judgment of the committee. But let me cite a small example. A Federal criterion for Federal assistance to a local school board was developed over a period of time with respect to the handling of the Cuban refugee children being assimilated into the Dade County school system.

That is a big problem. There are a lot of people. That was worked out by contract on the agreed-upon formula with direct funding going to the school board which they could count on and which they could put into their budget.

If they were not able to do that, it would be chaos.

Mr. BRADDOCK. It would have killed us.

Mr. FASCELL. But the fact that the program is there, that they have an agreed-upon formula, that they have an approval, and can count on a number of dollars in the budget makes all the difference in the world.

Am I correct?

Dr. BRITTON. It is the only way we can plan.

Mr. PUCINSKI. Mr. Ruth?

Mr. RUTH. No questions.

Mr. PUCINSKI. One final question.

In the guidelines, they spell out more precisely language in the bill that calls for community activity. The guidelines or at least the proposed guidelines for the 150 million which is now working its way around here, provide that sponsors of projects will be expected to demonstrate that provisions have been made for minority parents and others to participate in evaluation of the project and it refers to "others at interest."

I don't know who others at interest are, or what "members of the community" are. But does this sort of Federal requirement impose unnecessary limitations on you to manage your own school system?

Dr. BRITTON. Overall, no, I think it is a very wise provision to have the views of the local people and have them involved.

It does pose an administrative problem to identify people who are able to speak for the community as a whole. This is particularly true in the black area but we have always tried and will continue to involve community people.

I don't think it is an unrealistic requirement.

Mr. PUCINSKI. Under this directive, it occurs to me that the Ku Klux Klan could demand they be given a voice in managing your affairs and the Black Panthers and the SDS.

The language "others at interest" if they can show that they have an interest in education in the community, they have to review and evaluate their project.

Is this desirable for a school district?

Mr. BRADDOCK. I would say no.

Mr. PUCINSKI. I appreciate and support in the ESEA amendments that parents have to be consulted in the evaluation and development

of education in the schools. But my concern is what this broad language of "members of the community" and "others at interest" means.

Mr. BRADDOCK. Sir, you may be aware that in some of the court decisions the courts have ordered school boards to set up biracial committees to review some of the interrelated problems.

I am in the process now of appointing a group for our own board.

Mr. FASCELL. Mr. Chairman, can I comment on that provision? I think it is a horrible provision, absolutely horrible, to seek to require public community hearings with respect to an application that is going to be submitted by the school board to HEW under a law which provides federal financial assistance to the school system.

If there is a difficulty, it exists because of a plan which the school board has to get implemented as a result of court decisions, or a voluntary program. As to that aspect, I can see some sense in trying to bring in the community and getting blacks, whites and other groups to agree, if possible, on some kind of a plan.

But with respect to an application for funds that the school system is trying to get to the school system, I can't see any rationale, for the imposition of community public hearings as a prerequisite.

After all, this is an elected school board; and a professional superintendent, and if they can run the gamut and meet any criteria under the proposed law to meet the specific problems outlined in the testimony this morning, then I see absolutely no reason for having citizens meetings on the subject of whether the application for such funds has been properly prepared so that it can be presented to HEW.

Mr. PUCINSKI. This concept under model cities, you actually have to have elections to elect the members who are then going to sit in judgment on the plans you submit to Washington.

Mr. FASCELL. But Mr. Chairman, that is an entirely different program with a different rationale.

But in a case like this where the application is strictly to assist the school in carrying out a plan voluntarily adopted or court imposed. I don't see the necessity for the requirement.

Mr. PUCINSKI. I agree with you and the record is replete with the anguish that I have voiced around here in trying to find out who it is in the USOE in the woodwork that puts this town hall approach to much—to every single bill we have here.

We know then what that did to the poverty program, and what it did to the other programs, and as Dr. Bickel said in the committee yesterday, this gives every renegade in the community a forum to tie the people then into knots and there are people in the USOE who try to put this in.

They tried to put it in the Juvenile Delinquency Act, OEO, and into every single bill coming out of there.

I don't think this helps these programs.

I think there is a wrecking crew in that department.

I think there is a wrecking crew in that department who puts these things in there, and I challenge their sincerity and honesty in wanting to see these programs work.

Mr. FASCELL. I can't comment on that, Mr. Chairman, but I would like to comment on the observation made by Dr. Britton. Carrying out these sensitive, and highly complex programs on a massive scale,

such as we are doing in Dade County, it would be impossible without not only the full assistance, cooperation and knowledge of all your staff but also the immediate surrounding community.

It has become necessary for them to involve the community in a discussion of their plan.

Without doing that it would have been almost impossible to proceed. It was difficult, but it had to be done, and it was done and you would not be able to legislate that kind of commonsense. You can't legislative commonsense.

The adoption of an integration plan is entirely different—from seeking funds under this law. At the funding stage there is no benefit and unnecessary delay in trying to introduce—to involve the community with the power structure, over it, under it, or through it.

If that is the concept anticipated that requirement, I think it is horrendous as applied to this bill.

Dr. BRITTON. From what I heard there was only emphasis on the involvement. Not necessarily that we have to get their approval. That is something else again.

Mr. PUCINSKI. The sponsor will be expected to demonstrate that provision has been made from minority groups, parents, members of the community and others at the interest to participate in an organized way in the development, review and evaluation of the projects.

Now there is a very fine line between all that and approval.

Dr. BRITTON. Then it is very restrictive.

Mr. BELL. If I may comment there, I don't think it is a very fine line between approval and simple involvement; there is a considerable difference. You can get involved with a lot of people by talking and screaming and yelling, but the final decision is yours.

People feel they are involved now. Black Panthers might become involved and the Minutemen and everybody else could become involved; in a lot of our programs today the public is involved. The point is that decisionmaking authority is still there. You don't need these people for the final decision.

Mr. FASCELL. Mr. Bell, may I comment on that?

I can see this kind of problem, although I can agree with your observation. But here is the problem when you write the thing in.

The application goes up the line and the evaluator is there, and asks if the requirement to involve the community was met. He can ask if you had a hearing, did you publish notice, how many people came, who were they, what did they discuss, how did they put their imprint into this?

Did you give them an opportunity, were the amendments offered formally, or was it just an open discussion?

Mr. BELL. That is not what I was thinking——

Mr. FASCELL. But that is the kind of problem you get into. The evaluator says, "I have a letter in here from a group whose amendments you did not consider."

That is the way I read that requirement.

Mr. BELL. You still have decisionmaking authority, though.

Mr. FASCELL. No; because a school board application would be subjected to an evaluation at the State or Federal level which determines whether it is to get the money based on whether it has met the

proposed regulations satisfactorily in the eyes of the evaluator who was not at the meeting.

Mr. BELL. You are careful about things naturally—

Mr. FASCELL. I was just pointing out that that is one of the problems I see. I think you can involve the community but I am not sure how you could legislate that satisfactorily.

Mr. BELL. Perhaps we can more clearly delineate the authority in an amendment.

Mr. FASCELL. I would hope so, Mr. Bell, because I would think we should be extremely cautious about additional requirements as a prerequisite to Federal assistance. You would be undoing what you are trying to do. If, for example, the idea in the proposed regulation is to be sure that in a State, or in a locale where you don't have a sensible school board, you want to get other people informed and involved so they will know where the Federal money is going, the answer to that is, let the Federal evaluator make that judgment at the time the application is reviewed.

Mr. BELL. Mr. Fascell, your point is well taken, but you must recognize that it is just a proposal. We can amend it.

Mr. FASCELL. I know that.

Mr. QUIE. It says specifically in there it is a proposal.

Mr. PUCINSKI. Just let there not be any one being deluded around here that (a) this is a proposal, and (b) this is ever going to wind up in the Federal Register because HEW is notorious in handing down guidelines that nobody ever saw until they became effective and then they take on the color of law, and so—

Mr. FASCELL. Where is that, Mr. Chairman?

Mr. PUCINSKI. This is a proposed guideline for the \$150 million that was shot down yesterday on a point of order, and as I understand it Senator Javits is going to try to restore it again in the Senate today.

That is the \$150 million they are trying to work through immediately.

Mr. FASCELL. What is the source of the information from which you are reading, though?

Mr. PUCINSKI. It is a draft of basic policies for administering the emergency school assistance school appropriations for \$150 million now under preliminary—

Mr. FASCELL. Was this in the Congressional Record yesterday?

Mr. PUCINSKI. No; I placed this in the Record on June 15, 1970. The reason we have done that is that we have learned you had better look at the scorecard with HEW. It would be my hope we—when this legislation goes into the mark up that the committee is going to have the guidelines of what they propose to do this in legislation, and I think all my colleagues will agree that time and again we pass legislation over here and we look at the guidelines, any similarity between the guidelines and what we did in the committee or in the Congress itself are strictly coincidental.

You look at the guidelines and say, "Where in the world do you have the authority to do all the things here?"

And they say, "This is how we interpret the language", and they don't give you the protection of the Federal Register so you could comment on their proposed rules.

If they would follow the Administrative Procedures Act so that all of us as Members of Congress and interested parties would have 30 days in which to comment on the proposed rules and regulations we might have some order.

But what they do is, they hand down the guidelines, they publish them in books.

Or March 31 these guidelines become effective, and there it is.

Mr. FASCELL. It is a difficult problem and every committee in the Congress has that problem.

Mr. PUCINSKI. I wish we had you on this committee.

Mr. FASCELL. I am not sure I am ready to accept the honor, but I am grateful for the tender.

Mr. PUCINSKI. We are grateful to you. We have another witness from Houston.

Mr. QUIE. Could we get the impression of the groups in the community that might be hard to handle if they find out what you are doing?

We might say that one of the reasons for the legislation has been legislated segregation, and their plan is to prevent people in the community from knowing what is going on in the segregated schools.

So all the bad is not on one side here at all.

Mr. FASCELL. A good point.

Mr. QUIE. Especially the parents will have a voice in the education programs for their kids.

Mr. PUCINSKI. I think we agreed. We agreed on the ESEA that the parents certainly ought to be consulted. I think that is now a matter of law. I would think if we could limit that to parents, I think that we can see eye to eye.

Mr. QUIE. The parties at interest.

Mr. PUCINSKI. Mr. Ruth, did you have a question?

Mr. RUTH. Along the point you are talking about, I think we know that the toughest job we have up here is the language of the legislation.

You start out trying to solve one problem and you create another through the language that you have, and while we don't want the Klan and the Panthers to make these decisions—the Government officials realize that when you are going to make a grant, whether it is building a new post office or giving some money to the education board, it is better to have the opinions of the local group before you make the grant than it is afterward.

Now as to how you are going to write this in such a way that you get the right opinions and eliminate the wrong opinions, I don't know.

But we have seen this thing come up and time and time again, and some group comes to Congress, and they says, "If you had let us tell you before you made this grant, we would have given you our opinion."

I think you will agree that you are in trouble if grants are made without opinions.

Mr. FASCELL. In this case we are talking about supplementary assistance to carry out specific purposes, and I think that is probably in a different category than funding for the original purpose.

That is the way I see it, and I think you can write some provisions in there, perhaps, by way of some community effort, but I would sure be very, very cautious about that in this instance at least, with respect to supplementary interest where you have a now known problem.

Mr. BELL. Particularly where you are talking about money ---

Mr. FASCELL. Exactly. You are carrying out an overall plan which the education system itself already has, and it is Federal supplementary assistance going into that plan.

If you follow the theory that you are going to identify every dollar for a specific scholar, a specific school or a specific purpose or a specific program in aid of the overall policy, then you might as well bring in the community hearings requirement because it is going to be difficult to ever get anything done that way, in my judgment.

Mr. PUCINSKI. We want to thank you for your testimony.

Mr. FASCELL. Thank you, gentlemen.

Mr. PUCINSKI. It has been a helpful session here.

Thank you very much.

Our next witness is Dr. George Oser, secretary, board of trustees, Houston Independent School District.

Dr. Oser.

STATEMENT OF DR. GEORGE OSER, SECRETARY, BOARD OF TRUSTEES, HOUSTON INDEPENDENT SCHOOL DISTRICT

Mr. PUCINSKI. I might say our colleague, Congressman George Bush, requested that we invite you to testify before the committee.

Dr. Oser, we have your formal statement before us here, and it will be placed into the record here in its entirety.

(The statement referred to follows:)

STATEMENT OF DR. GEORGE OSER, SECRETARY, BOARD OF TRUSTEES, HOUSTON INDEPENDENT SCHOOL DISTRICT

Chairman Pucinski, members of the Committee, first of all I want to express my appreciation for the opportunity to appear before this distinguished committee and discuss the proposed Emergency School Aid Act. I regard this bill as one of the most important pieces of legislation before the Congress. Our nation has struggled with the problem of school desegregation. This has been a very difficult problem especially in the South. Much progress has been made, much remains to be done. Many school districts have spent many years, much money and much energy fighting desegregation. Many communities have become polarized and inflamed over this issue. Unhappily, until recently this was the case in my home city, Houston.

I am sure that other witnesses have presented much data describing the national implications of this proposed act. I think I can best serve the interests of the committee by discussing with you the situation in Houston and why the passage of this act is so vitally important to us. Since we are the sixth largest school district in the country and the largest school district which is under Federal Court Order to disestablish a dual system, I think the discussion of the details of our local situation is of more than local interest. First of all I want to relate to you the recent history of our school system, especially as it relates to desegregation and its effect on school politics.

Following the *Brown* decision, suit was filed in Houston by a plaintiff named Dolores Ross seeking the disestablishment of the dual school system that had been operated in Houston. At that time Houston had the largest dual, or segregated, school system in the United States. The school board took no good faith action to comply with the *Brown* decision, but preferred to fight a delaying action in the courts. That delaying action had consumed fourteen years by the beginning of this year. The Court ordered first a grade a year plan, then a freedom of choice plan. Faculty integration was begun under Court Order, but was far from attaining the Supreme Court's requirement of the same ratio of white to black teachers in every school as in the system as a whole.

The issue of desegregation has dominated school board elections for over six-

teen years. Since the original lawsuit was filed, candidates endorsed by one group, the Committee for Sound American Education has controlled the school board until 1970. No other candidates had received a majority of the votes in a school board election since 1958. School board elections were quite heated and large sums of money were spent on the campaign.

I sought election to the board in the fall of 1967 as an independent. Over a thousand people worked in my campaign and we raised over \$15,000. I forced a two two-term incumbent into a runoff but was removed from the runoff ballot by the school board on a technicality. My opponent cast the deciding vote to remove my name from the ballot! I was encouraged, however, by the large number of people who came forth, indicating a desire on the part of many Houstonians for new moderate leadership on our school board, for leadership dedicated to solving the problem of desegregation, not running away from it, and most importantly for leadership dedicated to making every school in our city a school of the highest quality.

Shortly after the election I formed an organization called Citizens for Good Schools, and served as its President for the first year. Just prior to the next election the school board eliminated free public kindergarten as an economy move. We have had a kindergarten program in Houston since 1921. For many years it has been free. The board instituted a system of pay kindergarten which cost the parents of a kindergartener \$20 per month or \$180 per school year. As expected, kindergarten enrollment dropped dramatically, especially in lower income areas where it is needed most. The number of black children in kindergarten decreased from 6,253 to 302. There was a great public outcry over the elimination of kindergarten. Citizens for Good Schools played a prominent role in the protest arranging several public meetings.

In the fall of 1969, CGS endorsed four candidates for the four seats on our seven member school board that were up. The old group ran a slate of four candidates. The city was aware that control of the school board was at stake. The city was faced with a clear choice of continuing the old leadership or of electing new moderate leadership. The old group tried to obscure the educational issues as they had done in the past by fanning the flames of racial hatred. They tried to make forced busing an issue by accusing us of favoring it. At this time our school district had been ordered by Judge Connally to come up with a new desegregation plan. The Judge noted that freedom of choice had not worked. He admonished the school board for its failure to do any more than the minimum required by the Court. Despite the Judge's ruling, the candidates supported by the old group pledged to continue freedom of choice and promised to appeal the Judge's ruling to the Supreme Court. The school board placed the question of freedom of choice on the ballot as a referendum to "let the people speak." Our opponents placed scurrilous ads on radio and television on the busing issue to further inflame the public. One radio ad began with an alarm clock going off at 6 A.M. so the couple in the ad could get their children ready for the long bus ride across town to an "hostile environment." It was alleged that this would become reality if we were elected.

The candidates endorsed by Citizens for Good Schools pledged to comply with the Judge's ruling and pledged to appeal only if forced bussing were ordered. We maintained that the Judge had ruled out freedom of choice and that it was the obligation of the school board to come up with another plan. We pledged to deal with the problem of desegregation forthrightly and honestly. We were fortunate in receiving the support of one of our major newspapers, one of our major TV stations, over 2,000 campaign workers and over \$120,000 in campaign contributions from over 1,700 donors.

The CGS slate included a Catholic physicist, a Jewish doctor, a Baptist housewife, and a black Baptist Minister, who had also received the endorsement of over seventy-five black organizations. Fortunately, from our point of view, all four of our candidates were elected with impressive majorities. Reverend Everett received 56% of the votes cast in the runoff, thus becoming the first black candidate for any office to receive a majority in a city-wide election in Houston. Turnout for this election was very heavy in all sections of the city but especially in the black community. I regard this election as a mandate for change and as a reaffirmation by the Black community in our city of their faith in the political process. The new board is committed to seeing that this faith is justified by making sure every school is a quality school.

The new board took office in January. The old board had presented two desegregation plans to Judge Connally: freedom of choice and a so-called neighborhood zoning plan. The plaintiff in the case, the N.A.A.C.P. Legal Defense Fund and the Intervenor, the U.S. Department of Justice, Civil Rights Division, had presented a number of plans all of which involved varying amounts of forced busing to achieve racial balance. The new school board presented two plans: an equidistant zoning plan patterned after the *Ellis* case (Orlando) and a geographic capacity plan patterned after the *Bivins* case (Macon).

Both plans had the advantage of substantially increasing the amount of integration without forced busing. Both plans had been upheld by the Fifth Circuit Court of Appeals. Under each of these two plans a majority-minority transfer provision was included whereby a student of the majority race in one school could transfer to the next nearest school where he would be a member of the minority race in that school with transportation provided and space guaranteed or he could transfer to any school in the district where he would be in the minority if he furnished his own transportation and space was available.

In addition to proposing these plans, the new board on February 7, 1970 ordered the *complete* integration of faculty as a good faith step to comply with the law. The transfer of administrative personnel was begun immediately. The attached table (see table I) shows the extent of transfers to date. By the opening of school this fall, every school in the district will have two-thirds white teachers and one-third black teachers and principals and all other personnel who work directly with children will be assigned on an integrated basis. For the first time we will have black principals in white schools and vice versa. We have also increased the number of black administrators in the central administration.

Despite the good will with which the new board took office these actions designed to comply with the law of the land brought down upon the Board the wrath of many citizens. Board meetings were packed. Board members received threatening phone calls. Principals groups protested the board's decision to transfer principals to promote integration. Teachers did likewise. Mass meetings of up to 4,000 citizens were held to protest the board's action. Citizens tried to enlist the aid of the State Board of Education to prevent the board from carrying out its policy. Fortunately, the board received the support of church leaders, newspapers, television stations and radio stations, as well as a number of citizens groups. Undoubtedly, however, the board's decision to comply with the law of the land lost it some supporters even among those who had supported it in the previous election.

On May 30, 1970 Judge Connally ordered the school district to institute an equidistant zoning plan by September of this year. Under this plan each child will attend his nearest school as the crow flies as far as capacity permits. The previously mentioned transfer policy was included in the plan the Judge ordered. The attached table (see table II) shows the increase in integration under the equidistant zoning plan as compared to the freedom of choice plan under which the district is now operating. The citizens of Houston were relieved that the plan ordered involved no forced busing. There has, however, been considerable opposition to the Judge's order from parents who have been sending their children to a white school that was not their nearest school and will now be required to send them to a predominantly black school. In many cases the nearby black school is regarded as inferior by the parents. At one heated Civic Club meeting where I spoke, a parent got up and said, "We drove over and looked at Williams School. There are open ditches around the school and it is in disrepair. How can you require us to send our children to that school?" Of course black children had been going to that same school for years and the previous school board did nothing to improve these conditions. There has also been considerable opposition not related to the integration aspects of the plan. Many students had not been attending their nearest school. Now students at some white schools will have to transfer to other white schools. In the case of students who will be seniors this year this has resulted in a great deal of concern, both among the students and the city at large.

There is an additional problem that under the Judge's order four schools will remain all black and twenty-eight will remain over 90% black, except insofar as students of the other race transfer into these schools. We are particularly concerned with providing interracial experiences for these children. As I read the proposed act this is one of the main objects of the legislation.

I want to emphasize that we have not been lacking in local effort. Between 1966 and 1969 the school district spent almost \$18 million for modernization and rehabilitation of existing school buildings. We are particularly proud of our air conditioning program which will air condition all 226 schools in the system by 1974 at a cost in local tax supported bonds of \$46 million. This represents a commitment on the part of the people of Houston to provide an attractive learning environment in all schools. Given our climate air conditioning is especially important, but it is only the beginning. An air conditioned school is not an attractive learning environment if the lighting is poor, the paint is peeling, the sidewalks are cracked, the halls are narrow and prison-like, the playground is too small and the school is without even minimal landscaping. So much can be done with modern decorating and rehabilitation methods to convert an old unattractive school into a pleasant place to learn. We have local architects in some of the top architectural firms in the country that specialize in school design who are willing to help supply ideas. These people are already serving on the citizens committee I appointed to look into ways these schools can be improved. On June 12, the committee made an on-site inspection tour of some of the schools that are most badly in need of rehabilitation. I have brought some pictures of some of these schools to show the committee the kind of situation we are talking about. I have also brought a list of suggestions for improvements that could be made in these schools if the money were available.

I do not mean to imply that physical changes are more important than program improvement. An attractive school with a poor program does not meet the goal of quality education. However, frequently an improved program necessitates changes in facilities such as media centers, resource centers and the like. I would also like to point out to the committee the importance of physical changes in stimulating a resurgence in community pride in their school and a feeling on the part of the community that their school is not being neglected. You can add an additional counselor or additional librarian and many neighborhood residents and even parents will not know about it, but if we could make a prison-like school one of the most attractive schools in the city everyone in the neighborhood would see this every time they passed by the school. An attractive learning environment can stimulate teachers to greater efforts and make the school a place the child enjoys being.

For these reasons I think it is very good that under the proposed act money will be provided for remodeling. I am attaching notes sent to me by two of the architects serving on our committee which suggest some of the ways we could use these funds. They are a sample of the creativity that exists in our community that could be brought to bear on this problem if funds are available.

Our school district has submitted quite an extensive proposal under the Model Cities program. A number of very exciting and creative programs we submitted were not funded. We would coordinate this program with the Model Cities program and would hope that the best of the projects that were not funded by Model Cities could be funded under this proposal.

I would like to give you one small example where the guidelines of the federal government can make our job more difficult. As I mentioned earlier, in February we began a program of transferring some principals to promote integration. In this connection we set up a Human Relations Training Program for administrators to sensitize them to some of the problems they might encounter and to encourage them to transfer. This program was to be funded under title IV of the Elementary and Secondary Education Act. Unfortunately, after we had conducted six training sessions of the ten session program we were informed that no Federal funds would be provided for the remaining crucial sessions because these funds were to be used exclusively for teacher oriented programs. Thus a most promising program, according to the evaluation that was conducted at the end of the sixth session, was nipped in the bud.

The point I want to emphasize to the Committee is that we are trying to solve our problems locally, but we need federal help to complement our local effort. We are a school board majority dedicated to acting in good faith to make desegregation work. We are dedicated to making every school a quality school. We have just hired as school superintendent a man who is one of the most outstanding superintendents in the state of Michigan, Dr. George Garver. He was selected after a nation-wide search. He shares our commitment to quality education for all children and we think he has the energy and skills to make it a reality in the sixth largest school district in the country. In a recent news-

paper interview Dr. Garver said, "What are the consequences if we don't learn to live together? Can we afford to see this nation polarized more than it is now? I don't think we can. Education has an obligation to deal with race relations. A man may be highly literate, but if there's hate in him, then that man is not educated."

This statement by Dr. Garver tells you something about the kind of man we have hired as superintendent and about the commitment both he and the school board majority have to solving our desegregation problems. But it will take more than commitment and local effort, it will take money from Washington. That is why we applaud the President's decision to ask for this money. It would be a great tragedy if a school district like ours that has shown good faith even at the cost of some considerable amount of public hostility were left in the lurch so to speak. I am deeply concerned about those who have spoken out against this bill. I think some people are against this bill for purely political reasons, such as the fact that President Nixon has proposed it or that their State will not get as much as another. The Congress has shown no reluctance to appropriate money for federally impacted areas to deal with the special problems these areas have. Is it not even more important to provide Federal funds for districts such as ours that are trying in good faith to meet our obligations under the law and to solve one of the most serious problems facing our country?

We are making a local effort, our deeds show it both in our actions in promoting integration and the expenditure of local tax dollars to upgrade our schools. But we need more money to upgrade our facilities, to improve programs, to provide interracial experiences for students in de facto segregated situations. Because of the hostility in the community over the desegregation plan ordered by the Court and the hostility we have incurred as a result of our good faith efforts, it is very doubtful that we could get public approval at this time for a tax increase. We are operating under a very tight budget, we have increased demands from our teachers, we have restored all programs which were cut by the previous board as an economy move. We must have increased federal aid if we are to make desegregation work smoothly and meet our goal of a quality school for every child.

I strongly urge the swift passage of this bill. I hope it will receive strong bipartisan support, because desegregation is an issue of such paramount national importance to our school systems and our nation that we must put aside political party differences and move to solve this problem. Those school districts that are desegregating and are complying in good faith deserve additional federal support. It is right and proper that minority children in these districts that are under Federal Court Order should be double counted. This is where the problems are greatest. I appreciate the opportunity to appear before this distinguished committee and want to close by once again urging that Congress act in time to make funds available for this coming school year. Thank you very much.

TABLE I.—AN ANALYSIS OF CROSS-OVER ASSIGNMENTS

A. ELEMENTARY SCHOOLS

22 blacks have moved to white schools.

10 of these persons were principals before they moved.

3 persons were promoted to principalships in crossing over (one counselor, one teacher and one asst. principal).

13 whites have moved to black schools.

5 of these persons were principals before moving.

5 persons were promoted to principalships in crossing over (4 asst. prin. and one teacher) two other persons were appointed to positions designated as "acting principal."

In eight white schools and one black school a vacancy existed in the principalship which was not due to crossing over.

In summary: 10 black schools which formerly had black principals now have white principals and two others now have white acting principals.

13 white schools which formerly had white principals now have black principals.

Thus on the elementary level the total number of Black principals in the District has increased by one.

B. SECONDARY SCHOOLS

9 blacks have moved to white schools—none of these persons were principals before they moved.

1 (Felix Cook) was a principal after moving.

6 whites have moved to black schools.

1 (Campbell) was a principal before moving.

4 were principals after moving (includes Campbell).

Thus three black schools that had black principals (Key, Woodson and Kashmere) now have white principals. In all cases these vacancies were created by black principals moving into the central administration. Thus there are two less black secondary principals today than before the crossing over began. No white secondary principals in white schools have been moved. There has been no mutual switching.

C. ADMINISTRATION

6 Blacks have been moved into the Central Administration:

Larry Cook, a Director of Secondary Schools—\$15,000.

Mrs. Betty Johnson, acting Supervisor English Department—\$11,800.

Mrs. Madolyn Reed, acting Supervisor Math Department—\$11,800.

George Haynes, Associate Superintendent Human Relations Dept.—\$20,000.

Manasses McGowan, Supervisor Audio-Visual Services—\$16,321.

Mrs Dolores Sandling, Acting Supervisor of Intermediate Grades—\$12,000.

1 Black has moved out of the Central Administration (Felix Cook).

2 Whites have moved into the Central Administration:

John Taylor, Instructional Computer Applications Supervisor—\$14,000.

Ollie Thompson, Supervisor, CVAE and Basic Skills—\$11,700.

TABLE II

	Freedom of choice	Equi-distant
High schools:		
All Negro.....	3	0
Less than 50 whites.....	7	0
Less than 100 whites.....	7	0
Junior high schools:		
All Negro.....	4	0
Less than 50 whites.....	11	0
Less than 100 whites.....	11	1
Elementary schools:		
All Negro.....	26	4
Less than 50 whites.....	43	19
Less than 100 whites.....	100	28

SUGGESTIONS FOR SCHOOL IMPROVEMENTS (BY BLAIR ROWLAND)

Fannin, Harvard, Cooley, Harper, Crockett and Millam: Air support structures or large suspended structures for large spaces.

Multiple wing schools: Fill in between wings—open court—air support over and weather proof for exterior appearing resource center.

Lightweight concrete shell domes roofed with Astroturf.

Access to separately developed resource centers via covered fire escapes (sliding boards).

Change the furniture, get away from the typical indestructible plastic shell.

Use large inner tubes in elementary school with plywood board.

Is there an empty supermarket available? Rent it, carpet it, furnish it with nonschool furniture.

SUGGESTIONS FOR SCHOOL IMPROVEMENTS (BY C. HERBERT PASEUR)

1. In the film, "A Child Goes Forth," there was a very innovative resource center located in downtown Cleveland to provide various learning experiences not available in the schools. The students were transported from predominantly segregated areas in the city and the experience provided interracial contacts.

One of these centers in downtown Houston could be a great asset to the city and seems a natural for the discretionary funds from Washington.

2. A similar idea would be to establish a resource center on a farm or ranch outside of Houston to provide rural experiences.

3. The same idea could possibly be applied to a space resource center at NASA or an oceanography unit at Galveston Bay.

Mr. PUCINSKI. If it is agreeable to you I would like to go right into the problems you refer to, and if you want to refer back to any portion of your statement, to make your point, it is agreeable.

I was wondering if you could summarize. You have summarized in your statement, extensively the steps that your school district has taken, the legal problems that you have run into.

How would this legislation actually help a school district like Houston?

Mr. OSER. Well, I think that Houston has a different kind of problem than some of the districts. I think that in the past that local school boards politics in Houston have fanned the fires of racism to the point that the public is very confused about where they stand with regard to school desegregation.

We, as a moderate school board and as a newly elected board, feel we have to maintain the moderate position we have taken as elected officials, as representatives of the community, but to temper that with a leadership role.

We feel that we have to show the community so that we stand for quality education for every youngster.

We feel it is impossible to place an extra burden upon the taxpayers of the district at a time when they are considerably upset by Federal desegregation court decisions, to ask them to provide moneys for those desegregation problems.

In the past the boards have allocated moneys for black schools and for white schools, but it has been with an eye to maintaining segregated schools.

We have, for example, generated considerable local effort in the last three years. We have spent \$12 to \$18 million in upgrading schools in the older parts of the community.

This is in light of an expansion program in a city like ours. We, as a new board, have begun to spend moneys to bring about in-service programs for faculty and staff.

We think that we have to demonstrate right now, this summer, this fall, in the next year to people that we are not about the business of just integrating schools, but we are about the business of bringing about quality education for every youngster.

You see in Houston, a person may live near a school, a school hidden by trees and by a freeway, possibly by a bayou, and it may be the nearest school to him, and oftentimes carefully placed so that access was difficult.

For the first time people are realizing that their neighborhood school is not the place, not the kind of school that they want their youngsters to attend.

So what we would like to do is three things with the moneys that would be made available to us. First of all, to symbolize to these people that we care about the quality education of their youngsters, and I think that is the critical issue here when you talk about the moneys being used for building programs.

We have pumped many dollars in the programs for extra counselors, and for assistant principals, reading clinics and so forth, but these things are very often unrecognized by the public. The youngsters may not transmit the information back to the parents.

We need a symbolic action that we care about their youngsters education. Right now we need a symbolic gesture that we care about these youngsters, white or black, and so the need for money in building programs, I think, is very important, because this is the best way to symbolize again to a community that you care about quality education.

Mr. PUCINSKI. What is the prospect of your school district raising some of that money from its own resources?

Mr. OSER. I think very slim. Let me explain for a minute our financial structure. We are an independent school district, in Texas, and we are required to go to the public for any increase in the tax rate or the assessment ratio.

Some districts in Texas are able to increase their tax rate up to a State maximum without the approval of voters, local voters.

We are not able to do that, so we are totally dependent on the response of the public in Houston to approving a tax increase.

Just a year and a half ago the previous board majority failed to pass a tax increase and bond issue, so we are now in the throes of a situation where our bond moneys are at a very low amount, and with the fear of the community of a new school board—this is the first time in 20 years there has been a different school board majority, a moderate majority, rather than people who have depended on anti-Federal aid programs, and anti-U.N. arguments and anti-integration to maintain their positions.

We need to show them over a year or 2 years that we care about quality education as well as nondiscrimination.

So it would be very difficult for us to go the public right now. We would plan to do this in about a year from now.

Mr. PUCINSKI. How much of your school board is contemplated in model cities target areas?

Mr. OSER. Of our local moneys?

Mr. PUCINSKI. Of your local school system?

Mr. OSER. We had \$17 million in proposals, of which \$2 million was aimed at target schools in this area, and our budget is \$168 million.

Mr. PUCINSKI. How many students do you have in Houston?

Mr. OSER. 240,000 students, 33 1/3 black, and 15 percent Mexican-Americans.

Mr. PUCINSKI. That brings you up to somewhere in the vicinity of 40 percent minority students?

Mr. OSER. More than that; yes, sir.

Mr. PUCINSKI. How many of your schools do you have in Houston?

Mr. OSER. We have 230 schools.

Mr. PUCINSKI. How many of these schools are integrated?

Mr. OSER. Few of them are. We are bringing about a desegregation plan in the fall under court order. We voluntarily integrated our faculties, and I might add with harassing phone calls to ourselves and our families as well as an economic boycott on board members.

The problem is not just the desegregation problem, but there is no person of authority who speaks out for moderation in Houston.

Mr. BELL. Were these desegregated schools areas based upon what you might call a de jure pattern?

Mr. OSER. We have been in court since 1956. We had the freedom of choice plan in 1967, so we have been operating under the courts for a long time.

The point has been, the facts have been established that we had the remnants of a de jure system. Under the current plan which we have, which has been accepted by the Federal court in our district, which is an equidistant capacity plan, it is where a youngster is assigned to the school based upon the capacity of the school, and not based on gerrymandering, that plan has been accepted and would bring about a fair amount of desegregation in the schools. It would eliminate all but four black schools.

Houston has had a tremendous amount of segregation. In 1968, 65 percent of our blacks were in all black schools.

Mr. PUCINSKI. All of your schools are now integrated in some form or other.

Mr. OSER. They are legally integrated. The problem is that we have had a board that has operated within the law but without the spirit to bring about desegregation.

The fifth circuit court put in the freedom of choice in 1967. That plan was fought by our district. Now it sounds like motherhood to them. But at the same time that they put in the freedom of choice program, they eliminated buses that had been taking youngsters 26 miles across town to segregated schools. So when they made the school accessible to many—

Mr. PUCINSKI. If I understand correctly, you are legally desegregating but you really are not.

Mr. OSER. That is right.

Mr. PUCINSKI. How many of your schools are not integrated?

Mr. OSER. We have something like—in fact—

Mr. PUCINSKI. In fact?

Mr. OSER. We have something like 85 percent of our black and white youngsters in schools that are 95 percent or more of one race.

Mr. PUCINSKI. In other words, you do have some schools in Houston where 95 percent of the children are all black?

Mr. OSER. Yes. We have 80 percent of our black students who are in schools like that.

Mr. PUCINSKI. Eighty percent?

Mr. OSER. Yes, and approximately 80 percent of the white students are in schools that are 95 percent or more all white.

Mr. PUCINSKI. This plan is now considered an acceptable plan by the court?

Mr. OSER. That is as we are right now.

Our next plan comes into effect in September 1970. Our court order came down June 1, for this new equidistant plan.

Mr. PUCINSKI. What will that plan do?

Mr. OSER. It will bring about a great increase in desegregation in the city. Then it eliminates every school that has—I believe it is 90 percent or more of one race. I have those statistics at the back of the statement.

Mr. QUIN. In table 2?

Mr. Oser. Yes, sir; I believe it is.

Mr. QUIE. Then it does not give numbers of pupils, but just numbers of schools.

Mr. Oser. Right. We have remaining four all black schools, under this plan. Right now we have 28 all black schools.

Mr. QUIE. And those with less than 50 whites in them, I see.

Mr. PRICINSKI. I am not sure how much help you would really get under this legislation in its present form. You talk about the schools that you now have, and you have 80 percent of your black children attending schools that are 95 percent segregated and nonwhite.

Mr. Oser. That is as of this last school year.

Mr. PRICINSKI. I don't know whether that kind of a formula would qualify you for any assistance under this program, although they are— theoretically you are operating within a plan acceptable to the court.

Secondly, you have outlined some rather impressive remodeling improvements in the schools you name here, but under the current thinking, construction could be only minor building renovation and remodeling for general upgrading of a facility.

There is a rather tight limitation on how much money the USOE will permit for remodeling, and I was just looking at your proposals here, and I would say that these buildings do not fit for the most part into this present guideline if there were to become in fact the guideline for these expenditures.

So would you think that perhaps the wiser approach, and I think you have heard the earlier colloquy here, on a bill like this would be to recognize that you have a percentage of minority youngsters in the inner city, black and brown, you are going to have problems as we go along here, in trying to work out an integrated school system, and therefore we ought to give you some Federal aid because you are racially impacted, and then let you and your school board try to find the most efficient way of achieving the goals that you board is trying to achieve.

Mr. Oser. Let me speak to that specifically.

With regard to buildings, I think that it is impossible for the Government, the Federal Government, to take on major buildings programs in school districts throughout the country.

There is no question about that. But I think limiting the bill to minor repairs is also a poor way of dealing with those funds. I would suggest in fact that a district would be able to take all of those moneys and put it into one school.

For example, in Cleveland, they have a centrally located school that provides services for all of the youngsters of the city.

This does two things: It provides educational facilities that were not there before, but it also provides interracial experiences for those youngsters.

That kind of discretion should be left to the boards of education. I think that they should be able to use and concentrate the funds heavily in certain areas, because symbolic acts are more important than spreading a few dollars over the district as a whole, as we have seen in the ESEA program in the past.

Mr. QUIE. That is provided in the bill, that they can't integrate completely, where more than 50 percent of the children are minority, like in the District of Columbia.

Mr. Oser. To have the interracial experience, you mean. Let me speak on the other side. I think it is important that these moneys be directed to public schools, and not be misused as some Senators feel they might be misused in the private schools growing up in the South.

We in the public schools need the moneys and we want the guarantees in there that the moneys will be used in the public schools.

Mr. Quie. If I might interject here, that I agree with the Senator's proposals that you should not give any money to schools that would use their own equipment or services and give it to the private schools.

However, I think in some situations it is impossible for the public schools to develop an experimental program but they can contract with a private group and the public schools can learn from it.

So I think we need to permit private groups to secure some of the money.

Mr. Pucinski. Would you be willing, then, in the light of what you said on private schools to accept the doctrine that children attending private schools in a given State will not be counted toward the allocation formula?

Mr. Oser. I had not even considered that.

Mr. Pucinski. You have in Houston 260,000 children attending public schools, and you have at another 150,000 or 10,000 or whatever number you had, attending private schools, but they are minority youngsters.

I would presume that those youngsters should not be counted in the allocation formula as long as they are not attending public schools.

Mr. Oser. I would agree that they should not be counted. I might say then in Houston the situation is different. There are about 25,000 youngsters in private schools out of 250,000.

Mr. Pucinski. Would it be your feeling that if they are minority youngsters they should not be counted toward the State's allocation?

Mr. Oser. Yes. I think this is aid to public schools. Your private agencies are the keystone. They are not private schools, I believe.

That is the differentiation. That is a different point from what I am making.

Mr. Quie. I still don't know what is wrong with private schools as long as they are adequate.

Mr. Pucinski. I am a strong supporter of that.

Mr. Oser. One of the things I see in that, for example, in Texas, is that private schools are in no sort of a system, and you have to attack each school legally from a different viewpoint, and it is impossible to enforce desegregation in private schools.

I don't want the Federal dollars that come from Texas or any other State to go to support segregation. I think, because of the impossibility of enforcing many of the requirements of desegregation on these individual schools and throughout the country I would just as soon see them not be counted in this.

Mr. Pucinski. I would think that the private schools that are integrated have the same problem of integration that the public schools are having, so it seems to me if we are going to make funds available for education, we ought to make those available to private schools as well as public schools if they agree to integrate.

Mr. Oser. Is an agreement sufficient, or does one have to enforce it?

I can speak specifically for Houston. We have very few minority youngsters in the nonpublic schools in Houston. There is no racial impact in those schools.

I don't know what it is in other places. The only attempt to bring about any kind of guarantee that these private schools in Houston are not discriminatory is an assurance signed by the people who accept funds. There has never been an investigation. So although one has desires to help out other areas, I think one has to be careful that where those monies go they will be used properly.

I don't believe that can be guaranteed for the private schools. We can't guarantee it in Texas.

Mr. PUCINSKI. The problem I have in trying to understand the Houston situation is that if we were to make available a huge amount of money under this bill to Houston it would really be going to schools that continue to be segregated and if you are going to do that then I don't know why you don't want to give the same kind of help to schools in communities where they have de facto segregation.

The thing that kind of has me confused here is how can we justify to St. Louis and Buffalo and Los Angeles, Chicago, and the other parts of the country where they have segregation because of housing patterns that they will not get assistance under this program, but Houston, because it is under a rather kind of a loose court order, is going to not only get help but double count their students for maintaining very much the same kind of a school system in Houston as they maintain in other parts of the country.

What is the rationale in helping them? I can see where we had Dade County before you, where these people say, "We have just moved completely to do away with segregated schools and we have this huge intermix and we have all the problems involved, security and all the other things.

They talked about those things. You can appreciate their plan. How can we justify people from the rest of the country giving up educational money for Houston when 80 percent of your nonwhite children attend schools that are 95 percent segregated?

Mr. OSER. This is in the past. We are under a new court decision.

Mr. PUCINSKI. But when I asked you what the 1970 court order is going to do, you said it was going to improve, but that it was not going to completely integrate?

Mr. OSER. What do you mean by complete?

I think Dade County realized they have some de facto segregated schools and their current plan does not eliminate those. We, in Houston, are going to go from 28 all black schools to four all black schools.

Mr. PUCINSKI. What degree, when you say we are going from 28 to four?

What percentage of those schools are going to be—you know, within the school—what is going to be the mix? Then, further, what will be the intermix within the school building? Because we have had some rather interesting testimony here by the National Education Association which shows in their report that while you can say this school is integrated, when you walk inside the four walls of that school, you find that within the school they have segregated classrooms, segregated washrooms, segregated sports activities, they have a different system of bells for moving youngsters between classes.

Mr. OSER. I can point to keeping the ratio between the blacks and whites in faculty, but the jobs have been changed. The black principal is now a janitor and teacher—we, as a board, have directed the administration and have gotten guarantees from the administration that there will be no such inferior treatment of blacks during the integration process but the thing is, there are many boards throughout the country who have taken advantage of the numerical desegregation directions, and have done it with numbers.

We are going to be replaced by a board like you are talking about, by a board that is going to segregate by classroom and so forth.

Mr. PUCINSKI. That is why I asked you earlier, and I ask you again now, I have every reason to believe that you are in good faith.

You realize you cannot change this thing overnight, there are housing patterns and various other patterns involved, but from your testimony and from your written testimony, your prepared testimony, I gather that there is a fundamental commitment from your school board to try to move as expeditiously as possible in a direction of trying to integrate within realities. Now, having that kind of a board, you say, what we need is some assistance to prove what we are doing is right, because if we don't get assistance we're going by the hardliners.

All I ask you, then, if that is the position you take, whether this bill is not too restrictive whether we should not just say, well, we recognize that Houston has 50 percent minority youngsters. It is impacted.

By 50 percent, or 52 percent, or whatever the percentage is, we are going to give Houston a amount of money to try and work its way out of this problem and leave that pretty much to your good judgment, rather than set up the kind of rigid standards that seem to appear in this act.

That is the only point I am asking you. Could you achieve your goal? The important thing here is a commitment. I think the Office of Education ought to ascertain, are you for real?

Are you honest? Are you sincere? Do you have a commitment, or are you just a subterfuge for the continuation of a system that existed for many years?

Once the office has satisfied itself that you are sincerely committed to this goal, it seems to me the best thing to do is say, "Here is some money, try it, work the problems out the best you can."

What is wrong with that concept?

Mr. OSER. I will make two comments. First of all I think the areas of application are broad enough to fit any of our needs, and that is except this one restriction, the minor innovations.

I think there should be provisions that it be used by boards who are desegregating. Those are the restrictions I would like to see, one removed and others added.

Mr. PUCINSKI. Mr. Bell?

Mr. BELL. Dr. Oser, I gather that you were elected to the school board.

Mr. OSER. Yes, sir.

Mr. BELL. Were you elected on the basis of a desire to integrate the schools and fulfill the requirements of the law?

Mr. OSER. Yes, sir.

Mr. BELL. Did the populace understand what your program was going to be?

Mr. OSER. In a sense. I mean we were neither for the old segregation nor for cross busing youngsters. We made both positions very clear.

Mr. BELL. You had to be against cross busing?

Mr. OSER. In Houston, yes, sir—

Mr. BELL. Relative to the question the chairman asked, on the restrictive features, if your enlightened program, which I fully concur in, was not successful for one reason or another, if the populace returned to the old concept of doing things, wouldn't you desire more direct guidelines?

Mr. OSER. As I said, I could live with these very well.

Mr. BELL. Except for the provision of building buildings and the other concept of making sure that the board is the right kind of a board.

You might want more guidelines for certain types of board?

Mr. OSER. I would like to say two things to that. First of all, I believe that it is important for boards like ours to build structures to perpetuate nondiscrimination. The program orientation is fine if you want to do something in a hurry, but if you want to build a structure that no matter how—who is in the board position that these things follow on beyond yourself, that is much in line with what you have said.

I think that this is very, very necessary, and the second aspect is that on the local level, because we do not have a mayor or Governor or other people who speak out strongly for desegregation, we need a push.

We need enforcement, we need the Federal Government to say, you have to do these things.

We are willing to comply with desegregation, to eliminate discrimination in our school district, but we cannot do all these things with our own local political power.

We have to have other support to do that.

Mr. BELL. You might be one school board that wants enforcing teeth to be emplaced.

Mr. OSER. That is right. We want it in our private schools as well.

Mr. BELL. That is rather refreshing to hear.

Mr. OSER. Let me tell you a little about our situation and how it changed. As I say, we as a board, during our campaign, which was last fall, maintained clearly that we were going to be against discrimination and against crosstown busing.

But I think we as prospective board members were unaware of how quickly the law was moving. We told people that freedom of choice had no longer a chance in Houston, because it had never worked in Houston.

We were not aware, though, of the tremendous impact of the *Holmes* decision, which occurred during our campaign, where the words "now" came into effect.

We were not aware of the *Singleton* case, which was a case decided by the Fifth Circuit Court of Appeals during December, which held

that faculty and staff had to be assigned on a basis of the racial population of the city.

We were not aware of that during our campaign in November. We were not aware that on January 14 that decision was confirmed by the Supreme Court, and even speeded up.

Both the faculty desegregation and student desegregation was to come about by February 1. So we had told the public what we knew to be the legal position as of, say, September 1969, but the changes were so rapid between September and the time we took office in the middle of January that we had to reeducate the people as to where we stood, and the people felt that well, they told us one thing, and now they are telling us something else.

So our credibility suffered severely. We put in under our own discretion the complete desegregation of faculty and staff in February of this year.

There was tremendous public unrest. Ex-board members were holding meetings in stadiums in Houston drawing thousands of people, saying "these people told you one thing and now they are doing something else."

We have attempted to be open with the people, but things have changed now in the courts.

The rapidity of change has kind of caught us you might say.

Mr. BELL. I don't mean to pry, but how long is your term?

Mr. OSER. Four years.

We have a new superintendent as of this last month, Dr. George Garver from Michigan. We surveyed 77 applicants from across the States to find a man dedicated to quality education for every youngster.

He mentioned that a man who goes to the schools and has hate in his heart is not an educated man. He is a 38-year-old man.

We think we have a good chance of turning the bureaucracy around to look at these discriminatory programs. We face a problem with the public and with the bureaucracy that has built up over the years.

We have no place to look for support and we need help. Let me add one other thing. One key problem in Houston is that the problems are not that severe, and Mr. Pucinski saw that maybe as a reason for not giving us the kind of support we need, but there is a good reason for giving a district that does not have severe problems the support they need.

Here you have a chance, a very good chance, of being successful and showing that desegregation can be peaceful desegregation and that quality education is maintained in this transition.

So this can become a symbol to all large cities. If one can look at an example and say it is successful, that gives hope to other places, too.

Mr. PUCINSKI. The problem that I see here, and there is no question in my mind that you obviously are most anxious to make a contribution, and you are most anxious to succeed, you are most anxious to show your people back there that there is a reasonable way of approaching these problems, and I would like to see someone like you get help.

But what worries me is that this bill may very well become another ESEA and when the smoke clears and we have spent all this money, nothing really is going to be very much accomplished.

That is what worries me. This is why I would rather see whether, on this bill, because of the many, many acute problems peculiar to a community if this bill went up structured in such a way as to give you the money and say, here, you roll the ball.

If you fail you have your own people to account to.

Mr. OSER. We're accountable to ideals and goals.

Being accountable to our people may not be the best thing. People are not only led, they are misled. So we need the support of guidelines.

They are not restrictive to us at all. We can work very easily within these.

Mr. PUCINSKI. How long have you been a school board member?

Mr. OSER. Since January.

Mr. PUCINSKI. Wait until you start living with some of these programs, wait until you start dealing with some of the Federal regional offices.

Mr. OSER. That is a different question.

Mr. BELL. I think you are interrupting. I don't think you heard what he was saying because you were talking. He pointed out that in some cases they need guidelines in case the wrong school board gets in.

Mr. PUCINSKI. If you want to make a contract with the devil, you are going to get the devil. I see your point. You think that sometimes it is wise for the Government to come in and say, this is what you have to do, and you can go back and say, we are really being prodded by the Federal Government or we don't qualify for the funds, and I see your point.

But it is a high price to pay, and all you have to do is talk to some of the veteran educators across the country and see the extent to which the Office of Education has tried to take over their institutions.

All you have to do is look at title I. We have gone through \$4 or \$5 billion, and survey after survey and study after study and report after report shows huge mismanagement and the gentleman from California and I sat through and watched with great hope and great expectations and we thought here the Federal Government was going to help the school districts make significant contributions.

It is difficult and the citizen becomes more and more disenchanted.

I want a bill. I think the President is correct in recognizing the fact that there is a special problem that people like you have in Houston and these other cities that are grappling with this educational problem which has kept our country in turmoil for 10 years now.

I am anxious to get a bill and move it out of this committee as quickly as possible, but I want to get views from people like you because you are on the firing line, and when this bill comes out of here, I don't want to have this bill produce the same kind of disappointments that title I has produced in so many instances.

That is the only problem I have. I would concur with that except I think this particular bill has a certain amount of flexibility. I am sure we have to make some amendments and some changes, but I think it does have pretty good flexibility to do the job that needs to be done.

But I do know what the chairman says is correct, and you are probably going to find a lot of disappointments and so on, but I am hoping we can move in this direction, and I want to commend you for the job you are doing and the courage that you have evidently shown by taking on this type of program and facing up to it, which I think is so necessary and desirable.

Mr. Oser. Let me comment for a minute if I may. I think you would be amazed at how mismanaged local funds are. I think that we very often think the only bureaucracies are in Washington, and they are not.

We deal with them every day, a bureaucracy that is as unmovable and unmanageable as the one here in Washington, D.C.

The amount of money we have pumped into title I is a pittance. It has averaged something like \$150 per year per student.

A big city spending \$600 a year, and suburban areas spending \$12 or \$15 hundred a year. What kind of an effect would you expect from title I, unless you concentrate that money. This is beginning to happen now.

I think we have very poor measures of effectiveness of the so-called billions. It has been billions, but it has been spread so thin that the youngsters have seen little effect.

Then there are administrative costs and other costs that go on top of that.

We had a program for in-service training for teachers, primarily teachers, in a new integrated situation. We wanted to take the money and put half of it in for administrators.

We thought they kind of set the tone of a building, and it was very important that all our administrators very quickly be aware of the problems that desegregation may bring about.

We asked for the half of the funds which we had already been allocated. Well, the program went for 6 weeks and then was cut off. We had the funds cut off because the funds were supposed to be used for teachers and not administrators.

There was an instance where the local school district knew better than the regional office what they should be doing. These things in the bill, then it seems to me, are permissive things.

It will be at our own discretion, but they are sufficiently closely enough written so that they won't be used for the clandestine purposes many school districts may want to use them for.

Mr. PUCINSKI. I certainly want to thank you for being with us this morning to discuss this legislation.

It is quite obvious that there is some huge help needed to deal with these problems, and we are going to see if we can't move along on this bill as quickly as possible so that we can perhaps get you some help before the first of September.

Mr. Oser. Thank you, sir.

Mr. PUCINSKI. The committee will stand adjourned until Monday morning at 10 o'clock in room 2261.

(Whereupon, at 12:40 p.m. the committee adjourned, to reconvene at 10 a.m., Monday, June 29, 1970.)

EMERGENCY SCHOOL AID ACT OF 1970

MONDAY, JUNE 29, 1970

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The General Subcommittee on Education met at 10:15 a.m., pursuant to recess, in room 2261, Rayburn House Office Building, Hon. Roman C. Pucinski (chairman of the subcommittee) presiding.

Present: Representatives Pucinski, Quie, and Dellenback.

Staff members present: John F. Jennings, counsel; Charles W. Radcliffe, minority counsel for education; and Alexandra Kiska, clerk.

Mr. PUCINSKI. The committee will come to order.

We are anticipating the arrival of our other members very shortly. I think in order to expedite the hearing we will proceed at this time.

We are very pleased to have with us this morning Dr. Arthur R. Jensen, a professor at the University of California, and Dr. Ernest van den Haag, a professor at New York University. Congressman John Ashbrook has requested that both these gentlemen be permitted to testify on H.R. 17846, the Emergency School Aid Act.

We are indeed very grateful to both you gentlemen. This legislation for the most part would affect the southern districts but it is interesting to have a spokesman from California and one from New York to give us their views on how you view this legislation.

Without question this is an extremely important bill.

I was disappointed that the Senate decided to take the route of trying to fund this legislation through a very circuitous and, in my judgment, perhaps illegal procedure of taking funds out of the poverty program and various other programs and allocating them for this specific use. There are serious doubts in my mind whether that can be done, whether it will stand up, and I am not at all impressed with the fact that some attorney in HEW has found some way to say it can be done.

It seems to me the way to go about this problem of helping schools that are being desegregated is to do it in the manner before us here now; in passing a bill that is specifically designed to meet those needs and then funding it and putting in this bill the necessary safeguards that we think we ought to have to make it an effective piece of legislation.

I am amazed to see the approach that is being used with the \$150 million. It is money that is being taken out of six different programs and then the Office of Education comes along and writes a series of guidelines for the distribution of this money to the States that are most seriously affected. I have been able to find no basis for the Office of Education's authority to write these guidelines. They are taking poverty program money and it occurs to me if they can find \$100 million of unexpended authorization in the poverty program, then what they ought to be doing is spending that \$100 million on poverty, particularly now with an unemployment rate in the country that is, as Mr. Friedman said yesterday, going to reach 6 percent or better.

In my judgment the procedure being used by the other body is totally indefensible. I am pleased to have you gentlemen here. We have said we are going to move expeditiously on these hearings and I would like to report out an authorization here as quickly as possible so we can address ourselves to the problem in an intelligent way. That is why I am moving along this morning, even though the other members are not here, because I do want to conclude these hearings and I do want to send a bill to the floor that is going to do the job in an intelligent way, instead of in the makeshift, roundabout way that the administration is proposing to do this, holding this whole thing together with scotch tape, paper clips, and rubberbands and my judgment is at some point in time it is going to be challenged and thrown out as a totally illegal operation.

I am pleased to have both you gentlemen here, to get your views on this and I am going to see whether or not we can't move along with an authorization that will at least make this program stick together.

Gentlemen, I see you both have prepared statements and I was wondering if you would have objection if we had you both testify at the same time and then perhaps we can save time, unless you would rather testify separately.

I think it makes for a much more interesting hearing if we do it as a panel.

Why don't we start with Dr. Jensen? You have a prepared statement. Your entire statement will go into the record at this point and then you can proceed in anyway you wish, sir. You can read the statement, summarize it or whatever you prefer.

STATEMENT OF DR. ARTHUR R. JENSEN, PROFESSOR OF EDUCATIONAL PSYCHOLOGY, UNIVERSITY OF CALIFORNIA AT BERKELEY

Dr. JENSEN. Mr. Chairman and members of the committee, I first wish to thank you for giving me the opportunity to express my views regarding parts of the Emergency School Aid Act of 1970.

(The prepared statement of Dr. Jensen follows:)

STATEMENT OF DR. ARTHUR R. JENSEN, PROFESSOR OF EDUCATIONAL PSYCHOLOGY, UNIVERSITY OF CALIFORNIA AT BERKELEY

I. INTRODUCTION

Mr. Chairman and members of the Committee, my name is Arthur R. Jensen and I am Professor of Educational Psychology at the University of California at Berkeley. I hold a B.A. degree from the University of California, an M.A. from San Diego State College, and a Ph. D. degree from Columbia University. In 1950-58, I was a United States Public Health Service Research Fellow in Psychology at the Psychiatric Institute, University of London. In 1961-62, I was a Research Associate at the Institute of Personality Assessment and Research and in 1964-65 a Guggenheim Fellow at the Institute of Psychiatry at the University of London. In 1966-67, I was a Fellow at the Center for Advanced Study in the Behavioral Science at Stanford. I am a member of the American Association for the Advancement of Science, the American Psychological Association, the American Educational Research Association, and the Psychonomics Society.

I am co-editor of a text on "Social Class, Race and Psychological Development," published in 1968 and the author of the article entitled "How Much Can We Boost IQ and Scholastic Achievement?," published in 1969 in the *Harvard Educational Review*. I wrote an article on the "Heritability of Intelligence," published in *Engineering and Science* in April, 1970, and have more recently prepared a research resume entitled "Parent and Teacher Attitudes Toward

Integration and Busing" for the California Advisory Counsel on Education and Research of the California Teachers Association.

I am currently in the course of publishing a comprehensive review on the subject of "Can We and Should We Study Race Differences?"

I appear before you today for the purpose of raising what appears to me to be an essential preliminary inquiry to the Committee's approval of the present form of H.R. 17846, the Emergency School Aid Act of 1970. That inquiry relates to the truth or falsity as a scientific matter of the basic factual assumption underlying this bill.

On May 21, President Nixon submitted to the Congress a special message on aid to schools and recommended this legislation. There he stated:

"It is clear that racial isolation ordinarily has an adverse effect on education."

That premise supports the present declaration of purpose in Section 2 of H.R. 17846—to prevent racial isolation in schools so as to improve the quality of education. I do not believe that this premise alone can be regarded as adequate justification for this bill. Recent comprehensive reviews of research on the effects of the racial composition of schools and classes in public schools come to conclusions which are highly ambiguous and inconclusive regarding the causal relationship between racial composition of the student body and scholastic performance. Most of the research on this subject to date has been too inadequate statistically and methodologically to allow any firm conclusion one way or the other regarding the effects of a school's racial composition on achievement. I refer you to a thorough review of this research by Nancy H. St. John of Harvard University; it appears in the February, 1970, issue of the *Review of Educational Research*, a publication of the American Educational Research Association. Her review supports my conclusion, which is that we have no scientifically or statistically substantial conclusions at this time.

I personally favor racial integration and I hopefully believe it is coming about. As an educator, I am concerned that it come about in such a way as to be of benefit to the schooling of all children. Achieving racial balance, while viewed by many of us as desirable for moral, ethical, and social reasons, will not solve existing educational problems; it will create new ones, and I am anxious that we provide the means for fully and objectively assessing them and for discovering the means of solving them. I am quite convinced on the basis of massive research evidence that the educational abilities and needs of the majority of white and Negro children are sufficiently different at this present time in our history that both groups—and particularly the more disadvantaged group—can be cheated out of the best education we now know how to provide in our schools if uniformity rather than diversity of instructional approaches becomes the rule. Diversity and desegregation need not be incompatible goals. I think both are necessary. But achieving racial balance and at the same time ignoring individual differences in children's special educational needs could be most destructive to those who are already the most disadvantaged educationally. The allocation of a school's resources for children with special educational problems cannot be influenced by race; it must be governed by individual needs.

To insure the developments of integrated education that could make it just and valid for all children, therefore, I urge that this Committee seriously consider the addition to the bill of a directive in Section 10 that a major proportion of the research funds provided for evaluation shall be used for a scientifically valid, objective examination of the educational effects of compulsory school desegregation. I further suggest that the technical requirements of the needed research are probably beyond the personnel and facilities of most school systems, and that major studies should be conducted by or in consultation with properly equipped research institutions under Federal support.

In my opinion, based upon my studies for the past 20 years and more in the field of educational psychology, I am convinced that the study of racial differences and their applicability to variations in learning and organization of the educational process are essential to any true understanding of the problems which America's schools face today in determining the future course of school integration.

II. THE EXISTING CONTROVERSY OVER IQ AND SCHOLASTIC ACHIEVEMENT

"I can best explain the basis of my views in this area by summarizing for the Committee some of the main points I made in the *Harvard Educational Review* article to which I have referred.

In my article, I first reviewed the conclusion of a nationwide survey and evaluation of the large, Federally funded compensatory education programs

done by the U.S. Commission on Civil Rights, which concluded that these special programs had produced no significant improvement in the measured intelligence or scholastic performance of the disadvantaged children whose educational achievements they were specifically intended to raise. The evidence presented by the Civil Rights Commission suggests to me that merely applying more of the same approach to compensatory education on a larger scale is not likely to lead to the desired results, namely increasing the benefits of public education to the disadvantaged. The well-documented fruitlessness of these well-intentioned compensatory programs indicates the importance of now questioning the assumptions, theories, and practices on which they were based. I point out, also, that some small-scale experimental intervention programs have shown more promise of beneficial results.

"I do not advocate abandoning efforts to improve the education of the disadvantaged. I urge increased emphasis on these efforts, in the spirit of experimentation, expanding the diversity of approaches and improving the rigor of evaluation in order to boost our chances of discovering the methods that will work best.

The nature of intelligence

"In my article, I pointed out that IQ tests evolved to predict scholastic performance in largely European and North American middle-class populations around the turn of the century. They evolved to measure those abilities most relevant to the curriculum and type of instruction, which in turn were shaped by the pattern of abilities of the children the schools were then intended to serve.

"IQ or abstract reasoning ability is thus a selection of just one portion of the total spectrum of human mental abilities. This aspect of mental abilities measured by IQ tests is important to our society, but is obviously not the only set of educationally or occupationally relevant abilities. Other mental abilities have not yet been adequately measured; their distributions in various segments of the population have not been adequately determined; and their educational relevance has not been fully explored.

"I believe a much broader assessment of the spectrum of abilities and potentials, and the investigation of their utilization for educational achievement, will be an essential aspect of improving the education of children regarded as disadvantaged.

Inheritance of intelligence

"Much of my paper was a review of the methods and evidence that lead me to the conclusion that individual differences in intelligence, that is, IQ, are predominantly attributable to genetic differences, with environmental factors contributing a minor portion of the variance among individuals. The heritability of the IQ—that is, the percentage of individual differences variance attributable to genetic factors—comes out to about 80 percent, the average value obtained from all relevant studies now reported.

"These estimates of heritability are based on tests administered to European and North American populations and cannot properly be generalized to other populations. I believe we need similar heritability studies in minority populations if we are to increase our understanding of what our tests measure in these populations and how these abilities can be most effectively used in the educational process.

Social class differences

"Although the full range of IQ and other abilities is found among children in every socioeconomic stratum in our population, it is well established that IQ differs on the average among children from different social class backgrounds. The evidence, some of which I referred to in my article, indicates to me that some of this IQ difference is attributable to environmental differences and some of it is attributable to genetic differences between social classes—largely as a result of differential selection of the parent generations for different patterns of ability.

"I have not yet met or read a modern geneticist who disputes this interpretation of the evidence. In the view of geneticist C. O. Carter: "Sociologists who doubt this show more ingenuity than judgment." At least three prominent sociologists who are students of this problem—Sorokin, Bruce Eckland, and Otis Dudley Duncan—all agree that selective factors in social mobility and assortative mating have resulted in a genetic component in social class intelligence differences. As Eckland points out, this conclusion holds *within* socially defined

racial groups but cannot properly be generalized *between* racial groups, since barriers to upward mobility have undoubtedly been quite different for various racial groups.

Race differences

"I have always advocated dealing with persons as individuals, each in terms of his own merits and characteristics and am opposed to according treatment to persons solely on the basis of their race, color, national origin, or social class background. But I am also opposed to ignoring or refusing to investigate the causes of the well-established differences among racial groups in the distribution of educationally relevant traits, particularly IQ.

"I believe that the causes of observed differences in IQ and scholastic performance among different ethnic groups is, scientifically, still an open question, an important question, and a researchable one. I believe that official statements, such as 'It is a demonstrable fact that the talent pool in any one ethnic group is substantially the same as in any other ethnic groups' (U.S. Office of Education, 1966), and 'Intelligence potential is distributed among Negro infants in the same proportion and pattern as among Icelanders or Chinese, or any other group' (U.S. Dept. of Labor, 1965), are without scientific merit. They lack any factual basis and must be regarded only as hypotheses.

"It would require more space than I am allotted to describe the personal and professional consequences of challenging this prevailing hypothesis of genetic equality by suggesting alternative hypotheses that invoke genetic as well as environmental factors as being among the causes of the observed differences in patterns of mental ability among racial groups.

"The fact that different racial groups in this country have widely separated geographic origins and have had quite different histories which have subjected them to different selective social and economic pressures make it highly likely that their gene pools differ for some genetically conditioned behavioral characteristics, including intelligence, or abstract reasoning ability. Nearly every anatomical, physiological and biochemical system investigated shows racial differences. Why should the brain be any exception? The reasonableness of the hypothesis that there are racial differences in genetically conditioned behavioral characteristics, including mental abilities, is not confined to the poorly informed, but has been expressed in writings and public statements by such eminent geneticists as K. Mather, C. D. Darlington, R. A. Fisher, and Francis Crick, to name a few.

"In my article, I indicated several lines of evidence which support my assertion that a genetic hypothesis is not unwarranted. The fact that we still have only inconclusive conclusions with respect to this hypothesis does not mean that the opposite of the hypothesis is true. Yet some social scientists speak as if this were the case and have even publicly censured me for suggesting an alternative to purely environmental hypotheses of intelligence differences. Scientific investigation proceeds most effectively by means of what Platt has called "strong inference," pitting alternative hypotheses that lead to different predictions against one another and then putting the predictions to an empirical test.

Learning ability and IQ

The article also dealt with my theory of two broad categories of mental abilities, which I call intelligence (or abstract reasoning ability) and associative learning ability. These types of ability appear to be distributed differently in various social classes and racial groups. While large racial and social class differences are found for intelligence, there are practically negligible differences among these groups in associative learning abilities, such as memory span and serial and paired-associate rote learning.

Research should be directed at delineating still other types of abilities and at discovering how the particular strengths in each individual's *pattern* of abilities can be most effectively brought to bear on school learning and on the attainment of occupational skills. By pursuing this path, I believe we can discover the means by which the reality of individual differences need not mean educational rewards for some children and utter frustration and defeat for others.

III. THE IMPLICATIONS OF RACE DIFFERENCES IN EDUCATION

Since educators have at least officially assumed that race and social class differences in scholastic performance are not associated with any genetic differences in growth rates or patterns of mental abilities but are due entirely to

discrimination, prejudice, inequality of educational opportunity, and factors in the child's home environment and peer culture, we have collectively given little if any serious thought to whether we would do anything differently if we knew in fact that all educational differences were not due solely to these environmental factors.

There have been and still are obvious environmental inequities and injustices which have disfavored minorities, particularly Negroes, Mexican-Americans, and American Indians. Progress has been made and is continuing to be made to improve these conditions. But there is no doubt still a long way to go, and the drive toward further progress in this direction should be given top priority in our national effort.

Education is one of the chief instruments for approaching this goal. Every child should receive the best education that our current knowledge and technology can provide. This should not imply that we advocate the same methods or the same expectations for all children. There are large individual differences in rates of mental development, in patterns of ability, in drives and interests. These differences exist even among children of the same family. The good parent does his best to make the most of each child's strong points and to help him on his weak points but not make these the crux of success or failure. The school must regard each child, and the differences among children, in much the same way as a good parent should do.

I believe we need to find out the extent to which individual differences, social class differences, and race difference in rates of cognitive development and differential patterns of relative strength and weakness in various types of ability are attributable to genetically conditioned biological growth factors. The answer to this question might imply differences in our approach to improving the education of all children, particularly those we call the disadvantaged, for many of whom school is now a frustrating and unrewarding experience.

Individuals should be treated in terms of their individual characteristics and not in terms of their group membership. This is the way of a democratic society, and educationally it is the only procedure that makes any sense. Individual variations within any large socially defined group are always much greater than the average differences between groups. There is overlap between groups in the distributions of all psychological characteristics that we know anything about. But dealing with children as individuals is not the greatest problem. It is in our concern about the fact that when we do so, we have a differentiated educational program, and children of different socially identifiable groups may not be proportionately represented in different programs. This is the "hang-up" of many persons today and this is where our conceptions of equal opportunity are most likely to go awry and become misconceptions.

Group racial and social class differences are first of all individual differences, but the causes of the *group* differences may not be the same as of the *individual* differences. This is what we must find out, because the prescription of remedies for our educational ills could depend on the answer.

Let me give one quite hypothetical example. We know that among middle-class white children, learning to read by ordinary classroom instruction is related to certain psychological developmental characteristics. Educators call it "readiness." These characteristics of readiness appear at different ages for different kinds of learning, and at any given age there are considerable individual differences among children, even among siblings reared within the same family. These developmental differences, in middle-class white children, are largely conditioned by genetic factors. If we try to begin a child too early in reading instruction, he will experience much greater difficulty than if we waited until we saw more signs of "readiness." Lacking readiness, he may even become so frustrated as to "turn off" on reading, so that he will then have an emotional block toward reading later on when he should have the optimal readiness. The readiness can then not be fully tapped. The child would have been better off had we postponed reading instruction for six months or a year and occupied him during this time with other interesting activities for which he was ready. Chances are he would be a better reader at, say, 10 or 11 years of age for having started a year later, when he could catch on to reading with relative ease and avoid the unnecessary frustration. It is very doubtful in this case that some added "enrichment" to his preschool environment would have made him learn to read much more easily a year earlier. If this is largely a matter of biological maturation, then the time at which a child is taught in terms of his own schedule of development becomes important. If, on the other hand, it is largely a matter

of preschool environmental enrichment, then the thing to do is to go to work on the preschool environment so as to make all children equally ready for reading in the first grade. If a child's difficulty is the result of both factors, then a combination of both enrichment and optimal developmental sequencing should be recommended.

There is a danger that some educators' fear of being accused of racial discrimination could become so misguided as to work to the disadvantage of many minority children. Should we deny differential educational treatments to children when such treatment will maximize the benefits they receive from schooling, just because differential treatment might result in disproportionate representation of different racial groups in various programs? I have seen instances where Negro children were denied special educational facilities commonly given to white children with learning difficulties, simply because school authorities were reluctant to single out *any* Negro children, despite their obvious individual needs, to be treated any differently from the majority of youngsters in the school. There was no hesitation about singling out white children who needed special attention. Many Negro children of normal and superior scholastic potential are consigned to classes in which one-fourth to one-third of their classmates have IQs below 75, which is the usual borderline of educational mental retardation. The majority of these educationally retarded children benefit little or not at all from instruction in the normal classroom, but require special attention in smaller classes that permit a high degree of individualized and small group instruction. Their presence in regular classes creates unusual difficulties for the conscientious teacher and detracts from the optimal educational environment for children of normal ability. Yet there is reluctance to provide special classes for these educationally retarded children if they are Negro or Mexican-American. The classrooms of predominantly minority schools often have 20 to 30 percent of such children, which handicaps the teacher's efforts on behalf of her other pupils in the normal range of IQ. The more able minority children are thereby disadvantaged in the classroom in ways that are rarely imposed on white children for whom there are more diverse facilities. Differences in rates of mental development and in potentials for various types of learning will not disappear by being ignored. It is up to biologists and psychologists to discover their causes, and it is up to educators to create a diversity of instructional arrangements best suited to the full range of educational differences that we find in our population. Many environmentally caused differences can be minimized or eliminated, given the resources and the will of society. The differences that remain are a challenge for public education. The challenge will be met by making available more ways and means for children to benefit from schooling. This, I am convinced, can come about only through a greater recognition and understanding of the nature of human differences."

It is for this reason that I call upon your Committee to set aside funds under Section 10 of H.R. 17846 to investigate methods of coping educationally with individual and group variability and for an impartial, in-depth study of the effects of classroom desegregation on the educational process. I feel strongly that such basic cause-and-effect research must be done as an essential part of the task of ameliorating our nation's grave educational problems.

Dr. JENSEN. As an educational researcher, I am particularly concerned with section 10 of the bill, which deals with the evaluation and assessment of the educational outcomes of enforced integration and the achievement of racial balance in the public schools.

One of the major premises upon which the act is predicated is that racial isolation, *per se*, is detrimental to the education of minority children and that by achieving racial balance, educational achievement will be improved. This premise is a hope which I share, but it is not a proven fact. Therefore, I believe more emphasis should be placed on the research and evaluation section of the bill.

I will spell this out in a little more detail shortly.

Recent comprehensive reviews of research on the effects of racial composition of schools and classes come to conclusions which are highly ambiguous and inconclusive regarding the causal relationship between racial composition of the student body and scholastic performance.

Most of this research to date has already been quite comprehensively

reviewed by Nancy St. John of Harvard University in a lengthy article in the February 1970 issue of the *Review of Educational Research*.

Her review supports my conclusion, which is that we have no scientifically or statistically substantial conclusions at this time regarding the effect on scholastic achievement of racial composition of schools and classes.

I personally favor racial integration and I hopefully believe it is coming about. As an educator, I am concerned that it come about in such a way as to be of benefit to the schooling of all children. Achieving racial balance, while viewed by many of us as desirable for moral, ethical and social reasons, will not solve existing educational problems; it will create new ones, and I am anxious that we provide the means for fully and objectively assessing them and for discovering the means of solving them.

I am quite convinced, on the basis of massive research evidence that the educational abilities and needs of the majority of white and Negro children are sufficiently different at this present time in our history that both groups—and particularly the more disadvantaged group—can be cheated out of the best education we now know how to provide in our schools, if uniformity rather than diversity of instructional approaches becomes the rule.

In attempting to achieve racial balance in schools, I think we can predict without any doubt that there will be differing degrees of success in various programs. I think it is very essential that we have the kind of research connected with the program that will permit us to ferret out those conditions under which greater degrees of success are achieved.

To insure the development of integrated education that could make it a just and valid program for all children, therefore, I urge that this committee seriously consider the addition to the bill of a directive in section 10 that a major proportion of the research funds provided for evaluation shall be used for a scientifically valid, objective examination of the educational effects of compulsory school desegregation.

I further suggest that the technical requirements of the needed research are probably beyond the personnel and facilities of most school systems and that major studies should be conducted by, or in consultation with, properly equipped research institutions under federal support.

I believe I am probably more aware than many educators of the technical problems involved in evaluating the effects of school integration. I have been intimately connected with the evaluation of school integration in Berkeley, Calif. Berkeley, as you may know, is the first city in the United States of over 100,000 population that has had complete school desegregation by means of two-way busing in a community in which 40 percent of the children are minority children. I believe that examination of this program would be highly valuable and enlightening to the entire Nation.

The evaluation of the program is off to an excellent start in that we have probably the best baseline data prior to integration that has ever been collected in school system, and the integration program has been underway for 2 years now.

So far, there has been no real follow-up evaluation, but I would suggest that this can be done and should be done in Berkeley as well as in other places. I think the model for evaluation that has been set in Berkeley could well be applied in other places.

Mr. PUCINSKI. What have the preliminary studies shown on that experiment?

Dr. JENSEN. As I have said, there has been no real preliminary study. We spent half a year collecting baseline data in the spring of 1968. This was done under a plan that was very thoroughly worked out by a number of persons at the University of California in cooperation with the school district to design what we hoped would be the most definitive evaluation ever made of the effects of school integration. The Berkeley situation made it a "natural" for this kind of evaluation.

The community supported the integration program. The schools had prepared for it for some 5 years. This would have been an excellent opportunity to evaluate the effects. Unfortunately, the evaluation was not continued into the second year. It was not continued from the first year. All we have are these excellent baseline data.

The program was discontinued in the midst of the testing after the first year of integration, partly as a result of my controversial article in the *Harvard Educational Review*. Since I was in charge of this study for the university, certain groups in Berkeley wished the study to be discontinued. In fact, someone proposed at a school board meeting that all the data we collected the previous year be destroyed. It has not been destroyed. It is still in existence at the university. It is under analysis and always will be there as a baseline for future comparisons.

As I've said, I think it is probably the most excellent set of data ever collected in any school system.

Mr. PUCINSKI. What was it they objected to?

Dr. JENSEN. I think that they objected to the fact that in my *Harvard Educational Review* article I expressed the opinion that the question of genetic racial differences in mental abilities was still an open question scientifically; that it has not been settled; that it is an important question for future research. Because I do not take a dogmatic stand on this I think I am persona non grata to dogmatists at both extremes on this question.

Mr. PUCINSKI. Did the base material you had collected in 1968 in your judgment indicate at the point that you were in this evaluation any basis to either support or refute your contentions?

Dr. JENSEN. These data would not, no, because they were not directed toward this purpose. Very special kinds of data have to be collected for the purpose of researching the question of genetic racial differences.

I believe this particular issue was a *non sequitur* with respect to the question of segregation or integration, which to me depends upon moral, ethical, and social considerations and not on whether there are or are not genetic racial differences. I don't see that genetic racial differences contradict school integration, which I favor.

Mr. PUCINSKI. Well, the thing which I was trying to find out was why they would abruptly discontinue a research project that you, as

a director of the project, indicate had great promise as giving us some answers to this whole question.

Dr. JENSEN. I was simply told, rather apologetically by the school authorities, that since the Berkeley school system is a political unit and not a research institute, that they had to be sensitive to political considerations in the community, and therefore the study would have to be discontinued. So the university withdrew from the study at the schools' request and the schools have continued some evaluation on their own, but it has been inadequate in my opinion. No definitive reports have been made as a result.

This leads to my belief that most school systems are ill-equipped to evaluate their own programs. I think the level of technical competence in research and statistics and the computer facilities necessary for this kind of evaluation are not to be found in most school districts. It is for this reason that I call upon your committee to set aside funds under section 10 of H.R. 17846 to investigate methods of coping educationally with individual and group variability and for an impartial, in-depth study of the effects of classroom desegregation on the educational process.

I feel strongly that such basic cause-and-effect research must be done as an essential part of the tasks of ameliorating our Nation's grave educational problems.

I think that concludes the formal part of my statement. The middle section of my paper contains supporting material for the position that I am taking.

Mr. PUCINSKI. Dr. Jensen, in view of the absence of the data that you suggest is not available, what is the evaluation of this legislation before us other than the suggestion you made to spell out in section 10 a greater amount of funds for this sort of evaluation? What is your evaluation of the rest of the bill?

Dr. JENSEN. My evaluation of the bill, as I have read it, is a favorable one. I believe it should be predicated on the hope, rather than as a stated fact, that racial integration will improve scholastic achievement. I do not believe that it is wise to promise delivery of goods that we have no assurance can be delivered simply by virtue of integration itself.

I favor integration, but I think it involves problems that will have to be solved at the level of the problems themselves, and these problems cannot be solved unless they are fully assessed and comparative studies are made in various school systems where various programs are attempted to see which ones work more successfully.

I favor great diversity in attempts to solve educational problems at this particular stage of our ignorance in this field. Since compensatory education has not met the promise that had been held up for it, I think it would be a shame to put forth further promises based on research that at present is inadequate to support claims that racial desegregation by itself will have any marked educational effects on scholastic achievement.

Mr. PUCINSKI. I am sure there will be more questions as we move along.

Dr. van den Haag, your entire statement will go into the record also and we will let you proceed in any manner you wish, sir.

STATEMENT OF DR. ERNEST VAN DEN HAAG, PROFESSOR OF SOCIAL PHILOSOPHY, NEW YORK UNIVERSITY

Dr. VAN DEN HAAG. Let me express my gratitude for being given the opportunity to be heard on the very important bill before you.
(The prepared statement of Dr. van den Haag follows:)

STATEMENT OF DR. ERNEST VAN DEN HAAG, PROFESSOR OF SOCIAL PHILOSOPHY,
NEW YORK UNIVERSITY

I. INTRODUCTION

Mr. Chairman and members of the Committee, my name is Ernest van den Haag. I am a Professor of Social Philosophy at New York University, a lecturer at the New School for Social Research in psychology and sociology, and a psychoanalyst in private practice. I received an M.A. degree from the University of Iowa, and a Ph. D. degree from New York University. I also have studied in Europe, at the Sorbonne (the University of Paris), the University of Florence, and the University of Naples. I have lectured at Harvard and Yale Universities. I am a member of the Society of Applied Psychoanalysis, Fellow American Sociological Association, Royal Economic Society, and New York Academy of Sciences; I am a Guggenheim Fellow (1967).

I am the author of *Education as an Industry* and the co-author of *The Fabric of Society*. I have published nearly 70 scientific articles in my fields, appearing in professional journals and encyclopedias as well as chapters in books, e.g., "Psychoanalysis and Its Discontents," appearing in *Psychoanalysis, Scientific Method and Philosophy*, and "Genuine and Spurious Integration," appearing in *Psychoanalysis and the Social Sciences*. I have delivered the Freud Memorial Lecture to the Philadelphia Psycho-analytic Association ("Psychoanalysis and Utopia").

My work mostly concerns study of the relationship of groups. Research in the field of social dynamics analyzes the causes of the formation of groups (including classroom groups or student groups) and how group members relate to others. Such studies are directly applicable to predict the educational result of compulsory congregation in schools.

On the basis of those studies, I appear today to question the validity of the purpose which the Emergency School Aid Act of 1970, H.R. 17846, is intended to serve. Essentially the bill seeks to end what is called racial isolation—defined as more than 50% minority attendance in a single classroom. It is the purpose of the bill as expressed in Section 2 to improve the quality of education in the United States by increasing the degree of compulsory classroom integration between the races. But it is simply assumed, without actual evidence, that integration will be educationally and psychologically beneficial.

This legislation before the Committee assumes fundamentally that academically and socially effective classroom groups can be formed by putting black and white students together in larger numbers in a single classroom regardless of their wishes and that this will improve their education and decrease the differences as well as hostilities which now exist between them. Yet such an enforced congregation of two identifiable racial groups, one deprived in relation to the other, does not diminish, but rather increases the divisive forces which now exist between these students and the consequent increase in classroom tension leads to a substantial decrease in the educational accomplishment of both groups and multiplies the disciplinary problems which detract from the essential student attention required for effective study.

If such integration is compelled, as this bill proposes to do, it will injure rather than assist the future educational accomplishment of the nation's schools.

The blacks who will feel humiliated by their low performance relative to white children—be it owed to genetic, economic, subcultural or family conditions—are likely to react with redoubled hostility to white pupils, teachers and institutions—to schooling as a whole. It will be labeled "Irrelevant."

II. GROUP MEMBERSHIP AND INDIVIDUAL IDENTITY

(1) Every individual needs to identify with a particular group. Such an identification is essential for the development of personality. This is clearly expressed by Dr. Glauert A. Elmer (Michigan State College) in "Identification

as a Social Concept" (*Sociology and Social Research*, Vol. 30, No. 2 (1954), pp. 103-109).

"The social psychologists, however, . . . should start first by relating the individual to his reference and membership groups and then proceed to the finer details of personality problems.' . . . In the binding in-group formation, the real identifications of individual members are anchored in the group. A sense of solidarity is generated in them as a natural process which manifests itself in actual behavior. In other words, as a group is formed, or as individuals become members of the group, the social process of integration is taking place. Besides the individual members of the group, the integration binds the social values and goals, the psychic characteristics, and the in-group symbols with which the individual members become identified. The social identification which evolves thus constitutes the basis of the group solidarity from which results observable, measurable behavior.

" . . . There must be a personal consciousness of 'belonging' or 'being a part' which is reflected in the opinions and behavior of the persons concerned. Group membership identification implies not an individual's reaction toward a group, but his reaction as a functioning element of the group."

(2) Men react selectively to their fellow men. This preferential association is based upon observable differences, among them overt physical differences and similarities, which form the focal point for group orientation and group identification. Professor George A. Lundberg (University of Washington; past president of the American Sociological Association) writes in "Some Neglected Aspects of the 'Minorities' Problem" (*Modern Age*, Summer, 1958, pp. 285-297) :

" . . . In every society men react selectively to their fellow men, in the sense of seeking the association of some and avoiding the association of others. Selective association is necessarily based on some observable differences between those whose association we seek and those whose association we avoid. The differences which are the basis of selective association are of an indefinitely large variety, of all degrees of visibility and subtlety, and vastly different in social consequences. Sex, age, marital condition, religion, socioeconomic status, color, size, shape, health, morals, birth, breeding, and B.O.—the list of differences is endless and varied, but all the items have this in common: (1) they are observable; and (2) they are *significant* differences to those who react selectively to people with the characteristics in question. It is, therefore, wholly absurd to try to ignore, deny or talk out of existence these differences just because we do not approve of some of their social results. . . ."

Professor Lundberg with an associate also studied high school students in Seattle, Washington, to find out the determinants of their preferential associations in leadership, work, dating, and friendship. Lundberg reported in "Selective Association Among Ethnic Groups in a High School Population" (*American Sociological Review*, Vol. 17, No. 1 (1952)). He found:

" . . . every ethnic group showed a preference for its own members in each of the four relationships covered by the question.

" . . . ethnocentrism or prejudice is not confined to the majority of the dominant group. . . ."

" . . . A certain amount of ethnocentrism is a normal and necessary ingredient of all group life, i.e., it is the basic characteristic that differentiates one group from another and thus is fundamental to social structure. Ethnocentrism ('discrimination,' 'prejudice') is, therefore, not in itself necessarily to be regarded as a problem. It is rather a question of determining *what degree* of it (a) is functional for social survival and satisfaction under given conditions, or at least (b) is not regarded by a society as a problem in the sense of requiring community action. The amount of discrimination that has been shown to exist in the present study, for example, is not incompatible with the peaceful and efficient functioning of the institution in question. . . ."

There are a substantial number of studies reported in social science literature which indicate that the attitudes reported in Lundberg's study of Seattle, Washington, are not confined to that particular city. Indeed, social scientists find in all areas where groups of diverse origin and appearance come into contact, some degree of race preference and selective association is manifested by the various groups.

(3) At one time it was assumed that certain areas of the world were free from race prejudice. Hawaii and Brazil were often cited as examples of interracial "alohas" where all race prejudice had disappeared. More careful students of these areas have found that despite a superficial interracial harmony, racial

preferences and prejudices are manifested in both these areas. In "Racial Attitudes in Brazil" (*American Journal of Sociology*, Vol. 54, No. 5 (1949), pp. 402-408), Dr. Emilio Willems described color prejudice in the city of Sao Paulo, Brazil, as manifested in a series of interviews carried out among middle and upper-class whites. Dr. Willems found:

"... Of the 245 advertisers, 194 were interviewed about the reasons for their unfavorable attitude toward Negro servants. In this interview, 48 were unable to give any clear answer, but they found their own attitude 'very natural.' 18 advertisers did not accept Negro servants because of presumed lack of cleanliness; 30 thought black housemaids were always thieves; 14 alleged instability and lack of assiduity; and 12 said only that they were used to white servants and therefore did not wish to engage colored ones. Seven persons precluded Negroes because of the contact they would have with their young children. There were a few other reasons, such as 'race odor,' 'bad character,' 'laziness,' 'carelessness,' and other imperfections that were ascribed to Negro servants.

"... There are many situations in social life where white people refuse to be seen with Negroes. In such public places as high-class hotels, restaurants, or casinos, fashionable clubs and dances, Negroes are not desired, and there are few whites who dare to introduce Negro friends or relatives into such places. This discrimination was strongly resented by middle-class Negroes. On the other hand, those Negroes complained bitterly of the contemptuous attitudes that middle-class mulattoes assumed toward them.

"... Yet our inquiry led to some other interesting results. In 23 out of 36 cases the questionnaires contained references to formal associations of all kinds from which Negroes were excluded. Usually these associations are clubs maintained by the upper-class families of the city. Though there does not exist any reference to Negro members in club statutes, these are rarely admitted..."

In "Stereotypes, Norms and Interracial Behavior in Sao Paulo, Brazil" (*American Sociological Review*, Vol. 22, No. 6 (1957)), Professors Roger Bastide and Pierre van den Berghe found on the basis of a questionnaire given to 580 white students from five different teachers' colleges in Sao Paulo, Brazil, that:

"Stereotypes against Negroes and mulattoes are widespread. Seventy-five per cent of the sample accept twenty-three or more stereotypes against Negroes. No one rejects all stereotypes against Negroes... Mulattoes are judged inferior or superior to whites on the same traits as Negroes but somewhat lower percentages. The most widely accepted stereotypes are lack of hygiene (accepted by 91 per cent), physical unattractiveness (87 per cent), superstition (80 per cent), lack of financial foresight (77 per cent), lack of a morality (76 per cent), aggressiveness (73 per cent), laziness (72 per cent), lack of persistence at work (62 per cent), sexual 'perversity' (57 per cent), and exhibitionism (50 per cent)."

(4) Strong patterns of racial preference emerge in pre-school children—even as early as 2½ years of age. In "Evidence Concerning the Genesis of Interracial Attitudes" (*The American Anthropologist*, Vol. 48, No. 4 (1946)), Dr. Mary Ellen Goodman investigated the age at which racial attitudes become manifest. Fifteen Negro and twelve white children, ranging in age at the beginning of the study from 2-9 to 4-4 and who attended a bi-racial nursery school were studied. Dr. Goodman noted that "awareness of one's racial identity may be regarded as one facet of that consciousness of self which is gradually achieved during the first three or four years of life," and "preliminary analysis leads to the belief that these children of approximately 3 to 4½ years were in the process of becoming aware of race differences."

The early genesis of racial attitudes has been confirmed in other studies in "well-integrated" areas where there is an absence of overt racial hostility and legal racial segregation. Drs. Catherine Landreth and Barbara C. Johnson conducted such a study in the child care centers of Berkeley, Oakland, and San Francisco, California, and reported in "Young Children's Responses to a Picture and Inset Test Designed to Reveal Reactions to Persons of Different Skin Color" (*Child Development*, Vol. 24, No. 1, (1953)). They concluded that "patterns of response to persons of different skin color are present as early as three years and become accentuated during the succeeding two years."

Drs. Marion Radke, Gene Sutherland and Pearl Rosenberg studied the racial attitudes of children in Pittsburgh, Pennsylvania (*Sociometry*, Vol. 13, No. 2, 1953).

They found "the white children in all the situations and at all ages (seven to thirteen years) expressed strong preference for their own racial group. This is

particularly the case when their choices between Negro and white children as friends are on an abstract or wish level."

(5) Some sociologists contend that Negroes would suffer far more from racial integration than from racial segregation. Thus Professor Ichheiser* notes that "... if the Negroes would refuse to identify themselves consciously with the Negroes as a subgroup, then they would develop a kind of collective neurosis, as do other minorities, too; for the conscious 'we' would in case of such an attitude be persistently in conflict with the unconscious 'we,' and this inner split would inevitably reflect itself in different pathological distortions of the Negro personality."

For contrast, Allison Davis (*Racial Status and Personality Development, The Scientific Monthly*, Vol. 57, Oct. 1943) noted "... where the social group of the racially subordinate individual is highly organized and integrated, as in the Little Italies or Chinatowns, or in many Southern Negro communities, its members will usually have relatively less psychological conflict over their racial status." Similarly, Mozelle Hill ("A Comparative Study of Race Attitudes in the All Negro Community in Oklahoma," *Phylon*, 1946) noted that Negroes raised and educated in an all-Negro community tend to have "a much higher regard for Negroes," and are more favorable in their expression toward their own race.

III. "PSYCHOLOGICAL INJURY" ARGUMENT IN SUPREME COURT

As one of the main grounds for decision in the 1954 school desegregation case (*Brown v. Board of Education*), the Supreme Court of the United States asserted that (347 U.S. 483, 494):

"To separate [children in grade and high schools] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that *may affect their hearts and minds in a way unlikely ever to be undone*. The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro plaintiffs:

"Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system."

"Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority." (Emphasis added; footnote omitted.)

In footnote 11 of *Brown v. Board of Education*, *supra*, the Supreme Court quoted a number of social science materials alleged to demonstrate the psychological injury basic to its reversal of *Plessy vs. Ferguson*. Similar materials were quoted in an appendix to Appellant's Brief signed by a number of prominent social scientists.

Professor Kenneth B. Clark has testified in three of the actions that led to the *Brown* decision. His testimony is part of the record in *Brown* and also contributed importantly to the assertions of the social scientists in the appendix to Appellant's Brief and to those mentioned in footnote 11 of *Brown*. Clark maintained that he as well as others have shown the existence of psychological injury owing to segregation.

In the South Carolina case *Briggs v. Elliot* (Professor Clark employed the same method and reached the same conclusions in the Delaware and Virginia cases which are also part of the *Brown* record). Professor Clark explained that he had shown Negro and white dolls (or drawings thereof) to Negro children in a segregated public school and, having ascertained that they distinguished white from Negro people, asked them, in effect, which doll they preferred, and which one "looks like you." Ten (later in the testimony, nine) out of sixteen Negro children picked the white doll as the one that "looked like you." Professor Clark concluded that "these children . . . have been definitely harmed in the development of their personalities." He knew, of course, that the question before the court was whether school segregation had harmed the children and testified:

*Ichheiser, "Socio-psychological and Cultural Factors in Race Relations," *American Journal of Sociology*, Vol. 54, No. 5 (1949).

"My opinion is that a fundamental effect of segregation is basic confusion in the individuals and their concepts about themselves conflicting in their self images. That seemed to be supported by the results of these sixteen children . . ." The syntax is obscure, but the sense is not. Professor Clark testified (1) that segregation caused the harm he found (or at least played a "fundamental role"); (2) later on that this is "consistent with previous results which we have obtained in testing over 300 children"; (3) finally, "and this result was confirmed in Clarendon County." Elsewhere Professor Clark asseverates: "Proof that state imposed segregation inflicts injuries upon the Negro had to come from the social psychologists . . ."

Professor Clark mentioned to the court that he had made previous experiments "consistent" with those he entered into the record. However, those previous experiments were not themselves ever entered into the record—for good reason as will be seen.

They had been published, however.¹ 134 Negro children in segregated schools in Arkansas and 119 Negro children in unsegregated nursery and public schools in Springfield, Massachusetts, about evenly divided by sex, were tested.²

Black and white dolls were presented, and the children were asked to indicate the "nice" and the "bad" one, as well as the one "that looks like you." Professor Clark concluded that ". . . the children in the northern mixed-school situation do not differ from children in the southern segregated schools in either their knowledge of racial differences or their racial identification,"³ except that ". . . the southern children in segregated schools are less pronounced in their preference for the white doll, compared to the northern [unsegregated] children's definite preference for this doll. Although still in a minority, a higher percentage of southern children, compared to northern, prefer to play with the colored doll or think that it is a 'nice' doll."⁴ The tables presented by Professor Clark bear out as much. Table 4,⁵ moreover, shows that a significantly higher percentage of Negro children when asked "give me the doll that looks like you" gave the white doll in the nonsegregated schools—39 per cent as opposed to 29 per cent in the segregated schools.

Thus, Professor Clark misled the courts. His "previous results" are not "consistent" with those entered in the court record, though he assured the court that they are. Actually, his "previous results" clearly contradict those submitted in his sworn testimony. Compared, the response of Negro children in segregated and in non-segregated schools show that Negro children in *segregated* schools *are less pronounced in their preference for the white doll* and more often think of the *colored* dolls as "nice" or identify with them—whereas if segregation were harmful and the harm were shown by his tests, as Professor Clark asserts, the Negro children in the segregated schools would have been *more* pronounced in their preference for the white doll. If Professor Clark's tests do demonstrate any psychological injury in connection with segregation, they demonstrate that there is *more* injury to unsegregated Negro children and *less* to *segregated* Negro children. Yet Professor Clark told the court that his tests had shown that "segregation inflicts injuries upon the Negro." He did so by presenting only the tests with the segregated Negro children and ignoring the tests he had himself undertaken previously in desegregated and segregated schools with a far greater number of children.

IV. OBJECTIONS TO PROFESSOR CLARK'S EXPERIMENT

So far I have proceeded on the assumption that Clark's general method is capable of showing something about segregation. This is doubtful.

Whatever Professor Clark demonstrated about the personality of segregated Negro children could be due to general prejudice in the community rather than

¹ Clark, "Desegregation, an Appraisal of the Evidence," *Journal of Social Issues*, No. 4, p. 3 (1958).

² Clark, "Racial Identification and Preference in Negro Children," *READINGS IN SOCIAL PSYCHOLOGY* (Newcomb & Hartley eds., 1947).

³ The children ranged from 8 to 7 years of age; those tested in Clarendon County were between 6 to 9 years old. Professor Clark does not seem to think that the difference in average age affects the results, and I have no reason for disagreeing. But, both in view of the difference in average age, and the small size of the Clarendon group, I follow Professor Clark in comparing the two groups described in his previous tests with each other, rather than with the Clarendon group. However, since it is possible after all that the effects of segregation vary with age, and particularly with length of schooling, competent studies should take this into account.

⁴ *Op. Cit. supra*, note 2.

⁵ *Ibid.*

⁶ *Ibid.*

to segregation, or even to circumstances not affecting Negroes specifically. Professor Clark is confusing on the sources of damage, though insisting that segregation is "fundamental." Tests on white children, or on Jewish and Christian children, were not presented. Such tests would be needed to indicate whether the damage was general (there may be a general confusion of self-images in our culture, a "crisis of identity"); or restricted to minorities; or restricted to Negro children. (That whatever damage can be demonstrated by his methods is not restricted to segregated Negro children Professor Clark proved, if he proved anything; indeed although he misled the court on this matter, Professor Clark's tests show that segregation decreases and congregation, even when not compulsory, increases the damage to Negro children.)

However, no proof whatever was presented to indicate that preference for, or identification with, a doll different in color from oneself indicates personality disturbance. I wrote on this point:

"Suppose dark-haired white children were to identify blonde dolls as nice; or suppose, having the choice, they identified teddy bears as nice rather than any dolls. Would this prove injury owing to (nonexistent) segregation from blondes? Or communal prejudice against humans? Professor Clark's logic suggests that it would.

"Control tests—which unfortunately were not presented—might have established an alternative explanation for the identification of white with nice, and black with bad: in our own culture and in many others, including cultures where white people are unknown, black has traditionally been the color of evil, death, sorrow, and fear. People are called blackguards or blackhearted when considered evil; and children fear darkness. In these same cultures, white is the color of happiness, joy, and innocence. We need not speculate on why this is so to assert that it is a fact and that it seems utterly unlikely that it originated with segregation (though it may have contributed to it). Professor Clark's findings then can be explained without any reference to injury by segregation or by prejudice. The 'scientific' evidence for this injury is no more 'scientific' than the evidence presented in favor of racial prejudice."

I can only list some of the many other objections that could be raised against the Clark experiment. (1) The subjects were neither randomized nor stratified properly by age, sex, economic, religious, residential and other criteria; (2) No controls with white children in segregated and unsegregated environments; (3) No controls with Negro children in Negro cultures (e.g. Africa) which might have had the same results, thus showing that it does not depend on prejudice, let alone segregation; (4) No controls with objects other than white and black dolls; (5) No evidence presented that doll tests show any correlation with personality disturbance; (6) No evidence about the type of alleged disturbance and what it means psychiatrically.

Professor Clark has published a book since his testimony, relied on by the Supreme Court: *Prejudice and Your Child*. On page 45 ff. the following is stated with reference to the more frequent self-identification of Negro children in mixed schools with white dolls:

"On the surface, these findings might suggest that northern Negro children suffer more personality damage from racial prejudice and discrimination than southern Negro children. However, this interpretation would seem to be not only superficial but incorrect. The apparent emotional stability of the southern Negro child may be indicative only of the fact that through rigid racial segregation and isolation he has accepted as normal the fact of his inferior social status. Such an acceptance is not symptomatic of a healthy personality. The emotional turmoil revealed by some of the northern children may be interpreted as an attempt on their part to assert some positive aspect of the self."

Here Professor Clark starts by speaking of "personality damage" and ends by speaking of "emotional turmoil." Clark notwithstanding, it seems more likely that "rigid racial segregation and isolation" would make the segregated least aware of their status in the eyes of the group from which they are "isolated" and most likely to identify with each other.⁸ Further, "acceptance" of an "inferior social status" by any group may be morally or politically disturbing,

⁷ Ross and van den Haag, *The Fabric of Society* (Harcourt, Brace & World, 1957), pp. 165-66.

⁸ Certainly the theory of reference groups would lead us to believe so. See Robert K. Merton, *Social Structure and Social Theory*, p. 225 ff.

but there is no reason to consider it *per se* a symptom of either "healthy personality" or sickness. Not all members of castes below brahmins in India are sick, nor even all "untouchables." Clark here confuses his moral views with clinical evidence. There is no evidence to show that acceptance of inferior, superior or equal status is a symptom of emotional disturbance.

In his testimony, Professor Clark asserted categorically that when Negro children identify with, and prefer, white to colored dolls it means that personality damage, owing to segregation has occurred. Now that his previous experiments, not entered into the court records, have been brought to public attention, Professor Clark would have to conclude that segregation decreases, and congregation increases, the personality damage that is detected by the doll tests. For the tests not entered into the court record detect such personality damage more often where there is congregation than where there is segregation.

To avoid this embarrassing result Professor Clark now explains that if segregated Negro children prefer white dolls it indeed shows personality damage suffered because of segregation. And if nonsegregated children prefer white dolls even more frequently it does not show that they suffer more "personality damage." This would be "superficial" and "incorrect." The fact that segregated children prefer the white dolls less often than nonsegregated ones now shows that they have suffered even deeper personality damage. The fact that congregated children prefer the white doll more often suddenly becomes an indication of comparative health.

Which is to say that whatever the outcome of the experiment, it shows that there is personality damage owing to segregation. When Negro children identify more often with the white doll (North) it is bad and shows psychological injury. When they identify less often (segregated South) it is even worse. But wasn't the self-identification of Negro children with the white doll supposed to be the very evidence of their confusion and psychological injury? Yes, Clark writes now, except when the identification occurring less frequently among segregated Negro children would indicate that segregation makes for mental health. This would be inconvenient. Wherefore when this is the case less frequent identification with the white doll suddenly indicates *more* psychological damage.

Just what choice of dolls would have shown that segregation does not harm children? None of those available. Whichever doll the children choose would, according to Clark's new interpretation, show that segregation is harmful. What can an experiment which supports the same conclusion, regardless of its outcome, possibly show? Only the experimenter's prejudices and his failure to grasp the purpose and nature of experimental methods of research. Clearly, Professor Clark's conclusions do not depend on any of his experiments. For these are inconsistent with his conclusions, if they are meaningful at all. None of the material which the Supreme Court accepted as probative of injury through segregation is any more cogent. No injury by segregation *per se* has been proved by any scientific test.

V. SUMMARY AND CONCLUSIONS

The primary groups to which an individual belongs are his family and his peer group. The latter is the group with which the individual identifies himself on the basis of a feeling of community, observable physical characteristics, and commonly shared emotion. Later the individual will also become a member of such groups as are based on material matters such as membership in a profession or persons of a given income level.

Such group membership is a main factor constituting the individual's identity or personality. It is essential to the normal individual to have a firm feeling of belonging to a group. Failure to identify with a group prevents the individual from functioning normally. An individual identifies with persons in his own environment whom he takes as models accepting some characteristics, developing others of the individual's own, and in this way building up the essential personality of the individual.

Without such a sense of identity, the mental health of the individual will be seriously impaired. Unrealistic identification is a form of insanity. An identity once acquired cannot be lost.

Groups are formed from individuals having common self-identification. In the small child the factors involved will be almost exclusively visual, such as skin color; but as the child grows, other factors of intelligence and achievement will play a part, as in joining a football team. In different aspects of activity, the individual belongs not to one, but to a series of groups.

Group identification must be voluntary. Involuntary placement in a group with which the individual does not identify creates hostility. The group approval or disapproval is extremely important to identity, and the disapproval destroys the individual's image of himself.

Where ethnic identity is clearly visible, it becomes a matter of considerable importance in group relations. The variation in attitude created by differences in skin color exists in all countries.

Group members tend to adhere to group norms, which, if they are within the potential of the individual, is of advantage. On the other hand, if the norm of the group exceeds the maximum potential of the individual, then this gives rise to feelings of humiliation, incapacity, and inadequacy which impair his motivation.

Contrary to the "psychological evidence" which apparently was accorded great weight by the Supreme Court in *Brown v. Board of Education*, scientific tests have not proved any injury by segregation *per se*. In fact, some sociologists contend that Negroes would suffer far more from racial integration than from segregation.

Under a freedom of choice system for school attendance, as the individual increases in age, his willingness and ability successfully to associate himself with other groups would increase, provided there was a generally favorable atmosphere and favorable attitude on the part of the superintendent, principals, and teachers, as well as parents. Voluntary mingling would have beneficial effects on personality and education. Immediate, total, enforced integration would lead to even greater demoralization of Negro pupils than is already taking place, and would also lead to lower educational achievement.

Whatever one may think of the more radical Negro organizations, they have captured the emotions and the imagination of a large part of our black population. They have been, particularly with the young people, far more successful in that aspect than the old style organizations. High school and college students, if they do not join, do certainly admire and support organizations such as the Black Panthers and the Nation of Islam. They look up to such figures as Rap Brown, Stokely Carmichael, Eldridge Cleaver, Malcolm X, *et al.* The organizations differ among themselves in their methods and to the extent one can discern them, in their purposes. But they have one thing in common. They try (and largely succeed) to produce a prideful racial identity. They make their followers accept that "black is beautiful" and they attract support because they are creating a black identity, and pride in it.

They do this largely by declaring their independence of and, in some cases, even hostility to whites. But the hostility here is largely a gesture necessary to support the independence and the pride.

I am not concerned with the justification of such movements. But they clearly indicate a psychological need. By gratifying this need, these organizations have succeeded to an astonishing extent in rehabilitating members who previously suffered from major symptoms of personality disorganization, such as drug addiction, criminal behavior, general irresponsibility, etc. This is not just to say the Panthers do not allow members to take drugs. It is that they make the drugs unnecessary; they offer their members a self-image of adequacy that makes the resort to drugs unnecessary. The basic ingredient in that self-image is the identification with an image of historical, racial and cultural adequacy, if not superiority.

I submit that this is what the black minority needs more than anything else. It is in this respect that its problem has differed from that of other minorities—Irish, Italian, Jewish—and it is this ingredient that a wise and just process of education should help provide. Integration, desirable as it may be in the end, is possible only if the elements to be integrated each feel a sense of identity and a pride in that identity rather than a feeling of inadequacy. For feelings of inadequacy produce hostility to those who make one feel inadequate.

Black students know this. Their behavior itself is evidence for the need it tries to fulfill. If one looks at recent happenings in our colleges, one finds that there has been a great increase in black enrollment in previously largely white schools. That increase, fostered by the colleges with the idea of giving blacks the benefits of their college life, and education, far from leading to immediate integration, has led to the very opposite. Thus, at Vassar College where I served as Visiting Professor in 1969, the one demand almost immediately made by the

newly-admitted black students was a separate black dormitory. There were no complaints of inhospitality on the part of the white college students. The black college students simply wanted to have a place of their own. They wanted to cultivate their own identity, lead their own life, elaborate their own traditions. They also wanted black teachers and "black courses." This development has been paralleled in almost every college in the country.

Many colleges have gone so far as to take black students less prepared or qualified than white students. Whatever the motives that led them to do so, it is relevant here to point out that the less well prepared students felt necessarily left out, and humiliated, when they could not perform as adequately in class as their more qualified white fellow students did. They, therefore, were psychologically compelled to seek to achieve the prestige they had lost in their own eyes—which they could not achieve in classroom work—outside the classroom. The opportunity was readily at hand. They could, and did, achieve status as revolutionary leaders against the "irrelevant" college curriculum in which they were unable to excel. In some cases (with the help of disaffected and masochistic whites) they came near destroying the institutions which had recruited them.

I am fully aware that we are dealing not with colleges but with primary and secondary schools. But I am mentioning this history because it is about to be repeated in secondary schools. "Those who do not know history are condemned to repeat it." In our high schools we already have a similar development. When well prepared white students and inadequately prepared black students, in many cases coming from underprivileged backgrounds, are compelled to go to school together, those who cannot perform well by the standards of the school, necessarily become hostile to the school which humiliates them, and to the whites who outperform them. They also become discouraged. They are likely to seek outside the prestige they lost in school work; and they will be tempted to make up for the humiliation suffered by displaying their hostility to whites and insisting on their own superiority in activities which undermine the academic and educational purposes of the school.

This is by no means to say that black and white students should forever remain separated or should be separated as a matter of administrative rule. On the contrary, what I am advocating is that they should remain free to select the school and the fellow students that in each individual case most fulfill their academic and psychological needs.

I foresee that freedom of choice will lead ultimately to far more integration than is now extant, but it will do so slowly. The advantage of that slowness will be that blacks will be able to compete both academically and psychologically with whites in a way that does not make the school "irrelevant" to them, nor psychologically requires them to seek compensation, through subversive or criminal activities, for the sense of inadequacy that it will generate.

Much research has been done since the Supreme Court decided (on most dubious evidence) that separation is educationally damaging to Negro children. No evidence confirming this idea has been uncovered. Very little evidence has been offered to show that integration has been beneficial. Most programs which attempted to remedy the comparatively low performance of Negro children attributed to inferior schooling have been shown to be ineffective.

Social scientists, therefore, have reached in many cases the conclusion that the inferior performance may be due to factors in very early infancy which, as yet, we have found no way of offsetting. Others have insisted that there is evidence of a genetic difference which may explain the differences in performance, at least when the same methods of teaching are used for both groups.

I wish now to draw the attention of this Committee to an article "Early Childhood Intervention—The Social Science Base of Institutional Racism" by Stephen F. and Joan C. Baratz, appearing in the *Harvard Educational Review* (February, 1970). The authors maintain, with considerable evidence, that the two models that seek to explain the inferior performance of black children—the genetic model and the social pathology model (of which there are many varieties referring to the family, the subcultural background, nutrition, etc.)—are both unnecessary. The authors maintain that if there were a deficit not just in the actual performance of the children, but in their ability to perform, then such models would be required. But in their opinion the low performance of Negro children is due to the disinclination of teachers, and the failure of schools to perceive the linguistic and other resources of these children. This failure leads schools to insist that Negro children express themselves in a language to

which, in their subculture, they are not accustomed and in which they become "dumb." In short, the authors maintain that by insisting that Negro children have the same linguistic and other resources as white children and allowing them to use only these resources, schools produce the lower performance of Negro children. If on the other hand, the authors maintain, the resources actually available to Negro children were utilized—as are those actually available to white children—then Negro children might be quite as able to perform as white children. Thus the low performance of Negro children could be improved only by distinct teaching methods and a distinctive curriculum utilizing their sub-cultural resources. Needless to say, this would require at least temporary separate education.

I have no personal knowledge that would indicate to me whether the contention of the authors is correct. They do, however, quote a great amount of research that certainly suggests that their thesis is worth exploration. And this is the conclusion that I wish to submit to this Committee.

A great amount of money has been spent on forced integration. A great deal of hostility has been aroused on all sides—certainly race relations are worse than they were before 1954 and there is no evidence whatever that compulsory integration has led to more academic progress than free choice would have achieved. More and more evidence is accumulating that a different Negro subculture exists and requires for its utilization distinct methods if the members are to learn what the schools are trying to teach. This may indeed require separate training for teachers and separation of those pupils who wish to learn and are best able to learn by utilizing the resources of their subculture. If there is any sort of genetic difference in addition to the subcultural differences this, too, would probably lead to different learning and teaching methods.

I am not suggesting that this Committee should institute the new methods that may turn out to be useful. I am, however, suggesting that this Committee should, instead of throwing further money into an approach that no one could possibly term successful, reserve such money (a) for thorough evaluation of the approaches so far tried, and (b) for thorough exploration and experimentation with different approaches resting on a variety of competing teaching methods with free self selection of pupils.

I do not expect to convince this Committee that the premise on which such vast federal expenditures have been made for the integration of schools over the past ten or fifteen years is a false premise, or that the truth lies elsewhere. I do, however, most seriously recommend that alternatives be explored and all approaches scientifically evaluated before the educational system of the nation becomes so far committed to a single article of faith ("the evidence of things not seen")—that integration of the races brings better education—that the point of no return will have been passed.

Thus I appear here to recommend that investigation of all views on this question become part of the evaluation directed by this bill and that we substitute objective measurement for the subjective, if praiseworthy, opinions of those who see compulsory integration a forwarding of the democratic dream of equality. If the basic purpose of schools is to be education, then we should put aside any preconceived emotional assumptions about the factors which improve or destroy the educational accomplishment of any child, black or white, and use every available scientific facility to isolate the actual factors wherever we find them. To do so would be in the interest of all concerned, of all children, black and white, and contrary only to the vested interest of educational dogmatists.

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Dr. VAN DEN HAAG. I have been concerned with the questions that are dealt with in the bill for many years, my profession being the study of the relationship of groups.

It is clear, as I read the bill before you, Mr. Chairman, that it deals with an attempt to end what is called racial isolation, defined as an attendance by more than 50 percent of a minority group in a single classroom.

The question that arises is whether the compulsory congregation of different groups so as to avoid what has been called racial isolation will be effective academically and, more broadly, educationally.

I concur with my colleague, Dr. Jensen, that very little conclusive research has been done at this point, but I wish to go a step further by referring to events, of which we are all aware from the newspapers, to simply indicate that if we introduce blacks into classrooms, where they are not fully able to compete with their white fellow students—be it for reasons of prior cultural deprivation or any other reason—we thereby unavoidably humiliate them. This humiliation necessarily, and even on a commonsense level, will lead to hostility toward those who, they feel, have humiliated them—their teachers, the school system, and fellow students. In my opinion this is one of the major reasons for the unrest and the trouble of most major school systems, for the feeling that the blacks have openly expressed, that the schooling in the system is irrelevant to them.

Clearly, if you are unable to compete with your fellow students for lack of background which may not, of course, be your fault at all, but, nonetheless, if you are introduced into a class where you are humiliated by your inability to compete, you will resort to saying that, in effect, what happens in the classroom is irrelevant; for this will be the best way of offsetting your humiliation.

Let me now briefly summarize the contents of my statement which you were good enough to introduce into the record.

I think every individual needs to identify with a particular group. Such groups are formed on the basis of selective perception of similarities and dissimilarities. Such perceptions occur very early in age and

occur in all human groups regardless of the existence of hostility or lack of hostility among them.

Wherever we go, we find that people band together according to perceived similarities and dissimilarities. I may point out in some countries which were held up in the past to us as models of nearly total racial integration, such as Hawaii and Brazil, such integration is nonexistent. I do not wish to say there is racial hostility. There is some of that there too, of course, but what I wish to say, in these countries as in other countries, people gather together on the basis of perceived similarities, psychological and otherwise.

For instance, we find in Brazil stereotypes against Negroes. I quote from an article in the *American Sociological Review* :

Stereotypes against Negroes and mulattoes are widespread. Seventy-five per cent of the sample accept twenty-three or more stereotypes against Negroes.

And so forth.

Strong patterns of racial preference emerge in preschool children—even as early as 2½ years of age.

I wish to turn now to a statement, which I fully support, by Professor Ichheiser, again in the *American Journal of Sociology*. He says—

If Negroes would refuse to identify themselves consciously with other Negroes as a subgroup, then they would develop a kind of collective neurosis, as do other minorities too; for the conscious "we" would in case of such an attitude be persistently in conflict with the unconscious "we," and this inner split would inevitably reflect itself in different pathological distortions of the Negro personality.

I think there is now considerable evidence that where Negroes and any other groups identify consciously and unconsciously with members of their own group and take pride in such an identification, we find much less social and individual pathology than we find where that is not the case.

My statement quotes a number of research studies to that effect.

I would like to turn now briefly to the real basis for the bill before you and for quite a number of developments in the last 15 years; namely the Supreme Court decision in *Brown v. Board of Education*.

That decision quoted a lower court to the effect that:

Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system.

The court went on to say:

Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority.

The modern authority that the court very largely relied on consists of a variety of studies undertaken by Prof. Kenneth B. Clark. His testimony in the lower court became part of the Supreme Court record and his research papers are quoted by the Supreme Court.

Very briefly, what his testimony consisted of in the lower court and what his research papers submitted in the appendix, in the

amicus curiae brief in the Supreme Court decision, is that Professor Clark submitted black and white dolls to a group of segregated Negro children in southern districts and asked them which dolls they preferred, which dolls they thought were nice, which dolls they would favor and finally asked these segregated Negro children which doll was like them.

A majority of the segregated Negro children said, after having answered the prior questions, that they themselves were like the white doll. This Professor Clark interpreted to mean that they have been gravely disturbed, that they have been psychologically injured by segregation, for their own misidentification with the white doll to Professor Clark meant that their conception of themselves had been distorted.

Professor Clark went on to say that his results in these studies were "consistent with previous results which we have obtained in testing over 800 children."

I have looked at these previous results which Professor Clark obtained and which he had published and which he maintained in court and in subsequent papers, are consistent with what I have just quoted. I have found that these previous results, far from being consistent, are totally contradictory to the results he submitted to the court.

The previous research consisted of testing 134 Negro children in segregated schools in Arkansas and 119 Negro children in unsegregated nursery and public schools in Springfield, Mass. These results are published, and I quote the result in the statement which is before you.

In these previous results, undertaken with far larger groups, what Professor Clark found, subjecting the Negro children both in the segregated and in the unsegregated schools to the same questions which he had submitted to the Negro children in various southern districts and to which he had testified in court, Professor Clark found in this major group of Negro children that in the desegregated northern schools a higher percentage identified with the white doll than in the segregated southern schools.

In effect, the percentages were 39 percent as opposed to 29 percent in the segregated schools. Thus Professor Clark misled the courts, including the Supreme Court. The previous results were not consistent with those entered into the court record, though he assured the court they were. Actually his previous results clearly contradict those submitted in his sworn testimony, for he found that in the desegregated, northern schools, a higher percentage of Negro children identified with the white doll, thus, in his interpretation, indicating more personality disturbance than did the segregated southern schools. If we were to accept his interpretation, or if he were to accept, himself, his own interpretation, he would have to conclude that desegregation, or integration, is unhealthy for these Negro children.

I myself do not necessarily conclude this, at least not on this evidence, because Professor Clark's experiments seem for a variety of reasons to me totally invalid. One very simple reason is, I would say if a Negro child prefers a white doll and says he himself is like a white doll because he preferred it—after all, children are very consistent; once they say "I prefer A," they will say, "I am like A."

If a child has such a preference, it may be simply due to the general preference of children for light colors over dark colors. In our culture, as in other cultures, as a matter of fact, black is usually identified as the color of evil, death, sorrow, and so on, while white and light colors generally speaking are identified with gaiety, innocence, purity, and pleasure. Children fear the dark on the whole.

I should think the whole experiment, to begin with, makes no sense, which I am glad about for the very simple reason that if it did make sense it would show that segregation is necessary for mental health, a view which I myself do not share.

Let me now refer to what I feel is the real question in this bill: Whatever one may think of the more radical Negro organizations, I do think that it is a fact that they have captured the emotions and the imagination of a large part of our black population, particularly of the young. They have been in this respect far more successful than the old style organizations whose major attempt was to integrate.

High school and college students, if they do not join, certainly do admire and support organizations such as the Black Panthers, the Nation of Islam and so on.

They do look up to such figures as Rap Brown, Stokeley Carmichael, Eldridge Cleaver, Malcolm X, and so on. Certainly these organizations differ among themselves in their methods and to the extent which I am able to discern them, in their purposes. But they all do have one thing in common: They try, and I believe they largely succeed, to produce a prideful racial identity. They try, and in my opinion they largely succeed, to make their followers accept "Black is Beautiful," and they attract support because they are creating a black identity and they are creating pride in it.

I submit that this is a healthy development, regardless of the political dissent and the political radicalizations by means of which these groups achieve what I regard as this psychologically healthy result.

By gratifying this need for a prideful, psychological identity, these organizations have succeeded to an astonishing extent in rehabilitating members who previously suffered from symptoms of personality disorganization such as drug addiction, criminal behavior, and general irresponsibility.

I do not say the Panthers do not allow their members to take drugs. I am saying they make the drugs unnecessary because they offer their members a self-image of adequacy that makes resort to drugs unnecessary. The basic ingredient is the identification with an image of historical racial and cultural adequacy, if not superiority.

I wish to stress that this is what the black minority needs above all. It is in this respect that its problem has differed from that of other minorities, the Irish, Italians, the Jews. This is what a wise and just process of education should help provide.

Integration, desirable as it may be as an end, is possible only if the elements to be integrated each feel a sense of identity and a pride in the identity rather than a feeling of being dominated and submerged.

I believe that black students are fully aware of this. If you look at recent happenings in colleges, you will find my contention borne out.

Last year I served as a visiting professor at Vassar College in Poughkeepsie, N.Y., which had recently tried to accept and recruit a number of black students. When I was there there were about 60 black girls who had been admitted to Vassar. The major and immediate result was that they immediately asked for a wholly black dormitory. Now, they had come to Vassar in an attempt to integrate the previously practically all-white college and yet the first thing they wanted was a separate, if you wish, segregated black dormitory.

Their demands went further. They wanted all black courses, black instructors, a black curriculum and so on. In short, one would think rather paradoxically that they wanted to make this previously white middle-class college into a southern black segregated school. From a logical viewpoint it would seem absurd.

Often psychological needs are fulfilled in a way that from a logical viewpoint may seem absurd but this should not lead us to ignore what need is being responded to. It seems to me that the need being responded to in this case was the feeling, the wish, the need that these black girls had for identification as blacks and pride in their own adequacy as blacks.

Throughout the college scene you find this. Colleges have gone out of their way in many cases to try to find black students. The black students, as soon as they have joined, have gone out of their way to separate themselves from the white students.

When the colleges went to the point of recruiting black students whose preparation was not quite adequate for the college curriculum and these black students met with better prepared white students (in many cases the black students came, of course, from underprivileged backgrounds) they found they could not perform as well as the white student. Thus, they became hostile to the school which humiliated them, and to the whites who outperformed them. They also became discouraged.

They are likely to look outside the school for something to offset the humiliation which they feel is inflicted upon them by the school and by the better prepared white students. I believe this result will be repeated in lower schools—high schools and grammar schools—if we insist on compulsory congregation. It is for this reason that I think this committee should emphasize further research before we do something that is intended to help the black minority, but which may, on the contrary, reduce their educational achievement and their psychological well-being.

I wish to conclude by referring to an article in the *Harvard Educational Review* of February 1970, written by Stephen F. and Joan C. Baratz, entitled "Early Childhood Intervention—The Social Science Base of Institutional Racism."

The authors in this article deal with a variety of attempts which have been made to explain the lower performance of black students. I classify these attempts by dividing them into the genetic attempt such as has been explored by Professor Jensen, and a variety of attempts under social pathology (which would explain the lower performance of black students in terms of a subcultural background, nutrition, family environment and so on).

The article rejects all these attempts because they say the deficit, the lower performance of black students, need not be explained by any

factors in their background; that that deficit arises simply because the schools do not utilize the resources that these black students actually have, and they do not utilize them because they insist on teaching these black students with methods which might be resorting to resources present in white students, but lacking in black students.

The authors maintain that the black students come from a subculture which uses a language and mental conceptualization different from that of the dominant white culture and that the black students are quite good, quite capable of performing as well as the white students if only the resources of their black subculture were utilized instead of being neglected; by asking them to conform to the resources—present in white but absent in black students—of the white culture, the low performance is produced.

What this article maintains is in effect that the lower performance of Negro children, which is generally agreed to in the present school system, is by no means due to any genetic inferiorities or differences, nor to any social preconditioning, family disorganization, nutritional differences, poverty in general, but it is simply due to the fact that they are, as it were, taught in a foreign language. They are asked to perform in a white culture to which they can perhaps adapt but when they are going to school they are hardly aware of this culture, in which they become, as it were, "dumb," not because they are dumb, but because they don't know its language.

It follows from the research of these two authors, which I think is supported by a great deal of evidence, that black students could perform as well as white students with the use of resources, proper to them. But since the resources are different from those available to white students, it follows also that their resources can be utilized only if they are, and to the extent which they are, educated separately.

I do not appear here to advocate segregation, either compulsory or otherwise, but I do appear here to advocate two things. We have spent enormous amounts of money to bring about compulsory desegregation. No one, I think, can seriously maintain that the results known so far have been either educationally or in any other fashion beneficial. Certainly I think the race relations today are worse than they were in 1954. It seems to me under these circumstances, and this is the conclusion that I wish to submit, that this committee would do well to advocate that a reasonable amount of money be spent to evaluate the results of the compulsory integration so far undertaken, and also that a reasonable amount of money be spent to explore other approaches to improve the educational achievements of blacks and whites. To do so, I think, is in the interests of all children, black or white.

I think we should find and utilize every available scientific facility to isolate and define the factors that will make for an improvement in education. To do so, I think, let me say once more, is in the interests of all concerned, of all children, black and white, and it is contrary only to the vested interests of educational dogmatists which I hope you will disregard.

Thank you.

Mr. PUCINSKI. Thank you, very much, Dr. van den Haag.

I think that Congressman Ashbrook, in inviting both you gentlemen before the committee this morning, certainly has given us a dimension

of the problem that we have not had before the committee before and I can appreciate your suggestion that we ought to make sure that section 10 does provide perhaps even more effective language to do this research. I am not too sure that perhaps if there are others who share your view on the lack of measurable data that what may be the wise thing to do here is to take the \$150 million that the Senate has voted, and use that as the experimental program in this whole field, and then put some extensive evaluation money in there, to see what impact and what effect it has, before we go ahead with a billion and a half dollars as proposed in legislation before us. I am not too sure the administration might not be "biting its nose to spite its face," when they rush through the \$150 million, the way they did it in the Senate, without waiting for the authorization that we have before us here.

There is one question that I think needs to be clarified. On page 3 of your testimony you say:

If such integration is compelled, as this bill proposes to do, it will injure rather than assist the future educational accomplishment of the nation's schools.

This bill has nothing in it that compels integration. This bill recognizes that the courts of this land have already resolved that problem and that question, as both you gentlemen have referred to in your testimony.

What this bill attempts to do is to provide the resources, the financial resources, to schools that are now under a court order or under a voluntary plan approved by HEW to provide some of the things that both of you have discussed in your testimony, which could bridge the obvious gap that does exist, when you have the sort of sudden integration that we have experienced in some of these court-ordered schools, and so I wanted to make clear that this legislation does not provide anything that would compel anyone to integrate. What it merely does is provide the funds, once a school has been ordered by the court to deal with the problems that both of you have described.

Dr. VAN DEN HAAG. I am sorry, I misread the bill in this respect, but if I may, I would still suggest that the amount that is allocated to provide the resources for integration seems to me highly disproportionate to the amount that is allocated to provide resources for research on how best to undertake this task. If I may suggest that, for instance, Prof. Milton Friedman has for many years made a proposal that I have long supported. He suggests that instead of giving money to public schools, we give students vouchers, equivalent to the money that is required to school them, and permit them or their parents to select freely the schools to be attended. This is one of many proposals which I think may ultimately lead to voluntary integration in all likelihood, because of self-selection, in the best possible way, educationally and otherwise.

I hope your committee will find it possible to allocate more money to this sort of experimental approach, rather than to simply inject massive amounts of money to carry out in the most direct way the orders of the court. As I understand them, the orders of the court can be carried out in a variety of ways, and they are aimed ultimately at educational improvement, and hence I think the carrying out should so aim.

Mr. PUCINSKI. Professor, again as I say, I am not qualified to question some of your findings here. I am reminded, though, that on the other side of the spectrum we have massive research as has been done by Dr. Coleman and various others, who argue precisely the contrary viewpoint that you take in terms of what removing youngsters from racial isolation does to their ability to absorb the educational process. As I say, this is a quarrel between your social scientists that I am not too sure I am qualified to get into.

Dr. VAN DEN HAAG. May I point out that Dr. Coleman does not, as far as I understand him, disagree with my view. I certainly don't disagree with his, and I think that Professor Jensen also will agree that the Coleman research, for which I have very high respect, basically states that the educational effects are largely produced by the student's background, whatever it may be, and very little affected by the actual process of schooling, a very peculiar result, but nonetheless that seems to be the result.

He says that there is a slight, in certain cases of selective—not massive—selective desegregation he has found that if a talented Negro student attends a previously white school, rather than a black school attended by largely untalented fellow students, that this talented Negro student benefits. I certainly would agree with that.

Mr. PUCINSKI. As I say, I would not try to get into a debate here on that respect of the argument, but we are confronted with a problem, and the President has recognized that problem and the Congress is trying to recognize the problem, that you do have a substantial number of school districts in this country that are now under a court order, and regardless of the merits or demerits of your own findings in this matter, the fact of the matter is that these school districts can no longer argue this point. The "boat has gone" on that one. The court has issued an order, and now these schools are confronted with some very serious problems, and how best to achieve the court order.

Now the bill provides:

(a) The provision of additional professional or other staff members (including staff members specially trained in problems incident to desegregation or the elimination, reduction, or prevention of racial isolation) and the training and retraining of staff for such schools;

That is one of the things that the money from this bill could be used for by local school districts.

(b) Remedial and other services to meet the special needs of children in schools which are affected by a plan described in clause (1) or (2) of section 5(a) or are racially isolated, including special services for gifted and talented children in such schools;

(c) Comprehensive guidance, counseling, and other personal services for pupils;

(d) Development and employment of new instructional techniques and materials designed to meet the needs of racially isolated schoolchildren;

(e) Innovative interracial educational programs or projects involving the joint participation of minority group and nonminority group children attending different schools, including extracurricular activities and cooperative exchange or other arrangements between schools within the same or different school districts;

(f) Repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of equipment) and the lease or purchase of mobile classroom units or other mobile educational facilities.

And so I would like to ask both you gentlemen, as social scientists and gentlemen who have made obviously a substantial study in this whole field, whether or not the programs that would be financed by this bill would indeed meet some of the shortcomings that both of you have described in your testimony, and overcome the problems that you have described in your testimony.

Dr. Jensen, suppose we start with you.

Dr. JENSEN. Yes, I applaud all the provisions that you have just enumerated there in the bill. I think, however, if there is any social area in which it may be possible to observe the letter of the law rather than the spirit of the law, this may be it. Again that is why I think close monitoring and evaluation of the integration programs that are actually enacted under these funds is absolutely essential for the benefit of all children. I think one of the greatest areas of concern that I would have in these programs has to do with children who have special educational needs. I have seen this particular aspect of the problem abused in schools that I am familiar with. For example, because children are minority children, they are not singled out for any special attention.

There is apt to be a philosophy of treating them like the average white child, regardless of their individual needs, and allocating resources strictly on the basis of racial membership rather than on the basis of individual needs of students. Minority students can actually be cheated out of some of the special services that are given to children of the majority group with similar educational problems, problems in reading, various problems in school adjustment, learning handicaps and so forth. Special services can be denied to the children who need them most, because of their minority group membership, and the sensitivity of white school administrators to singling out these children, if they should turn out to be a higher proportion, in special classes, for example, than the white children, and the aim to maintain proportional balance of special facilities, I think, can cheat the minority children severely. I have seen this happen in schools where white children were getting nearly all of the special educational attention in schools, where black children with the same problems were being neglected and were languishing in classrooms and not learning.

Mr. PUCINSKI. I can just tell you one thing, that we are now learning from this bill, and the testimony on this bill, what a real myth this separate-but-equal doctrine was in many southern communities. That comes from testimony of the witnesses themselves.

We had a witness here the other day from Louisiana who said it wasn't until the white youngsters had to attend previously all-black schools that they discovered—these were his words—that “separate but equal” didn't mean “equal” at all. They lacked gymnasiums, washroom facilities, and various other facilities in those buildings, and only now is the degree of difference coming to light, when the witness testified in support of this bill, to now correct at this late date those shortcomings, so I think there is a great deal to what you say in terms of the different facilities that are available.

Dr. JENSEN. I would agree with that. I think the situation probably exists more in the South than it does in the parts of California that I am most familiar with, where I think the facilities have been largely equalized even in de facto segregated school systems.

Mr. PUCINSKI. Dr. van den Haag, would you care to comment on the provisions of this bill, and whether you believe that some of these programs that we authorize in this bill could address themselves to some of the problems that you have raised in your testimony?

Dr. VAN DEN HAAG. Yes, Mr. Chairman. Let me start with your last remark, and just underline that the Coleman report, for which we both have high regard, has pointed out that if there is a difference in facilities, whatever its moral standing, and I certainly do not feel it is morally justified, but what the Coleman report reported out was that the difference in facilities cannot be shown to have made any difference in educational achievement. This is a major burden of the Coleman report, and it is a most surprising result; namely, that the difference in educational achievement seems to be correlated entirely to the background with which the student enters the school, and seems to be almost wholly independent of differences in schooling facilities.

I have myself not come to any conclusion as to how this result is to be explained, but that this is the statistical result to which Mr. Coleman has come, I think, is undenied.

Now, as for the purpose of the bill that you were good enough to list, it seems to me that no one who believes as I do in democracy and the American system could not agree with these purposes, so the only possible disagreement would be on the means by which these purposes are to be attained. Here I, for instance, very much agree with the need for the allocation of funds for compensatory education for those who for one reason or other are below the standards of the school, or need compensation.

My only point is that we have not found a way of giving such compensatory allocation, which has been shown to be effective, so it seems to me almost premature to allocate moneys to something without evaluation. There is a perceived deficit in achievement. But so far nothing useful to overcome this deficit has been found other than good will.

Obviously, in my own view, there must be methods by means of which compensatory education can be successful, but it seems that we have to do much more research than so far has been done to make it possible to develop these methods. So far we have been successful in spending a lot of money on it, on such programs as Headstart, and a number of others, none of which, according to all evaluations of which I am aware, have achieved the desired result.

If what, as I quoted before, Baratz and Baratz say is true, then compensatory education would lead at least to a temporary re-isolation of the subject of that education, and that may, in the present climate, be politically difficult. I hope it is not, but nonetheless it may be one of the effects.

One other point. The bill provides for assistance and special training of teachers and personnel in providing integration. I am very much in favor of it, but I am wondering what kind of special training would be involved. I have concerned myself now for 10 years with such questions, and I must admit I do not know what kind of special training to give anyone to help him overcome problems of integration. I simply do not know of what it would consist. It is easy to institute a course, it is easy to get students, it is easy to get teachers, but it is not so easy to know what to teach.

Mr. PUCINSKI. I just want to make one final comment. You will be happy to know that section (d) of this bill provides for "development and employment of new instructional techniques and materials designed to meet the needs of racially isolated schoolchildren," and so many of the things that you have discussed here, in saying that we don't have all the answers, conceivably could be, at least we can make a start in finding those answers within the context of section (d).

Mr. Quie?

Mr. QUIE. John, why don't you go first.

Mr. DELLENBACK. Thank you, Mr. Chairman.

Dr. van den Haag, I was interested in the remark you made about tying black to bad and white to good. You indicated in the course of your testimony that this is part of what happens, and in studies we find this to be part of the culture. Does that apply just among white students, or does that apply among black students as well?

Dr. VAN DEN HAAG. Curiously enough no actual research exists. It would be very interesting to know, for instance, whether, in cultures where blacks are practically unknown, such as Scandinavian cultures, or others in which whites are practically unknown, such as some cultures in Africa, this same kind of color discrimination obtains. To my knowledge no systematic study has been made on this. I have a few impressions. My own impressions are that regardless of any historical racial precedent, children prefer light colors in all cultures with which I am familiar, and do not like dark colors.

I think there is an exception in some Asiatic cultures, at least so I have been told, in Chinese and other cultures, but as far as I know in Africa and in Europe, the preference for light colors by children seems to be universal.

Now, as Professor Clark has found, that seems to be also true for black students generally in the United States. He has interpreted it in a way from which I have to dissent, but the color preference, to whatever one attributes it, I have no reason to dispute his results in this respect.

Mr. DELLENBACK. Moving on to your testimony about Vassar, what would you suggest doing in the Vassar type situation? Would you suggest simplistically not asking for this integration? Would you suggest rapid integration, to refuse to permit segregation within integration, or would you go ahead, and within the integrated situation segregate?

Dr. VAN DEN HAAG. If you will permit me, Congressman, I will first give the answer that I gave to the Vassar administration, who asked me the same question. I suggested that they make a big sign saying, "This is a white middle class college. Everyone welcome who wants a white middle class education," because that seems to be basically, if you go to Vassar, what you have to expect. You should not expect to make it into a black college. You should expect to participate in a white middle class education, which an institution such as Vassar will give.

The administration did not take my response very seriously and I am not sure I meant it seriously, because I knew under the present situation it cannot be done. If I had been in the administration at the present time, it seems to me that the reasonable thing is to yield on the whole to the demands of the black students. If they wish to have

a black dormitory, I may reason with them, and point out that perhaps it is not such a good idea, but if they wish I certainly would not want to compel them to live in a white dormitory when they would prefer to live among themselves.

I would rather expect that if they be given their own facilities, in time the need to assert their racial pride and identity will diminish, because it has been fulfilled to some extent, and they will find it more easy to mingle with their white fellow students, and in time, so to speak, the black dormitory may fall into disuse, in time, but I would myself at first yield, because I think, though I myself think there is no rational reason for it, it is nonetheless an imperative psychological need and we might as well yield to it. My experience as a psychoanalyst has shown me that rational argument does not avail against psychological needs.

Mr. DELLENBACK. May I now move on to the bill itself, H.R. 17846. I will now talk to you both, because I think it is imperative that as we look at this bill, we understand what the chairman made as his basic point. The thrust of this bill is not to deal with the question of whether there should or should not be integration. It has nothing to do with whether we ought to roll back the clock or what we ought to do. Instead it is a case of recognizing that right now, at the end of June 1970 we have a series of court orders ordering that things be done in certain school districts in the country, and a series of plans which have been negotiated out between the school district personnel and the Department of Health, Education, and Welfare which call for moving in the direction of integration.

Now against that background, my question is this: Is it better to let them struggle along, and somehow with all of the difficulties that will be involved if they don't get some special help, see what happens in these newly integrated schools, or whether we should give the type of help that this bill calls for making available to these districts?

Dr. Jensen, would you comment on that, because the premise of your testimony, as I read it, is a different premise from that which we have just now laid out.

Dr. JENSEN. I think the school districts that are going to integrate are going to need all the help they can get in doing this, there's no doubt about it. But I think this means more than just financial help. I think it is going to require technical help as well.

I think that a good deal can probably be learned by careful studies made where integration has already been enacted, such as in Berkeley, Calif., which I mentioned in the first part of my testimony, and in Riverside, Calif., where some evaluation has been made. These programs started with adequate evaluation, but have not carried through on it, and it would not take a great deal of resources to find out what has gone on in these schools, to assess their degrees of success and failure. I imagine a mixture of both success and failure have taken place wherever integration has been tried in this way, so that those measures which have proven successful, through the experience of these schools, could be made available and known to other schools that are now just beginning to integrate.

I think that right at the beginning of integration programs we should have assessments of the status of the school district, the students' level of achievement, and so forth, so that we can see the effects later on.

Mr. DELLENBACK. Have there been any studies made of those districts to evaluate?

Dr. JENSEN. Riverside has made a study. It is fairly adequate. It is probably one of the better ones that has been done in the country. They have been integrated now for 4 years.

Mr. DELLENBACK. Was the background prior to those 4 years a background that really had separate but equal facilities, or was it token separate but equal as we found unfortunately to be the case in many places in the South.

Dr. JENSEN. I think it was probably much less the case than you find in the South. I think the facilities were probably more nearly separate, but equal. It was a case of de facto segregation.

Mr. DELLENBACK. We would then be working against a situation 4 years in being which was built upon something closer to real equality than we are going to find in many schools to which this bill is attempting to speak.

Dr. JENSEN. That is true and that is the case in Berkeley. One thing about Berkeley, we have good baseline data, meaning prede-segregation data, which they did not obtain in Riverside, and so comparisons in Berkeley would be excellent. One other advantage of Berkeley is that the difference between the white and black populations in Berkeley is quite large. It is larger than you will find in most school districts.

Mr. DELLENBACK. Differences of what nature?

Dr. JENSEN. Differences in average ability levels, measured by IQ tests and so forth. There is some 20 to 25 IQ points difference between the white and the black populations in Berkeley, and yet they have been completely integrated. The black population in the schools is 40 percent of the total school population. We have complete integration at the classroom level in Berkeley.

Mr. DELLENBACK. Is that data available in summarized form, so that any schools that are interested in obtaining it can do so?

Dr. JENSEN. The baseline data are available, but the followup data are not, as far as I know, because the evaluation was not continued beyond the baseline. It was called off. A plan for 5 years of evaluation was made, but it was called off at the end of the first year of school integration.

Now, the school claims to be doing some evaluation on its own. The University of California had been responsible for conducting this evaluation program, as an outside agency, going into the schools to conduct evaluation each spring over a period of several years.

Since I was the director of this evaluation program, and since I became a notorious figure in Berkeley, and in the Nation by now, as a result of my *Harvard Educational Review* article, pressure was brought upon the Berkeley school administration to discontinue the study, and the university was asked to withdraw from it.

The school has not had the resources itself to continue the study, unfortunately. I think such a study would be very revealing, and I think a lot could be learned there. If complete integration can work in Berkeley, it can probably work in many other communities, although I will say the Berkeley population itself, the adult population, has been very receptive to integration, which would not be the case in many other localities.

Mr. DELLENBACK. Then you would feel, moving against that background into the situation to which I have alluded, where we have

literally hundreds of school districts, largely in the South which must over the course of these next few months, get ready for a situation which will obtain in September, that this type of assistance, imperfect as it may be, preferring something else as perhaps you do—

Dr. JENSEN. It would be better than nothing, yes, certainly.

Mr. DELLENBACK. It would be better than nothing?

Dr. JENSEN. Yes.

Mr. DELLENBACK. Would there be any other specifics under section 6, of authorized activities, that you would feel would be desirable? The chairman read those. He talked in terms of financial assistance shall be available "to carry out the purposes of this act including" and then he read down the list of the inclusions.

Dr. JENSEN. Right. I think that is a very good list, and I can't think of anything I would add to it. My additions would be in section 10. Although I would say if various school systems attempt the evaluation will have to be a spot evaluation. You can't do an adequate research job on every school system. This is obvious. There isn't the personnel or the time for it, but there should be spot checks in various places that are trying different sorts of programs to see which ones work and which don't.

Mr. DELLENBACK. You are aware that the thrust of this bill is not to dictate from Washington that which shall be done.

Dr. JENSEN. Absolutely, yes.

Mr. DELLENBACK. But it is an attempt to go down into the district.

Dr. JENSEN. Right.

Mr. DELLENBACK. And let there be a diversity of things done, with emphasis placed in different places in different districts, because of the fact that the situation will be different in each district.

Dr. JENSEN. Right. The law says it must be done. It should be done, then, as effectively as possible and to the greatest benefit of all children.

Mr. DELLENBACK. So it would be your feeling that this type of assistance against this present situation would be desirable, better than letting it just go by itself, and that it should be—

Dr. JENSEN. I think it would. Yes, indeed. But I think the evaluation part is absolutely essential. Otherwise, I think you are wasting money, because you are not finding out what is going on and what will work, so that others can benefit.

Mr. DELLENBACK. I agree with you very much on this and we will touch on evaluation in a minute, but I want to be sure that as far as the bill itself is concerned, your testimony is, I gather, in strong support of this concept of giving some help to these districts that must move forward. Am I correct in this?

Dr. JENSEN. Absolutely.

Mr. DELLENBACK. And there would be nothing else that offhand you would think of as additional authorized activities that these funds should be utilized for, and I am not meaning to push you on that at the moment. If after looking it over you come up with certain suggestions—

Dr. JENSEN. No, as I looked it over I thought it was a very comprehensive set of objectives.

Mr. DELLENBACK. Now on this matter of evaluation, I think this is one of the great weaknesses not only of the integration-segregation, but we find in program after program in education and in other

programs we do not have adequate evaluation. We create a program, we launch the program, and then we don't go in afterwards to see what the hand of man has wrought really in final results, so I find myself in strong agreement with what you say on this.

Section 10 is an attempt to have it done, this evaluation, not just by the local district doing it itself.

Dr. JENSEN. Right. I emphasize that in my preliminary statement, because I don't think you can simply set aside a little money for the local district to submit a report on how it all turned out. This, I think, is totally inadequate. That is why reviews of the research, such as I pointed out in this journal, entitled "Desegregation and Minority Group Performance, Effects of Desegregation" are so inconclusive. Most of the research has been left up to the local districts, and they have done only small scale studies. I would prefer seeing two or three excellent large-scale studies on a par with the Coleman study, let's say, to having 100 small studies conducted by local school districts.

Mr. DELLENBACK. Provisions of section 10, the Secretary would move forward to do the evaluating.

Dr. van den Haag, would you essentially say the same things that Dr. Jensen has said on this last line of questioning?

Dr. VAN DEN HAAG. Essentially, with one addition. I would very much urge that the bill make it mandatory that evaluation be undertaken by outside agencies, for the very simple reason that I agree with Dr. Jensen that the school boards usually do not have the facilities, and, of course, they may also be in the nature of the matter somewhat biased, in favor of their own effort, so I think it is extremely essential to make it mandatory that outside agencies, such as universities, make the evaluation required.

I agree with every other statement that Professor Jensen made, and basically with the statements in the bill itself. I would just place more emphasis, as you yourself have, Congressman, on evaluation, and on its being undertaken from the outside.

Mr. DELLENBACK. Thank you very much. Thank you, Mr. Chairman.

Mr. PRICINSKI. Mr. Quie.

Mr. QUIE. I would like to briefly pursue the statement you made at the end of your testimony, that race relations are worse now than they were in 1954. In that regard, I would tend, myself, to agree with Dr. Clark, where you quote him as saying that:

"The apparent emotional stability of the Southern Negro child may be indicative only of the fact that through rigid racial segregation and isolation he has accepted as normal the fact of his inferior social status."

Prior to 1954, even in the North, it seems to me, many blacks accepted their inferior social status and weren't doing much about it. Haven't race relations worsened now, primarily from the fact that the black is asserting himself? He wants some equality with the white, and any time any group starts doing that, they cause some difficult relations. That must have occurred in Boston, when the Irish asserted themselves, and with many other groups as well.

Dr. VAN DEN HAAG. I would not share your interpretation, sir. Let me point out that Professor Clark's idea that it was due to acceptance and so on is no more than an idea. There is no evidence whatsoever about it. Yet when I speak of a worsening of race relations, I have in

mind very concrete material facts, from rioting to violence of various kinds.

Now, of course, it may be said, and I would certainly not wish to disagree with you on that, that these may be phenomena that occur in the nature of a rapid change taking place, and that the outcome may nonetheless be beneficial. I would think that this is a matter of interpretation. I don't think though that I would fully agree that these phenomena, the violence, the rioting and so on, are unavoidable effects of improvement. I would rather think that they are the effects of excessive promises, which lead to expectations that could not, under any circumstances, be fulfilled. I apply that to the bill that you are now considering. It seems to me that to some extent it suggests that mere integration will itself lead to an improvement in education. That is a promise that it may not be able to fulfill. And this unfulfilled promise, I think, is likely to lead to expectations, which in turn may, in my opinion, make race relations not better, but worse.

Not that I am not in favor as much as I hope we all are, of giving equal opportunities to all races, as the court has mandated. But this differs from sort of implying the promise that by integration achievements will occur which I do not think integration can promise. That is, I think, the mistake we have made in the past, and that I fear, unless we place more emphasis on evaluation of our efforts and on interpretation we may continue to make.

Mr. QUIE. What do you think of the concept, if that is your philosophy, of putting greater emphasis and even Federal expenditures, in teaching young people about themselves in their own racial and cultural group? The chairman of this committee had a bill which would have encouraged the teaching of the various subcultures, and we on the committee decided we wouldn't go ahead with it, that there are other priorities that are greater. Just from what you have said in your testimony, it sounds like you might be favorable to that concept.

Dr. VAN DEN HAAG. Yes, except that I would not think that we can really teach this. You cannot teach "racial pride" in education. It is an emotional matter. But I think you can give opportunities for it, and I think these opportunities would largely refer to the development of, at least temporarily, separate institutions involving schooling, social activities and so on, which would give an opportunity for the construction and display of this sort of pride. I would be very much in favor of teaching it, if I knew how, but I don't know how you can teach a group to identify with itself. I don't know of any method of doing that, but I certainly would again be in favor of trying to do research, and see what perhaps can be done, but to my knowledge nothing is known at this point.

Mr. PUCINSKI. Would you yield at this point?

Mr. QUIE. I yield.

Mr. PUCINSKI. The committee has reached no final decision on that bill. The committee discussed it, but did not reach agreement and I would not want the record to show that somehow that bill has been dropped, because I think it is very much alive.

Mr. QUIE. It needs a transfusion or something perhaps.

Mr. PUCINSKI. Wait until you see what kind of a transfusion this bill needs.

Mr. QUIE. That is all.

Mr. PUCINSKI. Gentlemen, one question that occurs to me, and I don't know whether I am right or wrong, but if there is any validity at all in your testimony, and it is very strong testimony, questioning very severely the potential success of integrated education, as I see your testimony here, it is quite conceivable that if we carry out your suggestions in section 10, and set up a very effective machinery for evaluating the results of this effort by the administration to pour a huge sum of money into these schools that are undergoing integration, if indeed the evaluation should ultimately sustain your conclusions, it is conceivable that this bill could shoot down *Brown*, and actually establish for the first time the kind of race relations which you gentlemen say is nonexistent.

In other words, I was under the impression that Dr. Coleman and various others had made extensive studies, but you gentlemen challenge the conclusiveness of those studies, and so do you think it is possible that if indeed we do make available all of these programs that are incorporated in this bill, and we make available the funds incorporated in this bill, or even \$150 million that has already worked its way through the Senate, and the evaluation sustains your findings, is it possible that the courts may want to take a whole new look at this concept of forced integration in education?

Dr. VAN DEN HAAG. Are you addressing this question to me, sir?

Mr. PUCINSKI. I think you have raised this point and I think we ought to have an answer.

Dr. VAN DEN HAAG. I am sorry to say that I am no better than you would be or than anyone is, I think, in predicting the future decisions of the courts. It is one thing to say what the courts ought to do, to take possibly a new look on what they call modern authority, and on the empirical basis of their decision. Another thing is to predict what they will do.

May I, without claiming special competence, point out that the Supreme Court, if I read its history correctly, has very often reinterpreted its past decisions in such a way as to put them in conformity with new knowledge, as the court then saw it. The *Brown* decision itself is clearly evidence of this.

Mr. PUCINSKI. The *Brown* decision itself, 100 years ago the courts acknowledged separate but equal doctrine.

Dr. VAN DEN HAAG. Yes.

Mr. PUCINSKI. In 1954 they shot it down, in terms of the needs of 1954, but the thing that I am wondering, gentlemen, and I am not suggesting, so that the record be absolutely clear, that the courts review this, but what I am suggesting is that if what you say is correct, that there is no body of evidence at this point, and both of you are highly respected social scientists who obviously have made a very thorough study of this case, we will for the first time have a body of evidence from this legislation, because this legislation provides the funds and the machinery and the programs to do all the things that educators have said are needed to be done to make integration a successful operation, both for the white student and the nonwhite student, but if this evaluation, which you are now urging, should sustain your findings, which I gather from your testimony here that you have some serious reservations as to whether or not integrated education can succeed, if the subsequent evaluation should sustain your findings, then it

seems to me that the courts would have no recourse but to take another look at the *Brown* and some of the other decisions.

That is what I am asking you now. Is it possible that this legislation conceivably could shoot down *Brown* at some future date?

Dr. VAN DEN HAAG. My own feeling is particularly if outside evaluation is made mandatory, it may throw new light if not on integration altogether but on compulsory integration, and it may indeed lead the court to approve freedom of choice to a greater degree, that is to still outlaw de jure segregation, but to permit to a greater degree freedom of choice than it has so far.

It may also lead to methods of integration far more beneficial than those we have so far tried. I certainly support all the dispositions of this bill that mandate research. I am in favor, let me emphasize this once more, of making this research independent of, and to have it undertaken by agencies not directly involved in the actual carrying out of the things on which we want to do research for quite obvious reasons, but if that is done, I think this bill could be very productive for all concerned.

Mr. PUCINSKI. In the light of what you say, and I agree with you that perhaps this bill can provide the kind of information that both you gentlemen say up to now has been totally lacking, then perhaps what we ought to do is support the \$150 million that has worked its way through the Senate, and then just set this legislation aside and see what are the results that we get from that, and see what progress has been made, what the communities will do with that money, and perhaps that is the best way to proceed on this. We would have some immediate information on this right away.

Mr. QUIE. If you will yield, \$150 million is going to be used primarily to prepare teachers for this fall, and you won't be able to get very much from that \$150 million.

Mr. PUCINSKI. Oh, no, no. Let the record be very clear on that. HEW has put out proposed guidelines which go much further than that.

Mr. QUIE. The guidelines use this \$150 million primarily in preparation for this fall. That is one of the reasons they are going ahead with this legislation.

Mr. PUCINSKI. If the gentleman will permit this observation, that is why I think this whole approach on this \$150 million is just as wrong as wrong can be. First of all, they are taking it out of poverty money.

Mr. QUIE. They are not taking it out of poverty money. You know better than that.

Mr. PUCINSKI. Sure they are. They are taking it out of a poverty authorization.

Mr. QUIE. It is not poverty money. They have the authorization in a number of these programs and they are going to ask for additional appropriations. They are not taking it away from anyone.

Mr. PUCINSKI. You know it is interesting that here is \$150 million working its way through the Congress and really I don't think anybody knows how that money is going to be spent. We have here what we are led to believe are the proposed guidelines for the distribution of that \$150 million. This is the note: "These draft criteria are being considered for purposes of administering the special \$150 million appropriation requested subject to change. They have not been reviewed

by all who might be able to contribute ideas and useful suggestions" and so on.

Here is \$150 million working its way through the Congress, and nobody really knows how this money is going to be used, by whom, for whom, to achieve what. Now our very distinguished colleague, whom I respect very highly, and is certainly a great influence on education in educational policies says that the \$150 million is going to be used primarily for training teachers, but the people who are here from Louisiana and Dade County and every place else tell us about the huge physical needs that they have. They come here testifying for this legislation because they have to make huge physical improvements to take care of the new integration situation.

It seems to me that as the Mad Hatter said in Alice in Wonderland, the situation is getting curiouser and curiouser as this legislation moves its way through the Congress.

Mr. QUIN. One thing I can say we know more about what they are going to do with this \$150 million than we had any conception what they were going to do with ESEA or the EOA.

Mr. PUZINSKI. Gentlemen, I want to thank you for giving us a new perspective here. I think that you have raised a lot of questions, and as I said, I think that this legislation, the merits that I see in it is that it will indeed provide the kind of resources for the information that you need, then I think that there is a great deal of merit in this legislation for yet another reason.

Any other questions?

Mr. Ashbrook has also requested that the statements of five other individuals be inserted in the record. Those statements will appear at the close of today's testimony.

The Committee will adjourn until 10 o'clock tomorrow morning.
(The statements referred to follow:)

STATEMENT OF ARCHIE SABIN

My name is Archie Sabin. As a statistician, I have for the past several years compiled and compared the reported results of compensatory educational programs for minority children financed by state and federal funds. The following statement is a résumé of the published results of such programs as announced by the program personnel. Since I am not a professional educator, the conclusions stated herein are only as given in the cited reports.

I make this statement because it would appear that the subject legislation contemplates the expenditure of additional funds in this field upon the assumption that such programs will succeed in eliminating in whole or substantial part the differences which now exist in educability between majority and minority children. All experience in the record to date is to the contrary.

The academic achievement of black children is substantially lower than for other racial and ethnic groups. Ten to fifteen per cent of black students achieve at or above present school norms. Public policy and action programs have for some years been based on the assumption that there are no irremovable racial or ethnic differences in learning patterns and abilities and, hence, the recorded educational achievement gap must be attributed to other factors. One theory has been that there has been a lack of equal educational opportunity for white and black children.¹

¹ For example, the Department of Labor in 1965 issued *The Negro Family, The Case for National Action* containing the statement: "There is absolutely no question of any genetic differential: Intelligence potential is distributed among Negro infants in the same proportion and pattern as among Icelanders or Chinese or any other group."

² It is worth noting statistically that the ethnic educational variation is uniform within test limitations over the whole United States. This theory, therefore, necessarily assumes that any measurable lack of educational opportunity is also uniform in all sections of the country, despite administration and other statements as to special conditions said to exist in the Southeast.

In 1966, the United States Office of Education⁴ stated:

"It is a demonstrable fact that the talent pool in any one ethnic group is substantially the same as that in any other ethnic group."

Starting with that announced principle, the Office of Education concluded that if unequal opportunity contributes materially to the racial achievement gap, then equalization of opportunity should eliminate or greatly reduce the gap. Extending this principle, if black children are given greater opportunities than white children by means of "compensatory" programs they should more quickly reach the projected achievement level.

Such programs have, therefore, been devised and carried out in many areas, supported in major part by Federal expenditures under the Elementary and Secondary Education Act of 1965, and other legislation. A number of these projects were reviewed by the U.S. Commission on Civil Rights in 1967.⁵ The report concluded that compensatory education programs "on the present scale are unlikely to improve significantly the achievement of Negro students isolated by race and social class." The Commission's review did not include the New York Community Zoning, Open Enrollment, and More Effective Schools Programs, and did not mention the Burket Report of Project Talent.

The fourth annual report of the National Advisory Council on the Education of Disadvantaged Children in 1969 reported the review of 1,000 Title I programs of which it was concluded that 21 (or 2 per cent) were successful in terms of having produced cognitive gains. The report estimated that about 20,000 Title I programs were then in operation. (The Council has not issued a 1970 report).

Of the 21 programs reported as successful by the Advisory Council, there was one for Appalachian whites, two for Mexican-Americans and the remainder were selected Negro volunteers and those academically advanced among the "disadvantaged" school population. Twenty of the Council's successful programs were published by HEW in a series called "It Works." They included the New York More Effective Schools and the Hartford Project Concern program.

An evaluation of the More Effective Schools project concluded "Children tested in the fourth and fifth grade after three years of MES, were further behind the standards of normal progress than when they began the program, and children tested in the sixth grade were no better off We see in these data no reason to expect better achievement in reading or arithmetic from the MES program as now constituted, nor any reason to believe that the program will result in significant alteration in the pattern of increasing retardation as a child progresses through the grades."⁶

Project Concern in Hartford reported that "the placement of two or three children in a suburban classroom had no measurable negative effect on the academic achievement of the suburban child." No advantage to any minority child was reported.⁷

Headstart and Title I are both enrichment programs and are similar in many respects—there are also important differences. Both attempt to raise academic achievement levels by increased exposure and innovation in normal school activities and both attempt to mitigate certain extracurricular hindrances to learning by providing lunches, dental and optical care, and the like. Headstart is limited to pre-schoolers, however.

Headstart programs operate almost entirely with volunteering children, generally those who are academically the more able among the "culturally disadvantaged," or those whose parents push them harder. Some Title I programs apply to whole schools or school districts but there is a strong tendency toward favoring those programs which attract the more able volunteering children. The fourth annual report of the National Advisory Council on the Education of Disadvantaged Children listed 21 programs judged to be successful, including the New York MES program. Of these at least 17 appear to have been selective.

⁴ U.S. Office of Education, *American Education*, "How Good Are Our Schools?", October 1966.

⁵ On inquiry, the source of the statement was given as the works of Professor Ashley Montagu. Actually Montagu had written (*Perspectives in Biology and Medicine*, 1961): "during more than thirty-five years of reading on the subject I have not more than once or twice encountered a writer who claimed that the races were equal in mental abilities."

⁶ *Racial Isolation in the Public Schools*, A Report of the U.S. Commission on Civil Rights, 1967.

⁷ Center for Urban Education, *Evaluation of the More Effective Schools Program*, September 1967.

⁸ U.S. Office of Education, *It Works: Project Concern*, Hartford, Connecticut, 1969.

The Higher Horizons project in 1959 was inspired by the success of the Demonstration Guidance project.⁸ It involved from 44 to 67 predominantly black schools and from 12,000 to 64,000 students. However, schools were selected instead of promising students and the annual increase in expenditure per pupil was only on the order of \$50-\$60. Evaluation of the program after five years showed that both the participating schools and the non-participating control schools had an average increase of two years in reading comprehension in three years time.

The next was the All Day Neighborhood School program involving 15 New York schools.⁹ Seven additional teachers with special training in child development and home and school relationships were assigned to each school. About \$60 more per pupil was spent than the city average. After several years of operation independent evaluators could find no measurable improvement in the treated students over those who were not.

One of the more recent New York experiments is the Community Zoning Program, started in 1964.¹⁰ It involved both increased integration and enrichment. The integration was achieved by pairing four largely white schools with four largely black or Puerto Rican schools and the progress came about from a large infusion of supplies, equipment, facilities, and teachers. For example, the pupil-teacher ratio declined from 25.1 in 1963 to 16.1 in 1966 and the latter figure does not include the extra remedial and special teachers who were added. Expenditures per pupil at the predominantly black schools prior to the combination ranged from \$18 to \$162 a year higher than at the schools with which they were paired.

Evidence to date on this project shows that levels for both white and black pupils increased—the white at a greater rate than the national norms while achievement levels of black students declined in relation to the same standards. After one year of the program the number of pupils "other" than black and Puerto Rican dropped by more than 27 per cent.

Across the country in Berkeley, California, a wide range of compensatory programs in four majority-black schools was started several years ago.¹¹ The techniques included: reduction of class size, employment of additional special staff, improvement of teaching materials, tutoring, community involvement, after-school study halls, preschool programs, flexible class grouping methods, new teaching techniques, and intergroup education for the teaching staff. Schools receiving the treatment achieved no better than schools that did not and neither showed any evidence of narrowing the persistent achievement gap between black and white children.

Among the most massive of a long series of studies of academic achievement as related to race were three, all produced by the U.S. Office of Education. Project Talent got under way in 1960 with a sample of nearly 800 public senior high schools.¹² It was designed to measure various school characteristics at the time and to provide measures of change over a considerable period of time. The study is one of the few that relates school characteristics to the proportion of blacks in the student bodies.

The report confirmed the decline in general aptitude and achievement as the percentage of blacks in a school increases. Dropouts, absenteeism, and the volume of assigned homework increased as the black pupil percentage increased. In urban areas the study found that money spent per pupil, salaries of teachers, and size of library increased as relative black enrollment grew. One rather surprising finding was that "... in schools enrolling all Negroes, the test means tend to be higher in those schools serving low-quality housing areas than in those serving medium- and high-quality housing areas."

In July 1966, the Office of Education released "EQUALITY of EDUCATIONAL Opportunity" (The Coleman Report) and in the October issue of *American Education* appeared an article entitled "How Good Are Our Schools?"¹³ Both dealt with large volumes of data and both confirmed the racial gap in ability and achievement levels found in all previous studies.

The *American Education* article reported results of the Armed Forces Qualification Test. The overall rejection rate because of mental failure was 19 per cent for whites and 67 per cent for blacks. Black rejectees averaged one more year of school than the white failures.

⁸ New York City Board of Education, Evaluation of the Community Zoning Program, 1966.

⁹ Project Talent, G. R. Burkett, et al., Selected Pupil and School Characteristics in Relation to Percentage of Negroes in School Enrollment, 1963.

¹⁰ J. S. Coleman, et al., Equality of Educational Opportunity, 1966.

No analysis of the effects of integration should omit reference to the District of Columbia where the public school population is now more than 94 per cent black. The system is also one benefiting from extensive analysis and special financing. The most recent study was a year-long study by some 80 senior investigators, assisted by numerous graduate students and other personnel.¹¹

I attach a table summarizing special project reports. In summary, the results to date show that even the most intensive and costly programs for "disadvantaged" children will not raise cognitive levels. In about two percent of the programs reported on thus far, some success has been claimed. On analysis such programs are found to be based on selected academically advanced children.

There is, therefore, no statistically acceptable evidence at the present time that the many millions of dollars invested in compensatory programs for black children have had any positive result. To the contrary, all substantiated reports indicate that the intellectual differences between white and black students are unchangeable and, therefore, are presumably inherent in the child rather than in the educational process.

EFFECTS ON BLACK STUDENT ACHIEVEMENT OF INCREASING EXPENDITURES AND SERVICES

Project and location	Date	Per pupil increase in dollars	Number schools	Number students	Results and comments
Banneker, St. Louis ¹	1957	0	23	14,000	Results negligible.
Demonstration guidance, ¹ New York.	1956	80-250	1	700	Selected students, results unexceptional.
Higher horizons, ¹ New York.....	1959	50-60	44-67	12-64,000	No change relative to control schools.
ADNS, New York ¹	(?)	60	15	(?)	Do.
Madison area, Syracuse ¹	1962	100	3	2,000	Do.
Berkeley, Berkeley ¹	1961	(?)	4	(?)	Do.
Seattle, Seattle ¹	1965	(?)	2	242	Bused students had slightly higher achievement.
Educational improvement, ¹ Philadelphia.	1963	35	(?)	30,000	No evidence of improvement.
Community zoning, ¹ New York..	1964	167	8	6,349	Related to national norms white pupils increased substantially—blacks declined.
More effective schools, ¹ New York.	1964	\$428	21	16,502	"No significant difference in the functioning of the children—whether it was measured by children's ability in mathematics or reading on standardized tests."

¹ Racial isolation in the public schools, U.S. Commission on Civil Rights, 1967. The Commission reviewed some 20 other enrichment programs, not reported because of incomplete data, time of operation too short, etc.

² Not available.

³ Evaluation of the community zoning program, New York City Board of Education, 1966.

⁴ Evaluation of the more effective schools program, Center for Urban Education, September 1967.

⁵ Difference between MES and control schools.

STATEMENT OF DR. HENRY GARRETT, PROFESSOR EMERITUS, COLUMBIA UNIVERSITY

Mr. Chairman and members of the Committee, my name is Henry Garrett. I am professor emeritus, Columbia University, where I was Professor of Psychology for 30 years and Chairman of the Psychology Department for 16 years. I have an A.B. from the University of Richmond, an M.A. and Ph. D. from Columbia and an honorary Sc. D. from the University of Richmond. I have been a visiting professor at various universities including the University of Virginia.

I have been president of the American Psychological Association as well as the Psychometric Society and the New York Association of Psychology; also a vice president of the American Association for the Advancement of Science. I have authored or edited twelve textbooks on the subject of psychology and am the author or co-author of many articles and monographs in scientific journals in the field of psychology. I should be glad to furnish the Committee with a list of my professional publications if that is desired.

My specialized field in the science of psychology concerns itself with what is known as experimental and differential psychology. This is the study of the measurement and definition of the differences among groups and individuals particularly as to their mentality and learning capabilities. My work has been

¹¹ A. Harry Passow, *Toward Creating a Model Urban School System*, 1967.

directly concerned with a continuing evaluation of published reports on mental testing and understanding the differences which such reports show between sexes, between various races and other socially and educationally significant groups.

And, of course, I have been a teacher, working with students of all kinds for more than 30 years, doing research on mental measurement of learning characteristics of various people under all sorts of conditions. The results of all such testing have shown that educationally significant differences exist between all groups and these can be measured and determined with such accuracy that academic success and teaching requirements can be forecast with considerable foreknowledge of the probable results.

I submit this statement in the hearings on the Emergency Educational Aid Act of 1970, H.R. 17846 for the Committee's consideration. Many of the provisions of this bill which seek to ameliorate the harsh effects of court ordered integration are commendable efforts to lessen the burden of the schools.

However, to the extent that this bill assumes that the integration so ordered will be effective in promoting an improvement in quality education for minority children, it is wrong. To that extent the bill perpetuates and strengthens the false assumption of many persons who believe they are acting in a moral and humane manner in equating integration with education. The facts are unfortunately to the contrary.

Majority and minority students differ to an educationally significant degree, first, in the measurement of over-all abstract intelligence used to predict scholastic success under existing curricula; second, in racially identifiable variations in basic factors essential to the learning process such as verbal ability, reasoning, number concept and space visualization; third, in their rate of maturation and learning progress; fourth, in the age past which no further development of learning facilities will occur.

Those differences are not only far too great to be spanned by a single teacher in the same classroom, but are not capable of being substantially changed by integration, by social benefits or by other alterations of the environment. Learning characteristics are essentially inherent abilities which are characteristic of the race of the child and typify its genetic mental endowment. As the failure of Project Head Start and other such programs showed, no compensatory training, however intensive, will make any substantial or continuing change in the ability to learn that a child is endowed with at his birth. To say and teach the contrary is to raise false hopes in our nation's youth, hopes whose inevitable defeat is a major cause of the frustrations of our society. Sometimes the hard truth about human capacities is kinder in the long run than sentimental hypotheses based on a democratic dream of creating an intellectual equality among all of our diverse citizenry.

These conclusions of mine are not assumptions. They are confirmed results of the objective studies which have been made in this field. I now turn to those studies to show the extent of the differences of which I speak and their source in the individual's inheritance.

THE SIGNIFICANCE OF TESTING

On most aspects of education, the principal support offered to the public or to a Committee such as this, is made up of the purely subjective opinions of the various speakers arising out of their own viewpoint of their experience and their various assumptions as to the innate nature of steps which can be taken to correct the downward course of the educational process. This is nowhere more true than in the area of assertion as to the capabilities of various types of students and their adjustment to the learning process as we know it in this country, or conversely, the adjustment of the learning process to them.

Studies sponsored by the Government, as well as privately conducted studies, show that major differences now exist between the different types of student groups, including racial groups. What those differences are today, I will cover in my next point. Here I only wish to emphasize the fact that the magnitude of the differences in question is of such character that the future of American education may well rest upon the extent to which these differences are recognized and accepted.

There have come before this Committee, speakers who assert as a matter of opinion either that such differences do not truly exist, are insignificant to the future of education, or correctable by alteration of the school or home environment.

On the other hand, there are those like myself, who see these differences between children as reflections of innate distinctions in their inheritance which can no more be changed than one can grow a 6th finger on each hand by willing it to be so.

How then can a Committee such as this make a true distinction between such contrary assertions, on the resolution of which the structure of school organization for the future may well depend? There have been developed and used for the past century, various forms of tests to determine how children learn, how much they can learn, and the effect on learning of changes of school and social environment. The results of many hundreds of such studies can be found in scientific literature. Probably the most complete summary of these studies relating to Negro-white differences in mental performance can be found in the encyclopedic treatise, *The Testing of Negro Intelligence* by Dr. Audrey M. Shuey, professor of psychology at Randolph-Macon Woman's College. The summary and conclusions of this volume are attached to my testimony as exhibit A.

Such testing has been routinely performed for many years by the United States and its agencies—since at least World War I—and the result compiled and published in tables which few, if any, of the more vocal proponents of altering the basic school situation in the United States have even bothered to read.

Let me explain if I can what such tests mean. No complete catalog could even be made of all of the various mental abilities which exist. Just as every individual has a finger print which is distinctive, so every person has a mental profile characteristic of his own particular abilities or talents.

What we do know, however, are that certain of these talents have in the past been most effective in predicting academic success under the normal curriculum of American schools. The ability which is emphasized above all others in this regard is the capability of the human mind to deal with abstract concepts, and by this I mean the ability of the child to solve problems dealing with words, numbers, diagrams, and pictures. Education today is, and probably must be, largely the product of reading by the student.

The ability to read efficiently, to grasp and manipulate concepts conveyed by words and pictures, is essential to scholastic accomplishment beyond certain minimal limits. This faculty has been measured for many years by what are called intelligence tests. These tests yield a result for each individual known as an Intelligence Quotient or I.Q.

Some years ago, when it became unfashionable to use the term I.Q., many of the standard school examinations were altered to read in terms of "mental maturity." Under either term, the measurement was made of the child's ability to understand abstract concepts as measured against all other tested children of his age and grade. Under the standard of I.Q., the country-wide norm would be arbitrarily set at 100 and a student scoring 110 would be above the median of other children of his age. On the test for mental maturity, the scoring is done by a relative grading position. Thus, a score of 6 for a child in the 5th grade would mean that on the average, he was a year advanced over the other children in terms of his ability to grasp the classroom material.

In either case, as you can see, what the tests are intended to do is to fix only a relative measure of capability and to do this with respect to that particular learning characteristic which in the past has had the highest correlation with school success in the learning process—namely, the ability to deal with abstract concepts. I emphasize the point only because there has been far too much common opinion that such tests indicate the superiority or inferiority of the individual in some general or social sense. It is not so. What the tests do tell us is that a specific child is likely to do well or poorly in the type of course now being taught in most American schools. They will show whether he is a fast or a slow learner under those circumstances.

I have emphasized the relationship between intelligence as psychologists measure it and the historical type of school in this country. As I shall explain, a principal difficulty with the concept of forcing children of all different capabilities and talents into a single school room with a single curriculum is that you thereby deprive all of the students except those with the particular talent required for that course to go without learning the subject matter which they could otherwise absorb were an alternative method of teaching to be adopted more suited to their own learning characteristics.

I can best illustrate the foregoing by reference to four major government studies in this field. The fact that these studies were done and published under government auspices should be an assurance that they have not been stretched

in favor of recording the racial differences which they show. As the commentary of these reports indicates, every effort was made to come to a conclusion contrary to their actual results.

TEST RESULTS ON THE DISTINCTION BETWEEN BLACK AND WHITE CHILDREN

(1) *Project TALENT*

In 1960, a massive Government study entitled "Project TALENT" was undertaken to test 450,000 children in representative schools throughout the United States. The study was continued from year to year employing a battery of 19 different psychological tests. It is regarded as a reliable source of statistical data on the testing of children. The research was financed by the Government and was directed by Dr. John C. Flanagan, Director of the American Institute of Research.

One of the studies made in Project TALENT was the Burket Report, entitled "Selected Pupil and School Characteristics in Relation to Percentage of Negroes in School Enrollment." This Report tabulated test results on the basis of the percentage of Negroes in given schools.

The tabulations in the Burket Report for the Southeast (Region 5 in Project TALENT) range from schools which are totally white to schools which are totally Negro. There appears to be an attenuation of test scores from the all white to the all Negro.

That this attenuation prevails also in other geographical regions is pointed out in the Burket Report, under the heading "Results" where it is stated (p. 4):

"The most obvious trend is the tendency for the mean scores to decrease as the percent of Negroes in school enrollment increases. The trend affects tests of nonverbal abilities (e.g., test 4, Abstract Reasoning) to about the same extent as tests of verbal abilities (e.g., test 2, Reading Comprehension). It cuts across geographical areas, appearing with almost the same strength in the four Office of Education areas sampled: the midwest, the Great Lakes area, the Southeast, and the Southwest."

These results are tabulated in Table 1, which shows the mean scores of 12th grade classes on 19 selected Project TALENT tests for the Midwest and Great Lakes Regions, and Table 2, which shows such mean scores for the Southeast and Southwest Regions. These tables are attached hereto as Exhibits B and C.

A pattern of difference is discernible in the attenuation with respect to the 19 different subjects, due to the changing of patterns of abilities, aptitudes and achievements. There are several primary mental abilities found on tests: verbal, numerical, space and reasoning. Those abilities vary from one ethnic group to another, as well as from one age group to another.

(2) *Equality of educational opportunity (Coleman Report)*

The Civil Rights Act of 1964 directed a two-year nationwide survey of education in the United States. The results of this study (usually referred to as the Coleman Report) were published by the Government Printing Office in 1966.

The principal survey included 600,000 children in the first, third, sixth, ninth and twelfth grades. The sample covered a total of 4,000 schools in all parts of the country, and was so selected as to represent the country as a whole. There was, however, some intentional over-representation of schools enrolling Negro children and other minority groups. Tests of educational achievement, as well as verbal and non-verbal tests of mental ability, were administered, plus questionnaires dealing with attitudes in general and home background. Findings, which were buried in a mass of detail may be summarized as follows:

A. Segregation was found still to be prevalent. Nationwide 65 percent of Negroes attended school largely Negro (over 90 percent), whereas 80 percent of the white children attended schools largely white. Other minority groups (Orientals, Mexicans, American Indians, Puerto Ricans) were often segregated but not so generally as the Negro.

B. School facilities for minority-group children were not significantly inferior to those of whites. Differences in class size, educational programs, physical facilities, and teacher qualifications, were characteristic of poor neighborhoods rather than any one racial group as such.

C. On the various tests, Negroes were significantly below the averages of whites. In order, they stood: whites, Orientals, Indians, Mexicans, Puerto Ricans and Negroes. About 15 percent of Negro children equaled or exceeded the white average; 85 percent fell below the average. This is the usual finding.

D. The poorer performance of Negro pupils cannot be attributed solely to poorer schools. The Negro lag from sixth to twelfth grades shows a marked increase (as usual) and the authors interpret this to mean an increasingly poor educational opportunity. But the apparent change downward in the Negro averages is in part an artifact due to unequal scale units (and downward slope in the growth curve) so that the contribution of the schools to differences in Negro-white performance is actually negligible. Again, statistical study of the variations from school to school does not reveal the increase to be expected if schools have a potent influence on racial differences.

E. Socio-economic status affects test performance chiefly because pupils from better homes tend to be brighter. It is also known that the sometimes better achievement of Negroes in a "good" white school is due to the fact that Negroes volunteering to attend white schools tend to be brighter than Negroes who do not choose to integrate.¹

All in all, there is simply no evidence that would lead us to believe that a Negro pupil will be made "brighter" simply by improving his school or by putting him in a white school.

(3) *Study of Negro Elementary Children in Five Southeastern States*

During the 1960-61 school year a research team from the Human Development Clinic at Florida State University made a normative study of the intelligence and achievement of Negro elementary school children in five southeastern states.²

The sample of 1,800 represented two-thirds of one per cent of the 1,110,303 children in the elementary school age range within the five-state area comprising Florida, Georgia, Alabama, Tennessee and South Carolina. Results were obtained for each child from the 1961 revision of the Stanford Binet Intelligence Test, from the 1957 revision of the California Achievement Test and from the Demographic Data Sheet devised for the study.

In preparation for the study all of the literature concerning the use of the Binet Scale to test Negro school children was surveyed. Most of the approximately 250 studies reviewed indicated that Negroes normally score lower than the normative samples which excluded Negroes and that when white and Negro samples are compared, the results usually favor the white sample. Throughout the literature, several problems which seemed to bear directly upon the problem of interpreting the test have been mentioned and discussed by various authors. These problems are variables related mainly to standardization, sampling, race definition, social status, status and caste confusion, language, education, test motivation, rapport, and selective migration.

One of the problems mentioned in the study was that of standardization on a white sample, as to which it was stated (*id.*, 37) :

"When one cultural group is administered an intelligence test which has been constructed for and standardized on another cultural group, the former consistently scores lower. When this effect is applied to the present situation, the Negroes would be expected to score below norms on a white sample."

The most important data of the project were the means and standard deviations of the Binet I.Q., the mental ages, and the California grade placements. The Negro elementary school children had a mean I.Q. of 80.7 and a standard deviation of 12.4, as compared with Terman and Merrill's data of a mean I.Q. of 101.8 and a standard deviation of 10.4.

The analysis of the tests showed that (p. 109) :

"* * * In general, the abstract verbal items (vocabulary, absurdities, and comprehension) appear at too low a level in the test. On the other hand, rote memory items, days of the week, making change, digits, and sentence memory are placed too high on the scale."

The study further found that (p. 110) :

"At the sixth-grade level, where the magnitude of discrepancy was the greatest, the highest mean performance was on arithmetic fundamentals with a mean of 5th grade, 6 months. The lowest subtest means were 4th grade, 9 months and 4th grade, 10 months on reading comprehension and arithmetic reasoning, respectively."

¹ See *Report for the Center for Urban Education*, by David J. Fox, City University of New York, 1967.

² Kennedy, Wallace A., Van de Riet, Vernon, White, James C., Jr., "A Normative Sample of Intelligence and Achievement of Negro Elementary School Children in the Southeastern United States," Monograph, Society for Research in Child Development, Serial No. 90, 1963/Vol. 28, No. 6.

The report concluded that (*ibid*):

"This research has uncovered few surprises. That Negro elementary school children score significantly lower on intelligence tests was expected from a review of previous research; that the magnitude of the differences was as high as it was is depressing, but we do not really know how these results compare with white children in the Southeast. That the achievement scores are significantly lower than the standardization sample would follow logically as the achievement tests also depend upon cultural and socioeconomic factors. That the intelligence and achievement test scores vary positively with socioeconomic levels and negatively with age could be deduced. The fact that there is not any significant difference in intelligence scores from grade level to grade level nor from rural to metropolitan is surprising and seems difficult to explain."

The above conclusions are graphically illustrated in two charts from this study which I attach as Exhibits D and E.

(4) Armed Forces tests

For 50 years the Armed Forces tests (chiefly tests of abstract intelligence) have been administered to Negro and white recruits. Nation-wide results for the latest (1966) testing³ show 10 per cent of young white adults and 68 per cent of young Negroes have failed to pass the tests. Just 12 per cent of Negroes scored as well or better than the average white. Some specific results are:

A. About 75 per cent of whites fall in Groups I, II, and III—the three upper groups. In contrast, 22 per cent of Negroes fall into these groups.

B. About 25 per cent of whites fall in score-groups IV and V (the lowest levels), whereas 75 per cent of Negroes place here.

C. The two top brackets contain 40 percent of the whites and about 4 per cent of the Negroes.

The following chart illustrates the relative rank of Negro and white draftees in the five mental test categories:

NEGRO AND WHITE DRAFTEES RANKED IN MENTAL TEST CATEGORIES, 1966

Mental group	Percent		
	White draftees	Negro draftees	
I. Superior.....	7.6	0.3	25 times as many whites as Negroes.
II. High.....	32.1	3.3	10 times as many whites as Negroes.
III. Average.....	34.6	18.2	Twice as many whites as Negroes.
IV. Low.....	16.0	38.2	Twice as many Negroes as whites.
V. Borderline.....	9.1	37.1	4 Times as many Negroes as whites.

As indicated in the foregoing studies, major racial differences occur in all categories of mental ability subject to testing. These differences between black and white children occur most importantly in those categories of mental ability which are closely related to academic success.

I would like to add one further item of federally financed research. I noted the variations by subject matter in the Burkett and Kennedy studies between white and black children. The exhibits show that these important differences consistently demonstrate strength and weakness of minority children in specific areas. Where the Kennedy opinion I have quoted referred to "too high" and "too low" a level on different educational factors, he was simply refusing to recognize the fact that these black students have their own learning pattern which differs to an educationally important degree from children of all other tested races. I would, therefore, like to refer at this point to a confirming study on this point.

Using four mental categories—verbal ability, reasoning, number facility and space conceptualization—Dr. Gerald S. Lesser of Harvard University, with the support of the U.S. Office of Education, undertook a major study of mental ability patterns in children of different social class and cultural backgrounds.⁴ Pat-

³ Source: *American Education*, U.S. Department of Health, Education and Welfare, Office of Education, October 1966.

⁴ Lesser, Gerald S., Fifer, Gordon, Clark, Donald H., "Mental Abilities of Children from Different Social-Class and Cultural Groups," Monograph of Society for Research in Child Development, Serial No. 102, 1965, Vol. 30, No. 4.

These results and additional research were published by Stodolsky and Lesser in the *Harvard Educational Review*, Vol. 37, No. 4 (1967), p. 546 et seq. A selection of tables and charts from that article are attached as Exhibits F and G.

tern-type responses on these four elements were tabled and charted separately for Chinese, Puerto Rican, Jewish and Negro children of both high and low I.Q. in New York and Boston.

"The major findings were as follows:

"1. Differences in *social-class* placement do produce significant differences in the absolute level of each mental ability but do not produce significant differences in the *patterns* among these abilities.

"2. Differences in *ethnic-group* membership do produce significant differences in both the absolute level of each mental ability and the *patterns* among these abilities.

"3. *Social-class* and *ethnicity* do interact to affect the absolute level of each mental ability but do not interact to affect the *patterns* among these abilities.

"The following other specific results were found:

"1. Regarding social-class effects upon mental abilities, middle-class children are significantly superior to lower-class children on all scales and subtests.

"2. Regarding ethnic-group effects upon mental abilities: (a) On Verbal ability, Jewish children ranked first (being significantly better than all other ethnic groups), Negroes ranked second and Chinese third (both being significantly better than Puerto Ricans), and Puerto Ricans fourth. (b) On Reasoning, the Chinese ranked first and Jews second (both being significantly better than Negroes and Puerto Ricans), Negroes third, and Puerto Ricans fourth. (c) On Numerical ability, Jews ranked first and Chinese second (both being significantly better than Puerto Ricans and Negroes), Puerto Ricans third, and Negroes, fourth. (d) On Space, Chinese ranked first (being significantly better than Puerto Ricans and Negroes), Jews second, Puerto Ricans third, and Negroes, fourth.

* * *

"Ethnic-group affiliation also affects strongly the pattern or organization of mental abilities, but once the pattern specific to the ethnic group emerges, social-class variation within the ethnic group do not alter this basic organization. Apparently, different mediators are associated with social-class and ethnic-group conditions. The mediating variables associated with ethnic-group conditions do affect strongly the organization of abilities, while social-class status does not appear to modify further the basic pattern associated with ethnicity." (*Id.*, 82-83).

EDUCATIONAL SIGNIFICANCE OF DIFFERENCE IN I.Q. AND ACHIEVEMENT LEVELS

The above-mentioned differences in I.Q. and learning patterns are significant in an educational sense. If a group of children is one to three grades behind another group, the level of the class is lowered so that the better children are not getting a good education and the poorer ones are just being frustrated. Results would further vary by subject and manner of teaching.

If there were complete desegregation of schools, the school administrator would be faced with one of two alternatives: he could lower standards to accommodate the less able Negro student, or he could maintain standards at their present white levels. The first choice would mean that schools would be diminished considerably in effectiveness for the superior white pupils. The second alternative would mean an increasing number of Negro failures, drop-outs, frustration, complaints of discrimination and resulting tension. Neither prospect is a pleasant one.

But let us even suppose that some middle compromise position could be reached as this bill seeks to do. Then we have a class not only inadequate for some and too advanced for others, but even more importantly the content and manner of teaching each of the subjects in the curriculum would have to be aimed at one group, with incomprehension or lack of interest for the other.

But what of the gifted Negro child, it will be asked, can't he do work equal to that of the white child? The answer is in many cases that he can. But in so doing his leadership position in his former class is forfeited, the other black children are given a sense of rejection, and because of his differing talents he must work much harder to retain the same level of achievement.

THE HERITABILITY OF INTELLIGENCE

The importance of the differences given above will continue without regard to integration or other forms of change in the school environment for the child because of the hereditary nature of these differences. Much evidence has been published on the genetic aspects of intelligence. I will confine my comments on this point to the references which I feel constitute conclusive proof of the extent of the heritability of learning characteristics.

The study of twins has long been recognized as one of the best ways of determining the differing contributions of nature (inheritance) and nurture (environment) to intelligence.

The reasons for this are explained in an article I published a few years ago and which summarizes the result of such research (Exhibit II attached hereto). I will also refer to an article appearing in *Science* magazine,* in which twin data accumulated over a period of 50 years was brought together for analysis. From a thorough review of this material, ranging from data on identical twins reared together and apart to studies of siblings and of unrelated persons reared together and apart, it can be determined that intelligence is heritable in the ratio of 3-1. This is in precise accord with my own findings as given in the prior exhibit.

The necessary conclusion here is that if we take any test area where the average difference between Negro and white students is the usual 20 I.Q. points, the maximum change which could possibly be made by a total alteration of all social, educational and other factors in the environment from the time of birth to the time of testing, would be approximately 5 points for the average child. Even this would not be enough to change the prior conclusions I have drawn and, of course, any actual change under realizable programs would be considerably less than any such theoretical level.

It is obvious we must look elsewhere than to environmental manipulation for an appropriate educational solution to I.Q. differences.

SUMMARY AND CONCLUSIONS

In general, the Negro lags behind the white student in abstract intelligence, but not in motor and mechanical intelligence or in social intelligence. The origin of these variations is genetic, rather than cultural.

Realization of a pupil's educational potential requires matching course content, subject matter, rate of progress, and type of teaching to the student learning pattern.

Any change in the social and cultural environment by compulsory commingling would not change the basic learning pattern and would increase educationally destructive tensions.

Scholastic success for any given individual is measured by the extent to which his achievement maximizes his native ability. This constitutes the best preparation for higher education or vocation and decreases the problem of school dropouts and discipline. To lead these minority children to believe that by transfer to a majority white school they will thereby overcome the handicaps of nature and raise their educational accomplishment to the average level of whites is the more cruel deception. Such a belief often leads to unrealistic aspirations by the child and his parents and his ultimate frustration when this is proven to be beyond accomplishment. The blame is then directed outward toward society and the schools and is a major cause of disciplinary problems and dropouts.

Maximum realization of learning potentials for both white and Negro requires two different educational approaches and methods. In a single school, this would result in the track system. This system is undesirable because of the assumption of superiority-inferiority as between tracks. Having separated school areas avoids this. And the greater the difference between such classes in form and content, the fewer would be the invidious comparisons which could otherwise be drawn between relative pupil accomplishment.

Alternatively, the ability of pupils to change schools under a freedom of choice system tends to eliminate any implication of school inferiority. A pupil who had a choice of going to the school adapted to his ethnic learning pattern would better understand any lack of academic accomplishment if he should choose to go elsewhere for other reasons.

* Erlennmeyer-Kimling, L., and Jarvik, L., "Genetics and Intelligence: A Review," *Science*, 1963, Vol. CXLII, No. 8598.

APPENDIX A

Chapter XI

SUMMARY AND CONCLUSIONS

We have attempted to assemble and evaluate critically the research in the field of Negro intelligence as determined by psychometric tests. The survey covers a span of more than 50 years. Approximately 382 studies have been examined in which 81 tests were administered, and hundreds of thousands of Negro children and adults from various sections of the United States, as well as some 1600 from Ontario, Canada, and the West Indian islands of Jamaica and Grand Cayman, served as subjects.

The research has been summarized in fourteen tables. Three of these include studies of school children, ten of the others deal, respectively, with the testing of young children, high school pupils, college students, members of the Armed Forces, veterans and other civilians, the gifted, the mentally retarded, delinquents, criminals, and racial hybrids; and the last one with the special studies on selective migration. Within each table the researches have usually been grouped according to the test employed, with the Southern studies appearing first in chronological order, followed in turn by those from the Border and Northern states. We have, whenever possible, attempted to include the following items for each work examined: author; date, location of study; number of subjects, age, grade (if in school, or highest grade completed if not in school), and method by which selected; results; and some comment of the investigator. If white subjects were included in the research, comparable data on these were tabulated.

YOUNG CHILDREN

Approximately 1700 colored and 13,900 white children between the ages of two and six years served as subjects in 17 studies reported between 1922 and 1965. Ten mental tests were administered, the results of eight of them being recorded in IQ units.¹ The majority of the children were attending kindergartens or nursery schools, or were enrolled in day nurseries; some had been brought regularly to a free clinic for a period of three years; others were examined relative to the appraisal of a preschool special training program; some were tested to determine if they were ready for first grade before the age of six, some participated in a voluntary testing program in a first-grade preregistration period, and a few were already enrolled in the first grade although under six years. Still others were selected from city playgrounds or served as subjects because they were within a

¹The eight tests included: *Stanford-Binet, 1916, 1937, and 1960 Forms, Draw-a-Man, WISC, Lorge-Thorndike, Peabody Picture Vocabulary, and Ammons Full-Scale Picture Vocabulary*. These tests were administered in 15 of the studies.

THE TESTING OF NEGRO INTELLIGENCE

given age range and had siblings within another age range. The children lived in eight Southern, three Border, and four Northern states.

The average IQ's of the various groups of colored children ranged between 83 and 101; the average IQ's of the white groups with whom they were compared ranged between 102 and 113. The combined average IQ of the colored subjects was 94, or approximately 12 points below that of the white Ss.

The combined average IQ's of colored and white children whose test scores were reported prior to 1915 were 96.28 and 105.22, respectively, a difference of nine points; in the 1945 to 1965 period, the respective colored and white IQ's were 90.79 and 107.88, a difference of 16.5 points.

In general, the colored children obtained their highest scores on *Full-Range Picture Vocabulary* (106 IQ) and their lowest on *Lorge-Thorndike* (83 IQ) and *WISC* (83 IQ); the white samples earned their highest scores, on the average, on *Full-Range Picture Vocabulary* (118 IQ) and their lowest on *Lorge-Thorndike* (102 IQ) and *Draw-a-Man* (102 IQ).

It appears evident, therefore, that not only have young white children scored consistently above colored children, on the average, but that young children, both white and colored, have earned higher IQ's than school children of their respective racial groups. The higher IQ's obtained for young children may be attributed in large part to the fact that they do not represent a random sampling of their age group, since the brighter of 2- to 6-year-old children are more likely to be present (and therefore available for testing) in nursery schools, kindergartens, playgrounds, first grades, *etc.*, than are the duller children. It has also been pointed out that preschool tests are not considered to be as reliable nor as valid as tests designed for school children.

SCHOOL CHILDREN INDIVIDUAL TESTS

The review includes 43 investigations in which fourteen individual tests were administered to 9925 colored school children. In 23 of these researches white subjects were also tested; in two of them the colored average equaled that of the compared white groups. However, one of the two studies (Peterson and Lanier, 1929) included white children from non-English-speaking homes. Excluding the records of the whites who spoke a foreign language at home, the median of the remainder is significantly above that of the colored. The other study (Higgins and Sivers, 1958) involved a comparison of test scores of pupils attending schools serving the lowest socioeconomic areas of a Northeastern city, and may be presumed to have included children from non-English-speaking homes.²

In the 20 investigations which included no white Ss, 17 authors report averages that were below the white norms. Of the three in which the results

²In the opinion of the reviewer. The authors have made no comment upon this point. Also, their method of selection may have had the effect of excluding some gifted children, particularly among the whites. See pp. 41-42.

SUMMARY AND CONCLUSIONS

compare favorably with the white norms, only Graham's Atlanta group (1926) and one of Long's Washington, D. C., groups (1933) were described as unselected. The other group examined by Long and those included in Beckham's data (1933) were not randomly selected.

In 26 studies the colored subjects were selected at random within the conditions of the experiment and the results presented in terms of IQ. The average IQ of these Negro children tested in the rural South was 77; in the Southern cities and towns, 83; in three Border cities, 90; and in the Northern cities and towns, 86. In the Border cities only children in the lower elementary grades were examined.

The average IQ's of colored and white children who were examined between 1921 and 1944 were 85 and 99, respectively, a *difference of 14 points*; in the period between 1945 and 1964 the respective colored and white averages were 82 and 96, a *difference of 14 points*.

In the ten studies in which whites and Negroes were selected from the same neighborhoods, where mill whites were compared with Negro children of varying status, and where white and colored subjects were matched for occupational status of father or socioeconomic status of the home, with one exception the colored have scored the lower.³ Where comparisons were made in terms of IQ the colored averaged about nine points below the matched white groups.

SCHOOL CHILDREN NON-VERBAL GROUP TESTS

Forty-one studies which utilized seventeen nonverbal group tests in the examination of about 14,800 colored school children have been reviewed. White children were included in 22 of the investigations. In all of these the white subjects secured higher averages than the colored of the same localities or cities.

In the nineteen experimental studies where the scores of the Negroes were compared with white norms, all except Long (1933) reported inferiority of the colored. In general, the children seem to have been selected by random or stratified sampling or else saturated samples were obtained.

In 28 of the investigations, including 9300 colored children, the results were given in terms of group IQ's. The combined average was approximately 85, ranging from 77 in the rural North, through 80 in the rural South, 83 in the urban North, 86 in the urban South, to 91 in the urban Border states and the District of Columbia. The Negro children tested in the Border cities (St. Louis and Washington) were all in the lower elementary grades.

The combined average IQ's of colored and white children who were examined between 1925 and 1944 were 83 and 99, respectively, a *difference of 16 points*; for the period between 1945 and 1964 the respective colored and white averages proved to be 88 and 101, a *difference of 13 points*.

³The exception was reported by Higgins and Silvers previously noted.

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SCHOOL CHILDREN

VERBAL GROUP TESTS

We have reviewed 103 studies of colored school children in which 18 or more psychometric verbal group tests were administered. Altogether, about 60,850 colored children were examined by these tests, about four fifths of whom were living in urban areas and one fifth in villages or on farms. Approximately 64 per cent of the subjects were tested in the South, the other 36 per cent being about equally divided between the Border and Northern states.

White children were also tested in 58 of the researches, the whites achieving higher scores on the average than the Negroes in every investigation except one.⁴

In 45 studies the colored averages were compared only with established norms. In 44 of these the averages were found to be inferior to the norms, the exception being Long's District of Columbia group of 100 selected subjects (1933).

Group IQ's have been reported by the investigators on approximately 50,000 Negro school children. Separating the studies into South, Border, and North, the respective combined averages were approximately 81, 90, and 90, the overall average being 84.

The average IQ's of colored and white children whose scores were reported between 1923 and 1944 were 85 and 98, respectively, a *difference of 13 points*; in the period between 1945 and 1965 the respective colored and white averages were 88 and 99, a *difference of 16 points*.

HIGH SCHOOL STUDENTS

Twenty intelligence tests administered to approximately 23,600 colored high school students have been reported in the 55 studies included in this review. About 85 per cent of the pupils were tested in the South. In 26 of the investigations white students were also examined, the whites always obtaining higher average scores than the colored Ss with whom they were compared. In 29 studies the colored averages were compared with the test norms rather than with particular white groups; among these studies there were 45 separate means reported, 13 of which were below the norms.⁵

IQ's have been secured on about 13,250 Negro high school pupils whose combined average proved to be 83.5, about the same as the combined mean IQ obtained on Negro school children.⁶ The average IQ of the Southern Negro high school pupils was 82, that of the Border and Northern colored students, 91.

⁴For review and appraisal of the McCord and Demerath study, see pp. 129-130.

⁵One of Oldham's Chicago groups, identified as of good socioeconomic status, earned a mean IQ of 101 (1935); Anderson's Okmulgee, Oklahoma, Ss achieved a mean of 103 (1947).

⁶I.e., 84.2; this figure is based upon the examination of more than 66,000 colored school children by the various individual and group tests.

SUMMARY AND CONCLUSIONS

The combined average IQ's of colored and white high school subjects whose test scores were reported prior to 1945 were 86 and 97, respectively, a difference of 11 points; in the 1945 to 1965 period, the respective colored and white IQ's were 83 and 102, a difference of 19 points.

COLLEGE STUDENTS

About 61 per cent of the 24,610 Negro college students included in the survey have been examined on the *American Council Psychological Examination for College Freshmen*; 10 per cent have been tested on the *Higher Form of the Otis Self-Administering Test of Mental Ability*; 21 per cent have been examined by the *School and College Ability Tests*, the *College Board Scholastic Aptitude Test*, or the *Medical College Admission Test*; and about nine per cent have been given some other test. Ninety-eight per cent of the subjects were enrolled in colleges for Negroes.

The obtained averages are typically much lower than the norms provided and below the averages of the specific white groups with whom they were compared. On the *Otis S-A* the colored students earned an average score which placed them at about the 13th percentile rank of the norms distribution; on the *ACE* the colored achieved an average score located at about the 12th percentile rank; and on the *SCAT*, the *SAT*, and the *MCAT* the Negro students attained average scores placing them at about the 6th percentile rank according to the norms.

THE ARMED FORCES

WORLD WAR I

A review of the research on the Army data of World War I indicates that white officers scored markedly above colored officers and that white enlisted men were consistently superior to Negro enlisted men. Using the white draft as a frame of reference with a mean of 100 and a standard deviation of 16, the *Combined Scale*¹ scores of about 23,500 colored recruits (selected on prorata bases) were converted into standard-score IQ's. The mean IQ of the colored enlisted men was 83 (Johnson, 1948), slightly more than one point below the combined average IQ's obtained on colored school children and high school pupils.

The Army data also indicate that Northern whites of the draft were unequivocally superior to Northern Negroes of the draft and that Southern white recruits were clearly superior to Southern Negro recruits. The position of the Northern Negro soldier relative to that of the Southern white, however, has been the subject of debate. Instead of comparing relatively limited numbers of *Alpha* or *Alpha only* scores as a number of investigators had done, a more comprehensive and accurate picture of the relative intelligence of the Southern

¹The *Combined Scale* was a device whereby test scores could be converted into a common scale, whether they were scores on *Alpha only*, *Alpha and Beta*, *Beta only*, or *Beta* and some individual test.

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white and the Northern Negro recruits was obtained from data on the *Combined Scale*. A comparison of scores on the *Combined Scale* of about 10,000 Negro and 17,000 white enlisted men from the four Northern states where Negroes were reported to have scored their best and the four Southern states* where whites were reported to have scored their worst shows the four groups to rank in order of: Northern whites, Southern (and Border) whites, Northern Negroes, and Southern (and Border) Negroes.

THE ARMED FORCES

WORLD WAR II

Four studies have indicated that total rejection rates were higher for Negroes than for whites in World War II and that the rejection rates due to *educational and mental deficiency* were markedly different for the two races. Likewise, six investigations dealing with relatively small samples of enlisted men who were admitted to mental hygiene clinics or hospitalized in psychiatric or neuropsychiatric wards have consistently found the Negro recruit to test below the white.

A number of authors have discussed the Special Training Program designed to qualify intelligent illiterates for induction into the Army. Eighty-four per cent of the whites and 87 per cent of the colored who were admitted to this program completed the course satisfactorily in 8 to 13 weeks time and were assigned to regular Army service, the men having to demonstrate a degree of military proficiency and an achievement of at least a fourth-grade standard in reading and arithmetic. In the opinion of this writer the several studies of enlisted men sent to the Special Training Centers do not contradict, but probably support, the findings of other Army studies. Some of the important points to be considered in the evaluation of the Negro-white comparisons are as follows: the large percentage of Negroes as compared with whites who qualified for the program, the fact that the brighter of the illiterates were directed to the training centers, the fact that about one third of the men sent to the training centers were literate when they arrived (could pass the necessary tests at the fourth-grade level), the point that the ability to adjust was considered as particularly important in the disposition of Negroes of intermediate literacy, the inference that the English-speaking whites needed a higher aptitude score to graduate than did the Negroes, and the fact that about 99 per cent of the men released for assignment to regular training scored in the two lowest classes of the *AGCT*, increasing the Army manpower but not affecting the intermediate or higher levels from which leaders could be drawn.

Several studies, including many thousands of Negroes inducted into the Armed Forces, were based upon data from the Adjutant General's Office.⁹ From these it is evident that the colored enlisted man averaged from 25 to 30

*The four listed as *Southern* include three Southern and one Border state, Kentucky.

⁹Davenport (1916), Stewart (1917), Star, Williams, and Stouffer (1919), and Fulk (1919).

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standard score points below the white recruit on the *Army General Classification Test*; that significant differences occurred when colored and white men of the same Military Occupational Specialty were compared; that the differences were present when men of equivalent education were compared;¹⁰ and that the differences persisted when whites from an all-Southern Command were compared with Negroes from their best Northern Command. Significant differences were also found between Negro and white aviation cadets of World War II and between Negro and white soldiers (post-Korean War) who had been carefully matched on a number of variables.

In making comparisons between the intelligence of enlisted Negroes and whites, one must accept certain pertinent facts that are unfavorable to the Negro: (1) the consistently lower scores earned by the Negroes, (2) the failure of relatively large numbers of Negroes to be inducted, the higher rejection rates not having been due to the presence of more physical defects, (3) the relatively smaller number of occupational deferments given to Negroes because of special abilities or skills, and (4) the smaller percentage of superior colored men drawn into the officer group and thereby eliminated from the comparisons.¹¹ On the other hand, it seems highly probable that: (1) the lives of relatively more Negroes than whites were culturally impoverished, (2) proportionally more of the Negroes were not as test-sophisticated, were less well oriented to the testing situation, were less aware of the need for speed and attentiveness to the tasks required, were less interested in the tests, had a greater tendency to relax, even to sleep, and (3) relatively more Negroes were uninterested in fighting a war a long way from home, felt themselves completely uprooted from their families, and anticipated little advancement, arduous work, and white antagonism. Before one concludes that these cultural-motivational-personality factors are or are not sufficient to explain away the Armed Forces findings, it is suggested that he consider these studies not in isolation but in conjunction with the research on other Negro and white samples.

SPECIAL GROUPS OF VETERANS AND OTHER CIVILIANS

In all nine of the researches dealing with the testing of special groups of veterans and other civilians, the colored averaged below the whites with whom they were compared. In six of the studies, the results were reported in terms of IQ with the colored averaging from 11 to 17 points below the white subjects and from 16 to 32 points below the white norms.

¹⁰Colored men who had completed as much as 10 grades of schooling earned lower AGCT scores than whites with little or no schooling. (Fulk, 1949; Fulk and Harrell, 1952)

¹¹Ginzberg observed that at the end of WWII there was one Negro officer for approximately every 100 Negro enlisted men while the ratio for the Army as a whole was nearly one officer to 8 men. (1956, p. 85)

The Southern states may have contributed proportionally more white officers than did the Northern states in WWI. See Chap. 5, fn. 30.

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DEVIATES

From a combination of relatively unselected samples of white and colored school children, it appears that proportionally the *colored gifted* have been reported about one sixth as often as the white gifted and that the *colored retarded* have been reported about six times as often as the white retarded. In the special studies of gifted, the colored were found about one third as frequently as were whites in proportion to the numbers surveyed. Among the special studies of the mentally deficient, the rate for the retarded colored was approximately twice that of the rate for retarded white.

DELINQUENTS AND CRIMINALS

In all 28 of the studies reviewed, excluding Clarke's groups matched for IQ, the colored delinquents averaged below the white norms or below the white delinquents with whom they were compared. Where the results were given in IQ units the average of the Negro delinquents was 74, the average of the white delinquents, about 81.

The Negro criminals likewise earned lower means than the white criminals in the 16 investigations tabulated. Where the results were given in terms of IQ, the average of the Negro felons was 81, that of the white convicts, 92. When the Negroes were classified according to birthplace, the Northern-born scored higher than the Southern-born but below the native white criminals.

In the instances where colored criminals or delinquents were matched with white convicts or misdemeanants for occupational category, school grade completed, and type of community from which they had come, the differences between the respective means were significant.

RACIAL HYBRIDS

Racial hybrids have a tendency to score higher on psychometric tests, on the whole, than Negro groups described as unmixed.

SELECTIVE MIGRATION

Northern Negroes, both children and adults, have been frequently reported as achieving higher averages on intelligence tests than Southern Negroes of the same grade or age. Some psychologists attribute the Northern-Southern difference to superior education and the more complex, less constrictive environment afforded Negroes in the Northern states; others believe that the more able and energetic Southern Negroes are likely to appreciate the advantages of living in the North and consequently migrate in that direction.

We have separated the research in this field into three categories. In the first two are included five studies where either the amount of formal schooling or a form of scholastic index was used as the criterion of mental ability. Records

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of approximately 20,000 Negro migrants when compared with those of Negro sedents indicate that migration was generally selective. In the third category, Negro children living in five Northern cities or in the District of Columbia were given intelligence tests and divided into Northern-born and Southern-born (or within the District and outside the District), were separated into various groups according to length of residence in the cities, or were retested after they had lived for a period of time in these cities. The test scores of more than 15,000 Negro children were thus compared. From these researches it appears evident: (1) that the Northern-born secure higher average scores than the Southern-born living in the North, (2) that the District of Columbia-born on the whole earn higher scores than those born outside the District, (3) that there is a tendency for the IQ to improve with increase of time spent in the North, at least up to five or six years, and (4) that when retested the IQ's of the Southern-born seem to increase a little more, or to decrease a little less, than do those of the Northern-born Negroes.

In the studies where IQ's were obtained, Negro children born in the Border and Northern metropolitan centers average from one to six IQ points higher than Negro children living in the same cities and attending the same public schools who were born in the South. In the opinion of the reviewer, these investigations have not disproved the hypothesis of selective migration but have shown that selective migration does not account for *all* of the difference between Northern and Southern Negroes. Our single best estimate is that between seven and ten points separate the average IQ of Southern colored children from Northern and Border children of their race. If this is correct, then about half of this difference may be accounted for by environmental factors and half by selective migration.

SOME NORTH-SOUTH URBAN COMPARISONS

Recognizing the fact that urban children in general average higher in test performance than rural children and that any comparison between Negroes and whites from the Northern and Southern states is vitiated by the urban-rural variable, we have attempted to control this variable by *comparing only urban children with urban children*. We have, therefore, using Tables 1 to 5, tabulated the means of all preschool children, school children, and high school pupils tested in Northern or Southern towns or cities, provided their selection appeared to have been unbiased and the records were presented in IQ units.¹²

¹²Where authors included both rural and urban Ss and treated their scores separately, we included the appropriate statistics; if they specified *county* as source of data, or indicated that rural children attended the consolidated or village schools, the study was excluded. We likewise excluded some Northern urban studies on whites and colored, identified as follows by the investigators: Clark (1923) who later reported that the IQ's obtained were too high; Beckham (1933) whose Ss were not selected at random; W. W. Brown (1935) who reported IQ's only on Ss who had failed one or more grades or one or more high school subjects; and McCord and Demerath (1958) who gave no exact means or medians.

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The combined mean IQ of approximately 27,441 Northern white children was 101.7, that of the 25,641 Southern whites, 102.2; while the combined mean of the 15,017 Northern colored subjects was 88.7, and that of the 32,382 Southern Negroes, 82.6.¹³ None of the specific Northern white- or Southern white- means were below the combined mean of the Northern colored; and in only one of the 49 studies including Northern Negroes was a mean reported which was above the combined mean of either the Southern or the Northern whites.¹⁴

In so far as these groups adequately represent their *urban school-age* populations,¹⁵ it is apparent that the whites in the South and North average about the same, that the Northern Negro averages 13 points below the whites, and that the Southern Negro averages between 19 and 20 points below them. It does not lend support to the view (frequently reinforced by test results which have included rural and village Ss) that Northern whites earn higher mental test scores on the average than Southern whites; nor does it support the generalization (based upon tenuous World War I findings) that Negroes from some Northern states are superior on the average to whites from some Southern states.

VARIABILITY

Variability appears to have been the greater among the white than among the Negro subjects examined. Where samples of both racial groups were tested and comparable *s*'s or *Q*'s reported, the white subjects proved to have been the more variable in 67 per cent of the 200 comparisons, the colored the more

¹³Probably Mermelstein's study of number development in 6- and 9-year-old Negro children living in Flint, Michigan, and Prince Edward County, Virginia, may be of interest to the reader at this point. Investigating developmental changes in children's thinking as a function of school background, Mermelstein (1965) tested their conceptions of *conservation of substance* both by standard Piaget experiments and by a nonverbal technique identified as the *Magic Experiment*. He found no evidence that the Flint children were superior to the Prince Edward children at either age level, despite the fact that one was a Northern group and one a Southern group, and despite the fact that two thirds of the Prince Edward 9-year-olds (on whom there were records) had had but 8 months of formal schooling prior to the testing. Mermelstein concluded that "the results are consistent with the claim that school experiences are not of sufficient moment to alter the natural processes of adaptation which take place in the child's adjustment to his objective world . . ." (p. 60).

¹⁴A Minneapolis sample of 20 Ss. See Bird, Monachesi, and Burdick (1952). This statement does not mean, of course, that there were no other Northern colored groups above the means of any Northern or Southern white groups.

¹⁵Northern white children tested were likely unrepresentative of the Northern white population, since in more than half of the studies including them the researchers planned to reduce environmental and educational differences between *w* and *c* by selecting children from mixed schools and similar neighborhoods. Further, relatively more *retarded children* in Northern cities have been enrolled in special classes and have seldom been included in testing programs. (See K. B. Clark's reference to the number of classes for retarded children in the Harlem schools alone, 1963.)

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variable in 26 per cent of them, and no appreciable difference¹⁴ was found in the remaining seven per cent. The differences in the sizes of the quartile or standard deviations were usually small and the significance of the differences between them rarely determined.

OVERLAPPING

There were 37 studies of school children in which the amount of overlapping was reported by the researchers or could be determined by the reviewer. The overlapping ranged from 0 to 44 per cent, the average being *approximately 12 per cent*.¹⁵

At the high school level the average overlap, based on 26 comparisons in 23 studies was *10 per cent*, the range of overlapping being from 0 to 69 per cent. At the college level the average overlap, based on 18 comparisons in eleven studies, was *7 per cent*, the range being from less than one to 55 per cent. Our calculation of the average amount of overlapping, using available data from 34,781 colored school children, high school pupils, and college students examined in 71 studies is *11 per cent*.

The reader may compare the *11 per cent overlap* so determined with the schematic distributions used by Anastasi (1958, p. 549) to illustrate a *30 per cent overlap* which she noted is "close to that usually found between psychological test scores of Negroes and whites in the United States." This authoritative statement made without supporting references is shortly followed with: "If 30 per cent of the Negroes reach or exceed the white median" and: "Under these conditions, therefore, the ranges will overlap almost completely." While she does not use the expression *intelligence test scores* but *psychological test scores* it is probable that many persons would infer that her assumption had become a fact and that she was referring to *intelligence testing*. Certainly Klineberg (1963, p. 202) who quotes the passage beginning: "If 30 per cent of the Negroes" and Ingle (1964, p. 378) who does not quote but who writes: "If the 30 per cent overlap usually found between the test scores of whites and Negroes in the United States" were inferring that Anastasi implied the presence of a *30 per cent overlap in intelligence test performance*.

Pettigrew (*J. Negro Educ.*, 1964, p. 22) likewise must have been influenced by Anastasi's schematic distributions (fig. 84) cited above and her comments, for he includes a duplicate of the drawing with a few additions to make it easier for the layman to understand and with the substitution of *25 per cent* for the *30 per cent overlap*. Citing no authority for his premise (nor does he in the

¹⁴Assuming $\pm .20$ to be "no appreciable difference", except in a very few instances where the means and standard deviations were very small.

¹⁵By *overlap* we refer to the percentage of Negroes' scores that equaled or exceeded the median or mean test score of the compared white group. Attention may be called at this point to the fact that in WW I slightly more than *13 per cent* of the 23,396 colored recruits earned scores on the *Combined Scale* equal or superior to the average of the white draft, based on 93,955 cases. (Brigham, 1923)

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same discussion accompanying the same figure in his book, *A Profile of the Negro American*, 1964, p. 131) he continues with the statement: "Figure 2 shows two typical intelligence test distributions with an overlap of 25 per cent, that is, 25 per cent of the Negroes tested (shaded area) surpass the performance of half of the whites tested. Notice how the ranges of the two distributions are virtually the same, even though the means are somewhat different."¹⁴

The reviewer has found the overlap to be 25 per cent or more in ten of the 71 studies, involving 3039 of the 35,107 Negro Ss,¹⁵ six of the ten researches reported before 1945 and only two of them after 1950. Furthermore, if one looks for the investigations that produced a 30 or more per cent overlap he would find (according to the information available to the reviewer) five studies, including 872 colored cases. They are as follows: Murdoch (1920) 227; Peterson and Lanier, New York (1929) 187; Graham (1930) 181; Byrns (1936) 124; and Anderson (1947) 153. All but one of them would be called "earlier, less sophisticated investigations" according to Pettigrew, since they were dated prior to World War II. (*J. Negro Educ.*, p. 6; also *A Profile . . .*, p. 102)

On the other hand, there are 35 of the 71 studies in which the overlap was less than 10 per cent; these 35 included 23,222 Ss, nine of the researches dating before the close of World War II and 17 after 1950.¹⁶

There seems to be no doubt that writers on the subject have assumed a much greater percentage of overlapping than the research warrants.

STABILITY OF IQ

IQ's of Negroes enrolled in the American public schools have proved to be relatively stable. In the first place, the combined mean IQ's of Negro elementary

¹⁴ Pettigrew without doubt impressed the editor of the *J. Negro Educ.* with the truth of a 25 per cent overlap as well as with his scholarship for he commented as follows in an editorial in the same issue: "Fortunately, there are objective investigations available. The research by Thomas Pettigrew of Harvard makes clear the great amount of overlapping in the performance of Negroes and whites on intelligence tests. He shows by facts and figures that 25 per cent of the Negro subjects reach or exceed the median score of the whites, and thereby exceed the performance of 50 per cent of the total white population tested." (Daniel, 1964, p. 97)

Similarly, after having previously (p. 366) called attention to McGurk's statement of a 25 per cent overlap, Dreger and Miller thought as social scientists they should "set forth the full picture. The wide overlap between white and Negro distributions of scores should be pointed out so that it is evident that within group differences are far greater than between group differences." (1960, p. 374)

It might be noted at this point that Sherwood Washburn, anthropologist, while not committing himself on the amount of overlap, thinks of it as tremendous. "If one looks at the degree of social discrimination against Negroes and their lack of education, and also takes into account the tremendous amount of overlapping between the observed IQ's of both, one can make an equally good case that given a comparable chance to that of the Whites, their IQ's would test out ahead." (in Tumin, 1961, pp. 7-8)

¹⁵See fn. 93, Chap. 5.

¹⁶For identification of the 71 investigations, see pp. 205-206, 236, and 305.

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school children range between 84 and 85 on Individual tests, on Nonverbal Group, and on Verbal Group tests; (2) the combined mean IQ of Negro high school pupils proved to be 81.1; a large unbiased sample of Negro recruits in World War I earned a combined mean IQ of 83;²¹ (4) there seems to be no evidence that in World War II the mean test score of the Negro enlisted man is closer to the white mean than in World War I; (5) colored children at several educational levels have earned average IQ's of comparable size—groups of Northern and Southern children tested in Grades 1 to 3 having earned a combined mean IQ of 83.1, as compared with a mean of 81.5 achieved by other Negro children tested from these regions but in Grades 4 to 7;²² (6) the Northern Ss in Grades 1 to 3 earned a combined mean of 87.8, those in Grades 4 to 7, a combined mean of 88.2, practically the same as the combined mean IQ of 87.6 secured from the testing of many thousands of Northern Negro school children; (7) elementary school children of Ages 6 to 9 from Northern and Southern states earned a combined mean IQ of 84.0, whereas other Negro children from these areas between the Ages of 10 to 12 attained a combined mean of 83.0; (8) Negro elementary school children tested between 1921-1944 earned a combined mean of 81.8, whereas those tested between 1945-1965 earned a combined mean IQ of 83.6; and (9) high school pupils examined in the earlier period achieved a combined mean IQ of 86.2, while those tested between 1945-1965 proved to have obtained a mean of 83.²³

ANALYSIS OF TEST ITEMS

In general, Negroes have been reported as earning their best scores in tests identified as purposeful, practical, and concrete, and as achieving their lowest scores in tests that involve logical analysis, abstract reasoning, and certain perceptual-motor functions. Although these findings have been made over a period of many years and have seldom been contradicted, some additional support for them has followed the administration of the *Wechsler* tests to colored subjects of varying ages and circumstances.²⁴ Among the *Wechsler* subtests,

²¹Using the white draft as a frame of reference with a mean of 100 and *s* of 16, Brigham's Negro scores on the *Combined Scale* were converted into standard-score IQ's. A mean of 83 was secured on the 23,596 colored enlisted men. (D. M. Johnson, 1948)

²²K. B. Clark (1963) however, reported a drop in median IQ of Central Harlem school children from 90.6 at Grade 3 to 86.3 at Grade 6, followed by a slight rise to 87.7 at Grade 8. These averages are based upon the following tests administered throughout New York City at Grades 3, 6, and 8, respectively: *Otis Q-S Alpha*, *Otis Q-S Beta*, and *Pintner General Ability and Intermediate Test, Form A*.

²³Means based upon 4068 and 9156 records of colored Ss, respectively. The 66,000 colored elementary school pupils tested were about equally divided in the two time intervals.

²⁴Approximately 21 studies have been reviewed in which Negroes have been tested by the *Wechsler-Bellevue*, the *WISC*, or the *WAIS*; three of these were reported before 1950, the others between 1950 and 1964.

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Negroes have appeared to their best advantage on *Comprehension*,²⁵ and have made their poorest showing on *Block Design*, *Arithmetical Reasoning*, and *Digit Symbol*. Likewise, Negro college students have shown the least amount of overlapping in the relatively abstract tests of *SAT*, *SCAT*, and *MCAT*. Negro pupils have also been described as being more rigid in their responses and less able to organize the elements of the *Rorschach* into a meaningful context than white children. In a recent analysis of the responses of underprivileged Negro and white children to a series of tests, Deutsch (1965) reported the Negro sample as performing poorly in areas including abstraction and verbalization, the language deficiency being evident in the use of abstractions and knowledge of categories rather than in the use of labels and word meanings.

Certain of the early investigators noted that the colored were at their best in the rote or immediate memory type of test, the more recent work of Kennedy, Van De Riet, and White tending to support this view.²⁶ However, the *Digit Span* subtest of the *Wechsler* has not generally proved to be an easy test for the various groups of Negroes tested on it.

There is a difference of opinion as to the difficulty Negroes have with verbal as compared with nonverbal test material. It has been generally assumed that underprivileged groups such as the Negro are particularly handicapped on verbal tests. A number of investigators, mainly before 1934, have described the language difficulties of their colored subjects. However, Yerkes reported that Negroes at Camp Dix, matched with white recruits for intelligence, did relatively better in situations dealing with *words* as determined by the *Devens Literacy Test*. In more recent years psychologists have compared Verbal (or Language) and Performance (or Non-Language) IQ's on the *Wechsler* tests and the *California Test of Mental Maturity*. In fifteen studies in which these tests were employed, the Negro children and adults achieved higher scores or IQ's on the *Verbal* section of the test, in seven studies their Verbal IQ's were the lower, and in four there was practically no difference between the mean Verbal and Performance IQ's.²⁷

RACE OF EXPERIMENTER

In searching for an explanation of the inferior performance of colored subjects on mental tests, several critics have called attention to the fact that the examiners were usually white and therefore unlikely to motivate the testees as effectively as would a member of their racial group. Canady (1936) attempted to test this hypothesis by having some Negro and white children of Evanston, Illinois,

²⁵Designed to measure practical judgment and common sense.

²⁶Kennedy, Van De Riet, and White (1961) reported that an analysis of item difficulty and biserial item correlation of the data indicated that, in general, the *abstract verbal* items appear at too low a level on the *Stanford-Binet, 1960 Revision* and the *rote memory* items are placed too high on the scale.

²⁷Colored school children scored no higher, on the average, on the *Nonverbal* than on the *Verbal Group* tests (Chap. 3).

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examined twice on the *Stanford-Binet*, once by one of 20 white students and once by himself (a Negro), all of the twenty-one testers having had a course in the measurement of intelligence and all working in the Northwestern University clinic. About half of the children were tested first by a white and subsequently by the colored student, the other half having the testing procedure reversed. The average IQ of the colored children when examined by Canady was 86.79, their average when tested by a white E was 84.31. Unfortunately, it is not clear whether this difference of 2.48 points was due to rapport established between examiner and colored S, to some unrecognized bias on the part of the examiner, or to some other factor.

Subsequent investigators have related the performance of colored subjects to the *race of the examiner* in conjunction with certain other variables, such as: difficulty of task, belief that the task was (or was not) an intelligence test, and type of incentive employed.

Katz, Roberts, and Robinson (1965), for example, administered digit-symbol substitution tests of three levels of difficulty to six groups of Southern Negro college students, the subjects having been informed that the investigator was studying *eye-hand coordination*. Half of the Ss were tested by a white person and half by a Negro. The students tested by a *white examiner* did better on the average than those tested by a Negro when they were working on *the most difficult* of the three substitution levels. When other groups of Negro students were tested on the *most difficult task* presented as a *test of intelligence* rather than a *study in eye-hand coordination*, there was no longer a significant difference in mean performance of the students, whether the tester was white or colored.²⁸

Vega (1964) studied the behavior of Negro pupils in some discrimination situations, relating speed of reaction to the *race of the examiner*, to the type of incentive employed, and to other variables. The tasks were presented as a game

²⁸Following *eye-hand coordination instructions*, the respective means on the most difficult task under white and Negro examiners were: 28.96 and 21.39; following *intelligence test instructions* the respective means under white and colored testers were: 22.91 and 23.48. The former difference, *but not the latter*, was significant.

In describing this research, Katz (1964, p. 393) indicated that when the task was presented as a *test of intelligence* the Ss did not attain higher scores in the presence of a white E: ". . . the effect of the IQ instructions was to slightly elevate performance with a Negro tester and to lower scores markedly in the white-tester group, so that the means for both testers were at about the same level."

In another reference to the same study, however, Katz, Robinson, Epps, and Waly (1964, p. 54) say: "But when the same task was described as an intelligence test, there was marked impairment of performance with the white tester, while subjects who were tested by the Negro experimenter showed a slight improvement." Notice that these authors omitted: ". . . so that the means for both testers were at about the same level," *probably giving a misleading impression to persons reading this report alone.*

Millman and Glock (1963, p. 19) likewise appear to be misleading in their one-statement review of this same research; "Katz (1964) quoted a study of his which indicated that, especially with difficult intellectually oriented tasks, Negro students perform less well with white than with Negro administrators."

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in which the subject was instructed to press one of four keys, depending upon which of four designs simultaneously presented was different from the other three. Twenty-four cards, each containing four designs, were presented successively to each of the 324 Negro pupils selected from Grades 2, 6, and 10 in two schools located in Havana, Florida. Two trials were administered at a given sitting, Trial 2 being a duplicate of Trial 1; between the trials, one third of the children were praised, one third reproved, and one third neither praised nor reproved. Half of the subjects at each of the third grades were examined by one of three Negroes and half by one of three whites, all six E's being male graduate students. Combining Trials 1 and 2, the author found the mean of the pupils tested by a Negro to be 6.00 seconds and the mean of the pupils tested by a white man to be 6.34 seconds. The small difference appears to have been due to the operation of the reproof condition; for the children allocated to the praise- or to the control-condition reacted slightly faster on the average in the presence of a white examiner, the respective mean reaction times being 5.79 and 5.78 seconds (white examiner) vs. 5.94 and 6.19 seconds (colored examiner). The children allocated to the reproof condition, however, averaged 7.46 seconds on the combined trials when the examiner was white, in contrast to 5.87 seconds when the examiner was colored.

Katz, Robinson, Epps, and Waly (1964) used an hostility questionnaire which they administered on successive days to male Negro high school students, each of whom was paid one dollar for an hour's participation. On the first day the test was administered under neutral instructions by a Negro. On the second day it was given to the same subjects, half of whom were tested by white and half by a Negro stranger, half of each of these groups being given the hostility questionnaire under *neutral instructions* (task described as a research instrument), and half of them with *intelligence test instructions* ("I am interested in this vocabulary test because it will show me how intelligent you are I want to see how bright you boys are at School") The authors report that in the neutral condition the changes in hostility scores (from the previous day) of those who had a white administrator were only slightly different from those who had a Negro administrator. "But when test instructions were used, the White Tester group expressed *less* hostility than previously, while the Negro Tester group showed an *increase* in hostile expression." (p. 57)²

The reviewer has selected the nineteen studies made on Negro elementary school children in the South where the results were given in IQ units and where the tester was Negro (either the fact was specifically mentioned or else the research was produced in a Southern Negro college, the author being a candidate for the Master's degree) and compared the combined mean IQ obtained from

²The authors interpret their findings as follows: both administrators instigated hostility in Ss when they announced that they were testing intelligence on the second day; however, when E was a Negro they revealed their annoyance by forming aggressive concepts, but when he was white the need to control hostile feelings resulted in their avoidance of aggressive words.

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the Negro examiners with that secured on all Southern Negro school children. The 2360 elementary school children tested by Negroes earned a mean IQ of 80.9 as compared with a combined mean of 80.6 earned by more than 30,000 Southern Negro school children, an undetermined but probably a large number of whom were tested by white investigators.³⁰ The present writer also calculated the combined mean IQ achieved by 1796 Southern colored high school pupils who were tested by Negro adults. This was 82.9 as compared with a mean of 82.1 secured by nearly 9000 Southern colored high school students, many of whom were examined by white researchers.

From these comparisons it would seem that the intelligence score of a Negro school child or high school pupil has not been adversely affected by the presence of a white tester.

MOTIVATION

Hurlock (1924), Klugman (1944), and Tiber (1963) have investigated the relative effect of certain incentives upon mental test performance of Negro as compared with white school children. The results of their combined studies suggest that for the average Negro child pennies or candy mints serve as the strongest incentive, followed by praise, followed by reproof. For the white child none of these incentives seems to be favored over another. In the best designed of the three studies, Tiber found none of the differences between the Negro groups to be significant; in fact, the colored group (as was true of the white) *unmotivated by specific incentive*—candy, praise, or reproof—scored as well as any of the *experimentally motivated* groups.

In Vega's study (1964) briefly summarized on the preceding pages, Negro children were reported to have responded, when Trials 1 and 2 were combined and no differentiation was made as to race of examiner, to *praise* (mean of 5.86 seconds), followed closely by *neither praise nor reproof* (mean of 5.98 seconds), followed by *reproof* (mean of 6.66 seconds). As was suggested previously, Negro children allocated to the "cell" combining *reproof and the presence of a white examiner* were slower in reaction time than Negro children allocated to "cells" combining other conditions. Thus, his findings would (1) tend to support those of Tiber who concluded that children unmotivated by specific incentive (candy, praise, or reproof) do about as well in a testing situation as the experimentally motivated; and (2) suggest that at least in the presence of a white examiner the colored child may be better motivated by praise than by reproof.

Katz, Epps, and Axelson (1964) reported that students in a Florida college for Negroes did better on digit-symbol tests when informed that their scores would be compared with *their own college norms* than other students at the college who were told that their scores would be compared with *national norms*.

³⁰Two of the 19 investigators (Mazique, 1934 and Younge, 1947) included private school children. If one eliminated the private school Ss tested on the basis of their selectivity he would obtain a combined mean IQ of 80.4 on Southern colored children tested by members of their race.

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Groups of white students from a Florida university, on the other hand, did equally well under either set of instructions, *i.e.*, comparison with their own college or comparison with national norms. The motivation of these white and Negro students cannot be compared effectively, however, for the testing conditions were different for the two groups. It is interesting that immediately after the testing session the Negro students in the *national-norms condition* *cared significantly more about doing well* than did those Negro students who received *local-norms instructions*.²¹

It may be appropriate to note here that a number of investigators have found the educational and occupational aspirations of Negro elementary and high school children to be as high as or higher than those of comparable groups of white children. They include: Witty, Garfield, and Brink (1941), Gray (1944), Boyd (1952), Geisel (1962), Smith and Abramson (1962), Gist and Bennett (1963), Gottlieb (1964), and R. G. Brown (1965).²²

Probably more research is needed before one can be reasonably certain that inferior motivation or depressed educational aspiration has not influenced the mental test performance of Negro subjects.

SELF-ESTEEM

It is not uncommon for students in the area of race or ethnic differences to refer to the *low self-esteem* of Negroes, this characteristic being attributed to their inferior caste status and one of the several nonintellectual factors sometimes held responsible for their lower mental test scores. Various investigators, including K. B. and M. P. Clark (1939, 1940, 1950), Landreth and Johnson (1953), and Morland (1962), have reported racial recognition and preference for white skin, frequently accompanied by some reluctance to acknowledge themselves as Negro, as appearing during the preschool period. Citing the early Clark work and that of Ruth Horowitz (1939), who also reported the presence of correct self-identification of Negro children of nursery school age but did not investigate their preferences, E. L. Horowitz (1944) observed that at the preschool level children learn that they are Negroes and come in contact with the culture pattern which says they are inferior; they may either accept the

²¹As indicated on a self-rating scale.

²²Levin (1964) found the concept *school* to be more favorably evaluated by Negro boys and girls than by white boys and girls attending three integrated New Jersey junior high schools, the Negro boys evaluating the concept significantly more favorably than the white boys.

On the other hand, Mingione (1965) reported that white rural North Carolina elementary and high school pupils were more concerned with achieving high standards of excellence than Negro children in the same grades, living in the same area, and of the same socioeconomic status. And Mussen (1953), using the Thematic Apperception Test cards, reported that lower-class Negro and white New York City boys differed significantly in their *achievement need*, the stories of the Negroes including relatively few responses that indicated striving for accomplishment and success.

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cultural evaluation of the Negro and consequently low *self-evaluation* or else there will develop in them an internal conflict between acceptance of the cultural pattern and an attempt at self-evaluation.

From their analysis of 25 New York Negro cases, some of whom were patients in psychotherapy and all of whom were given psychoanalytic interviews supplemented with projective tests, Kardiner and Ovesey (1951) concluded that a direct effect of discrimination on the Negro is frustrated hostility toward whites and *low self-esteem* (or a tendency toward exaggerated self-hatred), these effects being manifested, altered, or concealed in a variety of ways. Dai (1949), from a study of about 80 Negro youths by means of autobiographies and clinical interviews, attributed a *feeling of unworthiness* to the Negro, due in part to his having absorbed the white person's evaluation of his dark skin and hair form.

Allport *et al.*, referring to the report submitted to the Mid-century White House Conference on Children and Youth, "a fact-finding report on the effects of prejudice, discrimination and segregation on the personality development of children . . ." said: "The report indicates that as minority group children learn the inferior status to which they are assigned . . . they often react with *feelings of inferiority* and a *sense of personal humiliation*. Many of them become confused about their own personal worth."³³ (1953, p. 69) Ausubel (1956) likewise, describing the home and community environment of Harlem children, said that the lower-class Negro child inherits an inferior caste status and almost inevitably acquires *negative self-esteem* that is the realistic ego reflection of such status.

The opinion that Negroes feel inferior has been substantiated by several researches. Anderson (1947) indicated that his Okmulgee, Oklahoma, high school Ss scored at the 35th percentile on the *sense of personal worth* norms when they were tested by the California Test of Personality; Grossack (1957), having administered the Edwards Personal Preference Schedule to Philander Smith College students, reported that both males and females evidenced significantly greater needs for *deference* and *abasement* than the normative groups; Boykin (1959) stated that more than 700 Negro college students³⁴ who had completed the Bernreuter were *less self-sufficient* and *less self-confident* than the norms group; Katz and Benjamin (1960), selecting 32 Negro and 32 white male students attending New York City colleges or universities and placing them in 16 groups each consisting of two Negro and two white Ss who were matched for intelligence, required them to work for pay under different combinations of group- or individual-reward and high- or neutral- group prestige. Combining the biracial groups, the authors reported that the Negroes spoke significantly less than the whites, that they spoke more to whites than to one another, that they ranked the whites higher than themselves on mental ability, but that they favored one another as future

³³Italics supplied by reviewer.

³⁴College or colleges unidentified.

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work companions. "These results indicate that even when Negroes are given objective evidence of equal mental ability in a relatively brief interracial contact they tend to feel inadequate and to orient compliantly toward whites." (p. 456)²⁸

Roen, having closely matched 50 white and 50 colored soldiers on ten variables, compared their mean scores on the *Army Classification Battery*, the Taylor Manifest Anxiety, the Bernreuter, and the California Test of Personality. The only significant difference between the racial samples, in addition to the difference in mean intelligence, was *lack of self-confidence*, the Negro soldiers obtaining the higher scores. Roen concluded that further research is warranted on the proposition "that Negroes as a group, lacking support from pride in significant historical achievement, and developing in an environment of negative experiences, incorporate intellectually defeating personality traits that play a significant role in their ability to score on measures of intelligence." (1960, p. 150)

Deutsch (1964), comparing 400 Negro and white school children in Grades 4 to 6 in two schools,²⁹ reported that in all comparisons the Negro children had significantly more *negative self-images* than the white children.

On the other hand, some investigators have found the self-esteem of the Negro subjects to equal, if not exceed, that of the whites. Hurlock (1927) administered the first of the Downey Will-Temperament tests to more than 400 white and colored Ss of the same mean IQ who were in two grades of one New York City public school. This test required the underlining of one word in each of 30 pairs which the pupil thought more nearly described himself. The percentage of *undesirable responses* underlined by the white Ss was 7.3 as compared with 4.6 underlined by the colored, indicating that the colored *overrated themselves on desirable qualities* slightly more often than did the whites.

Patrick and Sims (1934) found samples of Northern and Southern Negro and white college students tested on the Bernreuter to differ in self-sufficiency. The Negroes proved to be the *more self-sufficient*, with the difference between the means of the males being significant. Bayton (1936), testing about 200 Howard University Negro students with this measure, reported that both sexes scored higher in *feeling of superiority* and *self-sufficiency* than the respective standardization groups. Comparing the mean scores on the Bernreuter of 200 Agnes Scott College and Spelman College women, Eagleson (1938) noted that the Negro students were the *more self-sufficient*, the only significant difference obtained.

Administering the *California Test of Personality* to approximately 400

²⁸The white group was composed of 22 Jewish, 5 Catholic, and 5 Protestant Ss. It would be interesting to replicate this study but using primarily non-Jewish Ss as the white members of the teams. New York City Jewish college students have been reported by several researchers to be somewhat more dominant than NYC non-J students. It is possible that the authors' Jewish subjects may also have been relatively dominant, thus serving to induce or increase a negative self-feeling on the part of their colored team members. (For pertinent studies by Eisenberg, Vetter, Sperling, and Shuey, see Shuey, 1944.)

²⁹Location of the schools not given.

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Negro, Amish, and non-Amish white children in Northern Indiana, Engle (1915) indicated that the colored girls and boys scored higher on the average on *sense of personal worth* than the girls and boys of either of the white groups. Day (1919) reported the mean of 40 fifth-grade colored pupils in Atlanta to be at the 60th percentile of the norms group on *sense of personal worth*; Flemister (1950), testing 100 Negro pupils in a Raeford, North Carolina high school, found that their average score on the *sense of personal worth* was at the 50th percentile of the normative group. Likewise, Outlaw (1950) reported that 100 Negro rural teachers in a Tennessee county in general earned their highest scores on *sense of personal worth*, their median falling at the 75th percentile of the norms group.

Two studies which utilized the California Test of Personality were reported from Hampton Institute. The 300 students entering this college in 1950 received their highest scores, on the average, on *sense of personal worth*, their mean falling at the 76th percentile of the norms distribution. (Walker, 1951) Reporting on the results of the test administered to 330 students entering the college in 1959, Roth (1961) indicated that the colored Ss were more *self-reliant* (mean at the 72nd percentile) and had a greater *sense of personal worth* (mean at the 61st percentile) than the normative samples.

Geisel (1962) compared more than 2000 colored and white junior and senior high school students of a Southern city in reference to a number of variables, one of them being the *concept of self*. Having adopted Osgood's Semantic Differential as his measure of self-concept and using the factor loadings given by Osgood, Geisel selected 18 words having the highest loadings on the three major factors: 10 for the evaluative, 4 for the potency, and 4 for the activity factor. A column of these words was set up on one side of the page and a column of their opposites on the other, the Ss instructed to mark a place on the line connecting each pair of opposites according to the position that very closely described himself. Geisel found that the self-concept scores did not support the hypothesis of a greater proportion of Negroes having low evaluations than whites. In fact, the Negro mean scores were significantly *higher* than those of the whites on the *evaluative factor of self*.

Levin (1964) also employed Osgood's Semantic Differential as a measure of 15 concepts, including that of *self*, selecting 16 words believed to be highly loaded on the evaluative, potency, and activity factors. Following the standard procedure a column of the 16 words was set up on one side of a page and a column of their opposites on the other, the students being instructed to mark a place on the line connecting each pair of opposites according to the position that most closely described how he felt about himself.

Approximately 400 colored and white junior high school students attending two schools in Trenton, New Jersey, and one school in a suburb in this state, were tested under conditions of anonymity. All three schools were integrated; in Trenton, the colored comprised 30 per cent of one school and 70 per cent of the

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other, both Negro and white children enrolled in these schools coming from the lower socioeconomic classes. Like Geisel, Levin obtained *higher self-evaluations among the Negro than among the white children*, the differences between the Negro-white male suburban children and between the Negro-white female city children being significant.³⁷

McDonald and Gynther (1965) attempted to relate race, sex, and social class variables to *self- and ideal-self-concepts* of adolescents. Obtaining *Interpersonal Check List* data from 261 Negro and 211 white high school seniors from segregated schools in a Southern city, these authors reported, together with other findings, the following: (1) as compared with the self-descriptions of the white pupils, the self-descriptions of the Negro subjects yielded significantly higher scores in dominance and love (warmth, friendliness, and cooperation); and (2) as compared with the self-descriptions of the white pupils, those of the colored were *significantly closer to their descriptions of the ideal-self*.

Basing our opinion on the results of the various studies noted above, we would conclude that at the preschool level there seems to be some evidence of awareness of color differences and a feeling of inferiority associated with dark skin, but at the grade school level and continuing through high school and college there is no consistent evidence of lower self esteem in Negroes; if there is a difference, it would appear to be more likely that Negroes have a *greater sense of personal worth*, rather than the reverse.

ENRICHING SCHOOL PROGRAMS

Hoping to aid underprivileged children in a systematic and constructive manner, several professional people—psychologists, teachers, and school superintendents—have initiated school programs aimed primarily at developing *middle-class attitudes toward achievement* (motivation, persistence, ability to delay gratification, and interest in academic studies) and *certain school aptitudes* (perceptual development, concept formation, and language development). Only those projects which have included deprived Negro children examined by mental tests will be reviewed here.

As reported in Wade's thesis (1954), 32 first-grade North Carolina Negro children, mainly from large families of tenant farmers, were given a program of stimulating and varied activities for a period of three months.³⁸ The author, who was also the first-grade teacher, administered the *Otis Quick-Scoring, Alpha* and other tests before and after the program. She observed that the mean IQ of these children dropped very slightly, from 82.8 to 82.2.

Other attempts at stimulating the intellectual development of the im-

³⁷The high self-evaluative factor indicating the tendency to score oneself in the direction of good, kind, clean, successful, wise, and healthy, rather than in the direction of bad, cruel, dirty, etc.

³⁸Her program of activities was taken from "recognized authorities in child development". For review of this research, see pp. 106-107 and 116.

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poverished, however, have produced more favorable results. Gray and Klaus (1963, 1964)³⁹ found that their 22 subjects composing Group I (those Negro children given intensive training during three successive summers and in addition special work *via* home visitors throughout the intervening school years) advanced in IQ from 85.6 in the early summer of 1962 to 95 in the late summer of 1964. This increase might be attributed to some cumulative practice effect as at the last testing the children had been examined *five times* on the *Stanford-Binet, Form L-M*, except for the fact that the two control groups of colored children dropped about 5 points from the first to fifth testing.

It seems unfortunate that in these excellent studies of Gray and Klaus there could be no control of examiner's bias. Although the psychometrists were apparently not a part of the working project and had not been informed which third of the Murfreesboro children were *control*, it is likely that they knew a good deal about the project, that the enthusiasm of the various college students, teachers, and supervisors working with the experimental group aroused their interest, and that, in any event, it would have been almost impossible for them not to detect from the behavior of the child tested whether or not he was a participant in the training program.

In a very brief and enthusiastic report, Brazziel and Terrell (1962) indicated that they organized a six-weeks enriched program and administered it to one first-grade group of 26 Negro children in Millington, Tennessee.⁴⁰ These children were described as being culturally disadvantaged as were the three other groups of Negro first-graders in the same town who made up the control groups. In the spring, at the end of seven months of schooling, the experimental group was given the Detroit Intelligence Test.⁴¹ The authors do not tell us which of the Detroit intelligence tests was employed (presumably the *Detroit First Grade*), who administered and scored the tests, why it was not given *before* the children started on the program, and why it was not also administered to any of the three control groups. They report that the mean IQ was 106.5 and the standard deviation, 13.2, refer to Cronbach's indices for underprivileged children, and cite some miscellaneous IQ means reported on Negro and white groups (not first grade) in the state of Virginia. They conclude with this statement: "An efficacious combination consisting of a direct parent-teacher partnership, per-

³⁹Experimental Group II (20-22 Ss) improved 5 points from the first to fifth testing. In between the first and final testings the colored children had experienced two summer sessions of special training and one winter of home contacts.

⁴⁰The authors specifically mention: discussing the program with parents at weekly intervals, use of a 30-minute educational television program which was watched by the children daily in their homes, and a six-weeks period of intensified activity to develop perception, vocabulary, word reasoning, ability and will to follow directions.

⁴¹It is not clear to the reviewer whether or not the enriched program continued beyond the six weeks of "readiness" up to the time the children were tested in the spring; but since the junior author was the classroom teacher (E group) it is probable that she interested them as much as possible in a variety of objects and events throughout the seven months.

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missive regimentation, test wisdom development, excellent materials and energetic uninhibited teaching seems to have been the main discovery of this study." (p. 6)

The last of these programs, generally called the Banneker School Project, attacked the complacent attitude toward low achievement prevalent among city slum children and vigorously attempted to develop middle-class attitudes "through motivation, drives, desires for success". The driving force behind this achievement project was Samuel Shepard, Jr., an assistant superintendent of one of St. Louis' five elementary school districts which in 1959 was composed of 23 schools whose combined enrollment was 95 per cent Negro." Following the city superintendent's announcement in 1957 that all children *entering the St. Louis high schools* would have to be certified (by achievement tests) on one of three tracks: I (high achievers), II (average), III (low achievers), and being fully aware from previous testings that the Banneker District would contribute about 47 per cent of its 8th grade graduating class to the third track, Shepard challenged the Banneker children to come up to the national averages on the tests. Not only did he meet frequently with groups of children throughout his district—and with teachers (showing them charts indicating the standing of their pupils on tests, advising them to help the children by visiting their homes, and the like), parents, librarians, principals, and business men—but he urged them to adopt action-arousing mottoes, such as "Success in School is My Most Important Business!"¹⁴

In the two years between 1957-58 and 1959-60, the 8th graders from Banneker District accepted on Track I *increased from 7 to 16 per cent*, and those entering Track III *dropped from 47 to 24 per cent*.¹⁵ That this improvement was characteristic of the city as a whole (and not solely of Banneker) may be inferred from a report of W. C. Kottmeyer in 1960, Assistant Superintendent for Elementary and Special Education at that time. He said that the proportion of children entering Track I from all St. Louis elementary schools had nearly doubled during this period (13.5 per cent to 24 per cent) and the proportion entering Track III

¹⁴Shepard's speech before the Division of School Psychologists of the American Psychological Association (1962) has been multilithed and made available through George Peabody College. The reader may also refer to various issues between 1959-1964 of the *Southern School News*. For warm appraisal of the Banneker work, see Pettigrew (1964) and McCullers and Plant (1964).

¹⁵Implementing his drive to help children "climb out of poverty" Shepard used many devices, such as: hanging prints of great art works in classrooms, sending children on first visits to the city art museums, and organizing "operation dineout", the meals being financed by Banneker businessmen and chaperoned by teachers. (*Southern School News*, 1964, 10, April, p. 13)

¹⁶The median IQ of the Banneker high-8th-graders in 1952-53 was reported to be 84.9, and in 1958-59 it was 90.3. (*Southern School News*, 1959, 5, Jan., p. 12) Name of test not indicated, nor standard deviation. Notice that the *terminal program*, which removed those with IQ's between 48-78 from the regular public schools, began in 1955. The removal of these low-scoring children, many of whom were in the Banneker District, produces an erroneous impression of improvement in IQ.

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had declined to less than half (33 per cent to 15 per cent). Also, during this same interval, the proportion of pupils from *Long District* (one of the five elementary school districts, and the one nearly all white during these years) entering high school on Track I advanced from 26 to 39 per cent and the proportion of its pupils going into Track III decreased from 12 to 5 per cent.

Obviously, the Banneker improvement must be considered in its proper perspective, i.e., *the improvement throughout the St. Louis elementary schools*. Proceeding under this assumption, the reviewer examined issues of the *Southern School News* between the Summer of 1957 and the Spring of 1965 for articles on this city's public schools, and has noted three items that seem to pertain to the issue in question. (1) The median IQ of *Long District* pupils entering Track I in 1957-58 was 118.3, and in 1959-60 it was 118.7; however, the median IQ of the *Banneker* pupils entering Track I in the earlier period was 109.1, and in the more recent, 105.8.⁴³ In other words, if these statistics are correct, the median IQ's of children who enter Track I from the five school districts in different years are not necessarily the same and may not be directly comparable. (2) The writer does not know the percentage of St. Louis 8th grade children who were retained in 1957-58 for lack of promotion; but Kottmeyer has indicated that 6.6 per cent of the "eight high" pupils in the Banneker District were retained in the elementary school at the end of 1959-60, whereas 0.2 per cent of the Long District pupils were retained at that time. This relatively large percentage of Banneker children who failed to be promoted would have served to reduce the percentage of this district entering Track III. (3) There was an increase in the proportion of children not admitted to Track III because of their going into terminal education.⁴⁴ After the terminal program was initiated in 1955 some children between 48 to 78 IQ continued in the regular classrooms and subsequently went into Track III automatically; these were children who could not be enrolled in special classes for the retarded because of a lack of facilities and therefore did not go as a matter of course into the two-year terminal high school program. By 1959-60 they were being identified by tests and diverted into terminal education. During the period from the beginning of 1957-58 to the end of 1959-60 the proportion of pupils from the city schools entering terminal education in high school and thereby withdrawn from Track III increased from 1.2 per cent to 8.2 per cent.⁴⁵ As Kottmeyer observed: "This should make teaching of Track III students in the high schools easier than it has been in the past."⁴⁶ This withdrawal in increasing numbers of mentally retarded children from the regular classrooms has no doubt given artificial support to the evidence that St. Louis high school children are becoming more intelligent.

⁴³*Southern School News*, 1960, 6, May, p. 6.

⁴⁴Terminal education for the retarded children. It consists of two years of schooling beyond elementary grades for children who earn Binet IQ's of 48-78.

⁴⁵No percentage figures were reported for the Banneker District alone. In the opinion of the reviewer, a conservative estimate of increase in this interval would be from 5 to 20 per cent.

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Because of incomplete data the reviewer cannot report with reasonable assurance the effect an intensive educational program has had on the IQ of underprivileged Negro children exposed to it. A fair estimate is that it is far less than that depicted by dedicated and enthusiastic social workers, teachers, psychologists, and news reporters.

CONTROLLING EDUCATION AND SOCIOECONOMIC ENVIRONMENT

May investigators have attempted to control environmental factors by selecting white and colored subjects of the same socioeconomic status, those living in the same neighborhood and attending the same schools, white and colored children whose parents were of the same occupational class, and whites and colored matched for school grade completed and age, as well as father's occupation, residence and other variables. It is obvious that the following researchers have in general compared disadvantaged whites with disadvantaged Negroes and that the former are unrepresentative of their racial group while the latter are probably racially representative.

Strong (1913), for example, compared white cotton mill children with the total group of Negro Ss tested in Columbia, South Carolina; Phillips (1914) equated colored and white Philadelphia pupils according to home rating; Arlitt (1921) compared a group of white children of native-born parents whose fathers were either semiskilled or unskilled laborers with the total Negro group, 88 per cent of whom were of low status; Pintner and Keller (1922) selected for comparative purposes three Youngstown, Ohio, schools from relatively poor neighborhoods in which a large majority were foreign-speaking; Hurlock (1924, 1930) selected two New York City schools, 40 per cent of the enrollments being Negro, and the children in attendance described as of the same social status; Hirsch (1926) compared a "representative sampling" of Nashville Negro children with white Massachusetts mill town Ss of below-average status; Kempf and Collins (1929) compared average IQ's of Southern Illinois white Ss of native-born parents of the unskilled laboring group with the total group of colored from the same urban and rural localities.

R. M. Clark (1933) tested colored and white pupils living in the inferior environment of Cleveland's Black Belt; H. J. Williams (1935) obtained IQ's on pupils attending three Milwaukee schools, a larger percentage of the white than the colored being from families on county relief; Charles (1936) selected St. Louis schools in which the social environment of the two racial samples was reported to be similar; Lichtenstein and A. W. Brown (1938) examined colored and white public school children in a Chicago area characterized by physical deterioration, a decreasing population, and high rates of dependency, crime and delinquency; Tanser (1939) compared rural colored and white school children in a county of Ontario, Canada, both racial samples considered to be of approximately equal socioeconomic status and in a community where racial prejudice was at a minimum; Bruce (1940) matched colored and white pupils in a rural Virginia

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county according to their Sims socioeconomic scores; Ries (1940) compared white pupils from the poorest junior high school district of Louisville (where living conditions approximated those of the Negro) with the total Negro group (enrolled in the two Louisville junior high schools for Negroes); Shuey (1942) matched New York University white and colored students according to occupation of father, age and amount of previous education of Ss, and other factors; F. Brown (1944) tested white children of Minneapolis living in a Negro neighborhood and attending the same school where most of the Negro Ss were enrolled.

The colored and white subjects studied by Rhoads, Rapoport, Kennedy, and Stokes (1945) were from the three lowest occupational groups in Philadelphia; Garrett (1945) compared Northern colored enlisted men on *Alpha* with whites of considerably less educational attainment; Griffith (1947) examined colored and white children of the same average socioeconomic status who were attending one school in a predominantly Negro district of Portland, Oregon; Jordan (1948) compared Winston-Salem Negro and white school children whose parents were employed in the same occupations; Slivinske (1949) asked Virginia county classroom teachers to rate the homes of their pupils, and he made comparisons between colored and white children from "inferior" and from "superior" homes; Fulk (1949) and Fulk and Harrell (1952) have tabulated the mean *AGCT* scores of Negro and white enlisted men in the Army Air Force Service Command according to school grade completed; Davidson, Gibby, McNeil, Segal, and Silverman (1950) matched groups of white and colored psychoneurotic patients at the Detroit Mental Hygiene Clinic for diagnosis, age, and school grade completed; McPherson (1951) selected two public schools in East Waco, Texas, from the same neighborhood; McGurk (1951) matched colored and white seniors in fourteen high schools of New Jersey and Pennsylvania for school, curriculum, age, and eleven items of the Sims scale; Bird, Monachesi, and Burdick (1952) compared colored and white middle and lower-middle class children from two Minneapolis public schools, the racial samples reported as not differing significantly in social status.

Hess (1955) compared the test scores of groups of low-status white and Negro public school children in Chicago; McCary and Tractir (1957) tested white and colored pupils of middle middle-class families attending the same Pittsburgh high school; G. E. Clark (1957) examined colored and white children of the same socioeconomic class areas in St. Louis but attending separate schools; Sperrazzo and Wilkins (1958, 1959) classified their colored and white subjects who were enrolled in both mixed and separate public schools in St. Louis into three groups according to their fathers' occupational level; McCord and Demerath (1958) compared the test scores of Cambridge and Somerville, Massachusetts, colored and white children from lower and lower-middle socioeconomic levels, half of whom were believed to be predelinquent; Higgins and Sivers (1958) examined colored and white children attending public schools serving the

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lowest socioeconomic areas of a "northeastern city"; Fowler (1959) compared colored and white Detroit and Hamtramck, Michigan, school children of lower-lower socioeconomic level who had been thus classified on the basis of parental occupation, house type, and neighborhood type; McQueen and Churn (1960) compared colored and white children living in a "Western community" who had been matched for school grade, age, years in the school system, residential area, type of house, and father's occupation; Roen (1960) matched colored and white soldiers stationed in an Army post in the Southwest (after eliminating those of extremely low mental test scores) according to age, education, parental occupation and income, geographic area of childhood, Army rank and number of years in service, urban or rural background, and other variables.

Geisel (1962) separated his colored and white subjects enrolled in junior and senior high schools in a "Southern City" into two sociostatus groups according to the schooling of their parents, the school authorities having previously selected for each racial group one junior high school whose pupils were on the whole from lower socioeconomic backgrounds and one whose pupils were from upper socioeconomic backgrounds; Semler and Iscoe (1963) tested colored and white children from two public schools in Austin, Texas, selected to minimize socioeconomic differences between the racial samples; Tiber (1963), using the McGuire-White Index, identified the social status of his subjects enrolled in a "Southeastern public school system", and tabulated the mean IQ's of middle-class whites, lower-class whites, and lower-class Negroes; Wylie (1963) rated the occupations of the fathers of all children enrolled in the only junior high school in a "small, highly industrialized, Pennsylvania city" according to Hollingshead and Redlich's socioeconomic scale positions, permitting one to compare the IQ's of Negro and white pupils at either the higher or lower occupational level; Hickerson (1963, 1965) compared San Francisco-Bay Area Negro and non-Negro high school students whose fathers were employed in similar occupations, *i.e.*, all were skilled or semiskilled laborers or were first grade noncommissioned officers in the Armed Forces; and Deutsch and B. Brown (1964) compared colored and white children from an unidentified urban school system after selecting a sample stratified by race, grade level, and occupational class, the latter being based upon a scale derived from the education of the main family breadwinner and his occupation.

With two exceptions, the colored averaged below the white groups in mental test performance in all of the 42 investigations.⁴ Average IQ's were reported in

⁴McCord and Demerath reported no essential difference in mental ability between their groups but so tabulated their results that a reader could not verify their statistics. For detailed comments upon this research, see pp. 129-130.

Higgins and Sivers secured inconclusive results, the colored being the equal of the white Ss on one test but significantly below the whites on the other. The mean difference on the two tests combined was 5.3 IQ points in favor of the white Ss. For other comments on this research, see pp. 40-41 and 117-118.

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33 of the studies including a total of about 7900 colored and 9300 white Ss, and from these a mean difference of 11 points favoring the whites was obtained.¹²

Twenty-five of the 41 studies were located in the North, and in at least fourteen of the researches the colored and white children were not only attending the same schools but were living in the same district or neighborhood.¹³ The combined mean difference in IQ between the 2760 colored subjects tested in the North¹⁴ and the whites of comparable socioeconomic status or occupation was 7.6. Nearly all of these Ss in the eighteen studies were of school age, the whites and Negroes attending the same school and living in the same areas, many with large Negro populations.

Where Negro pupils have been compared with whites of the same occupational or socioeconomic class and where children from two or more classes have served as subjects, a greater difference has been found between the racial samples at the upper than at the lower level. McGurk and Sperrazzo and Wilkins, for example, have reported large differences between the means of their Negro and white Ss identified as belonging to the *high* socioeconomic group and smaller differences between the means of their samples belonging to the *low* socioeconomic group. Comparable results have been obtained in the studies where mean IQ differences were reported.¹⁵ The *higher status* white groups averaged the following number of IQ points above Negro groups of comparable status: Jordan (1948) 21.9; Slivinske (1949) 19.8, G. E. Clark (1957) 19.7, Geisel (1962) 21.2, Wylie (1963) 22.6, and Deutsch and Brown (1964) 12.4; whereas the *lowest* (or *lower*) status white groups scored on the average the following number of IQ points above comparable Negro groups of low status: Jordan 12.3, Slivinske 12.6, Clark 8.1, Geisel 11.4, Wylie 8.1, and Deutsch and Brown, 6.0.¹⁶ The combined mean difference in IQ between the 617 colored Ss of higher status and their 1504 white counterparts is 20.3, in contrast with a combined mean difference of 12.2 between the 3374 colored and 2293 white children of low status. The latter difference is very close to that calculated by this writer between the combined groups of colored v. white (based upon 32 studies) where the various investigators attempted to control several aspects of the socioeconomic environ-

¹²In contrast with a mean difference of 15-16 IQ points when random or stratified samples have been used.

¹³See: Pintner and Keller; Hurlock; R. M. Clark; Williams; Lichtenstein and A. W. Brown; Tanser; F. Brown; Griffith; Bird, Monachesi, and Burdick; Higgins and Sivers; Fowler; McQueen and Churn; Wylie; and Deutsch and B. Brown (whose research is presumed to have been conducted in a Northern city.)

¹⁴See: Pintner and Keller; Kempf and Collins; Hurlock; R. M. Clark; Williams; Lichtenstein and Brown; Tanser; F. Brown; Rhoads, Rapoport, Kennedy, and Stokes; Griffith; Bird, Monachesi and Burdick; McCary and Tractir; Higgins and Sivers; Fowler; McQueen and Churn; Wylie; Hickerson; and Deutsch and Brown.

¹⁵Or IQ's tabulated, from which the present writer calculated mean differences.

¹⁶Researches of McGurk, Wylie, and Deutsch and Brown (probably) were conducted in the North; those of Clark and Sperrazzo and Wilkins in a Border state; and those of Jordan, Slivinske, and Geisel in the South.

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ments of their subjects.⁵⁴ This agreement is no doubt due to the fact that in the great majority of the 32 researches the colored and white groups compared were of relatively low socioeconomic status.

The consistent and surprisingly large difference of 20.3 IQ points separating the high-status whites and the high-status colored is accentuated by the finding that the mean of the latter group is 2.6 *points below* that of the low-status whites.⁵⁵ It is probable that the home, neighborhood, and school environments of the white and colored lower-class children tested are more nearly alike in their stimulating qualities⁵⁶ than are the home, neighborhood, and school environments of the white and colored upper and middle-class children; but *it seems improbable that upper and middle-class colored children would have no more cultural opportunities provided them than white children of the lower and lowest class.* The reviewer offers two possible (and to her, reasonable) explanations of the above findings: (1) The likelihood that status-bearing positions open to Negroes in the United States have not required as high a level of intelligence as the much larger number of status-bearing positions open to whites.⁵⁷ If this is true, they have not served equally as selective agents in recruiting the most able colored from the laboring class as is true with whites. The continual drawing of the more intelligent from the lower classes would in time produce a difference in the mental test scores of the divergent classes; if this drain is not equally present in the colored and white races one would expect greater differences in the testing of high-status groups and lesser differences when low-status groups are compared. (2) The probability that the disadvantaged living in integrated neighborhoods may not be equally representative of their respective racial groups. Living in these mixed neighborhoods being more prestigious for colored than for whites, a form of selective migration may be presumed to operate, "positively" for the Negroes and "negatively" for the whites. If this hypothesis is correct, it would account for the leveling tendencies observed in the test performances of the two lower-class groups whenever the samples tested are drawn from mixed neighborhoods.

CONCLUDING STATEMENT

The remarkable consistency in test results, whether they pertain to school or preschool children, to children between Ages 6 to 9 or 10 to 12, to children in Grades 1 to 3 or 4 to 7, to high school or college students, to enlisted men or officers in training in the Armed Forces—in World War I, World War II, or the

⁵⁴A difference of 12.2 as compared with one of 11.0.

⁵⁵The combined means of the *upper-status white and colored* groups were, respectively, 111.88 and 91.63; the respective mean IQ's of the *lower status white and colored* were 91.22 and 82.04.

⁵⁶*i.e.*, culture-enriching experiences provided.

⁵⁷Dreger and Miller (1960), holding the view that whites and Negroes comprise separate castes, indicate that they do not see how the nature-nurture issue can be resolved by any number of ingenious methods of equating for social and economic variables.

SUMMARY AND CONCLUSIONS

Post-Korean period—to veterans of the Armed Forces, to homeless men or transients, to gifted or mentally deficient, to delinquent or criminal; the fact that differences between colored and white are present not only in the rural and urban South, but in the Border and Northern states; the fact that the colored preschool, school, and high school pupils living in Northern cities tested as far below the Southern urban white children as they did below the whites in the Northern cities; the fact that relatively small average differences were found between the IQ's of Northern-born and Southern-born Negro children in Northern cities; the fact that Negro school children and high school pupils have achieved average IQ's slightly lower in the past twenty years than between 1921 and 1914; the tendency toward greater variability among whites; the tendency for racial hybrids to score higher than those groups described as, or inferred to be, unmixed Negro; the evidence that the mean overlap is between 7 and 13 per cent; the evidence that the tested differences appear to be greater for logical analysis, abstract reasoning, and perceptual-motor tasks than for practical and concrete problems; the evidence that the tested differences may be a little less on verbal than on nonverbal tasks; the indication that the colored elementary or high school pupil has not been adversely affected in his tested performance by the presence of a white examiner; an indication that Negroes may have a greater sense of personal worth than whites, at least at the elementary, high school, and college levels; the unproved and probably erroneous assumption that Negroes have been less well motivated on tests than whites; the fact that differences were reported in practically all of the studies in which the cultural environment of the whites appeared to be similar in richness and complexity to that of the Negroes; the fact that in many comparisons, including those in which the colored have appeared to best advantage, Negro subjects have been either more representative of their racial group or more highly selected than the comparable whites; all taken together, inevitably point to the presence of native differences between Negroes and whites as determined by intelligence tests.

BURKET REPORT

EXHIBIT B

Table 1

Mean Scores of 12th Grade Classes on 19 Selected Project TALENT Tests
(Schools Grouped by Education Regions and Per Cent of Negroes in Enrollment)

Tests	Region 2 (Mid-east)							Region 3 (Great Lakes)						
	Per Cent Negro Enrollment							Per Cent Negro Enrollment						
	0	1-9	10-19	20-29	30-39	40-49	50-100	0	1-9	10-19	20-29	30-39	40-49	50-100
1.	86.3	86.1	81.7	72.0	75.9	73.4		84.1	85.4	86.4	81.8	78.0	74.0	
2.	33.9	34.2	31.2	25.0	24.5	22.1		31.6	32.4	32.0	29.7	29.0	26.0	
3.	11.5	11.6	10.6	9.4	10.0	6.0		11.3	11.3	11.0	9.7	10.0	8.0	
4.	9.4	9.6	9.1	8.1	7.6	6.0		9.1	9.2	9.4	8.7	8.1	7.0	
5.	9.6	9.7	8.3	6.4	6.1	5.0		9.1	9.2	9.4	8.0	6.1	6.0	
6.	11.3	11.6	9.9	8.3	7.2	7.0		10.5	10.8	11.0	9.0	8.1	8.0	
7.	34.0	34.3	30.3	18.1	19.5	19.9		31.9	32.7	32.5	27.4	23.1	9.0	
8.	14.1	14.4	13.6	10.7	11.9	9.7		12.6	13.4	13.0	12.7	13.0	12.0	
9.	17.7	17.8	16.5	13.6	14.0	12.0		15.8	16.6	16.0	15.1	15.0	15.0	
10.	10.7	11.2	10.2	8.2	6.5	6.6		9.9	10.1	10.0	9.0	9.0	7.0	
11.	7.0	7.2	6.3	4.8	5.5	5.0		6.6	6.7	7.0	6.0	7.0	6.0	
12.	11.3	11.6	10.5	9.5	7.4	6.0		10.2	10.4	10.7	9.7	8.2	8.0	
13.	14.0	14.1	12.0	10.4	9.1	8.9		13.7	13.9	13.7	13.3	10.2	10.0	
14.	14.1	15.1	12.7	12.4	11.2	9.6		13.1	13.5	14.0	13.0	10.7	12.0	
15.	15.8	16.4	14.2	14.1	11.8	10.9		14.6	14.6	15.0	13.3	11.0	11.0	
16.	7.8	8.4	6.9	5.3	5.2	4.9		7.4	7.3	7.7	6.0	5.1	6.0	
17.	5.7	6.1	5.3	4.6	4.1	4.4		5.8	5.8	6.4	5.6	5.0	5.0	
18.	7.3	7.6	6.7	6.5	5.6	4.6		6.8	6.9	7.7	7.0	5.0	5.0	
19.	14.0	14.3	12.4	10.4	11.3	10.8		14.6	14.1	14.0	13.3	11.9	10.0	

Some values are based on only one or two cases. See Appendix for unweighted N's, subjects of tests, and states in Regions.

BURKET REPORT
EXHIBIT C

Table 2

Mean Scores of 12th Grade Classes on 19 Selected Project TALENT Tests
(Schools Grouped by Education Regions and Per Cent of Negroes in Enrollment)

Tests	Region 5 (Southeast)							Region 6 (Southwest)						
	Per Cent Negro Enrollment							Per Cent Negro Enrollment						
	0	1-9	10-19	20-29	30-99	100		0	1-9	10-19	20-29	30-99	100	
1.	83.2	85.1	82.3	*	68.6	66.6		82.3	85.4	74.8	*	83.0	59.2	
2.	29.5	32.3	29.3		18.5	17.4		30.3	33.2	25.7		28.0	16.2	
3.	10.0	10.5	9.5		6.5	6.8		10.9	12.7	8.9			5.4	
4.	8.1	8.4	8.0		5.5	5.1		8.2	9.0	6.2		8.0	4.0	
5.	8.1	8.4	8.0		5.0	4.8		8.3	9.0	7.9		7.0	4.6	
6.	9.6	10.6	9.7		6.0	6.0		10.2	11.3	9.5		8.0	5.5	
7.	28.5	31.6	26.0		2.0	4.9		28.9	30.7	23.2		23.0	3.7	
8.	11.9	13.8	11.0		7.5	6.9		12.6	13.8	13.6		10.0	6.5	
9.	14.6	16.1	14.3		9.5	8.4		14.7	16.0	15.3		13.0	7.5	
10.	8.6	10.2	8.3		5.0	5.0		8.8	10.1	11.3		8.0	3.5	
11.	6.4	6.9	6.3		4.5	4.4		6.1	6.9	8.0		6.0	3.8	
12.	8.6	9.8	8.3		4.5	4.6		9.1	9.9	8.2		8.0	4.4	
13.	12.6	13.0	12.0		7.5	7.7		13.5	13.5	13.7		12.0	6.7	
14.	12.3	13.6	11.0		6.5	7.4		13.3	13.7	12.3		13.0	8.8	
15.	13.0	13.7	12.3		9.0	8.2		13.2	14.4	14.1		11.0	7.6	
16.	6.3	7.1	5.3		4.0	4.3		7.1	7.3	6.3		5.0	4.2	
17.	5.6	5.3	4.7		5.0	4.1		5.6	6.2	5.6		5.0	4.1	
18.	5.6	6.3	5.0		5.5	3.2		6.0	6.9	4.9		5.0	3.5	
19.	12.7	12.9	12.3		9.0	9.5		13.1	12.9	13.7		15.0	9.7	

Some values are based on only one or two cases. See Appendix for unweighted M's, subjects of tests, and states in Regions.

TABLE 68
CALIFORNIA ACHIEVEMENT TEST GRADE PLACEMENT AT EACH GRADE LEVEL

	N	Reading Vocabulary		Reading Comprehension		Reading Grade Placement		Arithmetic Reasoning		Arithmetic Fundamentals		Arithmetic Grade Placement		Mechanics of English		Spelling Grade Placement		Language Grade Placement		Battery Grade Placement	
		Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD
<i>First Grade</i>																					
Male	160	1.36	.31	.14	.42	.79	.23	.26	.49	.08	.32	.18	.35	1.25	.62	.00	.11	.68	.72	.50	.16
Female	140	1.36	.33	.13	.47	.78	.25	.33	.56	.05	.25	.19	.35	1.17	.67	.02	.16	.59	.34	.50	.16
Total	300	1.36	.32	.14	.44	.78	.24	.29	.52	.07	.29	.18	.35	1.21	.65	.01	.13	.64	.58	.50	.16
<i>Second Grade</i>																					
Male	160	2.09	.89	1.79	.70	1.97	.72	2.09	.64	2.30	.73	2.21	.60	1.77	.64	2.25	1.18	2.05	.80	2.13	.74
Female	140	2.19	.94	1.94	.89	2.06	.78	2.06	.69	2.15	.73	2.13	.67	1.89	.64	2.51	1.28	2.22	.89	2.20	.79
Total	300	2.14	.92	1.86	.79	2.01	.75	2.08	.67	2.23	.73	2.17	.63	1.83	.64	2.37	1.23	2.13	.85	2.16	.77
<i>Third Grade</i>																					
Male	144	2.85	.90	2.57	.74	2.73	.75	2.60	.82	3.12	1.63	3.04	.99	2.47	.81	2.94	.84	2.72	.70	2.82	.70
Female	156	3.08	1.00	2.89	.88	3.00	.87	2.90	.96	3.30	1.39	3.16	.98	2.74	.93	3.32	1.07	3.05	.88	3.06	.83
Total	300	2.97	.96	2.74	.83	2.86	.83	2.76	.91	3.36	1.51	3.10	.98	2.61	.89	3.14	.99	2.89	.82	2.95	.78
<i>Fourth Grade</i>																					
Male	151	3.53	1.25	3.25	1.04	3.41	1.07	3.31	1.08	3.81	.88	3.59	.89	3.34	1.09	3.12	1.37	3.39	1.12	3.46	.94
Female	149	3.97	1.17	3.67	1.08	3.83	1.05	3.58	1.09	3.97	.90	3.79	.92	3.71	1.10	3.91	1.34	3.83	1.07	3.79	.96
Total	300	3.75	1.23	3.46	1.08	3.62	1.08	3.45	1.09	3.89	.89	3.69	.91	3.52	1.11	3.66	1.38	3.61	1.12	3.62	.96
<i>Fifth Grade</i>																					
Male	137	4.37	1.54	4.05	1.43	4.22	1.43	4.22	1.40	4.72	1.04	4.49	1.14	4.37	1.38	4.10	1.75	4.26	1.44	4.35	1.28
Female	163	4.55	1.58	4.55	1.46	4.62	1.53	4.49	1.29	4.85	1.01	4.66	1.12	4.85	1.51	4.71	1.71	4.79	1.50	4.71	1.27
Total	300	4.60	1.58	4.32	1.47	4.44	1.50	4.37	1.35	4.79	1.03	4.58	1.13	4.63	1.47	4.43	1.75	4.55	1.50	4.56	1.29
<i>Sixth Grade</i>																					
Male	151	4.86	1.50	4.60	1.39	4.73	1.17	4.65	1.41	5.32	1.17	5.01	1.22	4.76	1.41	4.69	1.79	4.72	1.46	4.83	1.28
Female	149	5.41	1.48	5.20	1.38	5.32	1.35	5.32	1.32	5.83	1.11	5.60	1.12	5.71	1.52	5.73	1.87	5.75	1.56	5.60	1.30
Total	300	5.13	1.52	4.90	1.47	5.02	1.17	4.99	1.40	5.57	1.17	5.30	1.21	5.23	1.54	5.20	1.91	5.23	1.59	5.21	1.34

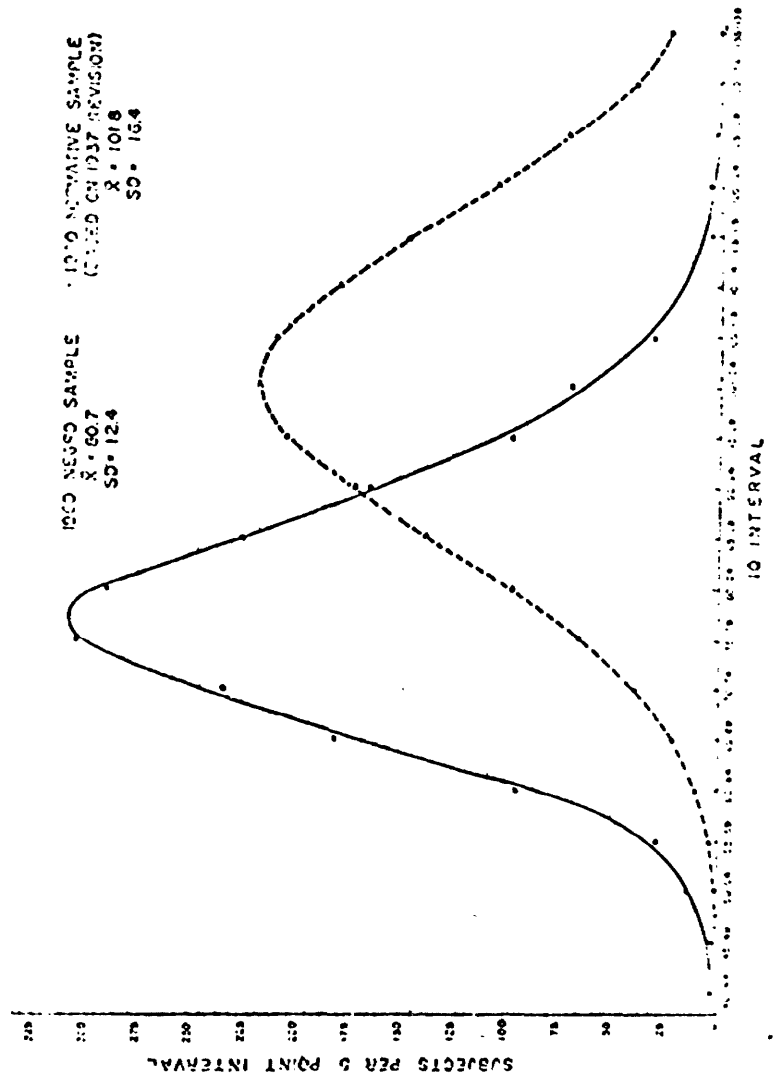


FIGURE 2-1Q Distribution of Negro and normative sample.

Kennedy, Wallace A., Van de Riet, Vernon, White, James C., Jr.
 "A Normative Sample of Intelligence and Achievement of Negro
 Elementary School Children in the Southeastern United States,"
 Monograph, Society for Research in Child Development, Serial
 No. 90, 1963/Vol. 28, No. 6.

EXHIBIT F

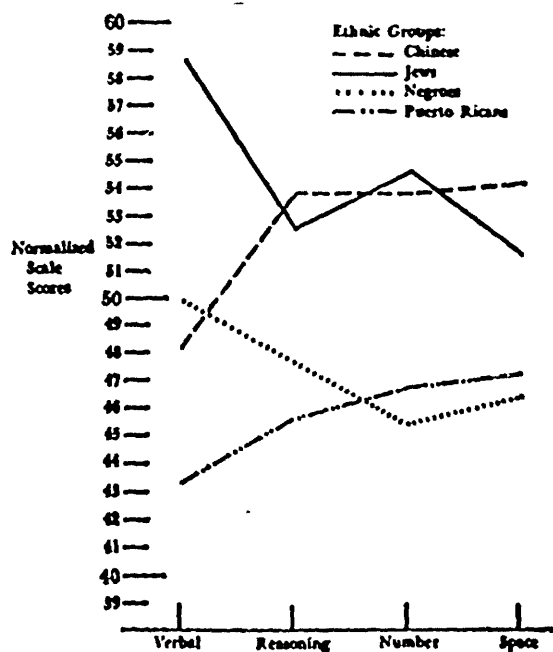


Fig. 1. Pattern of Normalized Mental Ability Scores for Each Ethnic Group

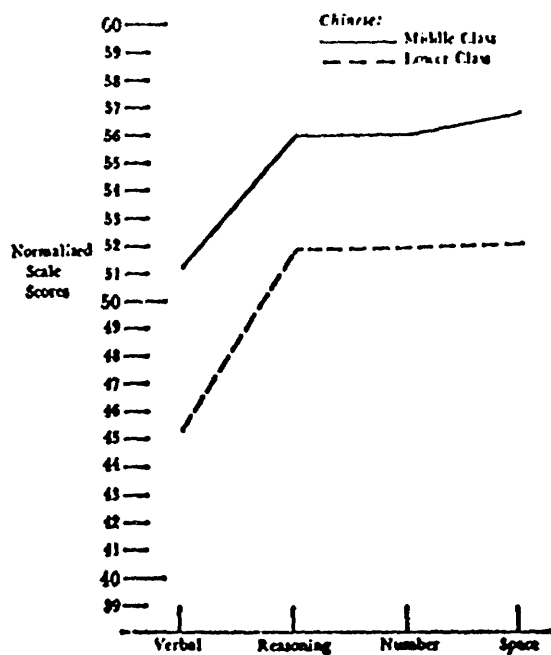


Fig. 2. Patterns of Normalized Mental Ability Scores for Middle- and Lower-Class Chinese Children.

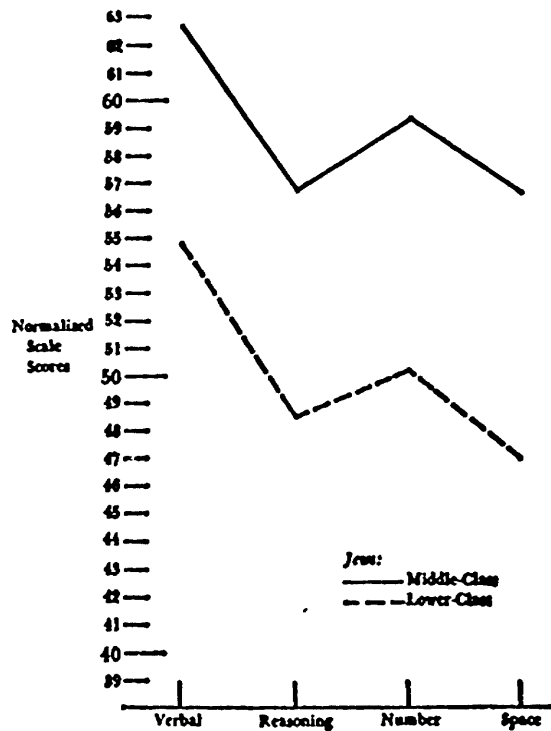


Fig. 3. Patterns of Normalized Mental-Ability Scores for Middle- and Lower-Class Jewish Children.

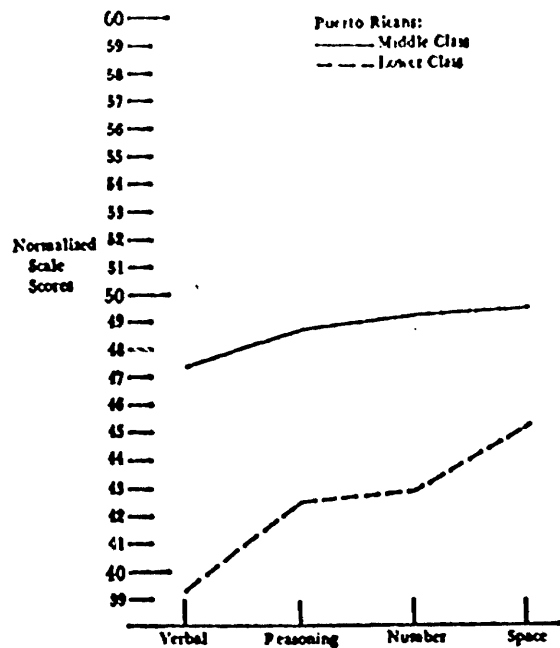


Fig. 4. Patterns of Normalized Mental-Ability Scores for Middle- and Lower-Class Negro Children

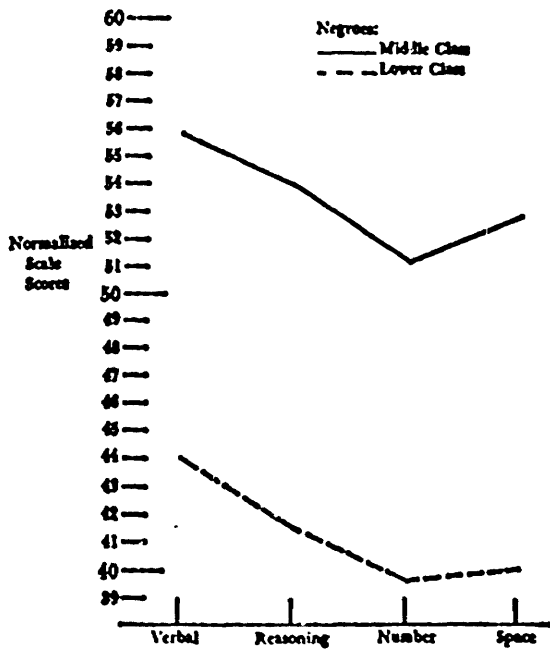


Fig. 5. Patterns of Normalized Mental-Ability Scores for Middle- and Lower-Class Puerto Rican Children.

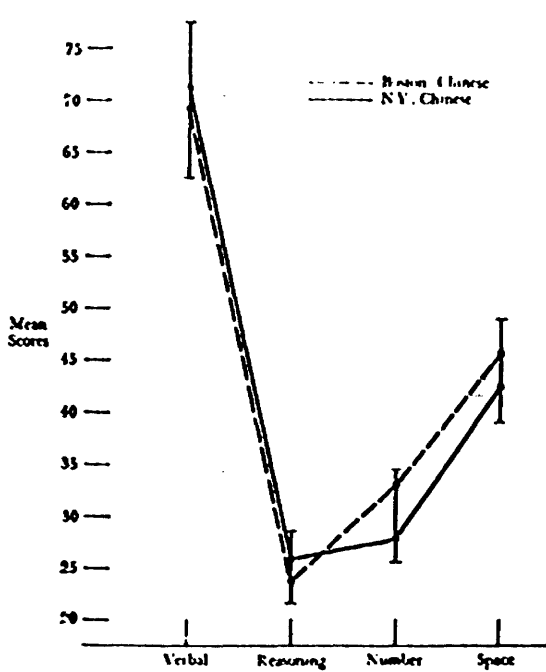


Fig. 6. Mean Mental Ability Scores for Chinese Children in Boston ($N = 20$) and New York ($N = 80$).

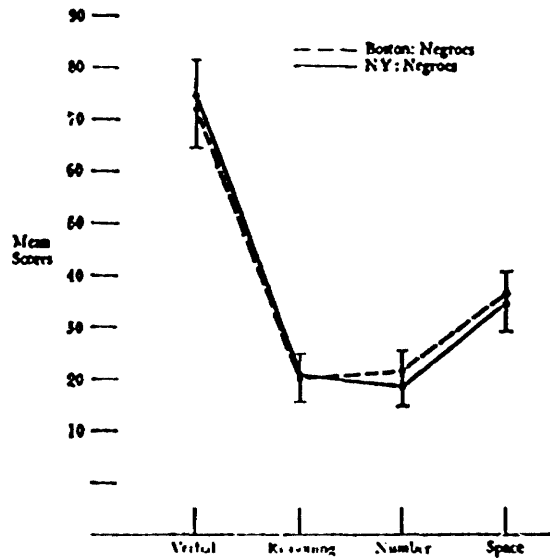


Fig. 7. Mean Mental Ability Scores for Negro Children in Boston ($N = 20$) and New York ($N = 80$).

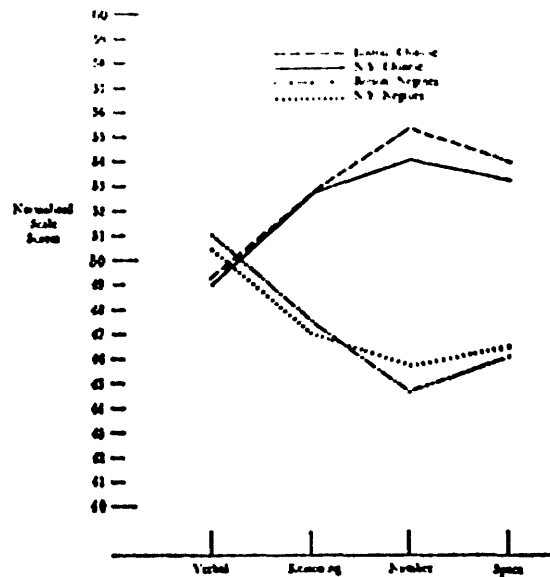


Fig. 8. Patterns of Mental Ability for Chinese and Negro Children: NY vs. Boston.

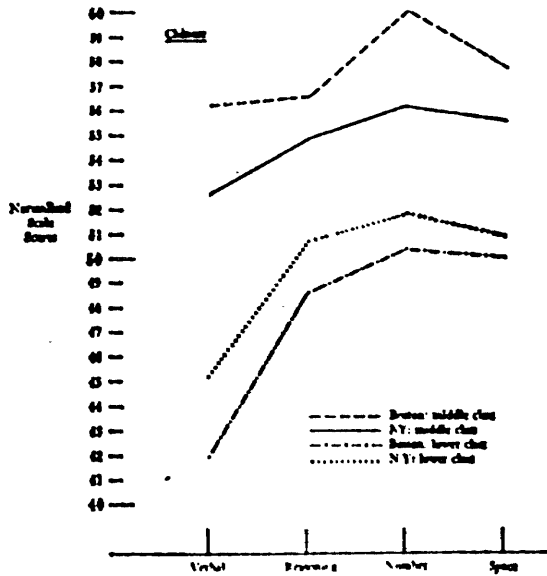


Fig. 9. Patterns of Mental Ability for Chinese Children; Middle- and Lower-Class, NY vs. Boston.

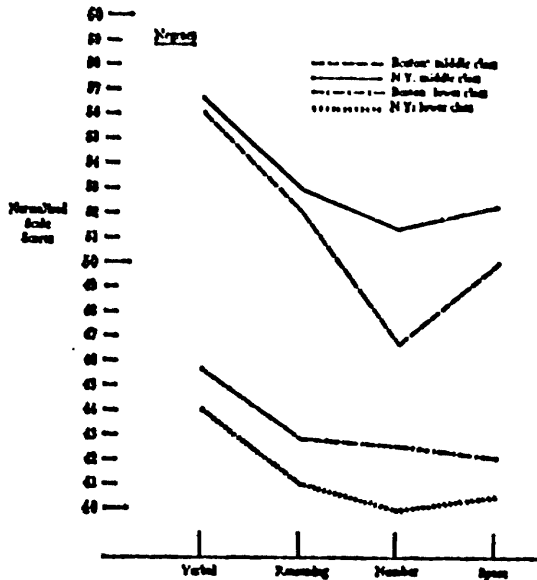


Fig. 10. Patterns of Mental Ability for Negro Children; Middle- and Lower-Class, NY vs. Boston.

EXHIBIT G

Future Research

To pursue the educational relevance of these findings, we are now studying the following questions:

- (1) What actual school behaviors are predicted by the patterns of mental ability?
- (2) Are the differential patterns related to ethnic-group differences stable over time or do intervening experiences modify them?
- (3) What are the specific origins or antecedents of differential patterns of mental ability?
- (4) How can our knowledge about patterns of mental ability be fitted to the content and timing of instruction?

Mental-Ability Patterns as Predictors of School Achievement. We have stressed the importance of examining a variety of criteria related to school achievement in research on the "disadvantaged." We are assessing the predictive value of our mental-ability data for forecasting various patterns of school achievement, asking these questions: Is there an optimal pattern of mental abilities that results in superior school performance; or are different optimal patterns associated with superior school performance in different subject-matter areas? If optimal patterns are identified, can the child's abilities be reinforced differentially so that these optimal patterns are produced; or should the educational program adjust itself to the relative strengths and weaknesses of the child?

Convincing laboratory demonstrations (e.g., Duncanson, 1966) exist of the interrelations between measures of abilities and performance on several learning tasks. Using our mental-ability measures as predictors, we are attempting to extend these analyses to classroom learning performance.

In the research effort on matching instructional strategies and patterns of abilities, which we describe below, we go more deeply into the relations between types of intelligence and school performance. The achievement test

measures used in our predictive validity study are static criteria of school performance; what really interests us is the predictive value of the mental-ability measures in forecasting learning in response to variations in instructional strategies. The relationships between mental-ability patterns and achievement test measures do, however, provide some assessment of the predictive validity of the mental-ability patterns.

Stability over Time of Mental-Ability Patterns. Will the major finding of this study, that differential patterns of ability are related to ethnic-group differences, remain stable across age groups? That is, does ethnic-group membership continue to determine the pattern of abilities for children with increasing maturity? Do the relative strengths and weaknesses of the subjects represent different rates of learning that eventually level off to a more or less common mean for all groups, or do they indeed represent stable cognitive organizations? What is the role of school experience in modifying distinctive ethnic-group patterns? That is, do the different patterns of mental ability persist in spite of the possible homogenizing effects of schooling through the heavy emphasis on verbal forms of instruction and the de-emphasis on the use of other intellectual skills?

To answer these questions, we have recently completed the construction of an upward extension of the tests of mental ability, providing appropriate measuring instruments for fifth- through eighth-grade children. Since our original New York City sample will be entering sixth-grade and we have located about 85 per cent of them, we will attempt to assess the size and magnitude of changes in mental-ability patterns over a five-year period.

There are few empirical precedents here. Studies of the differentiation of mental ability have not traced the course of social-class and ethnic influence through the use of samples followed longitudinally. Evidence on ethnic-group variations on samples of older subjects is conflicting: Stewart, Dole, and Harris (1967) do not find variations in the factorial structures of different ethnic groups, but Guthrie (1963) does. Cross-sectional findings (e.g., Meyers, Dingman, & Orpet, 1964) show stability in factorial structure across three age groups (two-, four-, and six-year-olds). But no direct evidence tells us whether there are ethnically distinctive patterns of mental ability which persist, dissolve, or change with age.

Developmental Origins: Antecedents of Diverse Mental Abilities. What early experiences produce the particular patterns of mental ability in different ethnic groups?⁴ Many different environmental influences may be operating:

⁴ We assume that our ability tests reflect student development produced by the interaction of environmental and genetic conditions. We are exploring the modifiability of these abilities and the degree to which they can be used in maximizing instruction.

the reinforcements the parents offer for different types of intellectual performance, opportunities inside and outside the home for learning different skills, the value placed on different forms of intellectual performance, the parents' intellectual aspirations for the child, work habits developed in the home, and so forth. Some suggestions exist in the literature (e.g., Bing, 1963) that less direct child-rearing influences—for example, the fostering of dependence or independence or the presence of a tense parent-child relationship—affect the development of mental abilities differentially.

We are now setting out to investigate the variations among ethnic groups in the history of differential experience in learning different mental skills. We assume that different emphases exist among ethnic groups in the specific intellectual functions that are stimulated and encouraged and that these different emphases are reflected in their different organizations of mental abilities. This research demands a longitudinal analysis which begins very early in the child's life as well as naturalistic observation in and out of the home. Since the little empirical research on the history of differential mental abilities is essentially retrospective in design, extensive methodological development is demanded by this research.

School-Based Research: Matching Instructional Strategies to Patterns of Mental-Ability. How can knowledge of a child's pattern of mental abilities be fitted to the content and timing of his instruction? How can instruction be adjusted to the child's particular strengths and weaknesses, or the child's abilities modified to meet the demands of instruction? In the context of individualizing instruction, we are attempting to fit instruction to particular forms of ability and *vice versa*. In the context of research design, we are searching for the interactions between instructional treatments and the abilities of the learner in order to determine how selected mental-ability variables are differentially related to learner performance under different treatments or conditions of instruction.

Answering these questions requires continuous, successive approximations to an analysis of the child's special combination of intellectual resources and the demands for intellectual resources placed upon him by the curriculum. We have begun two preliminary studies, one in the teaching of beginning reading, another in learning the concept of mathematical functions at the sixth-grade level. One approach we have used begins with an assessment of the child's particular pattern of mental ability and seeks to build an instructional strategy to capitalize on the child's intellectual strengths and minimize his weaknesses. For example, in teaching mathematical functions to children strong in Space Conceptualization but weak in Numerical facility, we

use graphical presentation; in teaching the same concept to a child strong in Number facility but weak in Space Conceptualization, we rely on the manipulation of numbers in a tabular form. Using this approach, a correct matching of child and curriculum (e.g., a spatial child given a spatially-oriented curriculum) results in some learning for most children; however, there is wide variation in amounts of gain within the correctly-matched group. Incorrect matching (e.g., a numerical child given a spatially-oriented curriculum) results uniformly in insignificant gain. That is, at this point we seem to be able to create destructive mismatches more successfully than constructive matches. Practically, this is not much of a gain. Conceptually, however, we are discovering the forms that the matching and mismatching of intelligence and curriculum can take. We consider this research a useful first approximation to the iterative process of matching curriculum and individual differences. We now have identified one set of necessary conditions for fitting instruction and individual differences: to learn a space-oriented curriculum, the child must possess (or be taught first) a specifiable minimum skill in space conceptualization. How far and how rapidly he progresses in responding further to the space-oriented curriculum is not explained by his initial status. It is therefore necessary to extend our assessment to other relevant attributes of the child and thereby extend the iterative process of matching curriculum and individual differences in intelligence.

Another approach to intelligence-curriculum matching starts with a task analysis of the intellectual demands imposed by a curriculum and proceeds to an analysis of the intellectual skills available to the child, with the purpose of modifying or developing these skills to the requisite levels necessary to the task. Our only attack on this approach to date is some preliminary analysis of the modifiability of mental-ability variables. Some earlier work by Thoma Thurstone (1948) and more recent work at Educational Testing Service (Bussis, 1965) for first-graders in New York City and by Julian Stanley at Wisconsin hold promise that mental abilities can be modified to match the demands of the curriculum.

It is clear that knowledge of four mental abilities is insufficient to the task of matching individual differences in intelligence to the demands of complex curricula. It is also clear that we have few tools available for the adequate task analysis of different instructional strategies. Additional preliminary research is attempting to expand our conceptualization based on mental abilities by categorizing both the intellectual skills and the curriculum demands by means of three-dimensional models of intelligence, such as Guilford's (1959) scheme which includes not only mental operations (related to mental abilities) but contents and products as well, or Jensen's

(1967a) model which includes not only modality variables (related to mental abilities) but types of learning and procedures for presenting learning materials.

Thus, we are applying our analysis of patterns of mental ability to an issue which we believe has promise for classroom learning and teaching—how to match instructional strategies and individual differences in intelligence to produce effective learning performance.

Implications for Educational Policy

Coleman's Argument in "Equality of Educational Opportunity: Equal Opportunity for Equal Development. We mentioned earlier the recent study on *Equality of Educational Opportunity* directed by James S. Coleman. The results and particularly the interpretation of this study provide a useful point of departure for analyzing the implications for educational policy of the data described here on ethnic-group and social-class differences in mental-ability patterns.

Coleman failed to find what he expected to find, direct evidence of large inequalities in educational facilities in schools attended by children from different majority or minority groups. The study set out to document the fact that for children of minority groups school facilities are sharply unequal and that this inequality is related to student achievement. The data did not support either conclusion. What small differences in school facilities did exist had little or no discernible relationship to the level of student achievement.

Starting with these facts, Coleman develops an argument which we shall contrast with the implications of our mental-ability study. Inequality of educational opportunity still prevails, he says, because white and Negro (and other minority-group) students do not display equal levels of educational achievement when they complete high school. *Ipso facto*, the schools are unequal, despite the absence of direct evidence of such inequality.

Coleman's argument starts with the premise that the proper function of the schools in a democracy is to produce equal achievement levels among different groups in our society. Arguing from this premise, the demonstrated fact that Negroes and whites are unequal in level of educational attainment testifies to the inequality of educational opportunities provided by the schools. That is, by definition, schools are designed to make groups equal. They do not do so. Therefore, schools are unequal in the educational opportunities they provide. Indeed, following this argument, the single decisive criterion for judging equal educational opportunity is that mean school performance of all groups be equal.

Coleman makes his position clear by saying that the role of the schools is

to "make achievement independent of background" and to "overcome the differences in starting point of children from different social groups" (Coleman, 1966, p. 72). This position is shared by much research on the "disadvantaged," where the objective is to seek means to reduce the discrepancy in achievement levels between "deprived" and "nondeprived" children.⁵

The "Equal-Footing" Basis of Coleman's Argument. At one level—the "equal-footing" level—Coleman's line of reasoning seems to epitomize logic, common sense, and compassion. It seems to ask only that we give children from "disadvantaged" backgrounds a fair shake—that through the educational system, we educate all children to a point of equality in school achievement so that all groups can compete on equal terms for jobs or future educational opportunities.

However, it is our contention that Coleman's analysis does not go far enough, does not tell the whole story or consider all the evidence, and therefore is misleading and perhaps destructive. It fails to consider either the role of diversity and pluralism in our society or several alternative definitions of the function of schooling. Should schools provide equal opportunities to promote the *equal* development of all groups and individuals or equal opportunities for the *maximum* development of each group or individual? Can schools aim to do both?

An Alternative Argument: Equal Opportunity for Maximum Development. We believe that our data on patterns of mental ability clarify these two alternative and perhaps complementary assumptions regarding the function of education: (1) to provide equal opportunity for *equal* development, or (2) to provide equal opportunity for *maximum* development of each group or individual, whether or not group differences remain, enlarge, or disappear as a consequence. These positions are apparently incompatible but need closer examination in the light of empirical evidence.

a. Data on social class: From our mental-ability data, what would we predict would happen if we modified the social-class characteristics of all our lower-class families—elevating the jobs, educations, and housing of the lower-class

⁵ The counterpart to Coleman's reasoning about equal educational opportunity exists in the history of "culture-free" test construction, another topic of great relevance to the education of the disadvantaged. Early developers of "culture-free" tests (e.g., Ellis et al., 1951) argued that only tests which eliminated items distinguishing among groups were free of "bias." The parallel to Coleman's argument is apparent: (1) the proper function of a "culture-free" test is to produce equal test scores for different social-class and ethnic groups; (2) if equal scores are not obtained, the fault is that the test (or some kinds of test items) produce the difference. Difference in test scores, *ergo*, bias in test items. The logical fallacy of this argument is now well-documented (e.g., Anastasi, 1958; Lorge, 1958), but the simple and surface persuasiveness of the argument stalled progress for many years in the study of cultural influences upon intelligence.

families in all ethnic groups? Within each ethnic group, we would expect to elevate the mental abilities of the lower-class children to resemble those of the middle-class children in that ethnic group, making them more similar to their middle-class counterparts in that ethnic group in level of ability. In this sense, we would be making groups of children more similar, removing the differences in mental ability associated with differences in social-class position.⁶

If we elevated the social-class position of lower-class families, we might produce still another effect which increases the similarity among groups. The interaction effect between social class and ethnicity showed that the mental-ability scores of middle-class children from various ethnic groups resembled each other more than the scores of the lower-class children from these ethnic groups. This interaction can be described as a convergence effect: the scores of the middle-class children across ethnic groups converge to a greater extent than the scores of lower-class children.

Thus, by elevating the occupations, educations, and neighborhoods of our lower-class families, our data would lead us to expect an increased resemblance of mental-ability levels for children within each ethnic group and, in addition, a convergence of scores of children across ethnic groups. To the extent that level of performance on mental abilities predicts school achievement, these convergences would narrow the range of differences in school achievement among social-class and ethnic groups.

b. Data on ethnic groups: To this juncture, our analysis supports the argument for equal educational opportunities for *equal* development: our data on level of mental ability suggest that elevating social-class characteristics of lower-class families would contribute to a greater degree of equality of development in level of intellectual functioning. Now, what of the alternative conception that the proper function of education is to provide equal opportunity for *maximum* development no matter what the consequences for the absolute magnitude of group differences? Since the data on patterns of intellectual functioning indicates that once the mental-ability pattern specific to the ethnic group emerges, social-class variations within the ethnic group do not alter the basic organization associated with ethnicity, this finding suggests that lower-class children whose social-class position is elevated would still retain the distinctive mental-ability pattern associated with their ethnic group. The implication is that no matter what manipulations are under-

⁶We noted earlier that social-class position produces more of a difference in the mental abilities of Negro children than for the other groups. From this finding, it is possible to speculate that elevating the social-class characteristics of lower-class Negro families would produce a more dramatic increase in the level of the Negro children's abilities than would a comparable change in social-class position affect the children from other ethnic groups.

taken to modify the social-class positions of children within an ethnic group, the distinctive ethnic-group pattern of abilities will remain.

From this set of observations, the question then arises: how can we make maximum educational use of the distinctive patterns of ability the child possesses? We do not have definitive answers to this question, which forces us to consider the line of future research discussed earlier on matching instructional strategies to the patterns of mental ability. In our discussion of school-based research, we called for a program to identify and explore mental attributes of children and the instructional methods which could be matched most effectively to these attributes to produce successful learning. In the simplest case, we can conceive of successful matching producing equal levels of achievement for children; such an outcome would be consistent with Coleman's argument. We think that at least for basic skills (e.g., literacy) the achievement of equal levels by all children is desirable.

Two possible contradictions to Coleman's argument remain, however. Beyond deploying all necessary resources to achieve minimal equality in essential goals, further development of students may well be diverse. A continuous utilization of student strengths and weaknesses may well lead to diverse development beyond a minimal set of achievements. To the extent that past experience, interests, and achievements of students are regularly related to subcultural membership, educational outcomes may differ. Second, we do not know what effects the matching procedure will have over time. We start, let us say, by using suitable alternative routes to identical educational objectives. Assuming we successfully achieve these outcomes, what else have we done? Have we, perhaps, reinforced and strengthened abilities, interests, or personality characteristics which are in fact associated with subcultural membership? In the long run, will we develop more diverse students than we started with?

Let us take a specific, if partially hypothetical, case. Our evidence indicates (see Figure 1) that young Chinese children have their strongest skill in Space Conceptualization and their weakest in Verbal ability. Conversely, young Jewish children are strongest in Verbal ability and weakest in Space Conceptualization. Following our principle of matching instruction and ability, we incidentally may enhance the initial strengths which each group possesses. For example, through the incidental enhancement of the space-conceptualization skills of the Chinese children, we may produce proportionally more Chinese than Jewish architects and engineers. Conversely, through incidental enhancement of verbal skills of the Jewish children, we may produce proportionally more Jewish than Chinese authors and lawyers. We will not have put members of these two ethnic groups on an "equal footing" for entering particular occupation. But can we say that we have produced a socially-

destructive outcome by starting with the knowledge of differences in ability patterns and adapting our instructional strategies to this knowledge to produce a maximum match for each child, even if this process results in inequality of certain educational and professional attainments? We are willing to accept, then, one possible consequence of arranging instruction to capitalize maximally on distinctive patterns of ability: that, in certain areas of intellectual accomplishment, rather than reducing or bringing toward equality the differences among various groups, we may actually magnify those differences.⁷

A Summary. We challenged Coleman's "equal-footing" argument on the grounds that it did not tell the whole story or use all known data. Some of these data, mainly the effects of social class upon level of mental ability, testify in favor of the argument for equal educational opportunity for *equal* development. Other data, namely the effects of ethnicity upon patterns of mental ability, testify to the importance of providing equal educational opportunities for the *maximum* development of groups and individuals, even if inequality of groups occurs as a consequence.

Are equalization and diversification necessarily incompatible goals? We do not believe so. If accelerating the feasible gains in jobs, education, and housing of lower-class families accelerates the gains in intellectual development of their children and reduces the difference in intellectual performance between social-class groups, we can all agree on the desirability of this outcome. On the other hand, if recognizing the particular patterns of intellectual strengths and weaknesses of various ethnic groups and maximizing the potential power of these patterns by matching instructional conditions to them makes the intellectual accomplishments of different ethnic groups more diverse, we can all accept this gain in pluralism within our society. Thus, if lower-class children now perform intellectually more poorly than middle-class children—and it is clear that they do—and lower-class status can be diluted or removed by a society truly dedicated to doing so, this gain in equalization seems to be one legitimate aim of education. If the maximum educational promotion of particular patterns of ability accentuates the diverse contributions of different ethnic groups, this gain in pluralism seems another legitimate aim of education.

⁷ At this point in the argument, the counterpart topic is that of the difference between "compensatory" and "supportive" educational programs for "disadvantaged." Compensatory programs aim to compensate, to make amends, to eradicate symptoms and causes—to give "disadvantaged" children what they need to make them like everyone else. In contrast, the aim of what might be termed "supportive" education is to give disadvantaged children what they need and can use maximally in order to learn to cope with and change their particular environments, even if they are made more different from everyone else in the process.

Our main point is that the study of mental abilities suggests that there may be patterns of attributes (cognitive, personality, motivational, and so forth) which are related in some regular way to ethnic-group membership. School-based research has not as yet identified the particular patterns of attributes which are educationally important and which (when matched with the appropriate instructional strategies) will maximize school achievement. Thus, we do not yet know if attribute patterns associated with ethnic-group membership will, in fact, be identified as educationally important. We believe, however, that data such as those derived from the current mental-abilities study must be considered since their implications may in fact require revisions of Coleman's position. We raise the issue because we are committed to our program of school-based research; whether ethnic-group differences are in fact minimized, held constant, or inflated by the programs which match individual differences to instructional strategies, we believe it important to pursue these programs nonetheless.

Perhaps this position asks no more than to change what is bad and changeable in education and society (resulting perhaps in greater equalization) and to use maximally what is good in education and society (resulting perhaps in increased diversity). Logic—and the empirical evidence—endorses both conclusions.

TOWARD A NEW DEFINITION OF THE DISADVANTAGED

Let us start with the simplest possible definition of "disadvantaged," i.e., the "not advantaged." Given this definition, one might argue that the "advantaged" have something (or many things) that the "disadvantaged" do not have, that these "have not's" should be given what the "have's" already possess—and then we shall all be equal. Certainly, matters are not that simple.

Defining the "disadvantaged" in terms of differences in social-class position adds some precision to the definition of "not advantaged." It identifies more clearly some of the characteristics on which the "have's" and the "have not's" differ: jobs, education, housing. A social-class definition thus specifies three dimensions of the limited social boundaries within which the lower-class child may move. The empirical implications of the social-class definition are not very different in substance, however, from the definition of "not advantaged." We have argued from our data that providing a lower-class family with what a middle-class family has—better jobs, education, and housing—will produce levels of mental ability resembling those of middle-class children. We thus provide equal education and social opportunities for equal development.

What happens, however, when we introduce ethnicity into our definition

of "disadvantaged"? The consequences now change. It is no longer possible to follow the strategy of giving the "have not's" what "have's" possess; changing ethnic membership cannot be accomplished through the social decree of federal action programs. We know ethnic groups differ in patterns of ability no matter what the social-class level within the ethnic group, and our educational problem now becomes that of providing equal educational opportunity to all ethnic groups to maximize their development, even at the expense of magnifying differences among the groups.

The point for defining the term "disadvantaged" is clear. The many different meanings assigned to this label may have accumulated arbitrarily according to the idiosyncratic choices of the various users of the term. But it is not merely a matter of whose definition sounds most convincing, or elegant, or compassionate. Each definition brings different empirical results and suggests different implications for educational policy and social action. We cannot afford this confusion; we are forced to be clearer about our definitions and their educational and social consequences.

We began this paper by accepting the common definition of disadvantaged status based on gross environmental characteristics: social class and ethnicity. This definition of disadvantage is strictly environmental and pre-assigned; it ignores the child's characteristics completely. It is a gross classification of children according to group membership only, and what we can learn about children by using this definition is usually expressed in terms of group tendencies (although we have suggested some techniques for moving from group data to individual analysis). Our suggestions for future research, both of developmental origins and school-based studies, direct us to some necessary refinements and extensions of these gross classifications.

Our recommendations for studies of developmental origins or environmental process analyses move us strongly in the direction of more precision and detail about environmental circumstances. Developmental research demands that a new definition of disadvantaged status be based on a much more refined assessment of environmental circumstances. Such an assessment would proceed far beyond the group characteristics we have dealt with in the past, specifying environmental circumstances which are closely articulated with developmental processes and which vary considerably within and across social-class and ethnic lines. Particular clusterings of environmental circumstances known to be related to developmental processes would lead to identification of disadvantaged status in more complex but precise terms.

Our discussions of school-based research suggest that disadvantaged status be expanded to include characteristics of the child. We refer now to assessments of children which are intimately connected with instructional objectives and procedures. From this point of view, a multiplicity of child

attributes would have to be used to assess readiness for learning a variety of school tasks. Such measurements of readiness would give much power and operational substance to the concept of disadvantage.

We are therefore suggesting that an important advance in definition could be made by joining more precise descriptions of environments with instructionally-based assessments of child characteristics. Beginning with environmental characteristics and then assessing children's learning patterns would lead to one grouping of those we would class as disadvantaged; the other direction of attack, starting with child characteristics and then assessing environments, would lead to another grouping. The usefulness and desirability of each direction of approach must await both empirical and practical assessment. In either case, the lesson is clear: a new definition of "disadvantaged" should include psychologically-meaningful statements about the environment and the child. The complexity of such statements will reflect a plethora of constructs and if-then statements about child-environment interactions but will be a realistic reflection of the diversity and individuality of children and the lives they lead.

EXHIBIT H

Genetics and Intelligence

By HENRY E. GARRETT

It has long been recognized that the study of twins is one of the best ways of determining the relative contribution of nature and nurture to intelligence. A recent paper¹ has brought together twin data accumulated over the past 50 years, excluding only those studies in which measures of intelligence were inadequate or scanty, subjects too few or mentally defective, and information incomplete as to whether twin pairs were identical or fraternal. The review is important because of its inclusiveness and the care with which it was carried out. Median correlations were computed from 52 studies ranging from those of identical twins reared together and apart down to studies of siblings and of unrelated persons reared together and apart. From these data we can compute an index of *heritability* which will show the extent to which heredity makes for resemblance in intelligence between twin pairs. Heritability (H) is given by the formula

$$H = \frac{r_I - r_F}{1 - r_F}$$

in which r_I equals the correlation between measures of intelligence in identical twins reared together, and r_F equals the correlation between intelligence measures in fraternal twin pairs. Identical twins are those who come from a single fertilized egg, are always of the same sex, and are markedly alike. Identical twins have the same genetic endowment. Fraternal twins come from two eggs, may be of the same or of opposite sex, and while often markedly alike differ more than do identicals. Fraternal twins are really brothers and sisters of the same age.

Assuming the correlation of identicals reared together to be due solely to heredity, and that of fraternal twins to *both* nature and nurture, we can estimate the contribution of heredity to twin variability by the above formula. The median correlation for intelligence in identical twins reared together is .87, and the median correlation for intelligence in fraternal twins is .53. Substituting in the formula, we have

$$H = \frac{.87 - .53}{1 - .53} \text{ or } .72$$

This means that 72 per cent of the twin variance in fraternal twins can be attributed to heredity, and 28 per cent to environment. The

¹ Erlenmeyer-Kimling, L., and Jarvik, L., "Genetics and Intelligence: A Review," *Science*, 1963, Vol. CXLII, No. 3598.

figure of 72 per cent for intelligence may be compared with the heritability figure of 90 per cent for the incidence of ridges on the finger tips of twins. An index of heritability of around 75 per cent for intelligence is generally reported.²

Another test of the power of heredity may be made using the data for identical twins reared together and identical twins reared apart. The correlation for identical twins in intelligence, when reared together, is .87, and the correlation for identicals reared apart is .75. If we square the first r , we find that 76 per cent (.87²) of the variance in identicals reared together can be assigned to heredity; and if we square the second r , it appears that 56 per cent (.75²) of the variance of twins reared apart can be attributed to nature *plus* nurture. This means that the varying environment was able to reduce the hereditary contribution by only 20 per cent (76%—56%). It is clear that heredity is far more potent than environment: in fact, at least in the ratio 3:1.

Before the 1930's, the general opinion of scientists was that inherited endowment is more important than environment in shaping behavior. After the 1930's, owing to many factors, psychological as well as social, emphasis shifted to nurture as the major cause of individual differences, and numerous treatises by sociologists and cultural anthropologists confidently proclaimed the power of "culture" to change human nature. Acceptance of nurture as of primary importance in determining behavior has been carried over into the domestic and even into the foreign policy of the American and other governments.

There have been of late, however, signs of renewed interest in the rôle of genetics in intelligence. This has been due in part to the fact that the environmentalists' views when implemented by social planners have led to conspicuous failures. In several large cities, for example, groups of deprived people taken from their slum dwellings and put into new public housing have promptly turned these buildings into vertical slums. Windows are smashed, plumbing ripped out, filth and garbage allowed to accumulate.

Failure of the environmentalist credo does not mean that we should take a defeatist attitude and decide forthwith that a new environment will have no effect in changing behavior. But it does mean that we should temper our enthusiasm for nurture to take account of the reality of native endowment. We cannot expect people immediately to behave better as soon as their condition has been improved. Ignorance, illiteracy and crime must first be attacked at source, and low grade mentality recognized for what it is before education and training can take hold. Even the best will in the world is not enough to produce significant social change, as the failure of many dedicated missionary efforts has shown. Appreciation of the part played by heredity in intelligence will have a salutary effect on those who expect miracles from well-meant social pressures that are often futile because of a failure to take account of native differences. Perhaps we can never make a silk purse out of a sow's ear, but with care we may make a better pig's-ear purse.

² Newman, H. H., Freeman, F. N., and Holzinger, K. J., *Twins: A Study of Heredity and Environment*, University of Chicago Press, Chicago, 1937.

STATEMENT OF DR. WILLIAM SHOCKLEY, PROFESSOR OF ENGINEERING, STANFORD UNIVERSITY

Mr. Chairman and members of the Committee, my name is William Shockley. I am a Professor of Engineering Science at Stanford University. I received a B.S. degree from the California Institute of Technology and a Ph.D. from Massachusetts Institute of Technology. I have also received honorary Sc.D. degrees from Rutgers University, the University of Pennsylvania and Gustavus Adolphus College.

I was a co-winner of the Nobel Prize in Physics in 1956, and am a member of the American Academy of Arts and Sciences, the National Academy of Sciences, the American Physical Society, and Fellow, American Institute of Electrical and Electronics Engineers. In 1946 I received the Medal of Merit from the United States Government.

In addition to various publications in the field of physics, I am the author of "Human-Quality Problems and Research Taboos," an article which appeared in *New Concepts and Directions in Education* (Educational Records Bureau, 1969), and of "'Cooperative Correlation' Hypothesis for Racial Differences in Earning Power," a paper presented at the April 20, 1970, meeting of the National Academy of Sciences in Washington, D.C. In these articles I have urged that additional studies be made of the effects of heredity, including race, on human behavior and intelligence.

I submit this statement to the Committee to be considered in connection with its review and analysis of H.R. 17846, the Emergency School Aid Act of 1970. A fundamental premise of that legislation, as described in Section 2, is that increased integration of the races in school will improve the quality of American education.

In my opinion that premise lacks any substantial support in scientific fact. There exists between the white and black races a well known and often measured difference in learning skills. In addition to the data that I shall present I refer to statements of other scientists which I understand will be submitted at this time to indicate the scope of such differences. If the congregation of the two races in a single classroom were capable of overcoming these differences which I have just referred to, then there could, of course, be no doubt that an increase in integration would constitute an improvement in American education. And if it were true, as many have hoped and asserted as a matter of faith, that these learning differences are caused by the conditions which have existed in previously separate schools, then we would be forced to agree that integration could overcome such an environmentally caused disability.

Unfortunately, however desirable and humane it may appear to adopt such a conclusion, the substantial weight of all objective scientific studies made on the subject which I have been able to discover come to the contrary conclusion—that the differences which exist between these children are innate. By that, I mean that the cause of these differences has been shown time and again to be of a hereditary character which no change in the school environment can overcome. Moreover, the pattern of difference in learning skills has been shown to be definitely associated with race in the average individual.

Research directed to a more precise analysis of the origin of differences between these children, which would give the nation a scientific basis for designing the educational system to meet the needs of the students has been made a taboo subject by many if not most, scientists today.

During the past few years, I have observed that open, intensive research to test "environment-heredity" uncertainty has been barred in the United States by the inverted liberalism of many social scientists, who treat this problem like a frightened person hiding a tumor from a doctor's inspection. As a scientist it is my greatest concern that Congress and the public shall have available to it all the facts which science can determine on subjects of public importance. And no fact could be of greater public importance than the extent to which heredity controls the educational capabilities of our children of any race.

Yet, on the asserted grounds of humaneness, responsible scientists today either wholly avoid any research in this area or in some cases as I will illustrate, simply pronounce opinions of individual and race equivalence without any meaningful knowledge of the underlying facts.

In my opinion, the evaluation authorization in Section 10 of this bill permits a comprehensive and impartial determination of this issue of appropriate instruction by the operating agencies of government.

Moreover, I believe such research to be wholly humane in purpose and capable of leading to material programs of benefit to all Americans.

A SCIENTIFIC BASIS FOR HUMANITARIAN RELIGIOUS PRINCIPLES

My statement today is based on two postulates that I hold to be fundamental for civilized men:

(1) The truth shall make you free.

(2) The basis for a humane civilization is concern for memories of emotions stored in neurological systems of earth's hereditary sequence.

I propose the second postulate as a scientific, modern-day foundation for the moral principle formulated in the golden rule and by Schweitzer in his reverence for life. I regard it as logical to take "concern for memories of emotions stored in neurological systems of earth's hereditary sequence" as a postulate that leads to the golden rule as one theorem and as another to Thomas Aquinas' conclusion that abortion of an early fetus is not murder. I feel deep concern for the memories of frustration that will be stored in the neurological systems of babies now alive or about to be born as an unforeseen consequence of our well-intentioned welfare programs that may be unwittingly encouraging our most improvident to have large families. I take this opportunity to urge once more that this Committee request the National Academy of Sciences to set up a study group to inquire into ways to determine how many probable misfits regardless of race will be born into our potentially great society as a result of present population patterns.

To understand these problems is what I consider Scientifically Responsible Brotherhood.

SCIENTIFICALLY RESPONSIBLE BROTHERHOOD

A few days after the assassination of Dr. King, I received a telephone call from Harold Urey who felt that his fellow Nobel Laureates should express their feelings in some organized way. In response I suggested this statement:

"We abhor the assassination of fellow Nobel Laureate Martin Luther King, Jr. We grieve at the silencing of his eloquent humanitarian voice. We enshrine in our memories the goodness of his intentions to confer greatest benefit on mankind by increasing the brotherhood of man."

My intentions in making this statement are precisely what I attributed to Dr. King in the phrasing of Nobel's will. I propose as a social goal that every baby born should have a high probability of leading a dignified, rewarding and satisfying life regardless of its skin color or sex. To understand hereditary cause and effect relationships for human quality problems is an obligation of Scientifically Responsible Brotherhood. I believe also that this goal can best be achieved by applying objective scientific inquiry to our human quality problems. My beliefs in this social goal and in the use of science to achieve it are what motivate me to make this presentation.

The three Nobel Laureates whom I consider to be the most distinguished for their decisions to set personal service to their fellow men clearly above self interest are Dr. King, Dr. Bunche and Dr. Schweitzer.

Albert Schweitzer devoted his life to personal service to man. I deem that his intellectual powers and his capacity for detailed personal observations of African Negroes are unquestionably of the highest order. Schweitzer wrote:¹ "With regard to Negroes, then, I have coined the formula: 'I am your brother, it is true, but your elder brother.'" Schweitzer was labeled a racist for this view. Academy member Carleton Coon tells me he was persecuted for publishing in his *Origin of Races*² scientific speculations that Negroes are the younger brothers of Caucasians on an evolutionary basis by about 200,000 years.

If these conjectures are true that Negroes are evolutionary adolescents, then to demand that a younger brother perform beyond his basic inherent capacities is a most irresponsibly cruel form of brotherhood.

To fail to urge a sound diagnosis, painful though it may be, to determine if our national racial difficulty is caused by problems of evolutionary adolescence or by environmental disadvantages is an irresponsibility I do not propose to have upon my conscience nor upon the history of the National Academy of Sciences of which, save for this area of thought blockage, I am proud to be a member.

I sincerely and thoughtfully believe that my current attempts to demonstrate that American Negro shortcomings are preponderantly hereditary is the action most likely to reduce Negro agony in the future. That the well-established sig-

¹ Albert Schweitzer, *On the Edge of the Primeval Forest*, quoted in Gerald McKnight *Verdict on Schweitzer*, New York: John Day Co., 1964, p. 55.

² Carleton Coon, *Origin of Races*, New York: Knopf, 1962.

nificant differences shown in Figure 1³,⁴,⁵,⁶ between the I.Q. distributions of Negroes and whites are not scientifically accepted as caused almost entirely by environmental inequalities alone is attested to by publicly-recorded views of at least two of the most recent past 24 presidents of the American Psychological Association⁷,⁸ and of the very famous E. L. Thorndike before them.⁹

Professor Harry F. Harlow stated: "It is my opinion, and it is the opinion of many psychologists, that the average intelligence score of people labeled 'black' are lower by about one standard deviation than the average of those labeled 'white', and I believe that at least half of this difference is related to genetic variables."

I understand that Professor Garrett will submit his own testimony before this Committee.

The late Dr. Thorndike¹⁰ estimates relative importance as follows: genes: training: accident—80: 17: 3 and Negro overlap in I.Q. as 10% (10% means offset of 1.28 standard deviation).

Furthermore, I believe that there is a most valuable intellectual endeavor that might give a basis for remedies for the growing national agonies associated with Negro frustration. The Negroes themselves would, I believe, be the greatest beneficiaries. I propose a serious scientific effort to establish by how much the distribution of hereditary potential for intelligence of our black citizens falls below whites. Furthermore, if it is really scientifically impossible to prove that there is any deficit whatever, then establishing the underlying cause of this impossibility would be, I believe, of enormous value to mankind. If the cause could be shown by new and unambiguous scientific demonstration to be that there were no racial genetic deficits whatever, then the resultant contributions of this new knowledge would probably go far in solving our racial problem, including prejudice and failure of our remedial education programs. If on the other hand basic mental differences were acceptably established, then social actions can be based on sound methodology rather than emotionally prejudiced racism.

The philosophy of Scientifically Responsible Brotherhood embraces these principles: the courage to doubt in the face of the desire to believe is the true mark of the scientist. The truth shall make you free. The proper study of mankind is man.

In preparing this present statement, I concluded that I would indeed violate the principles of Scientifically Responsible Brotherhood if, as a consequence of personal fear, I failed to state what during the last two years of my part-time investigations I have come to accept as facts, not yet perhaps as facts at the level of pure mathematics or physics, but nonetheless facts that I now consider so unassailable that I present them with a clear scientific conscience.

The basic facts are these: Man is a mammal and subject to the same biologic laws as other animals. All animals, including man, have inheritable behavioral traits. The concept of complete environmental plasticity of human intelligence is a nonsensical, wishful-thinking illusion. Let me note that in comparisons between men and animals there are close parallels to races and to breeds since both are mammalian forms of life.

The most dangerous illusion or nonfact facing humanity today is a popular belief expressed as a policy of our government through its Department of Labor and echoed by the Office of Education:¹¹

"There is absolutely no question of any genetic differential: Intelligence potential is distributed among Negro infants in the same proportion and pattern as among Icelanders or Chinese or any other group." The only reason that I do

³W. A. Kennedy, V. Van de Riet, and J. C. White, Jr., A Normative Sample of Intelligence and Achievement of Negro Elementary School Children in the Southeastern United States. Monograph, Society for Research in Child Development, Inc., 1963, 28, No. 6.

⁴M. Deutsch, I. Katz, and A. R. Jensen (Eds.) *Social Class, Race, and Psychological Development*. New York: Holt, Rinehart & Winston, 1968.

⁵Leona E. Tyler, *The Psychology of Human Differences*, (3rd ed.) New York: Appleton-Century-Crofts, 1965.

⁶T. Pettigrew, *A Profile of the Negro American*, Princeton: Van Nostrand, 1964.

⁷H. E. Garrett, *Scientific Monthly*, 65, pp. 329-333 (1947).

⁸H. F. Harlow's position is quoted by W. Shockley, *Science*, 156, 3774, p. 542 and by D. Perlman, *San Francisco Chronicle*, 18 January 1967, p. 42.

⁹For other references see Audrey Shuey, *The Testing of Negro Intelligence*, Social Science Press, New York (1966).

¹⁰E. L. Thorndike, *Human Nature and the Social Order*, MacMillan, New York, 1940.

¹¹Office of Policy Planning and Research, "The Negro Family, The Case for National Action," U.S. Dept. of Labor, Ch. IV, p. 35, March, 1965.

not characterize this statement as a falsehood, and in my opinion a damnably evil falsehood, is that I have no way to appraise the intellectual acumen of its authors. They may actually believe it.* It is unfortunately true that most scientists today lack the courage to doubt the truth of this statement—at least for the public record.

I do credit the Council of the National Academy of Sciences for saying that there is no scientific basis for the Department of Labor statement. However, I condemn the N.A.S. statement on Human Genetics and Urban Slums¹¹—which stated as a corollary that there is no scientific evidence for racial differences in intelligence—for obscuring or ignoring relevant data. Significant research results can be found if one has the courage and initiative to look for them. Dr. Robert E. Kuttner¹² has had the ingenuity to extract from the massive and expensive Coleman Report¹³ the obvious, but previously overlooked, fact that American Indians overcome greater environmental disadvantages to out-perform Negroes on achievement and ability tests.

Let me compare Dr. Kuttner's ingenuity with that portion of the N.A.S. statement that I shall name the research blinders' dictum because it espouses a flexibility of inquiry as trammelled as the motive power of a one-horse shay. Here is the research blinders' dictum: "

"In the absence of some now unforeseen way of equalizing all aspects of the environment, answers to this question [about racial differences in intelligence] can be hardly more than reasonable guesses."

Dr. Kuttner's title "Utilization of Accentuated Environmental Inequalities in Research on Racial Differences" shows that he was not trammelled by the research blinders' dictum.

EVIDENCE FOR RACIAL INFLUENCES ON THE DEVELOPMENT OF INTELLIGENCE

An objective examination of relevant data leads me inescapably to the opinion that the major deficit in Negro intellectual performance must be primarily of hereditary origin and thus relatively irremediable by practical improvements in environment. I shall support this opinion by stating a set of prevalent illusions that I shall call Nonfacts and refuting them with a set of well-established Counterfacts. I call this reasoning an opinion and not a proof, less because I doubt its soundness than because it has not yet been subject to the test of objective, open-minded appraisal by a competent scientific tribunal.

Nonfact Number 1.—This nonfact is the unjustifiable assertion that Negro I.Q. deficits are caused by prenatal, perinatal, or early environmental disadvantages that permanently damage learning potential.

Counterfact 1A.—Negro babies during the first 15 months show no environmental damage to mental development as reported in a study¹⁴ of a representative sample of 1400 babies, published in 1965 by Nancy Bayley of the National Institute of Mental Health. The 600 Negro babies outperformed on the average the 800 white babies in that they matched in mental and surpassed in muscular neurological development. Figure 2 shows, for example, that the median Negro baby walks about one month earlier than the median white baby. Negro babies are thus superior with a N.Q. or overall neurological quotient of about 105 compared to 100 for white babies, to put it simply in my own words.

Counterfact 1B.—Extreme environmental deprivation has been experienced by monkeys from birth to 12 months by raising them in individual isolation in a patternless world of solid steel-walled cages the chief stimuli being presence of

*I have heard of the existence of a document that is alleged to attribute to the author of this statement the assertion that he did not believe it and made the statement (no doubt with good intentions) for political purposes.

¹¹Robert E. Kuttner, "Utilization of Accentuated Environmental Inequalities in Research on Racial Differences," *Science*, Vol. 160, No. 3820, 26 April 1968, pp. 439-440.

¹²James S. Coleman, *Equality of Educational Opportunity*, Washington, D.C.: U.S. Government Printing Office, 1966.

¹³Proc. N.A.S., 69, 652, 1968. The "Introductory Remarks" imply that the research efforts presented in papers like this one are "needless of opinions or hazards," "attracted by emotional attention, and reminiscent of the song stanza 'The French they are a funny race.'" The relevance to the present author is recognized as clear in *Science*, Vol. 158, No. 3083, 1967, pp. 892-893. Coupled with the words "prescience" and "sixth sense" the Introductory Remarks appear to me to exhibit a low point of national scientific leadership.

¹⁴Nancy Bayley, "Comparisons of Mental and Motor Test Scores for Ages 1-15 Months by Sex, Birth Order, Race, Geographical Location, and Education of Parent," Vol. 30, *Child Development*, June 1964, pp. 379-411.

light and automated mechanical feeding and cage cleaning. This profoundly disadvantaged environment produced social behavior deficits but did not produce any measurable loss of learning ability for mental tasks.¹⁶ Twelve monkey months represent four human years.

Counterfact 1C.—“Similar conclusions are reached from studies of inhumane environmental deprivation of children that has accidentally occurred. In one well-documented case Isabel,” an illegitimate white child, was raised in a dark room by a deaf-mute mother so that at age 6½ Isabel had no speech, an I.Q. of about 30, and rachitic physical handicaps. After being discovered and given intensive training, two years later at 8½ her I.Q. had trebled to a normal value. Isabel's case, a rare though not unique example of extreme human primate deprivation, is thus quite in keeping with the well-controlled extensive deprivations at the animal primate research centers. It is evident that Negro I.Q. deficits cannot reasonably be blamed on preschool environmental disadvantages.

Counterfact 1D.—The famous and uncontested Skeels study¹⁷ of a group of environmentally deprived orphanage babies shows that an environmentally induced loss of at least 30 I.Q. points at 19 months was with improved environment wiped out at age 6 years. This significant finding of substantially complete I.Q. recovery from Skeels' research is in effect suppressed by its omission from most discussions of Skeels' important contributions.

Counterfact 1E.—A unique case of overcoming in half a lifetime a cultural gap of centuries or even millennia including a session of slavery involves a professional engineer recognized at an historic anniversary of his university by an honorary Sc.D. as one of six distinguished service alumni. His story (as I obtained it by telephone interviews) was that until age six he was an Aztec Indian at blow-gun and stone-axe level, isolated from modern civilization for four centuries since his tribe escaped from Cortez. His father explored, was captured and enslaved. After escaping he brought his family to America and the engineer entered school at age ten and the second grade two years later at age 12. Yet at 21 he had an Electrical B.Sc. and Physics M.Sc. His brother has been comparably successful. Both worked their way through college. This example supports my conviction that fantastic cultural deficits can be overcome in a fraction of one generation by individuals of outstanding inherent determination and intelligence.

Nonfact 2.—This nonfact blames the Negro I.Q. deficit on cultural disadvantages, specifically those involving language and verbal skills so that, as clearly enunciated as a conjecture by anthropologist S. L. Washburn,¹⁸ “given a comparable chance to that of the whites, [the Negroes'] I.Q.s would test out ahead.”

Counterfact 2A.—Relationship of Negro children's I.Q. to home environment as measured by socioeconomic class or parents showed in A. B. Wilson's San Francisco Bay Area Study¹⁹ an incremental difference in eighth grade I.Q. of only about four points from 90 to 94 with a socioeconomic difference that for whites corresponds to a three times greater increment of 13 points from 98 to 111 as shown in Figure 3. The obvious inference is that if intelligence is determined entirely by environment then these facts require that Negro professional and managerial families provide a substantially poorer intellectual environment than do white families rated one step lower than semi-skilled labor. At sixth grade similar results are obtained with increments of 12 points for whites and four for Negroes associated with family status increments from a minimum of lower than semi-skilled labor to a maximum of professional and managerial. For primary grades, the results show again an I.Q. increment for whites but no increment whatever for Negroes.

These statistics indicate such a fundamental difference between the ways in which white and Negro I.Q. distributions are related to family classifications that they imply to me a basic racial or racial-hybrid difference in the laws governing distributions of intelligence. This aspect of Counterfact 2A constitutes a Counterfact to my next Nonfact; namely:

¹⁶ Personal communication from M. Harlow, Wisconsin Regional Primate Research Center.

¹⁷ Kingsley Davis, “A Final Note on a Case of Extreme Isolation,” *Am. J. of Sociology*, 52, 432, 1947.

¹⁸ H. M. Skeels, *Child Development Monographs*, 31, No. 3, Serial 103, 1966.

¹⁹ S. L. Washburn, *Am. Anthropologist*, 63, 521, 1962.

²⁰ A. B. Wilson, “Racial Integration With Public Schools,” U.S. Commission on Civil Rights, Vol. II, 1967, p. 103.

Nonfact 3.—This nonfact unjustifiably maintains that competent scientists have clearly established that there is no evidence for racial differences in brain structure or intelligence.

Counterfact 3A.—Competent scientists, or more precisely eminent scientists whose competence would be expected to be unquestionable, are by no means thorough and objective in the positions that they take on racial questions and even on much less emotionally charged matters. I shall document this Counterfact by a set of examples.

My first example is a letter to the editor exchange which occurred when an interview with me in *U.S. News and World Report* was reprinted in the alumni journal of the Stanford Medical School. The attack upon my position by the Faculty of the Department of Genetics clearly exhibits an emotional rather than a scientific tone. Since this attack and my response to it are already published in the *Congressional Record*, I shall not repeat them here (*Cong. Rec.*, Dec. 20, 1969, p. F-10907).

My second example is also contained in the same item in the *Congressional Record*. It consists of my analysis of the National Academy of Sciences statement on "Human Genetics and Urban Slums" cited above (p. 10908).

I could document many further illustrations of the lack of objectivity of scientists in dealing with this problem. Such documentation would be too lengthy for its inclusion here but I should be quite willing to submit such correspondence and records to the Committee on request.

Counterfact 3B.—Patterns of relative competence for various mental abilities for Negroes differ distinctly from whites in that, contrary to the general impression, Negroes perform relatively better, not worse, on items more dependent on verbal skills than they do on nonverbal items. A significant test²¹ was reported in 1958 on 7- to 10-year-old children of low socioeconomic status including 440 white and 349 Negro. The two groups had nearly equal Stanford-Binet I.Q. They were also given a version of the Progressive Matrices Test designed by Raven incorporating colored diagrams. The CRPM test is recognized as an important nonverbal test that is exceptionally effective in measuring the Spearman g-factor, or "general" intelligence. (A useful label might be "gentelligence.") If Negro Stanford-Binet I.Q. is artificially lowered by verbal disadvantage, the Negroes would be expected to score relatively higher on the nonverbal Raven's Matrices. However, the Matrices involve more sophisticated logical processing and are thus a measure of a more advanced reasoning ability than occurs in the Stanford-Binet. Whereas white students had on the average, as a consequence of standardizing the scoring system, the same I.Q. on the Stanford-Binet and the Matrices, Negro I.Q. was unexpectedly 9.83 points lower on the matrices at a level of significance with more than six zeros.

This result is in keeping with some statistical findings that I reported in 1967.²² The statistics that I analyzed showed that consistent with Figure 4 the Negro distribution of Stanford-Binet I.Q. was offset downwards by about 20 I.Q. points or 1.2 standard deviations compared to the white distribution. For higher levels of intellectual performance, such as recognition in science, however, the offset was even greater in keeping with the results for the Raven's Matrices. These data are shown in Figure 4 together with data on physical performance. On the winning of Olympic medals²³ the same type of offset analysis²⁴ shows that the Negro distribution is offset upwards compared to the white distribution by about two-thirds as much as the Stanford-Binet is offset downwards. An upward offset of the Negro distribution is also found for rejection by the armed forces for physical disability. These upward offsets are in keeping with Counterfact 1A. The pattern of Figure 4 of high upward offset for high level physical performance varying towards even larger downward offsets for high level logical performance appears hard to explain convincingly on any basis other than racial genetic differences that are directly relevant to optimizing educational procedures.

²¹ C. Higgins and C. H. Sivers, *J. Cons. Psych.*, 22, 465, 1958.

²² W. Shockley, "A 'Try Simplest Cases' Approach to the Heredity-Poverty-Crime Problem," *Proceedings, Nat. Acad. of Sci.*, Vol. 57, No. 6, June 1967, pp. 1767-1774.

²³ "Arthur Lentz, executive director of the United States Olympic Committee, said 'the Committee resents being used as an attention-getter.' He supplied figures: In the 1964 Olympics at Tokyo, 50 of the 362 U.S. athletes were Negroes. Of the 126 medals won, 22 were by Afro-Americans." Reported by Art Rosenbaum, *San Francisco Chronicle* 25 Nov. 1967, p. 38. (U.S. population in age range 15-29 in 1960 was 2.3×10^8 Negro and 17×10^8 white leading to a per capita ratio for medals of $(22/2.3)/(28/17) = 5.8$ corresponding to an offset of about 0.75.)

Counterfact 3C.—Studies in New York²⁴ and Boston²⁵ show clearly that changes in socioeconomic status have little effect on ethnic differences in pattern of relative intelligence for different abilities. For example, as shown in Figure 5, Negro children, regardless of socioeconomic class, average highest on Verbal and are lower for Reasoning, Number and Spatial by about 0.2, 0.5 and 0.35 respectively standard deviation units for the population as a whole. As shown in Figure 6, Chinese children in contrast are lowest on Verbal and approximately equal and about 0.4 to 0.7 units higher on Reasoning, Number and Space. These observations lead to a new research proposal given in the conclusion.

Counterfact 3D.—Children of primitive Australian aborigines score at about 10% to 20% compared to a reference standard of 100% for European children on six tests that measure comprehension of conservation laws²⁶ defined by Piaget,²⁷ such as, conservation of volume of sugar when poured into a different shaped glass. Evidence that the test performance deficit is racial and not cultural is furnished by the improved performance to a level of 20% to 40% for the racially-diluted portion of the environmentally integrated population that has one European grandparent or great-grandparent. The 38 children averaging 16% European dilution outperformed the 42 children of 100% aboriginal ancestry at a high level of significance as shown in Table 2.

TABLE 2.—COMPARISON OF PART-BLOOD (P) AND FULL-BLOOD (F) CHILDREN ON CONSERVATION TESTS

Children Race.....	8 to 11 years			12 to 15 years		
	F	P	Sig.	F	P	Sig.
Number.....	25	17	Lev.	17	21	Lev.
Quantity.....	2	<6	<0.1	2	<15	<0.01
Weight.....	9	<11	<0.01	7	<17	<0.01
Volume.....	0	<5	<0.05	2	<4	N.S.
Length.....	10	=10	N.S.	3	<13	<0.05
Area.....	1	<4	N.S.	2	<8	N.S.
Number.....	0	<4	<0.05	3	<8	N.S.

These results are consistent with the approximately linear metallurgical model for effects of racial mixing on mental performance I proposed in 1966. (Figure 7).²⁸

Counterfact 3E. Evidence for racial differences in brain structure have been reported recently by D. Carleton Gajdusek, who writes: "Elisabeth Beck of the Neuropathological Service of the Maudsley Hospital in London, and I have found unexpected variations in fine structure of the brain in Melanesians, including the size and shape of the septal nuclei, intermediate, thalamic and hypothalamic nuclei, lateral geniculate bodies and the frontal lobes. Neural anatomical detail may vary with individual and group as to facies hair and habitus. The awareness or response to intractable pain in cancer patients has been dulled in man by stimulation of the septal nuclear area by R.G. Heath. It is tempting to wonder whether neural and anatomical differences in this area in Melanesians might not permit their less exaggerated response to pain."

CONCLUSION

As the pattern of counterfactuals I have presented illustrates, my chief proposal for research consists of establishing orderly relationships between independent scientific studies. I point out that in the research on existing research that I have discussed, eight of my 14 counterfactual references were published after 1961. My failure to provoke in the National Academy of Sciences any inquiry or recommendations for similar research makes me fear that the research blinders for the life sciences may now support programs doomed to fail because they are against nature much as were those supported by Lysenko-biologists in Russia.

²⁴ G. S. Lesser, G. Eifer, D. H. Clark, "Mental Abilities of Children from Different Social Class and Cultural Groups," *Mon. Soc. Res. in Child Dev.*, 30, No. 4, 1965.

²⁵ S. S. Stodolsky, G. S. Lesser, "Learning Patterns in the Disadvantaged" *Harvard Educational Review*, Fall 1967, pp. 546-593.

²⁶ de Lemos, M.M.M.P., *The Development of Conservation in Aboriginal Children*, Ph. D. Thesis, Australian Nat. Univ., Nov. 1966. The writer appreciates the cooperation of Dr. de Lemos, the National Australian University and the San Francisco Australian Consulate.

²⁷ J. Piaget, B. Inhelder, *Le Développement des quantités physiques chez l'enfant: Conservation et atomisme*, (Second Revised Ed.), Delachaux and Niestlé: Neuchâtel, 1962.

²⁸ *Science*, Vol. 158, No. 3982, 1967, pp. 892-893. (Note: same as in 26)

One research proposal that might reduce the environment-heredity uncertainty regarding racial differences is suggested by the findings, quoted in Counterfact 3C, that school children in New York and in Boston show characteristic ethnic patterns of mental abilities. I have heard that the drastic environmental change of adoption from a Negro slum into a middle class New York Jewish family has actually occurred for some 70 orphans. The difference in the patterns of these ethnic groups are great as shown in Figure 8. What would be the patterns of the Negro orphans adopted into Jewish families? If there were significant alteration in the ethnic patterns, it would be strong evidence against a biological basis for the apparent racial differences. On the other hand, invariance of the pattern to drastic environmental change would suggest racial differences in neurological patterns.

A second approach worthy of investigation is outlined in my paper for the 1966 Fall meeting of the National Academy of Sciences. I outlined a means whereby gene frequency information could in principle be used (more effectively than was done in the 1953 study that determined that 30% of the genes of Baltimore Negroes came from white ancestors),²⁹ to permit determining with high accuracy what the racial fractions were for siblings in a given family group. In a family with an unmarried mother, the scientific tools of gene frequencies might now be capable of furnishing a scientific answer to effects of racial mixing on potential to develop intelligence especially if significant hereditary differences should occur for the fathers of children of the same mother. Such gene studies might usefully be supplemented with morphological measurements.

This approach may be improved as a result of recent findings. Recently Dr. T. E. Reed reported in *Science*³⁰ that Oakland, California Negroes average 22% of their genes from Caucasian ancestors with an uncertainty of only 1%. I incorporated Reed's techniques into a research proposal that I mailed for their comments to all members of the National Academy of Sciences. None attempted to reject it on technical grounds but several wrote conveying the impression that they wished it would go away. The only serious professional evaluation was from noted human geneticist Curt Stern of Berkeley who found it "interesting." An individual similar proposal by schizophrenia researcher L. L. Heston of the University of Iowa has been denied support by the National Research Council without any written explanation.

One application of my new proposal would study the student body of an all-Negro college. Here, racial prejudice might well invert so as to discriminate against lighter skins. This population would be classified into upper and lower halves on the basis of I.Q. scores, scholastic achievement tests, or grade point averages. Next, the racial composition of each half would be determined using Duffy's blood type gene that Reed calls a "Caucasian gene" because the original population from which the slaves came do not have it. It is not related to physical appearance. If the lower group had the higher percentage of Duffy's gene, it would imply that prejudice was the main factor but if the brighter ones had the higher percentage, this would support the old fashioned and currently rejected view that intelligent Negroes occur chiefly because of their white ancestry.

My last recommendation is that a National Study Group, funded under section 10 of H.R. 17810, should be set up to analyze the research that has already been done. The facts on which definitive conclusions may be based may already be available, if not in this country, perhaps in Denmark's genetic records.

I further urge the Committee to require the executive agencies charged with evaluation under this bill to consider and test evidence that increasing lack of adequate school performance may be a direct result of declining population quality. Evidence counter to the prevailing view that intelligence of children has been increasing each generation has recently been presented by Sir Cyril Burt. He reported that the young people of 1914 scored significantly higher than the pupils of today in every category of the tests according to a UPI article of 22 Feb. 1970 based on a report in the *Irish Journal of Education*. These results are frightening evidence that dysgenic effects may really be occurring. This may well be the most important single cause of our national illnesses of which school problems are only one aspect.

²⁹ Bentley, Glass, and C. C. Li, "The Dynamics of Racial Mixture—An Analysis Based on the American Negro," Vol. 5, *The American Journal of Human Genetics*, March, 1953, pp. 1-20.

³⁰ T. Edward Reed, "Caucasian Genes in American Negroes," *Science*, Vol. 165, p. 762, August 22, 1969.

Can significant results be found from such research? I have confidence that the intellectual power of our nation that set up a 10-year program to place a piece of the moon in the hands of our scientists can also set up programs to establish facts in the environment-heredity uncertainty that will contribute to our national competence to deal with the problems of the city slums—but *only if this intellectual power has the ability to doubt, to express contrary opinion, and to search openly for truth through objective discussion of conflicting ideas.*

An ultimate accomplishment of such creative thought has been expressed by noted Sociology Professor Kingsley Davis: "When man has conquered his own biological evolution, he will have laid the basis for conquering everything else. The universe will be his, at last." Speaking for myself, I believe man can.

SUMMARY

It is generally agreed that a basic principle, applicable across socioeconomic levels and races, is that students achieve their academic goals best at institutions where they are not too poorly (or well) prepared to compete academically.²² The application of this basic principle to the problems of offering equal educational opportunities to disadvantaged minority groups and especially Negroes is complicated by certain statistical facts. Specifically, ". . . in the general population Negroes have a distribution of intelligence [as represented by scores on I.Q. tests], or readiness to do college work, that has a mean approximately 1 standard deviation below the caucasian mean. In the ability area in which the highest 25% of caucasians are found, which is the area from which the more distinguished state universities draw their students, only about 5% of the Negroes have a competitive ability level."²³

As a consequence, ". . . there is only one Negro to every 30 caucasians on a nationwide basis who is in the top 25% of our population. . . . The result [in the 1968-69 academic year at the University of Illinois] was a difference between the means of two races that was 2.4 times the standard deviation of the caucasian distribution [—a difference corresponding to about 30 I.Q. points]."²⁴

It is obviously basic to questions of national policy relative to quality education and racial isolation in schools to determine the root causes of these enormous racial differences. It can be disastrous to base national policy on premises that may be false.

Thus it is of utmost importance that it be attempted clearly to determine how much of the Negro intellectual deficit is caused, not by the environmental disadvantages that are now postulated to be the sole cause, but instead by basic racial differences in brain structure that control the capacity to develop intellectual powers. Evidence for the existence of racial differences in brain structure has been reported in recent research that has revealed "unexpected variations in fine structure of the brain in Melanesians, including . . . the frontal lobes."²⁵

Research on American Negroes appears on balance to indicate that their intellectual responses are primarily hereditary and racially genetic in origin. Further research is eminently possible but is currently not encouraged and is indeed in large measure suppressed. One promising research subject involves studies of Negro orphans adopted into white families, particularly into middle class Jewish families whose children average about 2 standard deviations higher in numerical ability. Another significant study involves determining the relationship of I.Q. to genes and using blood type genes in a role parallel to radioactive tracer atoms in metabolism.

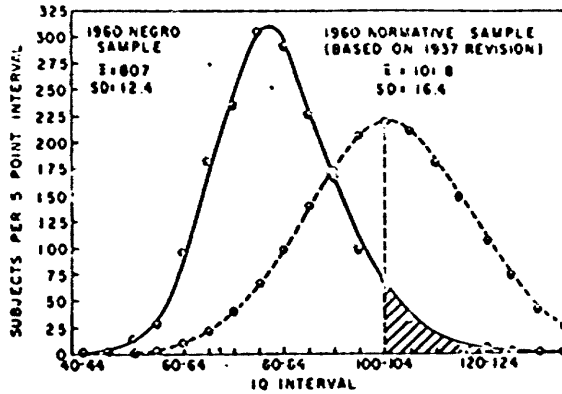
Such research should be encouraged to create a firm scientific basis for future educational legislation. And if such research should show that our declining level of education is an expression of an increasingly low inherited learning capability of our population, then we must for the future safety of the country honestly explore the delicate human problems involved by every known scientific means. The future of our country can be no greater than the predictable future of our citizenry.

²² K. Davis in *Genetics and The Future of Man*, Ed. by J. D. Roslansky, North-Holland Publishing Co. 1965.

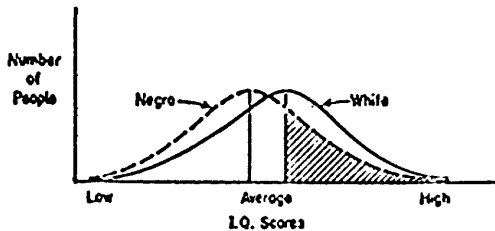
²³ Julian C. Stanley, *Science*, 14 Feb. 1969, p. 622.

²⁴ Lloyd G. Humphreys, *Science*, 10 Oct. 1969, p. 167.

²⁵ D. Carleton Gajdusek, *Engineering and Science* (Calif. Inst. of Tech.), April, 1970, p. 26.



- (a) A generally accepted best study by Kennedy et al^{3/} that has been generally quoted ^{4/}, ^{5/} showing an overlap of about 7% of Southern Negro scores above the national white median score (for comparable regions the overlap is probably between 12 and 15%)



- (b) A comparable figure from the well known reference by Pettigrew^{6/} described as showing a 25% overlap but actually drawn for approximately 28% overlap; it also inaccurately represents the two distributions as having the same standard deviation; no specific source of data has been reproduced in this figure.

Figure 1 Negro and white I.Q. distributions.

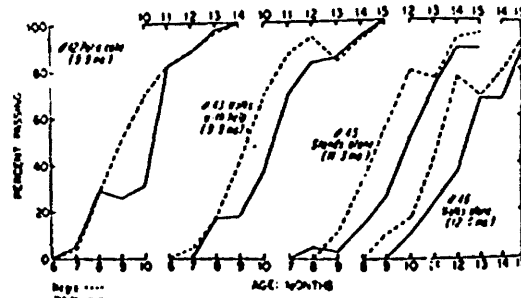


Figure 2 Motor test items on which Negroes do better than whites, percentage passing at each age. ¹⁵/

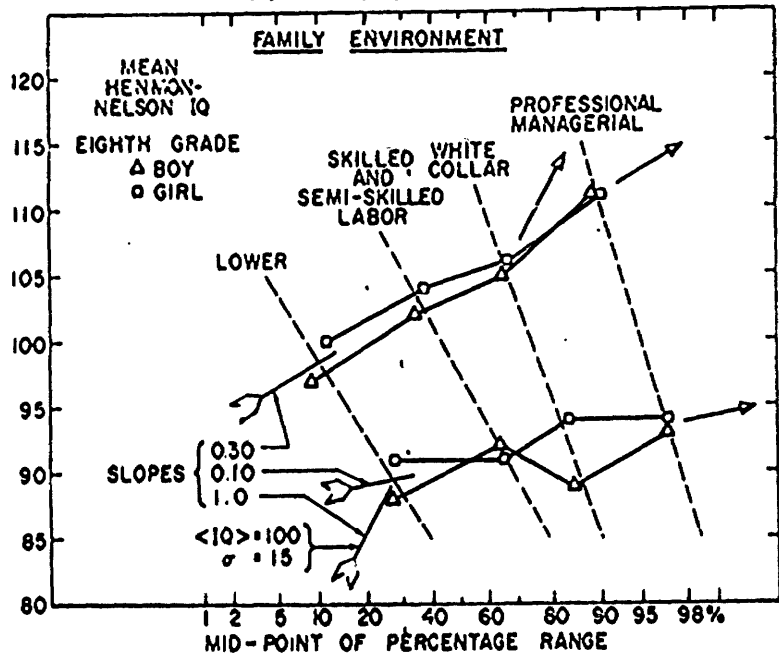


Figure 3 Dependence of I.Q. score upon race, sex and socio-economic status. (The percentile positions are based on the numbers of subjects reported in the relevant tables presented by Wilson and since the Wilson study selected these numbers for a different purpose they are only approximate. It is improbable that a more precise revision would alter the conclusions.)

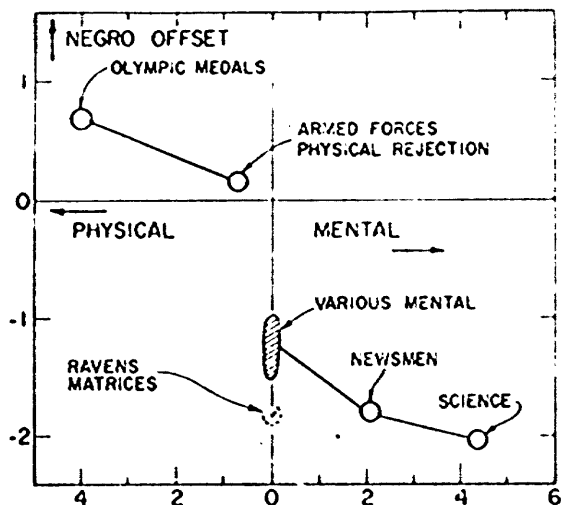


Figure 4 Offset-Analysis using the "Social Capacity Index" method^{22/} with the index values for the white population plotted to the right for intellectual performance and to the left for physical performance.

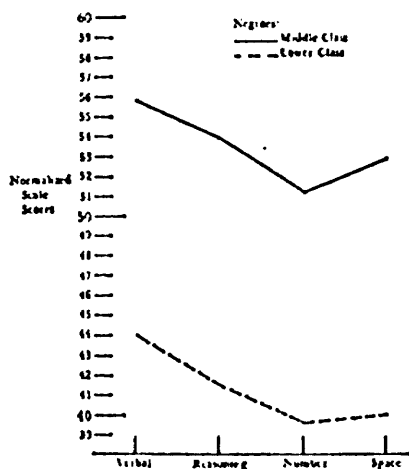


Figure 5 Patterns of normalized mental ability scores of middle- and lower-class Negro children. (Normalized scores are adjusted so that the average for the whole school population, i.e., all ethnic and social class groups, is 50 and the standard deviation is 10.)

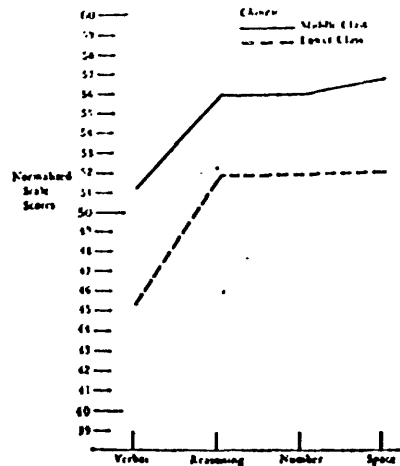


Figure 6 Patterns of normalized mental ability scores of middle- and lower-class Chinese children.

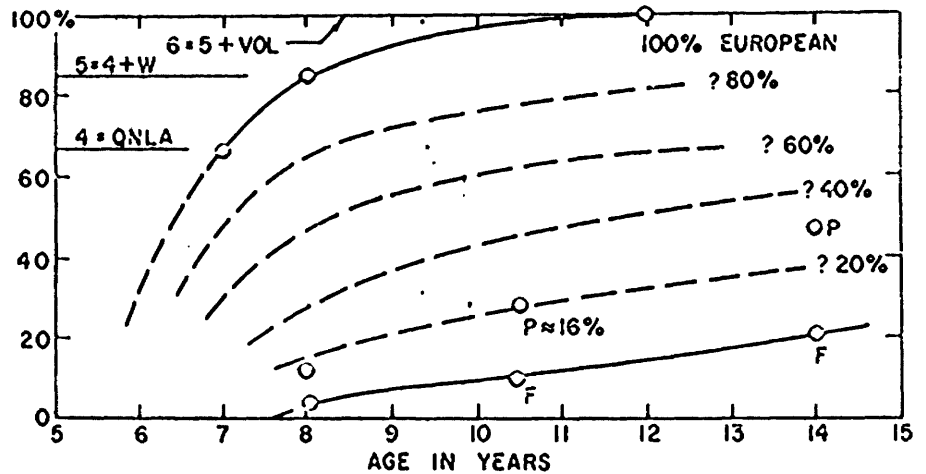


Figure 7 Dependence of performance on the Piaget conservation principle tests upon age and racial composition. (Tests concern Quantity, Number, Length, Area, Weight and Volume. The Full-blood and Part-blood points are deduced from de Lemos tables and the European points from her report of Piaget's findings. The dashed curves are linear interpolations between F and 100% European.)

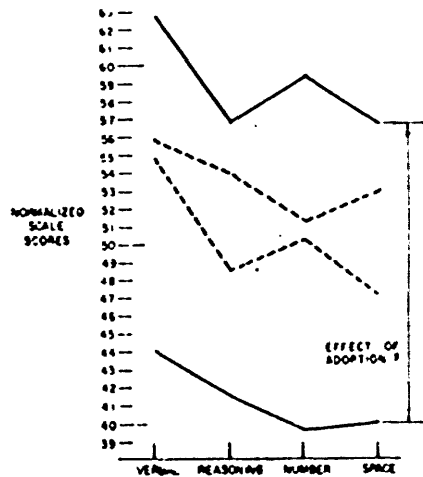


Figure 8 Comparison patterns between Negro and Jewish children showing effect to be expected if mental ability is determined entirely by environmental change on adoption.. (For completeness, middle-class Negro and lower class Jewish patterns are shown as dashed lines.)

STATEMENT OF DR. FRANK C. J. MCGURK, PROFESSOR OF PSYCHOLOGY, UNIVERSITY OF MONTEVALLO

My name is Frank C. J. McGurk. I am Professor of Psychology at the University of Montevallo. I have taught at the University of Pennsylvania, Catholic University, Lehigh University, the United States Military Academy, and Villanova University. I received my B.S. degree and Master's degree from the University of Pennsylvania, and my Ph. D. from Catholic University. I am a member of the Executive Board, American Institute of Climatology; American Psychological Association; and the Society of the Sigma Xi.

I submit this statement to the Committee in connection with its consideration of the Emergency School Aid Act of 1970, H.R. 17840, which states in Section 2 its purpose to reduce racial isolation in schools as a way of increasing quality education of minority groups.

One of the principal and often-repeated bases upon which it is assumed that a greater degree of integration in the classroom will result in increased quality performance of minority groups arises under what has come to be known as the cultural hypothesis. Under that hypothesis the assumption is that an equalizing of environment—such as a single classroom—will result in an equalizing of the performance of the students of the minority and majority races, principally the latter. It is commonly believed under this hypothesis that the gap which is generally known to exist between the two groups in terms of school performance can best be overcome by a change in the learning environment, i.e., raising of the cultural level of the minority group to that of the majority.

The validity of the cultural hypothesis is, therefore, a direct measure of the validity of the premise which underlies the Emergency School Aid Act of 1970 and the expected efficacy in terms of improved learning for minority groups which is expected to result from an increased degree of integration in United States classrooms.

I understand that other witnesses have considered the question from the various points of view of describing the actual lag or difference between the two groups and other scientific aspects of its cause and its eradication. I will, therefore, direct my attention solely to the known objective studies which demonstrate, I believe without substantial question, that the cultural hypothesis and the conclusions drawn from it are invalid as a matter of scientific fact.

ESSENCE OF THE "CULTURE HYPOTHESIS"

Few writers today deny that there are measurable psychological test score differences among racial groups. Most of those presently writing on this subject insist that these differences are not biological differences; they are referred to as cultural differences. This has given rise to the "culture hypothesis" as the explanation of racial differences. While the "culture hypothesis" has been expressed in various ways (e.g., Ashley-Montagu 1945,¹ and Klineberg 1944²), its essence is that what we call observable race differences are really social differences and not biological differences, and that these differences, since they are caused by differences in cultural advantages, will disappear when the differences in cultural advantages disappear.

The "culture hypothesis" has been invoked particularly in discussions of differences between Negro and white groups. While the advocates of the "culture hypothesis" have presented strong moral and ethical arguments against biological differences between Negroes and whites, they have failed to present any factual data in support of their hypothesis.

If the "culture hypothesis" has any meaning, it could be expected that, as cultural differences between Negroes and whites decreased, the difference between their mean psychological test scores would decrease. The objective measurement of a decrease in mean test score difference would, thus, support the hypothesis. It would not be necessary that the mean racial test score difference should disappear completely. The "culture hypothesis" would gain in stature if it could be shown empirically that even a small reduction in the mean test score difference between Negroes and whites accompanied a reduction in the cultural differences between these two racial groups.

¹ Montagu, M. F. A. *Man's Most Dangerous Myth: The Fallacy of Race*, Columbia University Press, New York (1945).

² Klineberg, *Characteristics of the American Negro*, Harper Bros., 1944.

Reduction in the cultural differences between Negroes and whites has occurred in the United States. My testimony will be directed toward showing what, if any, measurable psychological test score differences have accompanied this reduction in racial cultural differences.

PSYCHOLOGICAL STUDY—WORLD WAR I PERIOD

The most convenient place to begin the study of our problem is the World War I period. It was at this time that the first extensive psychological study was done: tests were administered to very large groups of Negro and white draftees who represented the entire country. The results of this study were carefully recorded and published by Yerkes (1921).³

The World War I period was also a period of marked social and economic restriction for the Negro. He was limited in his choice of residence and the choices he had were undesirable by present-day standards. Generally, the Negro was a rural dweller at this time. Schools available to him were under-equipped, understaffed, and often not accessible. In general, he was limited in his social participation, he was limited economically, and there is no question that this period was, when compared with the present, one of great deprivation for him.

During this World War I period, the psychological test scores of the Negro recruits bore a clearly inferior relationship to the psychological test scores of the white recruits. For the country as a whole, only about 27% of the Negro recruits obtained psychological test scores that equaled or exceeded the mean test score of the white recruits (Garrett, 1945). This is usually referred to as overlapping; it is said that 27% of the Negro recruits overlapped the mean of the white recruits. With this degree of overlapping, the Negro mean score is much below the white mean score.

The World War I period is, then, a basis for testing the "culture hypothesis." Here was a period in which 27% of Negro recruits equaled or exceeded the mean score of the white recruits when the cultural restrictions for the Negro were marked.

If the inferior test performance of the Negro is truly the result of his cultural restriction, then it follows that, under the "culture hypothesis" an improvement in the Negro's cultural status should be accompanied by an improvement in his test performance when compared with whites.

The cultural position of the Negro has certainly improved since 1918. This improvement has not been sudden, but has been in progress for at least two generations, during which time the Negro has achieved more and more of the social and economic opportunities that were once reserved for the white man.

What has happened to the relationship between the psychological test scores of Negroes and whites while this cultural change has been taking place? Has the Negro-white test score difference of the 1918 period reduced in magnitude while the Negro-white cultural differences were being reduced? Do the available data support the "culture hypothesis"?

PSYCHOLOGICAL STUDY—1935-1950

Between 1935 and 1950 inclusive, about 140 articles were published in the scientific literature of psychology which dealt with the question of Negro-white test score differences. Only 63 of the 140 articles presented statistical data, and in all 63 articles the mean test score of the Negro subjects was lower than the mean test score of the white subjects with whom they were compared. The other 76 articles were simply speculative comments about the problem, and almost totally lacking in data.

Of the 63 articles which presented data, only six submitted sufficient material to permit comparisons with the World War I period. These six articles are important; they covered a wide range of years, a variety of age groups, different grade groups, and different psychological tests. Because they were spaced over a range of years, they covered a variety of cultural opportunities. Also, they were written by six different investigators.

(1) *Tanser Study (Canada)*⁴

Tanser (1939) is responsible for the earliest of these studies, which was done on a group of Canadian Negroes and whites. Three standard psychological

³ Yerkes, R. L., *Memoirs of the Academy of Natural Sciences*, Vol. 15 (1921).

⁴ Tanser, H. A., *Kent County Negroes, Chatham, Ontario*, The Shepherd Publishing Co., 1939.

tests were administered to Negro and white school children enrolled in grades 1 through 8. All of the Negro children were described as descendants of slaves who had escaped from the South prior to, and during, the Civil War. According to the author, social and economic opportunities had always been equal for all Negroes and whites in this area, except for a few minor outbursts of oppression directed towards the Negroes.

Tanser reports that the mean test scores of the Negro children were markedly below the white mean at every age and every grade. Overlapping for the total group (all children of all ages and grades) was between 13% and 20%, depending on which psychological test was used. In no case did overlap exceed 20%. Thus this study, done some 21 years after the World War I period, indicated that the gap between Negroes and whites had not been lessened: it had been increased. In Tanser's study, the Negroes made a much poorer showing relative to whites, than Negroes did in the World War I study. The cultural advantages of Canadian life did not increase the relative standing of the Negro children to white children, and this study offers no support for the "culture hypothesis."

(2) Bruce Study (Virginia) *

The second study appeared when Bruce (1940) published her doctoral dissertation. In Bruce's study, three psychological tests were administered to 9- and 10-year-old Negro and white children from an impoverished rural area in Virginia. All children attended segregated rural schools. By administering a socio-economic scale, and pairing children according to score on this scale, the author developed two groups of subjects, one Negro and one white, both of which groups were equivalent for socio-economic factors contained in the scale. All socio-economic scores were very low.

As did Tanser, Bruce found that Negro overlapping varied with the psychological test under consideration, but it never fell below 15% and never exceeded 20%. Even in these deprived cultural conditions, Bruce's subjects performed almost identically with Tanser's subjects, although the difference in cultural status between Tanser's subjects and Bruce's subjects appears to have been marked. Bruce's findings indicate that equal socio-economic opportunity, even as low as it was, did not change the psychological test score relationship between Negroes and whites which was shown in World War I. Such evidence does not support the "culture hypothesis."

(3) Shuey Study (New York City) *

Shuey (1942) reported the third study. One psychological test, constructed especially for college subjects, was administered to a very highly selected group of students in a New York City college. The subjects ranged in age from 18 years to 35 years, and came from various sections of the country. Negro and white subjects were paired so that, in the opinion of the author, each member of a pair was equivalent in social and economic background. Thus the Negro and white subjects were of the same average age, the same educational background, and generally the same cultural status.

In Shuey's study, Negro overlapping of the white mean was approximately 18%. For such a highly selected group of Negroes, this was surprisingly low overlapping, and is quite consistent with Tanser's and Bruce's findings even though the subjects in the latter two studies were considerably lower in cultural status. Moreover, Shuey's findings are markedly below World War I findings and are no indication whatsoever that equal cultural status equalizes or will equalize the Negro's test performance in relation to the white's.

(4) Brown Study (Minneapolis) †

The fourth study was reported in 1944 (Brown, 1944). An individually-administered psychological test was given to Negro and white kindergarten children in Minneapolis. Brown reports that the average age of each racial group was identical, so we can assume that they were five-year-olds. Unfortunately, Brown made no attempt to equate his racial groups for cultural factors except that all children attended non-segregated schools, and this was assumed to be an equating factor.

* Bruce, M., Factors Affecting Intelligence Test Performance of Whites and Negroes in the Rural South, *Archives of Psychology* of New York, No. 252 (1940).

* Shuey, A. M., A Comparison of Negro and White College Students by Means of the ACE, *The Journal of Psychology*, Vol. 14 (1942).

† Brown, F., An Experimental and Critical Study of the Intelligence of Negro and White Kindergarten Children, *Journal of Genetic Psychology*, Vol. 65 (1944).

Although Brown reported no overlapping data, it was computed that about 31% of the Negro children equaled or exceeded the mean white score. While this is better Negro performance than in the previously reported studies, it is no better than the performance recorded by the culturally deprived Negroes of the World War I period. Thus, whatever cultural benefits accrued to the Minneapolis Negro children in 1944, they were not sufficient to change their standing, relative to the white Minneapolis children, when the World War I data are the basis of comparison.

(5) *Rhoads Study (Philadelphia)*^{*}

While the fifth study was primarily directed in another direction, interesting psychological data were computed from it (Rhoads, *et al.*, 1945). The subjects were all males, Negro and white, under four years of age, and residents of Philadelphia. An individually-administered psychological test was given to all children when three years old. All children in the study had birth-weights of five pounds or over. Each child had been examined physically in a hospital clinic once a month from birth until one year of age; thereafter every two months until the end of the study. Children of uncooperative parents were dropped from the study before the child was two years old. In addition to the clinical examinations, home visits were made every two weeks by a nurse or social worker in order to keep the experimental conditions as operative as possible. Socio-economic factors were considered to be low, but generally equal for both Negro and white subjects.

Although the psychologist who did the testing reported that the Negro and white mean test scores were not significantly different, this was found to be not the case. The Negro children were significantly lower than the white children. Only 30% of the Negro scores overlapped the white mean score. Since these findings are identical with Brown's study described above, the same comments could be repeated. For this testimony, it is important to note that whatever cultural differences existed between these Philadelphia three-year-olds in 1945 and the World War I adults and adolescents did not change the relationship between Negro and white test scores.

(6) *McGurk Study (Pennsylvania and New Jersey)*^{*}

The last study, the sixth, was done by the present writer (McGurk, 1951). A special test was constructed, half the questions of which were rated as depending heavily on cultural background (the cultural questions) while the other half were rated as depending little on cultural background (the noncultural questions). Each set of questions yielded a score—either a culture score or a non-culture score. Total score was the sum of the cultural and non-cultural scores. These questions were administered to high school seniors in various areas of Pennsylvania and New Jersey. The mean age for each racial group was 18 years. Negroes and whites were paired so that the members of each pair—one Negro and one white—were identical or equivalent for 14 socio-economic factors.

In spite of the socio-economic equivalence, Negro overlapping for total score was only 28%—a figure almost identical with that reported for the World War I data. There is no question about the cultural superiority of the Negroes in 1951 over the Negroes in 1918, yet this did not improve the Negro's test performance at all.

Thus, in the 16 years between 1935 and 1950, a period of unquestioned cultural advancement for the Negro (compared with World War I period) there can be found no factual evidence to support the claim that equalizing the cultural opportunities of the two races results in equalizing their psychological test scores, or even reducing the racial test score difference. On the basis of the only studies available for this comparison, it must be concluded that the "culture hypothesis" must be rejected.

(7) *Some Further Analysis*

The above findings seemed such a clear rejection of the "culture hypothesis" that I decided to analyze further the data obtained in the 1951 study (McGurk, 1953a).¹⁰ The social scientists were still persistently announcing (but not sup-

^{*} Rhoads, T. F., et al., Studies on the Growth and Development of Male Children Receiving Evaporated Milk. II. Physical Growth, Dentition, and Intelligence of White and Negro Children Through the First Four Years as Influenced by Vitamin Supplements. *Journal of Pediatrics*, Vol. 26 (1945).

^{*} McGurk, F. C. J., Comparison of the Performance of Negro and White High School Seniors on Cultural and Noncultural Psychological Test Questions, Washington, D.C., Catholic University Press (1951).

¹⁰ McGurk, F. C. J., On White and Negro Test Performance and Socioeconomic Factors. *Journal of Abnormal and Social Psychology*, Vol. 48 (1953).

porting) the "culture hypothesis" as the explanation for the poor Negro test performance. Specifically, I wished to answer this question: If the cultural opportunities were such important factors in causing racial test score differences, what would be found if we compared the difference between Negro and white subjects of very high socio-economic status, on the one hand, with the difference between Negro and white subjects of very low socio-economic status on the other hand? Under the "culture-hypothesis" the racial test score difference should decrease with an increase in socio-economic status; that is, the racial test score difference between the subjects of very high socio-economic status should have been smaller than the racial test score difference between the subjects of very low socio-economic status.

In order to follow the procedure that was used in answering the above question, it is essential to understand the composition of the socio-economic groups described in the 1951 study (McGurk, 1951). In that study, a white subject was paired with a Negro subject when the white subject was identical or equivalent to the Negro subject in terms of 14 social and economic factors. There were no white subjects higher in socio-economic status than the highest Negro subject, and there were no Negro subjects lower in socio-economic status than the lowest white subject. Each Negro subject was permanently paired with a white subject so that both subjects were equal or equivalent in terms of each of the 14 socio-economic factors.

An extremely high socio-economic group was selected by picking out of the entire group of Negro subjects that 25% whose socio-economic factors were the highest. This was called the High Negro Group. In picking these Negro subjects, the white subjects who had been permanently paired with them were also picked. This latter group was called the High White Group. There were, then, two groups of subjects, each equivalent in socio-economic status but differing in race.

An extremely low socio-economic group of Negroes was selected by picking from the entire Negro group that 25% of Negro subjects whose socio-economic factors were lowest. These became the Low Negro Group. The white subjects who had been paired with these Negro subjects became the Low White Group. Again, there are two groups of subjects, one Negro and one white, both equivalent in socio-economic status.

In terms of mean test score, the High Negro Group was significantly lower than the High White Group, but when the mean scores of the two low groups were compared, the Low Negro Group was not significantly different from the Low White Group (McGurk, 1953a). The overlapping data indicated the same relationship: only 18% of the High Negro Group overlapped the mean of the High White Group, but 41% of the Low Negro Group overlapped the mean of the Low White Group (McGurk, 1951).

Thus, in the comparison of the difference between Negroes and whites of high socio-economic status with the difference between Negroes and whites of low socio-economic status, the racial test score difference does not decrease with an increase in socio-economic status. The difference between the racial groups was zero when socio-economic status was very low. When socio-economic status was very high, however, the difference between the racial groups was statistically significant, and in favor of the whites.

These data indicate that an increase in the socio-economic status of the Negro *increases* the racial difference. They do not indicate any support for the assumption, under the "culture hypothesis," that an increase in the socio-economic status of the Negro decreases the racial test score difference.

Other aspects of this study (McGurk, 1953a) lead to the rejection of the "culture hypothesis." Negroes, highly selected for socio-economic status in 1951, make a poorer show relative to whites of similar socio-economic status (Negro overlap was 18%) than the Negroes of the culturally restricted World War I period did relative to the whites of the same time period (Negro overlap was 20%). If the "culture hypothesis" were true, such a finding would be impossible.

Moreover, when both racial groups were very low in socio-economic status, the Negro mean score was not statistically different from the white mean score—a finding reflected in the overlapping data. This suggests that the only validity possessed by the "culture hypothesis" is when both racial groups are culturally deprived.

From the finding of this study (McGurk, 1953a) the "culture hypothesis" could be restated thus: Racial differences in mean psychological test score will disappear when cultural opportunities between the races are equal but extremely

low; as cultural opportunities increase for each racial group, mean psychological test score differences increase.

This denial of the "culture hypothesis" raised still another question. It has been stated as proof of the validity of the "culture hypothesis" that Negro test score inferiority results from the culturally loaded questions used in most psychological tests, and the inference is that the low cultural status of the Negro was the cause of the Negro's test score inferiority (Klineberg, 1944). Klineberg's assumptions can be verified by comparing the Negro test performance (relative to the white test performance) on both the cultural questions and the non-cultural questions. According to Klineberg's assumption, Negro test performance should be more approximate to white test performance on the non-cultural questions than on the cultural questions.

It must be recalled that the test used in the earlier study contained an equal number of cultural and non-cultural questions. In selecting questions for the test, a cultural question was paired with a non-cultural question when each was of the same approximate empirical difficulty (McGurk, 1951).

Consider first the racial difference with the cultural questions between members of the high socio-economic groups. The mean culture score of the High White Group was significantly greater than the mean culture score of the High Negro Group (McGurk, 1953a). Negro overlapping of the white mean cultural score, for these two High Groups, was 34% (McGurk, 1951).

The mean non-culture score of the High White Group was also significantly greater than the mean non-culture score of the High Negro Group (McGurk, 1953a), but the Negro overlapping of the mean white non-culture score was only 25% (McGurk, 1951). This does not support Klineberg's assumption; on the basis of the overlapping data, Negroes performed better (relative to the whites) on the culturally loaded questions than on the less culturally loaded (non-cultural) questions. The racial difference would have been *less* had only *cultural* questions been used. On the basis of their mean scores, however, there was no statistically significant difference between the Negro-white performance on the non-cultural questions (McGurk, 1953a). Thus, in relation to whites, Negroes perform as well (or as poorly) on cultural questions as they do on non-cultural questions. Clearly, cultural questions do not penalize the Negro of high socio-economic status.

When the low socio-economic groups were compared, similar findings appeared. For the cultural questions, the mean of the Low Negro Group was actually *higher* than the mean of the Low White Group, but the difference was not statistically significant (McGurk, 1953a). Negro overlapping of the white mean culture score was 53% (McGurk, 1951), as was expected from the mean differences. But when performance on the non-cultural questions was compared, the white mean score was significantly higher than the Negro mean (McGurk, 1953a), and Negro overlap was 36% (McGurk, 1951). The Negro-white difference on the cultural questions is significantly *lower*, statistically, than the Negro-white difference on the non-cultural questions for these two Low Groups.

Thus, Klineberg's attempted validation of the "culture hypothesis" by his insistence that culturally loaded test material penalizes the Negro must be rejected.

A further attempt to validate the "culture hypothesis" is equally forceless. It has been maintained that increased length of residence in the culturally stimulating environment of New York City causes an increase in the psychological test scores of Negroes, and that this increase is more apparent in the Negro performance on linguistic tests than on performance tests (Klineberg, 1944). This has been interpreted to mean that, with improved cultural status, improvement occurs in Negro performance on culturally loaded test material.

Analysis of the earlier study (McGurk, 1951) does not support Klineberg's (1944) findings. The difference between the mean cultural scores of the High Negro Group and the Low Negro Group was *smaller* than the difference between the mean non-cultural scores of these two groups although the difference between the two differences was not significant (McGurk, 1953b). The difference in mean cultural score between the High and Low Negro Groups was significant; however, the difference in mean non-culture score between these two Groups was not significant (McGurk, 1951). On the cultural questions, about 39% of the Low Negro Group overlapped the mean score of the High Negro Group, and on the non-cultural questions, 30% of the Low Negro Group overlapped the mean score of the High Negro Group (McGurk, 1951).

While it may be true that a sample of Negro children who had lived in New York City for ten or more years achieved higher scores on *some* psychological tests than samples of other Negro children who had lived in New York City for shorter periods of time, it is by no means acceptable evidence that the cultural climate of New York City is responsible for the differences in test score. Nor is it acceptable evidence that the cultural climate of New York City increased performance on culturally loaded test questions any more than it increased performance on less culturally loaded test questions. The data presented here are contrary to this assumption as well as they are contrary to the entire "culture hypothesis."

SUMMARY AND CONCLUSIONS

Whenever the academic performance of randomly selected groups of Negro pupils has been compared with the academic performance of similarly selected groups of white pupils, the Negroes invariably score below the whites. This objective finding is generally accepted by all investigators in the field.

There is not general acceptance, however, of the cause or causes of this racial difference in school performance.

Many well-intentioned people insist that the Negroes' poor performance results from lack of academic opportunity. These people hope that desegregation of the public schools will cause the racial difference in academic performance to disappear. This latter argument receives no support from any of the objective investigations in this field; actually, there is evidence that desegregation, as a method of equalizing the opportunities of Negroes and whites, may act to increase the difference between Negroes and whites.

Psychological differences between Negroes and whites today are of about the same magnitude as they were two generations ago. These differences, since they are not the result of differences in social and economic opportunities, will not disappear as the social and economic opportunities of whites and Negroes are equalized.

The values that are attached to the moral and ethical arguments advanced in support of the "culture hypothesis" should not be confused with scientific evidence that this hypothesis possesses validity. Ethical and moral values are important according to the degree by which they are accepted and believed; scientific validation, however, is a matter of objective demonstration and should not be confused with beliefs or moral acceptance.

The available objective evidence does not support the "culture hypothesis" as an explanation for Negro-white differences in psychological test performance.

The conclusion indicated by all of my studies is that a difference of achievability in various school subjects between white and Negro children should be anticipated, that the differences are educationally significant, that a difference in rate of teaching would be of advantage as between the two groups, that different emphasis should be brought on different parts of the curriculum and that different types of treatment in the teaching of some of these subjects are implied for the best education of the children.

Although I have, on a number of occasions, challenged the proponents of the "culture hypothesis" to present factual evidence to support their point of view, no such proponent has ever done so. Instead, they reply with anecdotes, beliefs, moral arguments, and sometimes with name-calling, but they have never replied with fact. On one occasion, one man, closely associated with the Office of Education of H.E.W., actually agreed with the deficiency of the Negro, but insisted that this should be hidden because of the effect it would have on the world, and the United Nations in particular. The Education and Labor Committee is invited to pay particular attention to the information submitted to it from the defenders of the "culture hypothesis," and to note, in much of that information, the confusion between belief and fact. It is, then, possible to say categorically that there is no objective evidence to support the notion that intermixing of the Negroes and whites would raise the educational level of the Negro. One need but to look in the Project TALENT Report, sponsored and financed by this Government, for confirmation of the fact that no plan of racial mixing has benefited the Negro. It has not in the past, and it is unlikely to do so now.

STATEMENT OF DR. R. TRAVIS OSBORNE, PROFESSOR OF PSYCHOLOGY,
UNIVERSITY OF GEORGIA

My name is R. Travis Osborne. I am Professor of Psychology and Director of the Student Guidance Center at the University of Georgia. I received my A.B. degree at the University of Florida and my M.A. and Ph.D. at the University of Georgia. I am licensed as a Psychologist by the State of Georgia.

I am a member of the American Psychological Association, the Southeastern Psychological Association, and the Georgia Psychological Association.

I have published many studies in my professional area, including "The Prediction of Academic Success by Means of 'Weighted' Harrower-Rorschach Responses," appearing in the *Journal of Clinical Psychology*, "Variation in Graduate Record Examination Performance by Age and Sex," published in the *Journal of Gerontology*, "Comparative Decline of Graduate Record Examination Scores and Intelligence With Age," appearing in the *Journal of Educational Psychology* and "Racial Differences in Mental Growth and School Achievement," published in *Psychological Reports*.

My specialties are educational psychology and differential psychology. The latter phrase refers to an investigation of the changes in learning patterns, achievement, aptitudes, and interest of students in relation to sex, age, race and other variables.

I submit the following statement to the Committee for its consideration in connection with the Emergency School Aid Act of 1970, H.R. 17810. That bill adopts the fundamental assumption from President Nixon's May 21 statement that

"... desegregation is vital to quality education." Like the great majority of people in this country, the President here is repeating an assertion which to the best of my knowledge has no foundation in scientific fact—and is actually contrary to the conclusions of substantially every objective study including those made by the federal government itself.

But if that premise is wrong, if desegregation is destructive of quality education for minority as well as majority pupils—then not only the enormous expenditure of national resources provided by this bill but past and future spending will not merely be wasted, but may prove to have been a major factor in creating the chaotic conditions in public schools today which have so greatly diminished the levels of American education from their position fifteen years ago when the President's proposition was first voiced by the Supreme Court in the famous *Brown* case.

And in my opinion compulsory desegregation is destructive of quality education, and that effect necessarily follows when we scientifically consider the learning variations of the average majority and minority pupils—a variation too great to be spanned in a single class, a variation which requires not only a different level of learning but a different type of instruction to maximize the educational accomplishment of the minority students. Some have gone so far as to say that a different teaching language must be employed.¹

Other witnesses have considered differing aspects of the adverse effects of classroom desegregation on the learning of the minority. I will, therefore, restrict this statement principally to the studies which I have myself made to determine the nature of the differences which exist between these pupils with references to supporting research.

SEVEN YEAR STUDY OF WHITE-NEGRO COMPARATIVE
SCHOOL ACHIEVEMENT

Intelligence quotient (I.Q.) is a term used by psychologists to describe the mental potential for academic progress. It may be determined by dividing the score made by a child in one particular test, which is mental age, by his chronological age, which is years and months. There is a good correlation between the I.Q. test and arithmetic and language tests.

¹Torrey, Jane W., "Illiteracy in the Ghetto," *Harvard Educational Review*, Vol. 40, No. 2 (1970).

My study of the nationally standardized tests made over a number of years by the local school authorities to measure the level of achievement of students in the Savannah-Chatham County (Georgia) area led me to the unavoidable conclusion that, at all levels in the educational program from pre-school through the 12th grade, there were substantial differences in academic achievement between the white and Negro pupils. In 1958, for example, the median (*i.e.*, the middlemost case in distribution) I.Q. for white students in Savannah-Chatham was 103, and for Negro students the median I.Q. was 81.

The children involved in this study were first examined with the California Test Battery² during the spring term of the 6th grade in April, 1954. In 1954 the elementary levels of the 1950 edition of the California Battery were used for the 6th grade white and Negro pupils. In 1956 intermediate levels of the 1950 edition of the same tests were used for the 8th grade white and Negro pupils. In 1958 the advanced levels of the 1950 edition were used for 10th grade white pupils and the intermediate levels of the 1950 edition were used for the 10th grade Negro group. In 1960 the advanced level of the California test battery, 1957 edition, was used for both groups.

Of the 1467 white and 876 Negro children who were tested in April of 1954, 539 white and 273 Negro pupils remained in the school system, made normal progress, and were retested in 1956, 1958, and 1960. The attrition rate over the six-year period was 63 per cent for the white students and 69 per cent for the Negro students.

At the time of initial testing the mean age of white children was 11 years 9 months with a standard deviation of five months; the mean age for the Negro group was 11 years 10 months with a standard deviation of 8 months. The Negro children were on the average one month older than the white boys and girls.

In the longitudinal study I made of these children following their performance for seven years from 1954 through 1960, I found there were major differences in reading achievement, mathematics, and mental maturity scores. This study showed that such differences were of the magnitude of 1 to 1½ years in the sixth grade and increased to a magnitude of 3 to 4 years at the 12th grade level.

Reading test results indicated that the Negro-white achievement differences, which amounted to almost 2 years at grade 6, increased steadily until at grade 12 the difference in reading level was over 3 school grades. This widening gap in achievement between the two groups is apparent on both vocabulary and comprehension subtests as well as for the total reading scale.

The pattern in arithmetic is the same as for reading. In the 6th grade white-Negro differences were just over one grade for the areas covered by the California Achievement Test. In the 8th grade the two groups maintained relative positions in arithmetic reasoning but on the tests of arithmetic fundamentals the Negro group was now nearly two grades behind the white pupils. Six years after the first test when both groups were examined during the second semester of the 12th school year there was a difference in arithmetic achievement of almost four grades between the two groups. The arithmetic grade placement of the average Negro 12th grade pupil was below the 8th grade national norms while the white group tested above the 11th grade on the same norm group. In other words, in terms of arithmetic skills, especially fundamental operations involving only numbers, white children in the 8th grade were not only significantly above the 8th grade Negro group, but they were also superior in arithmetic skills to 10th and 12th grade Negro pupils.

Growth patterns of mental ability placement for the two groups were also studied. The difference in mental maturity of over two years at the 6th grade (1954) was slightly attenuated at the 8th grade testing (1956), but by the second semester of the 10th grade (1958) the means of the two groups were separated by over 3 years. The same relative position of the two curves was maintained through the last testing period of the experiment, 12th grade (1960). By the time the students were examined at the 10th grade there was practically no overlap in I.Q.; that is, only one 10th grade child in the white group earned an I.Q. below the median I.Q. of the Negro children in the same grade. At the 10th grade only 1 percent of the Negro pupils equalled or exceeded the median I.Q. of the whites.

The differences in school achievement and mental ability of the two groups (white and Negro students) which these studies established were sufficiently sig-

² California Achievement Tests (1950 ed.); California Short Form Test of Mental Maturity (S-Form). Los Angeles: California Test Bureau, 1950.

nificant in an educational sense that different curricula, different standards, training and otherwise should reasonably be expected to be given to the two groups. The results of these studies, and the tests and differences described, would indicate the desirability of separate educational treatment of the two groups.

SEVEN YEAR STUDY OF WHITE AND NEGRO STUDENTS MATCHED FOR I.Q. IN THE SIXTH GRADE

Since the possibility existed that the differences in scholastic achievement described under the prior study were the natural result of the difference in measured intelligence level of the white and black students, I considered it necessary to conduct a parallel research which would take white and black students who had first been matched for equal intelligence in the 6th grade and follow the academic performance of these matched pairs through the next six years of their schooling. The study was made in the same area and with many of the same children as in the research just described.

In an effort to understand school achievement variations, two groups of white and Negro 6th grade children were experimentally matched in 1954 for intelligence and sex. In order to match the 140 pairs of students it was necessary to select the majority of the children from opposite ends of the two distributions. The white children in the equated group were considerably below the average of their white classmates while a majority of the Negro children were above the 75th percentile of their group.

Mental ability growth curves showed the records on the two matched groups of 6th grade children of the same age, same sex, and of equal initial mental test performance. When these children were examined two years later, differences were slight but apparent. When all members of the group were again tested in the 10th and 12th grades, the white-Negro differences in mental test performance ranged from one to two grade placement years.

When white and Negro children were initially equated for sex, mental ability, and school grade placement, and later examined at regular intervals of their school history, reading achievement differences were not as great as mental ability differences. The Negro child seemed to be weakest on the vocabulary section of the California Reading Test. Comprehension and total reading were within one grade of the matched white group at most test periods. As is the usual case, girls in both groups tended to read better than boys.

It is in the area of arithmetic achievement that the Negro child seems to be most deficient. Negro children of mental age grade placement equal to that of white children were unable to learn mathematical skills at the same rate as their white experimental partners. The Negro children, a majority of whom were selected from the top fourth of their group in terms of mental age grade placement, were unable to keep pace with the group of white children, most of whom were drawn from the lowest fourth of their class. Over the 6 year period of the study the rate of learning new arithmetical skills for Negro children was about 50 per cent that of the standard norm rate and about 68 per cent that of the rate of the equated white experimental group.

SUPPORTING RESEARCH

I understand that a detailed review will be given to the Committee by Dr. Henry Garrett on four important Government studies, Burket,³ Coleman,⁴ Kennedy,⁵ and the military classification test scores.⁶ I call the Committee's attention to the fact that the test data in those studies is fully consonant with my own research and conforms to substantially all other research in this field as summarized by Dr. Shuey in the exhibit to Dr. Garrett's statement.⁷ Similarly, my research on the racial variation by subject directly correlates with the published work of Dr. Lesser⁸ of Harvard on racial learning patterns.

³ Project Talent, G. R. Burket, et al., Selected Pupil and School Characteristics in Relation to Percentage of Negroes in School Enrollment, 1963.

⁴ Coleman, J. S., Equality of Educational Opportunity, 1966.

⁵ Kennedy, Wallace A., Van de Riet, Vernon, White, James C., Jr., "A Normative Sample of Intelligence and Achievement of Negro Elementary School Children in the Southeastern United States," Monograph, Society for Research in Child Development, Serial No. 90, 1963/Vol. 28, No. 6.

⁶ Source: American Education, U.S. Department of Health, Education, and Welfare, Office of Education, October 1966.

⁷ Shuey, A. M., *The Testing of Negro Intelligence*, Social Science Press (New York, 1966).

⁸ Lesser, Gerald S., Fifer, Gordon, Clark, Donald H., "Mental Abilities of Children from Different Social-Class and Cultural Groups," Monograph of Society for Research in Child Development, Serial No. 102, 1965, Vol. 30, No. 4.

On July 8, preliminary results of the National Assessment of Educational Progress covering 100,000 school children were released. As reported in the *Washington Star* of that date (p. A-6): "The most controversial result of the comparative data is that black children scored 6 to 25 percent lower on seven of the 10 questions than did all 17-year-olds tested." There is clearly nothing "controversial" about this finding. It is fully in accord with all known studies including my own research.

Just how non-controversial this result is was illustrated only three days later when Washington newspapers reported easily predictable achievement test results in arithmetic and reading for Washington's largely black school system. Following a well-established pattern, Washington students scored about a quarter of the way below national norms. Ninth grade students averaged 2.2 grades behind national norms in reading scores and 2.1 years behind in arithmetic scores with a widening gap in test scores with each additional year of school attendance.⁹

The constant refusal to accept the obvious fact of racial difference in academic matters prompts my statement today.

SUMMARY AND CONCLUSION

The findings of my studies were part of a comprehensive study of ethnic differences in mental growth and school achievement. The populations were unselected and represented a broad cross section of sociological and economic aspects of a large county in the Southeastern United States. Our group was unlike those used in most previous longitudinal studies where populations were relatively small and considerably above average in intelligence.

The results of this 6-year longitudinal growth study support McGurk's thesis that, contrary to the position held by the environmentalist, racial differences are greater in non-cultural areas than in cultural areas. At the 10th and 12th grade levels, median scores on vocabulary, reading comprehension, and arithmetic reasoning subtests were significantly above the mean for arithmetic fundamentals. On the culturally weighted verbal tests Negro children held their own but on non-verbal items involving only number combinations the overlap between the two groups was virtually eliminated at the last testing.

When Negro children were experimentally matched with white children in terms of intelligence, sex, and school grade placement, significant achievement differences were apparent in the basic school subjects. Even for the group matched in terms of mental ability it is in the non-cultural areas that the Negro child lags behind.

With the Chairman's permission, I would like to file with the Committee, as Exhibit A, my article entitled "Racial Difference in School Achievement," explaining in detail the above-mentioned Southeastern county school achievement study.

There are several primary mental abilities—verbal, numerical, space and reasoning—found in mental tests. Those abilities vary from one ethnic group to another and from one age group to another.

The significant racial differences in school achievement shown by the studies which I have discussed, indicate the existence of a practical educational problem heretofore ignored by those who demand that schools be balanced in terms of factors other than mastery of basic educational objectives. The school administrator who is charged with the responsibility of providing meaningful educational experiences for all children in his district is not too concerned with Klineberg's explanation that significant racial differences in mental ability and school achievement can be attributed to cultural and environmental factors,¹⁰ nor is it likely to be of much comfort for the school leader to know that some psychologists believe achievement variations are the result of genetically conditioned experience producing "drives."

What the administrator needs to know is how to assimilate into white school systems Negro children who, in spite of better trained and higher paid teachers,¹¹ still learn at a rate only one-half to three-fourths that of the white children in the same school district.

⁹ *The Washington Post*, July 11, 1970, "Reading Scores of D.C. Students Below Norm of Big Cities, Nation."

¹⁰ Klineberg, Otto, *Characteristics of the American Negro*, Harper Bros., 1944.

¹¹ Osborne, R. T., "Racial Difference in School Achievement," *Mankind Monographs*, pp. 13-14.

If public schools are integrated *en masse* there appear to be three possible courses of action:

1. Lower the educational standards and level of instruction in the formerly white schools to the present passing level in the former Negro schools. The net result of this would be to maintain for Negro pupils standards now existing in their schools, but lower educational achievement of white children two to four years below their normal expectation. If this plan were adopted, there would be few if any failures or repeaters among the white children because they would almost never do so poorly as to fail by present Negro standards. It goes without saying that no reasonable citizen would sanction such a plan to lower our educational standards at a time when there is a world-wide attempt to strengthen teaching and up-grade education at all levels. More importantly, such a lowering of standards would disqualify most children for subsequent entry into college.

2. Raise educational standards required of the Negro child to those required of white children and maintain the present level of instruction. This alternative would result in a 40 to 60 percent Negro failure rate in intermediate grades. At the high school level where achievement differences are of the magnitude of three to four years, failure rate for the Negro student would be 80 to 90 per cent with larger and larger numbers of Negro children piling up in the lower grades.

3. The final alternative would be a track system of levels of instruction applying differential marking and evaluation systems. This alternative would result in *de facto* segregation as noted in the Washington, D.C. example.

None of these alternatives represents a real solution to the problem. Each would result in classroom confusion and bring about an over-all weakening of the educational system. The school administrator who has the responsibility of providing effective scholastic training for all children must devise an instructional program that will provide realistic educational goals for all boys and girls regardless of race. But any single such program would necessarily fail with one group or the other—or both if a compromise were tried.

It would make for efficiency in instruction to have an instructional strategy which was matched to the different ability patterns of the different groups. The student's ability in a given factor of learning would affect the rate at which that particular subject was taught and would also affect the content and type of teaching that was done. Assuming that the difference between 43 and 58 is the maximum difference on the test, it would be difficult for children in the lower group to keep up with those in the upper group and use the same texts.

A child who goes to a school designed for a different ethnic pattern would be misplaced. His failure to conform to group norms would deprive him of his educational motivation and he would therefore not have a chance to realize his full potentiality.

If a child has a choice between a school or class that is matched to his ethnic abilities and one that is planned for the ethnic pattern of a different group, his best educational choice is obvious. A freedom to choose such a school or class is therefore not only desirable from an educational point of view, but is essential if "quality education" is the goal to be achieved.

Needless to say, the federal government—and quite possibly some of the Committee members—find themselves morally or politically committed to further integration as a cure for the scholastic ills which on the record appear to have had as their principal cause, integration itself. As each past and costly federal study reconfirms the established facts as to the learning characteristics of these children, the government continues to launch new studies in the hope that sooner or later by fortuitous chance or sufficiently narrow distinction of a test group, an affirmative learning result from integration can be shown. For all the millions spent so far not one such study has been produced.

I refer to this for the reason that Section 10 of this bill provides for evaluation of results. It does not provide any means whereby such an evaluation could be made truly impartial. I therefore strongly recommend that Section 10 be amended to require federal officials to conduct an open study, by nationally accepted objective testing, under the direction of a committee equally representing both points of view, to find out once and for all whether optimum education of minority students will be achieved by increased integration. That could prove to be the greatest service that Congress could perform in raising the standards of American education.

MANKIND MONOGRAPHS

III

RACIAL DIFFERENCE IN
SCHOOL ACHIEVEMENT

BY

R. T. OSBORNE

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Racial Difference in School Achievement

On group achievement tests designed to evaluate the degree of success in learning the basic subjects taught in public schools the American Negro with rare exception is unable to keep pace with established grade norms. In most subjects the average Negro child falls behind the norm group at the rate of almost one-third of a grade per year, until by the time he graduates from high school he is in some areas four full years below the twelfth grade standard.

It is the purpose of this paper to point out some of the practical problems for educators who are forced to balance their schools in terms of factors other than knowledge of and skills in the fundamental school subjects.

This is the third phase of a comprehensive longitudinal study of ethnic differences in mental growth in school achievement. Most previous longitudinal studies have been concerned with very stable and relatively small populations with high average to superior general ability which, for the most part, have been drawn from high-average socio-economic levels. In addition to the problem of small biased samples the longitudinal design is weakened by selective elimination of subjects through death, illness, or migration. Poorly articulated achievement tests and mental ability scales of less than perfect reliability may further complicate interpretations made from longitudinal data. However, in spite of these weaknesses the genetic longitudinal approach yields patterns of growth and trends probably more valid than those shown by data based on successive cross sections of development.

The present paper reports patterns of test intelligence and school achievement growth over a six-year period for more than 800 white and Negro children. Growth curves will be described in an effort to determine what generalizations may be made concerning patterns of mental development and learning progress of an unselected population of public school children. From this base sample, two experimental groups of white and Negro children were matched for sex and intelligence and were examined for school achievement variations over the six-year period. Variations in pupil achievement were also analyzed in terms of teacher qualifications including both formal training and on-the-job experience.

CALIFORNIA READING TEST

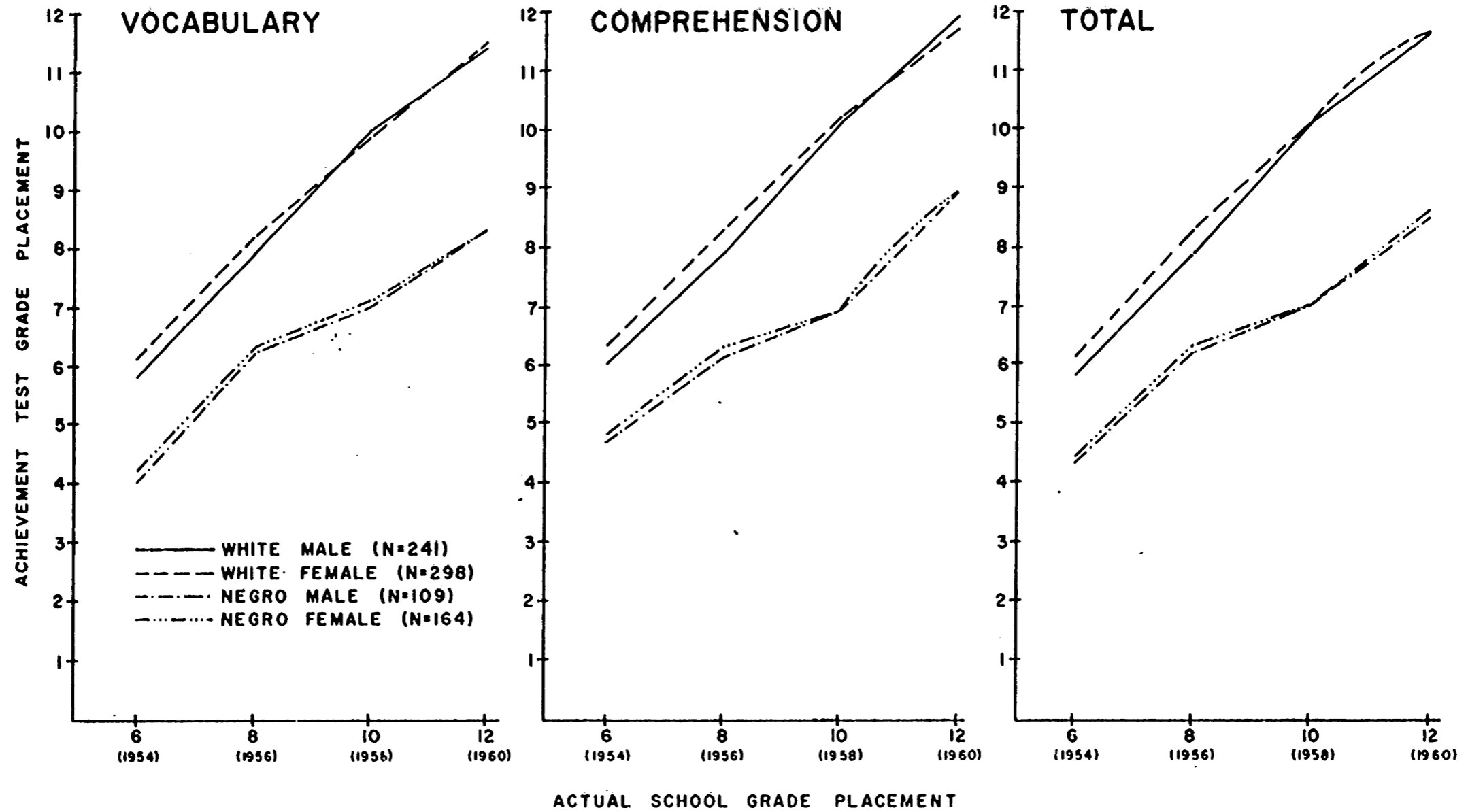


Fig. 1

Average grade placements earned on California Reading Test by white and Negro pupils tested in grades 6, 8, 10, and 12.

METHOD

This report is part of a comprehensive longitudinal study being made of mental growth and school achievement in one county in the South-eastern United States. The children were first examined with the California Test Battery¹ during the spring term of the sixth grade in April 1954. In 1954 the elementary levels of the 1950 edition of the California Battery were used for the sixth grade white and Negro pupils. In 1956 intermediate levels of the 1950 edition of the same tests were used for the eighth grade white and Negro pupils. In 1958 the advanced levels of the 1950 edition were used for tenth grade white pupils and the intermediate levels of the 1950 edition were used for the tenth grade Negro group. In 1960 the advanced level of the California test battery, 1957 edition, was used for both groups. There were 539 white and 273 Negro children who were tested on all four dates. The group studied includes all white and Negro pupils of the system who were in the sixth grade in 1954 and the eighth grade in 1956 and the tenth grade in 1958 and the twelfth grade in 1960. Students who dropped out, who were retarded, who were accelerated, or who were absent on both the regular and make-up testing dates of any year are not included. That is, the number of cases used represents those pupils who were tested on all four of the test dates. Of the 1467 white and 876 Negro children who were tested in April of 1954, 539 white and 273 Negro pupils remained in the school system, made normal progress, and were retested in 1956, 1958, and 1960. The attrition rate over the six-year period was 63 per cent for the white students and 69 per cent for the Negro students.

At the time of initial testing the mean age of white children was 11 years 9 months with a standard deviation of five months; the mean age for the Negro group was 11 years 10 months with a standard deviation of eight months. The Negro children on the average were one month older than the white boys and girls.

RESULTS

Results obtained from repeated testings over the six-year period are shown in Figures 1, 2, and 3. Reading test results are shown in Figure 1. Here it is seen that the Negro-white achievement differences of almost two years at grade

¹ *California Achievement Tests* (1950 ed.); *California Short Form Test of Mental Maturity* (S-Form). Los Angeles: California Test Bureau, 1950.

CALIFORNIA ARITHMETIC TEST

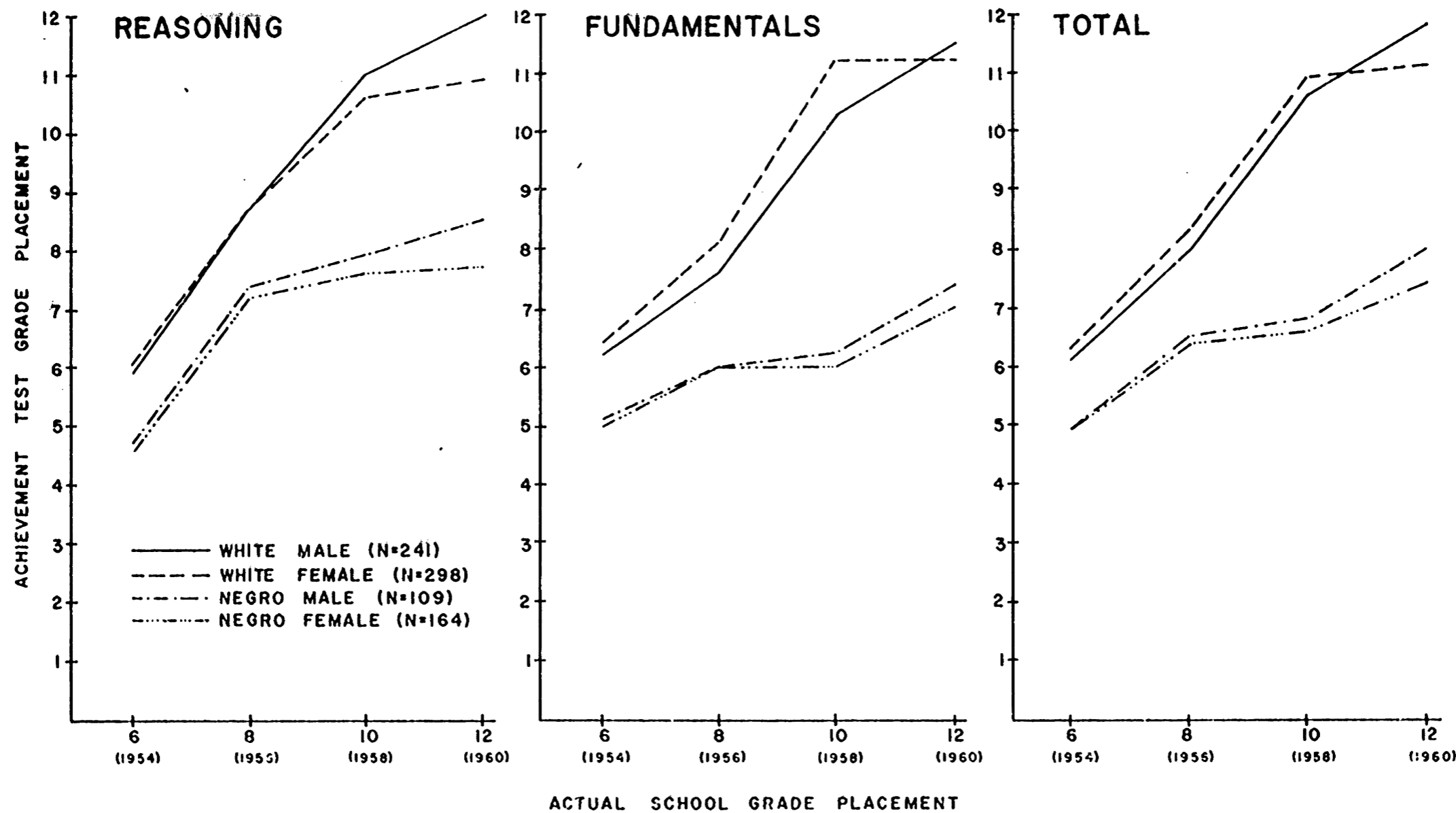


Fig. 2

Average grade placements earned on California Arithmetic Test by white and Negro pupils tested in grades 6, 8, 10, and 12.

CALIFORNIA TEST OF MENTAL MATURITY

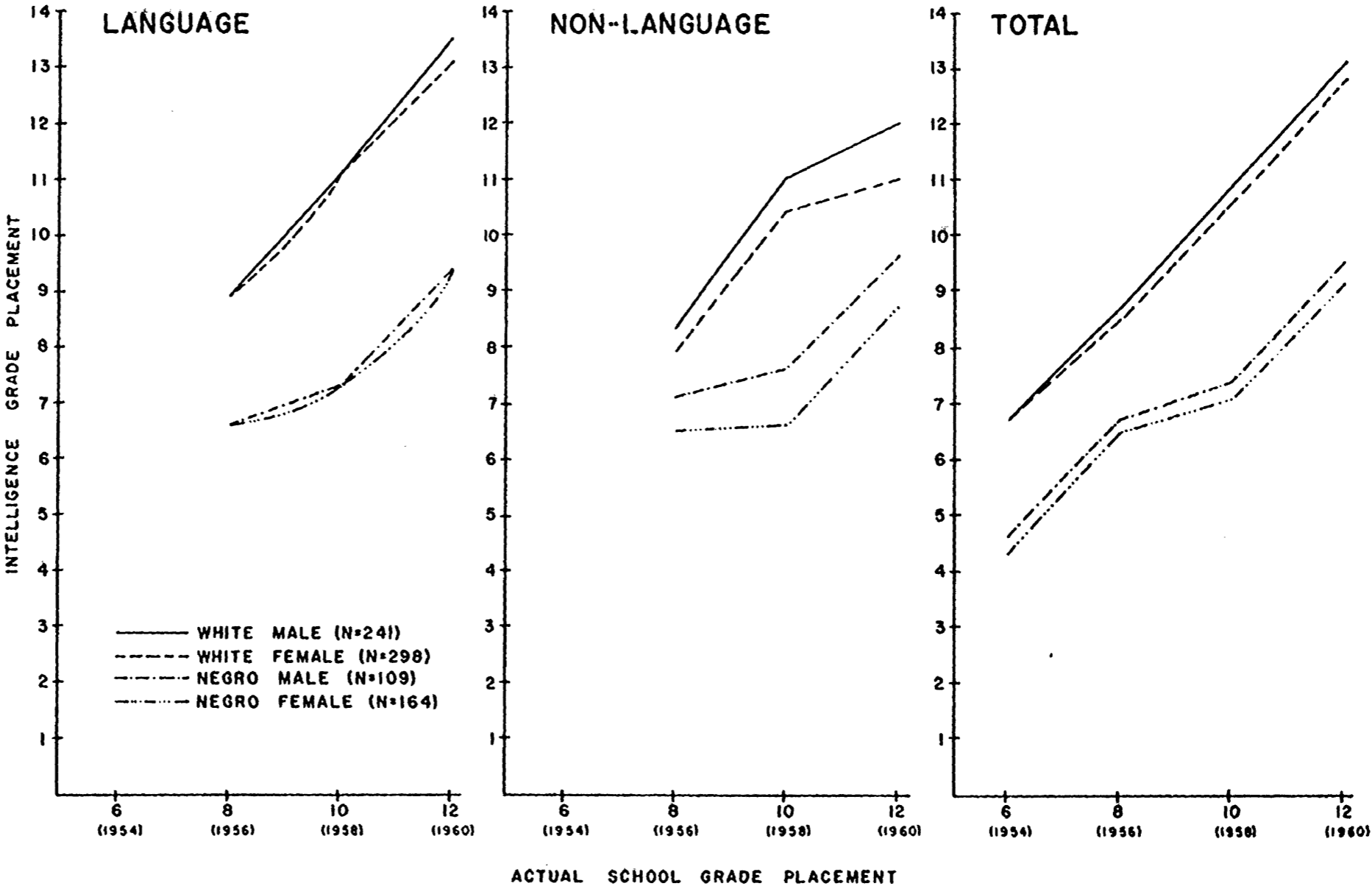


Fig. 3

Average intelligence grade placements earned on California Mental Maturity Test by white and Negro pupils tested in grades 6, 8, 10, and 12.

six increased steadily until at grade twelve the difference in reading level was over three school grades. This widening gap in achievement between the two groups is apparent on both vocabulary and comprehension subtests as well as for the total reading scale.

The pattern in arithmetic (Figure 2) is the same as for reading. In the sixth grade white-Negro differences were just over one grade for the areas covered by the California Arithmetic Test. In the eighth grade the two groups maintained relative positions in arithmetic reasoning but on the tests of arithmetic fundamentals the Negro group was now nearly two grades behind the white pupils. Six years after the first test when both groups were examined during the second semester of the twelfth school year there was a difference in arithmetic achievement of almost four grades between the two groups. The arithmetic grade placement of the average Negro twelfth grade pupil was below the eighth grade national norms while the white group tested above the eleventh grade on the same norm group. In other words, in terms of arithmetic skills, especially fundamental operations involving only numbers, white children in the eighth grade were not only significantly above the eighth grade Negro group, but they were also superior in arithmetic skills to tenth and twelfth grade Negro pupils.

Growth patterns of mental ability grade placement for the two groups are seen in Figure 3. The difference in mental maturity of over two years at the sixth grade (1954) was slightly attenuated at the eighth grade testing (1956), but by the second semester of the tenth grade (1958) the means of the two groups are separated by over three years. The same relative position of the two curves was maintained through the last testing period of the experiment, twelfth grade (1960). By the time the students were examined at the tenth grade there was practically no overlap in I.Q.; that is, only one tenth grade child in the white group earned an I.Q. below the median I.Q. of the Negro children in the same grade. At the tenth grade only one per cent of the Negro pupils equalled or exceeded the median I.Q. of the whites (Table I).

In an effort to determine whether the population sample used in the longitudinal study was representative of the children in the entire country, median achievement grade placements were determined for all (fifth and sixth),³ eighth and tenth grade children for the period 1954-1962. Because of the weakness inherent in the longitudinal design, all children remaining in the longitudinal group read better and have a better understanding of the fundamentals of arithmetic than do their age mates in the same school grade. The longitudinal group represents those boys and girls of both races who have made normal school progress. Selective elimination of "drop outs," "repeaters," and "school leavers" tends to raise the median achievement grade placement of the remaining students

³ Sixth grade testing was discontinued after the 1956 program was completed. All fifth grades were tested beginning February 1957. Special arrangements were made with school officials to examine all graduating seniors of the class of 1960.

TABLE I

DISTRIBUTION OF INTELLIGENCE QUOTIENTS EARNED BY TENTH
GRADE PUPILS IN A SOUTH-EASTERN COUNTY IN 1958

WHITE			NEGRO	
I.Q.	FREQUENCY	CUMULATIVE PER CENT	FREQUENCY	CUMULATIVE PER CENT
125-129	11	99.9		
120-124	6	98.0		
115-119	27	96.8		
110-114	51	91.8		
105-109	119	82.4	1	99.9
100-104	150	60.3	5	99.6
95-99	104	32.5	15	97.8
90-94	49	13.2	28	92.3
85-89	19	4.1	38	82.1
80-84	2	.6	63	68.1
75-79	1	.2	53	45.1
70-74			38	25.6
65-69			26	11.7
60-64			5	2.2
55-59			1	.4
N=	539		273	
Median=	103		81	

TABLE II

MEDIAN GRADE PLACEMENTS FOR CALIFORNIA ACHIEVEMENT AND
MENTAL MATURITY TESTS FOR WHITE AND NEGRO PUPILS
IN GRADES 5, 6, 8, AND 10
1954-1962

	WHITE				NEGRO			
	No.	READING	ARITHMETIC	MENTAL MATURITY	No.	READING	ARITHMETIC	MENTAL MATURITY
6th Grade								
1954	1558	5.7	6.1	6.3	932	3.9	4.6	3.9
1955	1603	5.6	6.2	6.5	948	3.9	4.8	4.3
1956	1559	5.6	6.3	6.6	1010	3.6	4.8	4.2
5th Grade								
1957	1901	5.0	5.4	—	1159	3.3	4.3	—
1958	2288	5.6	5.7	5.8	1368	3.4	4.2	3.8
1959	2215	5.7	5.7	6.0	1320	3.7	4.2	4.1
1960	2072	5.9	5.8	6.0	1246	4.1	4.5	4.1
1961	2039	5.9	5.8	6.0	1341	4.2	4.6	4.3
1962	1960	6.0	6.0	6.0	1283	4.2	4.6	4.4
8th Grade								
1954	1206	7.6	7.5	8.1	697	5.6	6.0	6.1
1955	1399	7.7	7.8	8.2	738	5.4	5.9	6.2
1956	1526	7.7	7.9	8.4	830	5.8	5.9	6.2
1957	1544	7.6	7.4	8.2	904	5.7	5.8	6.1
1958	1637	7.5	7.6	8.2	936	5.4	5.8	6.1
1959	1673	7.8	8.2	8.0	888	5.4	6.0	5.6
1960	1850	7.9	8.6	8.4	1001	5.4	6.2	5.7
1961	2074	8.1	8.6	8.3	1140	5.5	6.1	5.9
1962	1952	8.1	8.6	8.3	1180	5.8	6.2	6.0
10th Grade								
1954	919	9.1	8.8	9.4	460	6.5	6.0	6.7
1955	981	9.1	8.7	9.4	486	6.3	5.9	6.4
1956	1015	9.1	8.8	9.5	583	6.6	6.1	6.9
1957	1167	9.7	10.0	10.1	576	6.0	6.0	6.2
1958	1325	9.8	10.2	10.2	712	6.5	6.1	6.8
1959	1445	9.7	9.6	9.8	751	6.3	6.6	6.2
1960	1439	9.6	9.4	9.7	729	6.3	6.7	6.4
1961	1496	9.8	9.4	9.9	672	6.4	6.9	6.6
1962	1657	10.3	10.6	10.3	791	6.9	7.1	7.0

CALIFORNIA TEST OF MENTAL MATURITY

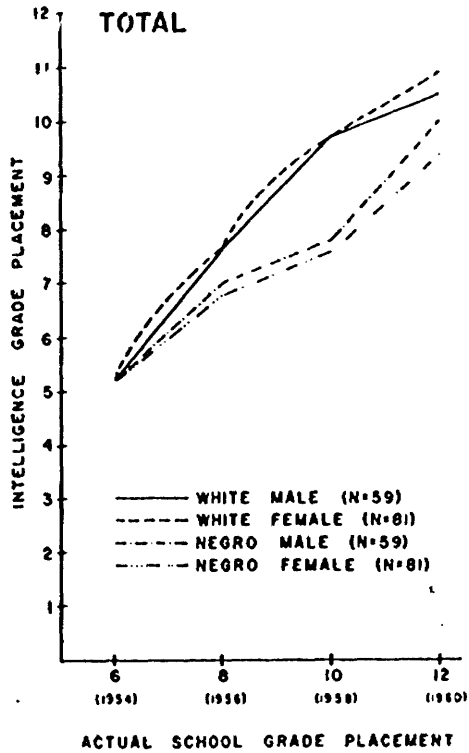


Fig. 4

Average intelligence grade placements earned on California Mental Maturity Test by groups of white and Negro pupils equated on the basis of intelligence quotients earned at the sixth grade level.

age. For white males the mean age was 141.2 months with a standard deviation of 6.9 months; for the Negro males, 141.0 and 6.1; for the white females, 140.3 and 6.0 and for the Negro females 140.2 and 6.3. Fifty-nine matched pairs of boys and 81 pairs of girls remained in the school system, made normal progress in their respective schools, and were re-tested in 1956, 1958, and 1960. In order to match the 140 pairs of students it was necessary to select the majority of the children from opposite ends of the two distributions. The white children in the equated group are considerably below the average of their white classmates while a majority of the Negro children are above the 75th percentile of their group.

Mental ability growth curves for the two matched groups are seen in Figure 4. Here we have represented the records of two groups of sixth grade children of the same age, same sex, and of equal initial mental test performance. When these children were re-examined two years later, differences were slight but apparent. When all members of the group were again tested in the tenth and twelfth grades, the white-Negro differences in mental test performance ranged from one to two grade placement years.

When white and Negro children were initially equated for sex, mental ability, and school grade placement, and later examined at regular intervals of their school history, reading achievement differences (Figure 5) are not as great as mental ability differences. The Negro child seems to be weakest on the vocabulary section of the California Reading Test. Comprehension and total reading are within one grade of the matched white group at most test periods. As is the usual case, girls in both groups tend to read better than boys.

It is in the area of arithmetic achievement that the Negro child seems to be most deficient (Figure 6). Negro children of mental age grade placement equal to that of white children are unable to learn mathematical skills at the same rate as their white experimental partners. The Negro children, a majority of whom were selected from the top fourth of their group in terms of mental age grade placement, are unable to keep pace with the group of white children, most of whom were drawn from the lowest fourth of their class. Over the six-year period of the study the rate of learning new arithmetical skills for Negro children was about 50 per cent that of the standard norm rate and about 68 per cent that of the rate of the equated white experimental group.

This finding of higher achievement for Negro students in the so-called culturally weighted areas than in the fundamental numerical operations of arithmetic corroborates the careful work of McGurk and others who consistently report that it is not the cultural but the non-cultural items which are difficult for Negro pupils to learn.

During the early years of the present experiment a comparative study of the training and qualifications of the more than 800 white and Negro teachers of the county in which this study was made was reported by the writer at the 1957

CALIFORNIA READING TEST

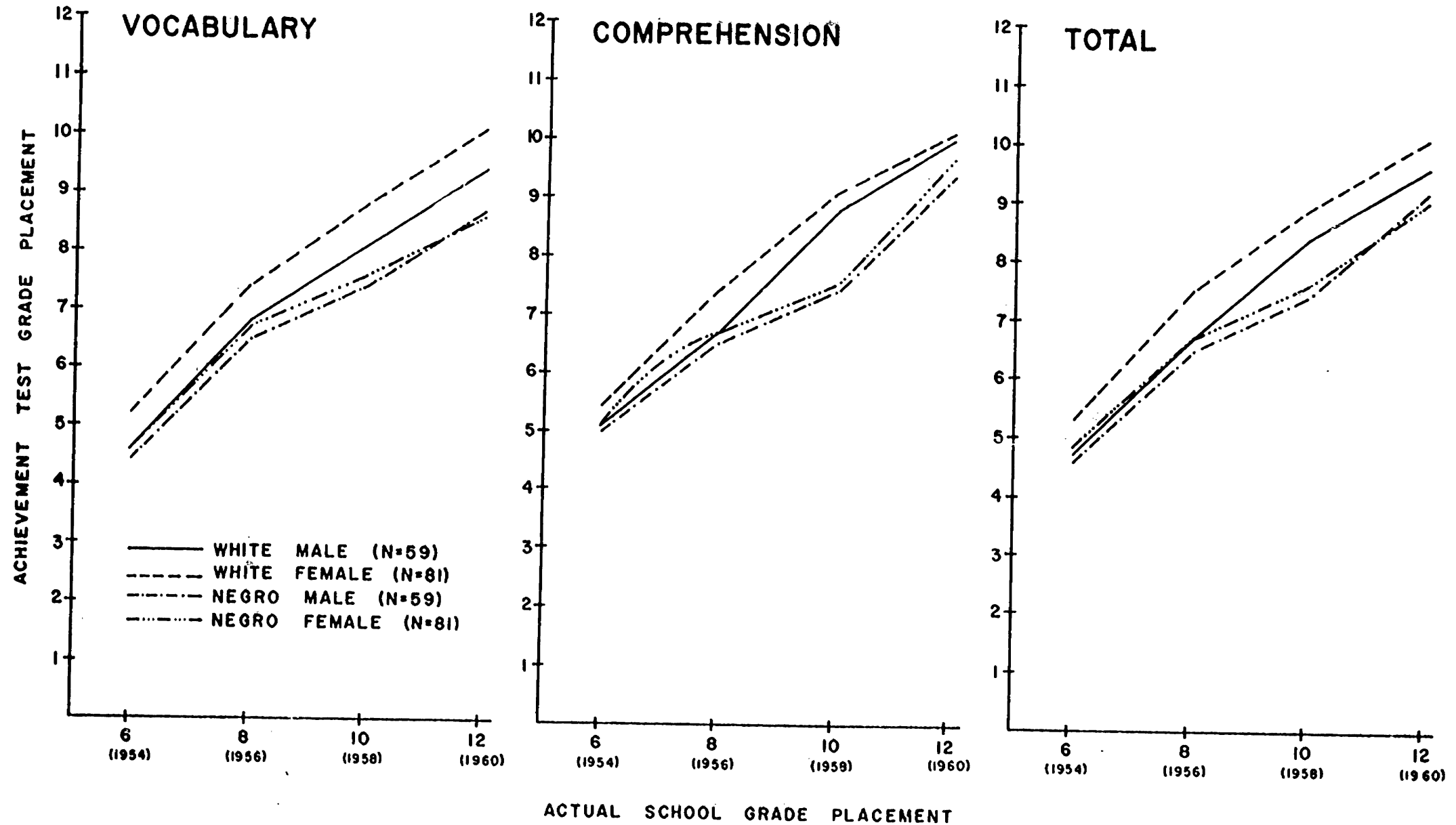


Fig. 5

Average grade placements earned on California Reading Test by groups of white and Negro pupils equated on the basis of intelligence quotients earned at the sixth grade level.

CALIFORNIA ARITHMETIC TEST

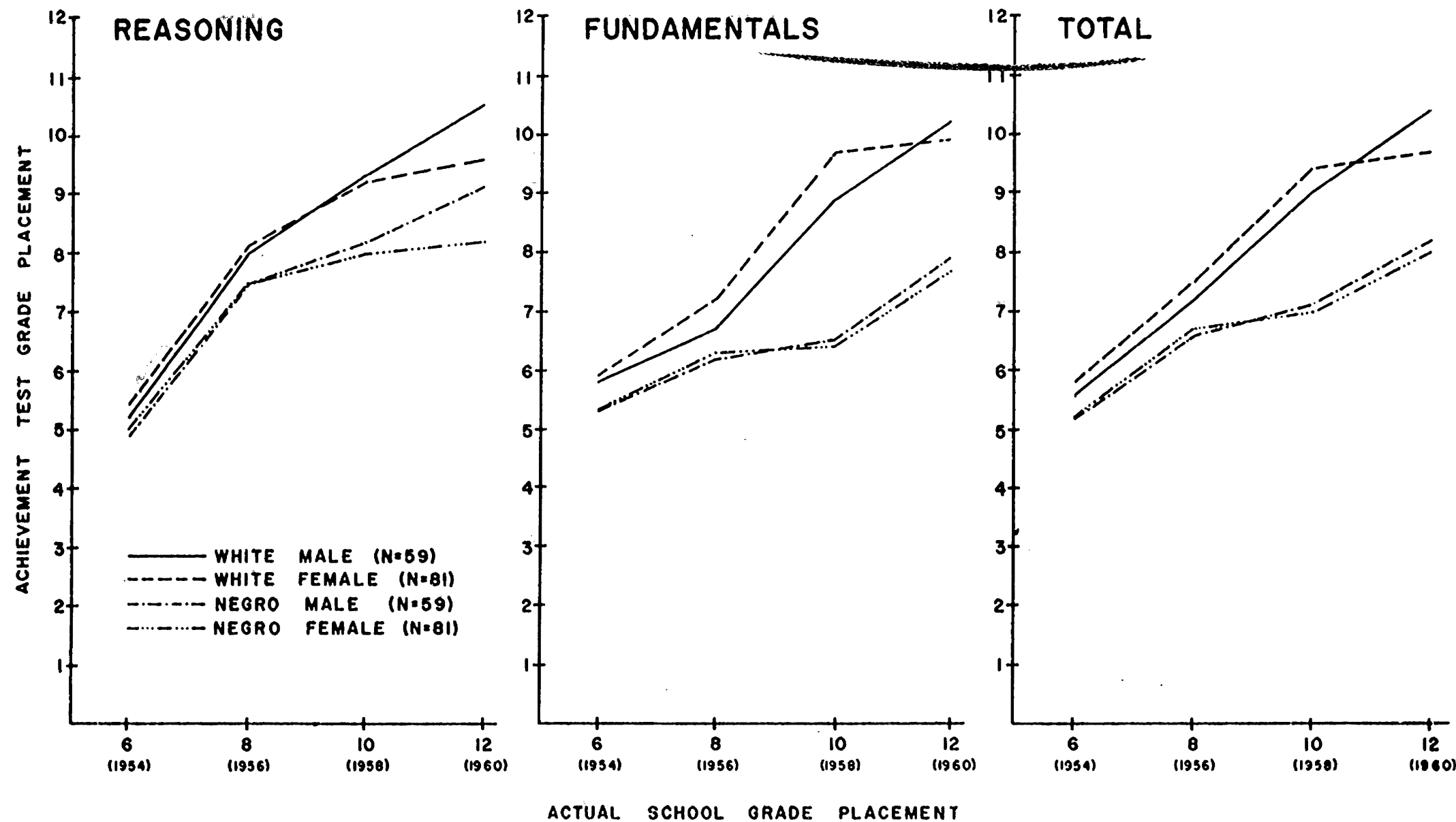


Fig. 6

Average grade placements earned on California Arithmetic Test by groups of white and Negro pupils equated on the basis of intelligence quotients earned at the sixth grade level.

American Psychological Association Convention in New York. The significant results of the previous study were summarized as follows:

Six of the ten inter-racial differences in training and experience background were statistically significant. These differences indicate that:

1. The Negro teachers had completed a greater number of years of college training than the white teachers.
2. Negro teachers had completed college course work more recently than had the white teachers.
3. The mean yearly salary of Negro teachers markedly exceeded that of the white teachers,
4. Negro principals assigned relatively lower competence ratings to the Negro teachers under their supervision than the white principals assigned to the white teachers under their supervision
5. A higher proportion of Negro teachers than of white teachers held master's degrees.
6. A higher proportion of Negro teachers than of white teachers held five-year teaching certificates.

It should be pointed out that all teachers in the school system were used for the teacher comparative study whereas only successive sixth, eighth, tenth, and twelfth grade students were examined for the longitudinal study. It should also be noted that at the time of the teacher study (1957) there was only a limited number of integrated universities in the South-east offering graduate work in professional education. Most Negro teachers in the study had received their training at the better colleges of the North, East, and Mid-west. The white teachers usually attended their state university or a local teacher training college.

SUMMARY AND DISCUSSION

The findings reported here are part of a comprehensive study of ethnic differences in mental growth and school achievement. The populations were unselected and represented a broad cross section of sociological and economic aspects of a large county in the South-eastern United States. Our group was unlike those used in most previous longitudinal studies where populations were relatively small and considerably above average in intelligence.

The results of this six-year longitudinal growth study support McGurk's thesis that, contrary to the position held by the environmentalist, racial differences are greater in non-cultural areas than in cultural areas. At the tenth and twelfth grade levels, median scores on vocabulary, reading comprehension, and arithmetic reasoning subtests were significantly above the mean for arithmetic fundamentals.

On the culturally weighted verbal tests Negro children held their own but on non-verbal items involving only number combinations the overlap between the two groups was virtually eliminated at the last testing.

When Negro children were experimentally matched with white children in terms of intelligence, sex, and school grade placement, significant achievement differences were apparent in the basic school subjects. Even for the group matched in terms of mental ability it is in the non-cultural areas that the Negro child lags behind.

These significant racial differences in school achievement exist in a county where a higher proportion of Negro teachers than of white held master's degrees and five-year level teaching certificates. Negro teachers had also completed college course work more recently than had the white teachers. As a result of higher professional training and more teaching experience the mean yearly salary of Negro teachers markedly exceeded that of the white teachers.

This report of racial differences in school achievement is not presented in the way of new evidence but rather to point out a practical educational problem heretofore ignored by those who demand that schools be balanced in terms of factors other than mastery of basic educational objectives. The school administrator who is charged with the responsibility of providing meaningful educational experiences for all children in his district is not too concerned with Klineberg's explanation that significant racial differences in mental ability and school achievement can be attributed to cultural and environmental factors, nor is it likely to be of much comfort for the school leader to know that some psychologists believe achievement variations are the result of genetically conditioned experience producing "drives." What the administrator needs to know is how to assimilate into white school systems Negro children who in spite of better trained and higher paid teachers still learn at a rate only one-half to three-fourths that of the white children in the same school district.

If public schools are ordered to integrate *en masse* there appear to be three possible courses of action:

1. Lower the educational standards and level of instruction in the white schools to the present passing level in the Negro schools. The net result of this would be to maintain for Negro pupils standards now existing in their schools, but lower expectations for the white children two to four years below their present grade norm. If this plan were adopted, there would be few if any failures or repeaters among the white children because they would almost never do so poorly as to fail by present Negro standards. It goes without saying that no reasonable citizen would sanction such a plan to lower our educational standards at a time when there is a world-wide attempt to strengthen teaching and up-grade education at all levels.

2. Raise educational standards required of the Negro child to those required of white children and maintain the present level of instruction and rate of failures. This alternative would result in a 40 to 60 per cent Negro failure rate in intermediate grades. At the high school level where achievement differences are of the magnitude of three to four years, failure rate for the Negro student would be 80 to 90 per cent with larger and larger numbers of Negro children piling up in the lower grades.
3. The final alternative would be to maintain the two existing levels of instruction and to apply differential marking and evaluation systems to the two groups. This alternative would result in *de facto* segregation because for teaching efficiency learners within each school are grouped according to achievement and learning ability.

None of the proposed alternatives represents a real solution to the problem and each would result in educational chaos and confusion and bring about an over-all weakening of the educational system. The school administrator who has the responsibility of providing meaningful educational experiences for all children must have an instructional program that will provide realistic educational goals for all boys and girls regardless of race.

In regions of the United States where the Negro population is relatively small there may be no problem of balancing the schools in terms of race. However, in the South-eastern United States where upwards of 30 per cent of the population is Negro, racial differences in school achievement can no longer be ignored. Attempts to explain the reasons for the differences on the basis of environmental or genetic conditioning will not solve the problem. Regardless of etiology, racial differences in school achievement do exist and must be reckoned with.

(Whereupon, at 11:55 a.m. the subcommittee adjourned, to reconvene at 10 a.m. on Tuesday, June 30, 1970.)

EMERGENCY SCHOOL AID ACT OF 1970

TUESDAY, JUNE 30, 1970

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The General Subcommittee on Education met at 10 a.m., pursuant to recess, in room 2261, Rayburn House Office Building, Hon. Roman C. Pucinski (chairman of the subcommittee) presiding.

Present: Representatives Pucinski, Ford, and Dellenback.

Staff members present: John F. Jennings, counsel; and Alexandra Kiska, clerk.

Mr. PUCINSKI. The committee will come to order.

We are very pleased to have this morning a delegation from Detroit to testify on H.R. 17846. I am going to ask my colleague from Detroit, Congressman Ford, to introduce the panel. Mr. Ford.

Mr. FORD. Thank you, Mr. Chairman. It is a particular pleasure for me as a Congressman from Michigan to welcome this panel of witnesses who have an outstanding track record in education not only in our State but throughout the country. They are all known to this committee because of the support they have given to the efforts of the committee in writing Federal aid to education legislation for a good many years now. Of course, Dr. Bill Simmons, who presents himself very ably before a lot of committees, is well known to this committee. Dr. Monacel is working very hard to revive the teaching corps in Detroit, Norman Drachler, our superintendent, is one of those extremely delightful rarities in public school superintendents, a man who came up through the ranks in the system that he now heads, and I think that that has a lot to do with the success he has had. It is a pleasure to have you here this morning.

Mr. PUCINSKI. Dr. Drachler, we are very pleased to have you here, and I thank our colleague, Mr. Ford, for introducing them to us. We have your prepared statement and that will go in the record in its entirety, and the appendixes that you have presented. You can proceed in any manner you wish. I am sure the other members will be joining us shortly, but I think we might as well get started.

STATEMENT OF DR. NORMAN DRACHLER, SUPERINTENDENT OF DETROIT PUBLIC SCHOOLS; ACCOMPANIED BY DR. WILLIAM SIMMONS, DEPUTY SUPERINTENDENT OF SCHOOLS, AND DR. LOUIS MONACEL, ASSISTANT SUPERINTENDENT IN CHARGE OF FEDERAL PROGRAMS

(The statement and appendixes follow:)

STATEMENT OF NORMAN DRACHLER, SUPERINTENDENT OF DETROIT PUBLIC SCHOOLS

Mr. Chairman, I am Norman Drachler, Superintendent of the Detroit Public Schools. I am accompanied by Dr. William Simmons, Deputy Superintendent of our Schools, and Dr. Louis Monacel, Assistant Superintendent in Charge of Federal Programs.

I have read the proposed Bill H.R. 17846 and have followed the press reports which discuss some of the previous hearings on this bill. The objectives of this act as expressed in Section 2 reinforce some of the efforts that our Board of Education has made during the past ten years. I have some concerns about the conditions under which funds will be allocated for these purposes which I will present in my concluding remarks.

First, permit me to review very quickly Detroit's position on desegregation as demonstrated by policy decisions made by our Board of Education:

1. In 1957 the Detroit Board of Education appointed a City-Wide Committee on School Needs. This committee under the chairmanship of Mr. George Romney worked for eighteen months and made many recommendations to the Board of Education. One of these recommendations approved by the Board related to the goal of integration. It proposed that when and if boundary changes are to be made in the Detroit Public Schools—it shall be the policy of the Board to draw lines in a manner that will bring together, in so far as possible, children of different ethnic, religious, and socio-economic and racial backgrounds. This policy has been followed for the past eleven years.

2. The Citizens' Advisory Committee also recommended that the Board of Education appoint a second citizens committee to devote itself primarily to the subject of Equal Educational Opportunities. This advice was followed by the Board of Education and a committee on Equal Educational Opportunities under the chairmanship of the Honorable Judge Nathan Kaufman made its recommendations to the Board in the early 1960's. Due to the influence of this committee Detroit adopted a "balanced staff policy" which resulted in the assignment of black and white teachers to every single school in Detroit.

Recognizing the importance of attaining a better racial balance in its educational staff the Detroit Schools initiated an extensive recruitment program to hire teachers and administrators from minority groups. Today over forty per cent of our educational staff is black and nearly thirty percent of our administrators are black.

4. Detroit was the first major city to recognize and implement integrated reading primers for our children. Our school system began in the early 60's to develop the first urban series of school primers which reflected integrated content materials. These primers have now been developed through the third grade and are used in every single school in our city.

5. Our Board of Education also adopted a policy that demanded from publishers textbooks and instructional materials reflecting more fully and accurately the contributions of minority groups in our nation. Two years ago our Board made a decision not to buy any textbooks for that year simply because we wanted to demonstrate that we would not purchase merely the best available book but insist upon quality integrated instructional materials.

6. Our Board of Education adopted a contract compliance policy which demands fair employment practices by all parties with whom we conduct school business. Prior to the hiring of a contractor for school construction or purchasing school materials bidders must submit evidence of fair employment practices.

7. Since we have conditions in our city where certain schools are overcrowded, particularly at the elementary level, we have had to over the past twenty years bus children from crowded schools to buildings which had space.

Four years ago our Board stated that whenever we bus children to relieve overcrowding we should bus them, if at all possible, to a school where we can

achieve both relief for overcrowding and integration. This policy has been in effect for the past four years. Similarly the Board decided in recent years that a youngster may enroll in an 'open enrollment' school only if his attendance at the 'open school' would contribute toward integration. Whenever feeder patterns had to be changed it has been our practice to make changes in accordance with our integration policy wherever possible and reasonable.

About six years ago the Board adopted a policy to retain integration in three high school constellations, Mackenzie, Mumford and Pershing. We recognized that in these neighborhoods where integration existed due to normal neighborhood changing patterns—it was essential to provide quality education in order to reassure parents that they need not leave these integrated neighborhoods. An appeal was made to the State for special funds to improve educational opportunities in these three high school areas. The State provided us with some funds but for only one year and these were not adequate to do the job.

Recently our State legislature adopted a decentralization bill. The Detroit Board of Education was required to divide the city into not less than seven nor more than eleven regions. After several months of study, the Board adopted a decentralization plan which provided for seven regions. Coupled with this plan was a proposal to change the feeder patterns of twelve high schools in order to achieve over a three-year period better integration. Due to a variety of factors the plan aroused considerable opposition on the part of many parents as well as members of our State legislature. Nevertheless, if we had the means to assure parents that as a result of the proposed integration plan, additional educational services would be supplied to these schools, I believe that parental opposition might have been decreased.

Detroit has about 200,000 students of whom about 62% are black. In 1968-69 the Michigan State Racial Count indicated that 13% of the State Public School Enrollment was Negro. About 63% of all the Negro students in Michigan attend Detroit Public Schools. The distribution of our students coupled with a concentration of black and white students in different geographic areas call for a two-pronged thrust, or effort, in our community. Within the inner city where the school population is primarily poor and black we must intensify our compensatory programs to achieve better education for our students. Integration at the elementary level is particularly difficult. In the areas where black students are attending schools adjacent to highly concentrated white populated schools, we do have an opportunity for providing reasonable integration, particularly at the junior and senior high school level.

With your permission I would like to illustrate on the screen some demographic data existing in Detroit which probably reflect conditions in other large cities which reinforce, in my opinion, the necessity for the two major efforts that I have alluded to earlier. These charts are also attached to my formal remarks in the Appendix. With your permission I would like to review these briefly.

Here is a map of the City of Detroit with the vital events which occurred to Detroit residents in the year 1967. The black population of Detroit is concentrated primarily between the Detroit River and McNichols Road on the north, Greenfield Road on the left, the City boundary on the east. Census tracts H, I, and J on the west side of Detroit and O and N in the northeast side of Detroit are predominantly white. G and M areas reflect integrated communities although the schools are predominantly black. Note the high infant mortality rates in Areas D, A, and K as compared with Areas O, J, and I. You will also note that nearly every type of disease listed on this map is concentrated within the inner city. We are told by authorities that in areas where the infant mortality rate is 30 or higher, nearly 20 to 30% of the children who survive have neurological defects which require special help in order for children to learn and progress in school. These are often not visible to the average teacher or principal.

Now I would like to place on this transparency the achievement scores based on Iowa Means for the city, and note the relationship between poverty, poor health, racial concentration and poor education. Please note that where the highest incidents of infant mortality, deaths due to violence, and tuberculosis overlap is the area where rioting in 1967 was most intense. You will also note that where the rate of mobility is highest educational achievement is generally low. Note that the area where last year we had over sixty percent mobility records the lowest educational achievement. We had several schools with over 100% mobility in one year. The middle achieving area represents a mobility between forty and sixty percent and the highest achieving area has the least mobility.

A great deal has been said about the impact of title I upon educational achievement. Since some concerns have been expressed that the funds proposed for integration efforts might be taken from title I sources I wish to plead for the continuation of full funding for compensatory programs. Our experiences, which I will illustrate on the screen, definitely illustrate that concentration of funds has brought improvement in reading in a majority of our Title I schools. These figures also demonstrate that where services were cut due to a lack of funds the quality of the program generally suffered.

Reviewing Detroit's reading scores between 1965 and 1969 we find that out of 110 elementary schools receiving Federal Funds and supplementary State Funds more schools made progress in the 80 title I A and B schools than in the 93 non-title I schools. In the C schools where title I funds were discontinued as of September, 1968, the progress in reading is less than in either the A or B schools. The most significant growth in reading was evident in grade four since most of our concentration of Federal Funds has been in the early grades. Yet grade six in title I schools showed slightly more progress than grade six in the non-title I schools. Evidently there has been some benefit that carried over from the earlier grades.

I would now like to illustrate the last chart which represents our most recent effort for integration. Please keep in mind that in the areas where integration is most reasonable to achieve Title I funds are generally not allocated. This condition which I am certain is true in other cities of the north, therefore, strengthens the need for special funds to encourage and foster integration. Please observe how by changing the boundary lines between high school constellations by simply drawing the lines east and west we would be able to provide integration for approximately twelve high schools in our city, encompassing approximately thirty-five thousand students.

Obviously this plan created a great deal of concern on the part of many parents. I am convinced, however, that the majority of parents, black and white, were more concerned with the quality of education and the safety of their children than with the issue of race. If we had the means to offer "showcase" education to these parents, promote an intensive campaign within the community to reassure both black and white parents of their children's progress and safety to and from school, and if we could provide these schools with specially trained teachers, programs and aids that would enrich the educational opportunities for all children, I am certain that we could overcome some of the resistance that we are meeting in Detroit today.

Finally, I would like your permission to express some concerns about the conditions outlined in H.R. 17846 which create doubt in our minds whether cities in the north that have very high concentration of minority students will receive adequate funds to meet the challenge of quality integrated education:

1. As I understand this act it does not address itself to the \$150 million which will be available immediately for schools engaged in desegregation. I contend that time is of the utmost importance in large Northern cities. I do hope that this committee will use its influence to enable Northern cities that are voluntarily moving in the direction of integration to receive immediately some share of the \$150 million.

2. H.R. 17846 seems to offer greater advantage to those schools that are under court order to carry out desegregation. I question whether funds can be most effective when the implementation is due to a court order. I think a case can be made where integration is the result of voluntary action taken by a local community that its results will be much more productive and meaningful in the long run. Giving higher priority to areas that are under court order will simply stifle and discourage those communities that are seeking to implement the law of the land as well as full sound educational practices.

3. A plan for integration requires planning, preparation and communication far in advance of the implementation of the program. It is, therefore, essential that there be clearly enunciated guidelines which will foster and encourage efforts for integration and also give some assurance to school boards and staff as well as the community that services and programs anticipated will be fulfilled. Our school system with a deficit of \$12 million to \$10 million simply cannot provide the additional services that communities now integrated or communities that are benign to integration need in order to bring confidence to parents, students, and staff. I also hope that the guidelines do not contain the kind of ambiguity which creates misunderstanding and distrust between school and community.

4. I would urge for the sake of achieving quality education that the guidelines clearly provide funds for classroom rather than merely school integration. Segregated classrooms in an "integrated" building are meaningless in so far as the purposes stated in this act seek to achieve.

5. I have some concerns about Item 4 under Section 5 which enables the Secretary to make grants to institutions other than local educational agencies. I believe that this will only lead to the out-migration from the public schools of middle-class black and white children and thus place an even greater handicap on the poor white and black remaining in the public schools. In any case if this provision remains, I certainly believe that safeguards be included not merely in terms of integration but also to determine educational progress in order to protect consumers whether they be in public or in non-public agencies.

These, Mr. Chairman, are basically my suggestions for your consideration. I believe that the concept of the act is a good one, it merits support but I do hope that it will not deprive poor children, black and white, from any of the compensatory funds that they are now receiving and that there will be provision in the act which will offer equal services to all school districts where ever integration takes place.

When some fifty years ago we inflated consolidated school districts in rural areas we provided additional funds which promised better educational services to children. This needs to be done today within school districts and between school districts to achieve integration. We must be certain that funds for integration are used as supplemental grants and not for replacing general local educational services.

In the long run true integration will be achieved when minority group members and the white majority join together by choice, where diversity of interest is prized, where each group is respected and has a voice to determine its own destiny. Continued Federal funding of compensatory programs is required if we are to bring minority group members through education to the point where they can sit as equals with the educational background that will result in needed economic and political power. The Federal Government cannot leave compensatory services for the poor to the states. The problems of the cities are the problems of the nation. Substantial and continuing investments by the Federal Government in education, welfare and health are essential.

If integration programs in the cities are to succeed, extra funds must be provided for demonstration projects that will serve as showcase examples of how integration can work. Extra services may need to be provided, class size may need to be reduced, pluralistic programs with many options for students are needed, and special attention to instructional materials is required. When such integration programs are planned, their success will depend largely on inservice educational programs for staff, students and parents, that will allow them to understand each other and work together effectively. Such training programs are costly and will need Federal support. In order to have a true community school in an integrated situation, additional funds are needed to carry on after-school, week-end and summer activities for the community.

Quality integrated education will be achieved through a joint effort by the Federal Government and local community. We who are school people need to create better alternatives to existing educational practice. The Federal Government must provide not only substantial funds for educational improvement and to compensate for educational deprivation, but it must also provide legislation requiring and incentives encouraging equal educational opportunity and an integrated society.

Thank you.

APPENDIXES

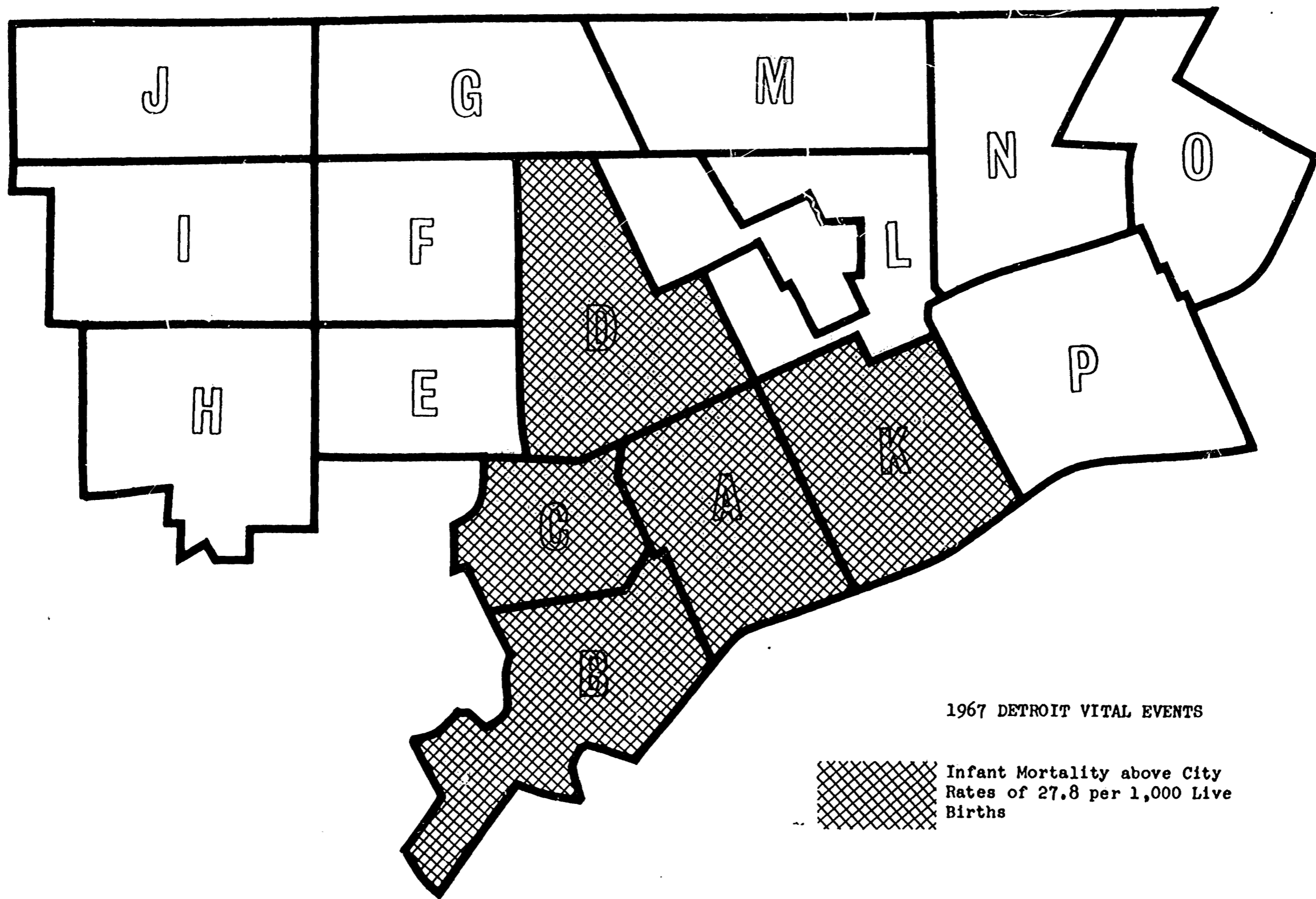
APPENDIX A

I. 1967 Detroit vital events:

- a. Maternal Mortality 5.0 per 10,000 live births
- b. Infant Mortality above City Rates of 27.8 per 1,000 Live Births
- c. Tuberculosis above City Rate of 7.2 per 100,000
- d. Violent Deaths above City Rates of 80.4 per 100,000
- e. Mobility
 - Iowa Tests of Basic Skills—October, 1968
- f. Family Income (Largest Group)
 - Iowa Tests of Basic Skills—October, 1968
- g. Detroit Public School Millage Vote—1966 and 1968
- h. The Boundary Plan for School Decentralization in Detroit April 7, 1970
- i. Detroit News, April 6, 1970

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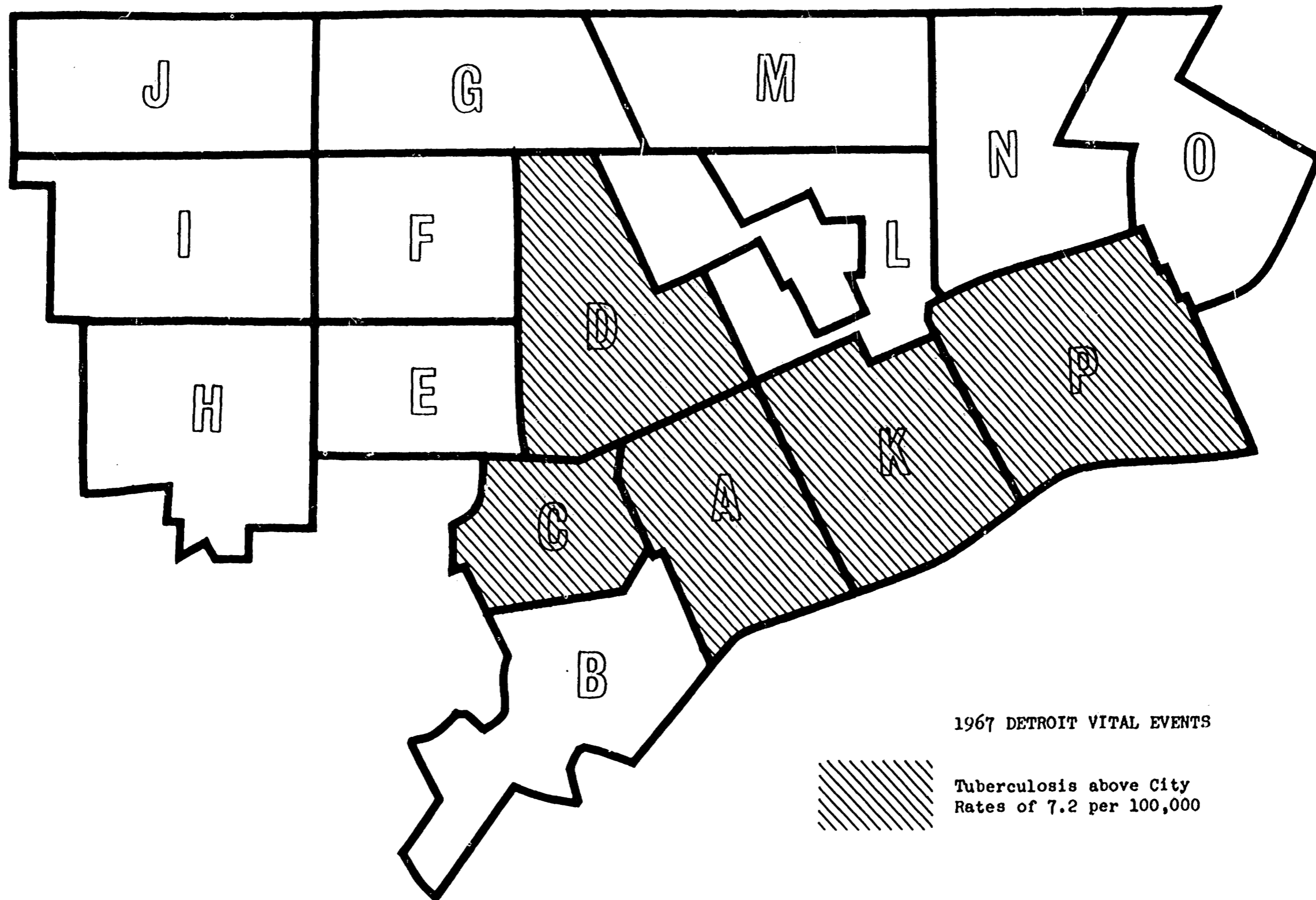


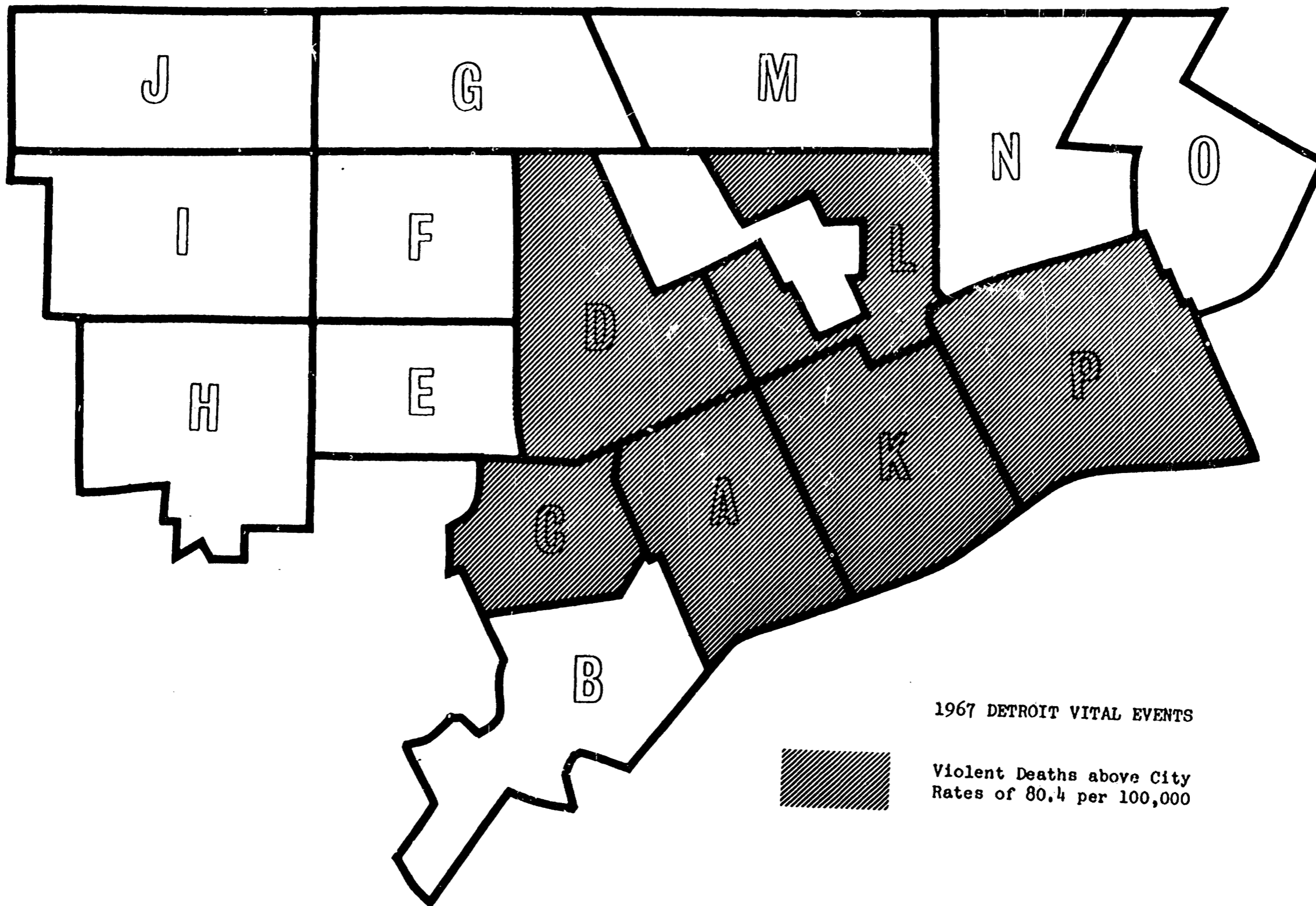


1967 DETROIT VITAL EVENTS



Infant Mortality above City
Rates of 27.8 per 1,000 Live
Births

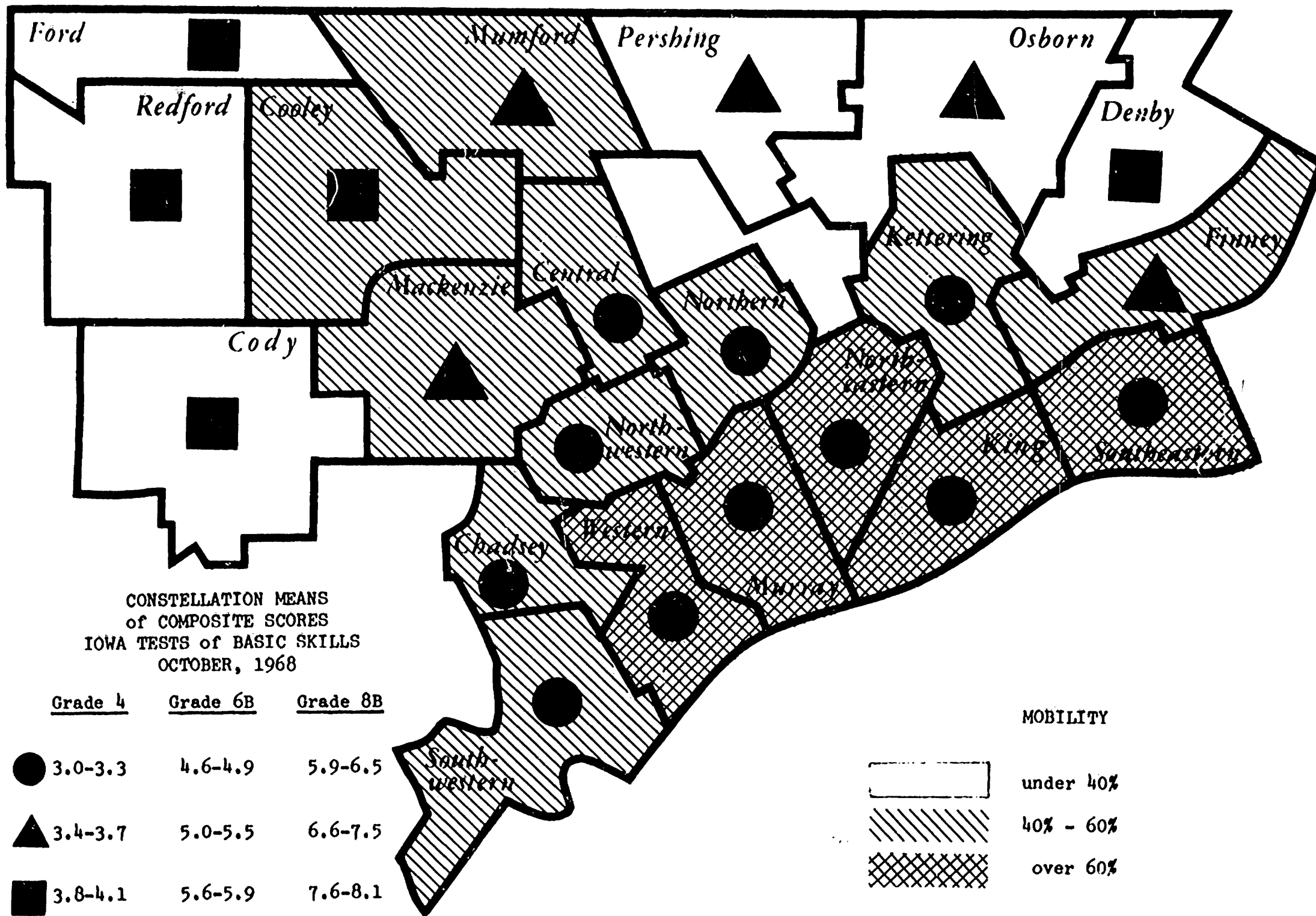


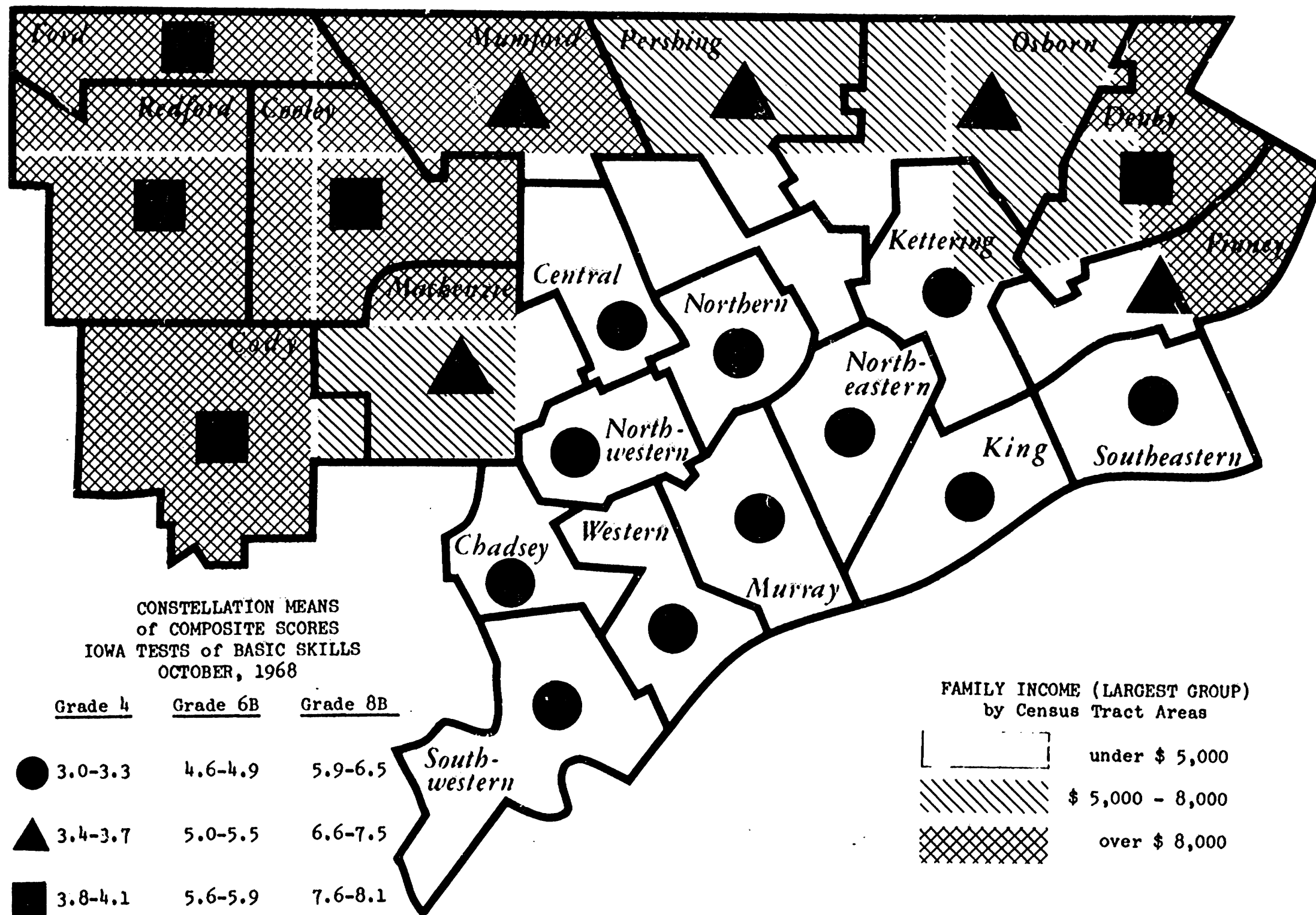


1967 DETROIT VITAL EVENTS



Violent Deaths above City
Rates of 80.4 per 100,000





DETROIT PUBLIC SCHOOLS MILLAGE VOTE, NOV. 8, 1966

A. HIGH SCHOOL CONSTELLATIONS UP TO 25 PERCENT NEGRO

High school constellation	Percent of votes cast	Percent of "Yes" votes	Percent blank votes
Cody.....	65.2	41.6	14.1
Denby.....	65.8	36.4	13.6
Finney.....	62.6	46.0	16.4
Ford.....	65.4	50.6	11.7
Osborn.....	66.1	34.6	15.5
Redford.....	63.3	50.6	11.1

B. HIGH SCHOOL CONSTELLATIONS 25- TO 75-PERCENT NEGRO

Chadsey.....	65.5	46.4	30.3
Cooley.....	64.8	48.6	13.7
Mackenzie.....	60.7	55.6	23.0
Murray-Wright.....	49.4	7.25	41.7
Pershing.....	66.9	47.5	28.0
Southeastern.....	56.1	56.3	32.8
Southwestern.....	60.5	56.9	33.6
Western.....	57.3	56.1	38.5

C. HIGH SCHOOL CONSTELLATIONS 75 PERCENT NEGRO AND OVER

Central.....	59.9	79.3	37.7
Kettering.....	60.1	55.9	35.8
King.....	59.7	74.3	41.8
Mumford.....	64.2	66.5	24.3
Northeastern.....	58.3	62.8	49.5
Northern.....	58.5	80.6	46.0
Northwestern.....	60.3	80.0	42.0

D. TOTALS

Total percentage of votes cast.....	61.9
Total percentage of yes votes.....	54.0
Total percentage of blank votes.....	26.6

DETROIT PUBLIC SCHOOLS MILLAGE VOTE, NOV. 5, 1968

A. HIGH SCHOOL CONSTELLATIONS UP TO 25 PERCENT NEGRO

High school constellation	Percent of votes cast	Percent of yes votes	Percent blank votes
Cody.....	80.5	23.1	14.6
Denby.....	82.3	21.6	14.6
Ford.....	80.5	29.8	11.4
Redford.....	80.2	30.0	11.3

B. HIGH SCHOOL CONSTELLATIONS, 25 TO 75 PERCENT NEGRO

Chadsey.....	81.6	32.1	35.4
Cooley.....	79.3	32.3	16.8
Finney.....	80.0	31.3	27.3
Murray-Wright.....	68.9	63.2	52.3
Osborn.....	82.2	21.0	21.8
Pershing.....	81.3	31.5	30.5
Southeastern.....	72.2	42.8	38.4
Southwestern.....	78.9	38.1	39.5
Western.....	76.0	40.7	46.1

C. HIGH SCHOOL CONSTELLATIONS, 75 PERCENT NEGRO AND OVER

Central.....	78.9	66.0	47.4
Kettering.....	77.7	42.8	45.6
King.....	77.6	63.7	48.1
Mackenzie.....	76.9	41.9	32.4
Mumford.....	78.3	50.3	32.0
Northeastern.....	75.5	52.2	56.8
Northern.....	76.2	67.8	54.2
Northwestern.....	80.6	66.0	55.0

D. TOTALS

Total percentage of votes cast.....	78.8
Total percentage of yes votes.....	37.5
Total percentage of blank votes.....	32.3

THE BOUNDARY PLAN FOR SCHOOL DECENTRALIZATION IN DETROIT

(A summary of action by the Board of Education at its meeting on April 7, 1970. Prepared by the Division of School-Community Relations)

... In one "giant step" tonight the Detroit Board of Education approved the new seven-region decentralization plan—and endorsed a change in feeder patterns from which twelve of Detroit's 22 senior high schools will draw students starting in September of 1970.

... By a vote of four to two—plus a letter of support for the move from hospitalized member Dr. Remus G. Robinson, the decision climaxed months of study and research on PUBLIC ACT #244 (the state legislative act of August 1969 requiring the division of the present Detroit School District).

... Hundreds of citizens packed the meeting facilities and the lobbies and halls of the Schools Center Building. Closed circuit television was set up for those who could not get into the crowded meeting room. Representatives of the newspapers, radio and television stations stayed throughout the four and one-half hour meeting. The BOARD invited comments by citizens—hearing nearly 30—some for and many against the proposal.

... Supporting the new plan were Peter F. Grylls, Reverend Darneau Stewart, Andrew W. Perdue and President A. J. Zwerdling. Voting "no" were Patrick A. McDonald and James A. Hathaway. Each presented statements explaining his stand with the exception of member Grylls who said his vote spoke for itself. He was also the mover of the motion for endorsement.

Superintendent Norman Drachler reviewed the past seven months since PUBLIC ACT #244 became law. He presented the new regional boundaries and detailed the changes in feeder patterns. *He emphasized the fact that all students now attending senior high school will not be affected by any of these changes. They will remain in their present schools until graduation. He also added that any student who is enrolled in the junior high school today and who has a brother or sister who will still be in attendance at a particular senior high school in September, 1970, may enroll in that same school.* Students not yet in senior high schools will enroll in accordance with newly designated junior high school feeder patterns. The superintendent said that starting in September 1970 one grade per year will enter senior high school in accordance with the revised junior high school feeder pattern.

... Eighteen junior high school feeder patterns and 12 senior high schools are involved. The superintendent also recommended that the students of VANDENBERG and VERNOR who attend the Beaubien Junior High School, upon graduation from Beaubien, attend Ford High School instead of Mumford.

... Changes in feeder patterns at the elementary and junior high levels have customarily been made at the administrative level every single year. The superintendent said they were included tonight because of the changes in regional school district boundaries. He said they would become effective with or without PUBLIC ACT #244.

STATEMENT IN BEHALF OF PROPOSED PLAN BY NORMAN DRACHLER,
SUPERINTENDENT OF SCHOOLS

As an educator I support the proposed plan because I believe that it is educationally, morally and, according to our attorney, legally sound. Most of the research and scholarship, both by blacks and whites that I respect, supports the view that integration, racial, religious, and economic, has a positive effect on the learning of all children in a pluralistic society.

As a student of American educational history, I recognize that the above goal has been the dream of our nation for over a century.

Local, state, and national polls assert that the majority of our people concur with the desirability of integration and believe that eventually it will be a reality in our nation. Let us, therefore, have a plan for self-renewal of our schools and our community, rather than drift in a climate of uncertainty, fear, and frustration.

I recognize that our primary objective as teachers is quality education, but to repeat, the majority of accepted research and scholarship asserts that quality education in a heterogeneous society such as ours cannot be attained to its fullest measure without integration. It is essential for white and black, for poor and rich.

This plan directly affects only our high school students. Without it each constellation will continue a growing pattern of segregated racial or economic enclaves and be concerned only with the educational welfare of its own immediate area. This proposal, however, encourages a broader community concern for educational improvement and assures greater interest and support for quality education for tens of thousands of children wherever they attend school.

Since as a people we concur with the necessity for eliminating religious, racial, and economic barriers, let us, therefore, begin with a plan, however limited it is. Let us begin where we are and move forward. America has been willing to deprive itself of billion of dollars to travel 250,000 miles in space to reach the moon. I am confident Detroiters will be willing to accept the idea of travelling one or two additional miles to school for the sake of a better education for our young people and for a better future for our city.

STATEMENT OF A. L. ZWERDLING, PRESIDENT OF THE DETROIT BOARD OF EDUCATION

The proposal before the Detroit Board of Education today is one which will continue to strengthen our commitment to quality education. It is one which provides an opportunity for the citizens of this city together to solve the dilemma of racially isolated, segregated education—a malady which is gripping every major city in this country today. This is an opportunity for all of us to help advance the American Dream of an open society in which black and white together can learn and grow and live in peace.

This proposal is designed to go into effect in September of 1970. Regardless of the destiny of Public Act #244 (which is the state law requiring the carving of the Detroit Public School District into regions, each to have an elected regional board to be chosen in the November, 1970 elections and to take office January, 1971) today's proposal will set the pattern for the reorganization of the school district.

By dividing the city into these seven regions and changing the feeder patterns of several of our senior high schools—we add to the total effectiveness of other policies we have adopted for this purpose. Our racially integrated staff, our measures for integrated textbooks and more relevant testing programs, our open school policy, our course materials and workshops, all of these and many other steps have brought us closer to our common goal.

Please note that this plan meets all legal requirements—and this is a very real consideration faced by the Board. Each region of the seven in the plan will have a student population of between 25,000 and 50,000; each will be substantially equal in population—and each will be racially integrated.

But this plan is necessary not just because it meets legal requirements. It also gives the people of this city a powerful instrument for good which, if effectively used, can mean better schools for our children—schools more responsive to community needs and aspirations. It can mean improved personal relationships among all of the citizens of Detroit.

Nine public hearings have been conducted by this Board to get public reaction and recommendations. It is not difficult to understand the frustration that has gripped many in this community. The tensions obvious in our community and in our schools tempt many to retreat from the goal that the law and our moral sense have set for us. There have even been those who declare that democracy in this city won't work. Such talk is nonsense. Democracy—like this proposal—is a tool, nothing more. If we don't use it properly and effectively, this system won't work. But it won't be the system's fault—it will be ours—the Board's and every citizen of this city together.

So while we can understand and sympathize with what it is that compels some to call for segregation, or for some plan or other that insures black or white political control of our school systems, we cannot yield to it. We have heard the urgings, loud and clear, for a return to a divided society, but we cannot in conscience go along with it.

The proposal made here today will not, unhappily, by itself end the segregation of children that now exists in our school system because of the housing pattern of this city. But it will not serve to further segregate the schools, nor to freeze the pattern of segregation which already exists to such a large extent. Instead, it will make it possible for the school system to move in the direction of an integrated education.

I have detailed some of the things the new plan will do. Let me mention what it will not do.

It will not automatically make the Detroit School System better. It will not help solve the problem of a big city school system which is provided with far less money per child to spend on education than other systems, which face a less serious challenge.

But it will enhance the opportunity for our senior high school students to share a common constructive experience in living and learning together. It will keep the doors open for a better tomorrow.

Let us offer the citizens of Detroit an opportunity for a beginning—not an ending—for this city.

EXCERPTS—OBSERVATIONS FROM BOARD MEMBERS' STATEMENTS

James A. Hathaway

"We have been discussing, studying, researching, consulting and data gathering means of implementing Act 244 for approximately eight months. Today, we are asked to approve the boundaries required under that act . . .

"Act 244 addressed itself to the question of decentralization when its actual purpose and present intent is community control . . . and yet our very first step in creating the boundaries will guarantee that there will be very little community control . . .

"Where can we find community control in regions that have 180,000 to 238,000 population? Act 244 ignores the pleas of the man in the street for a voice in the control of his elementary, intermediate and secondary school. It simply provides him with one more form of governance that may effectively deny his child an opportunity for quality education . . .

"Perhaps the most bitter medicine this board will be required to swallow will be the rage and frustration of parents, students and educators when they become aware that Act 244 is merely a subterfuge that denies community control . . .

"In actual fact Act 244 does only 4 things:

1. It arbitrarily mandates a division of Detroit District into regions.
2. It provides for the election of regional boards that are to all intent and purposes completely subservient to the present central board.

3. By-products of Act 244 are:

- (A) the expenditure of seven million dollars in increased administrative and regional costs

- (B) duplication of authority

- (C) polarization of black and white communities

- (D) creation of black minority regions

- (E) creation of teacher assignment difficulties directly attributable to pay classification of the teachers presently in regions where they presumably might wish to remain.

4. Creates additional financial problems for a board already beleaguered by an illegal operating deficit without providing additional operating revenues to finance the unfortunate and ill-conceived venture in decentralization . . .

"I urge and caution this board to reconsider and re-evaluate the proposed plan.

"We may have a mandate from the Michigan Legislature, but the real mandate is from the people for community control not decentralization for the sake of decentralization . . .

"Therefore, I urge this board in the strongest possible terms to seek from the legislature a delay in its implementation in order that the legislature and this board may have an opportunity to resolve together the complex legal, social and economic problems that have plagued this board in attempting to implement an act that makes smaller districts out of a large district but fails to provide any solution for the pertinent school problems of Detroit; and utterly ignores the pleas of every man, woman and child in this community for the answer to the question, 'How does my child achieve a quality education?'"

Patrick A. McDonald

"The action proposed by this Board tonight threatens to destroy this City. This hastily conceived move if adopted will deepen the credibility gap between Detroiters and their schools, between what is said and what is done."

During public hearings on decentralization thousands of Detroiters showed up to tell members of the Board of Education that "1) They did not support the Decentralization Act (Public Act 244) ; 2) If all else failed they wanted districts that were compact and contained contiguous High School constellations and contained a community of interest."

"Apparently those who intend to adopt this plan either were not listening or have deliberately ignored their constituents. There are indications that they will adopt an obviously gerrymandered plan containing districts that are 4 to 5 miles long and only 1/2 mile wide. It adopts a plan containing a non-contiguous district and even a non-contiguous High School constellation. I ask the question: which Board members by their actions have supported the true community voice of involvement and control and which members have merely spouted rhetoric while their actions seem to the contrary? . . .

"Has there been time to consider the fact that while our school system and other agencies are attempting to obtain more lunches for children who are unable to even pay for lunches, we are asking them to pay more than that amount for their travel to and from school. . . .

"This plan today does not increase the quality of education any place in the City. It is divisive and discouraging. The fact that some frosting is put on day-old pizza does not make it a birthday cake and nobody is going to celebrate.

"Even our legal counsel admits the enormous legal difficulties inherent in adopting any plan pursuant to Public Act 244.

"It is our obligation to inform Detroiters of these facts and urge repeal of Public Act 244. The proposed action of today only confuses and does not clarify matters. I urge consideration of this entire subject."

Andrew Perdue

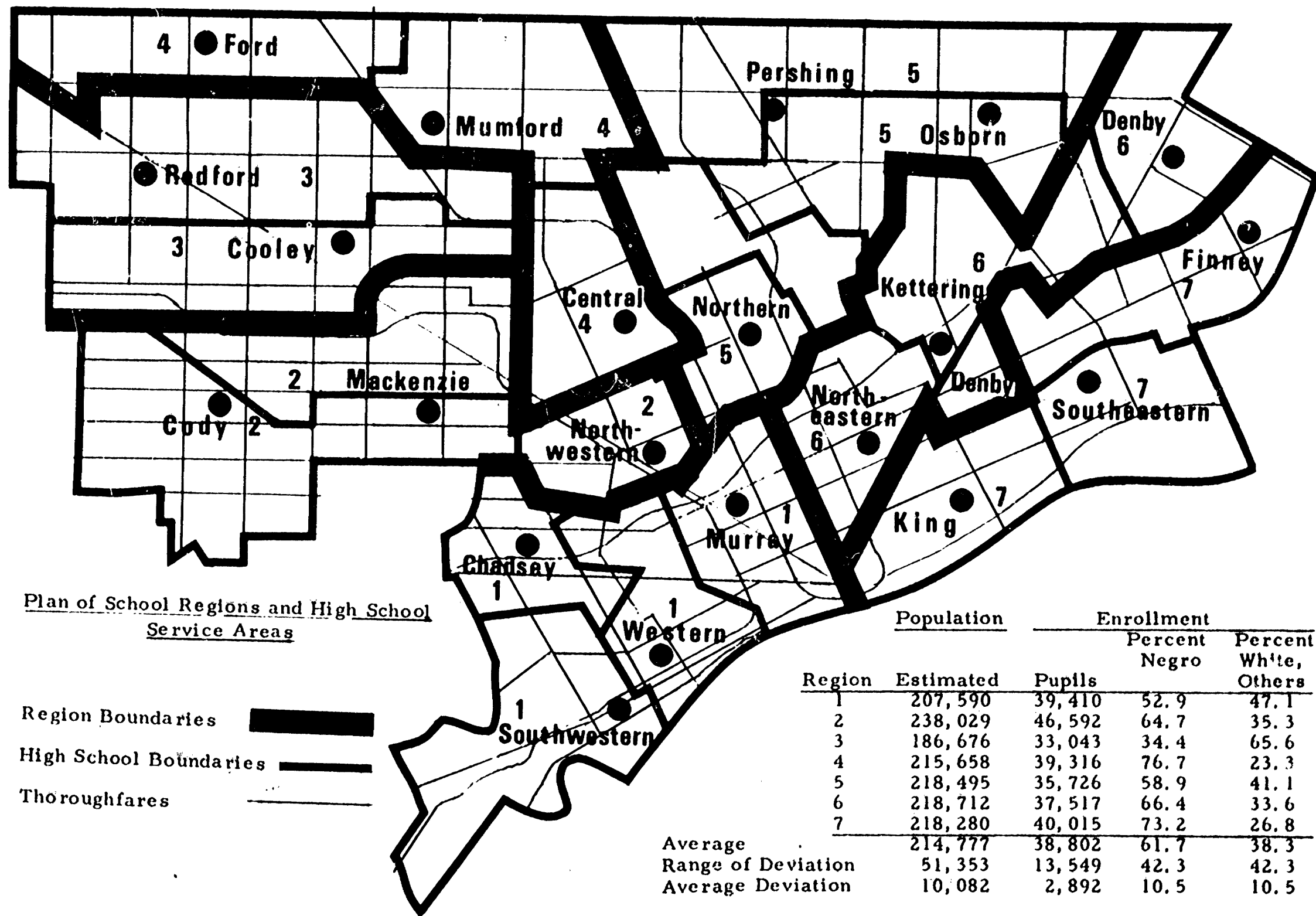
"Although this does not give the black and the poor the maximum amount of control, maximum integration for our schools is important. Let's support this measure—with its imperfections—can move along to develop the kind of guidelines which will assure more meaningful involvement of our citizens in their schools."

Letter from Dr. Robinson

"I have served on this BOARD for 15 years and I have tried to represent all children fairly . . . I believe in quality, integrated education . . . deeply troubled by forces—both black and white—calling for separation . . . in pluralism there is strength . . . in democracy there is hope."

Darneau Stewart

"My conscience dictates that we must make progress in a pluralistic society. No group can make it alone. I have been watching integration in many other communities in this country where there has been no controversy and it is succeeding. I feel integration is the wisest course for us to follow if we are to offer both students and citizens the best opportunities."



**EFFECT OVER 3-YEAR PERIOD OF BOUNDARY CHANGES ON RACIAL COMPOSITION OF
AFFECTED HIGH SCHOOLS**

REGION 1

Racial composition at Western and Southwestern resulting from enforcement of Wilson-Southwestern feeder pattern.

All of Wilson graduates into Southwestern eliminating former option to Western.

	Percentage black students, with change—	
	Western	Southwestern
1969.....	38.6	87.7
1970.....	39.2	71.3
1971.....	44.6	60.8
1972.....	51.0	53.0

REGION 2

Racial composition of Mackenzie and Cody resulting from the following shifts:
Coolidge and Marsh elementary districts into Mackenzie rather than Cody.
McFarlane, Barton, Ruthruff and portion of Sherrill elementary district
north of Tireman into Cody rather than Mackenzie.

	Percentage black students			
	Cody		Mackenzie	
	Without change	With change	Without change	With change
1969.....	2.1	2.1	91.6	91.6
1970.....	3.3	9.7	90.7	83.8
1971.....	4.4	20.9	90.6	78.9
1972.....	5.7	31.3	89.3	69.9

REGION 3

Racial composition of Cooley and Redford resulting from the following shifts:
Winship, Newton, Cerveny, Crary, King and Fitzgerald elementary districts
into Redford rather than Cooley.
Vetal, Harding, Gompers, Hubert and Healy elementary districts into
Cooley rather than Redford.

	Percentage black students			
	Redford		Cooley	
	Without change	With change	Without change	With change
1969.....	2.2	2.2	57.5	57.5
1970.....	3.6	11.4	61.5	53.0
1971.....	3.6	20.5	63.6	49.7
1972.....	4.5	29.2	62.6	42.6

REGION 4

Racial composition in Ford and Mumford as a result of shifting the Vernor
and Vandenberg elementary districts from Mumford into Ford.

	Percentage black students			
	Ford		Mumford	
	Without change	With change	Without change	With change
1969.....	12.4	12.4	94.6	94.6
1970.....	13.5	16.3	95.8	94.9
1971.....	15.5	26.5	94.9	94.4
1972.....	14.7	31.3	94.6	93.8

REGION 5

Racial composition of Pershing and Osborn resulting from the following shifts:
 Pulaski, Law, Trix and Richard elementary districts into Pershing rather
 than Osborn.
 Davison and Atkinson into Osborn rather than Pershing.

	Percentage black students			
	Pershing		Osborn	
	Without change	With change	Without change	With change
1969.....	57.5	57.5	14.1	14.1
1970.....	58.3	50.9	17.5	22.6
1971.....	59.5	46.5	21.7	32.7
1972.....	58.0	41.8	27.3	45.8

REGION 6

Racial composition of Kettering and Denby resulting from the following shifts:
 All of Barbour junior high district to Denby rather than Kettering.
 Goodale, Macomb and Robinson elementary to Kettering rather than
 Denby.

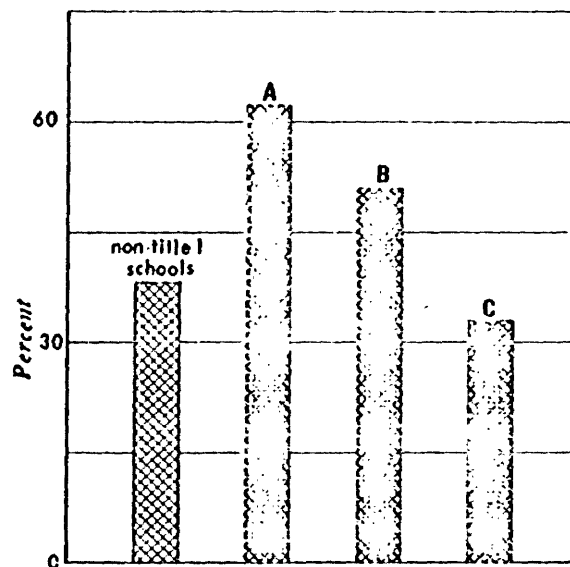
	Percentage black students			
	Kettering		Denby	
	Without change	With change	Without change	With change
1969.....	89.3	89.3	3.1	3.1
1970.....	91.4	81.3	2.4	19.2
1971.....	91.0	73.9	1.7	36.3
1972.....	90.8	65.1	0.9	53.9

REGION 7

No change from present feeder pattern

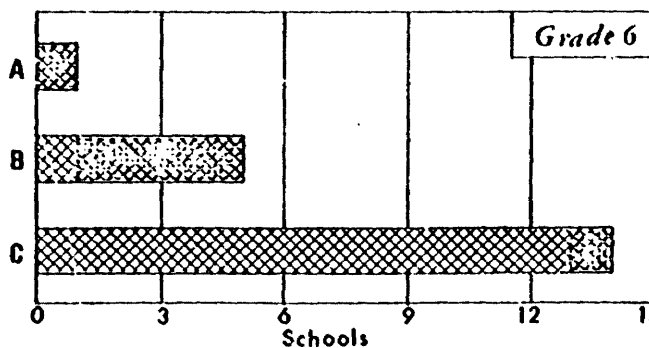
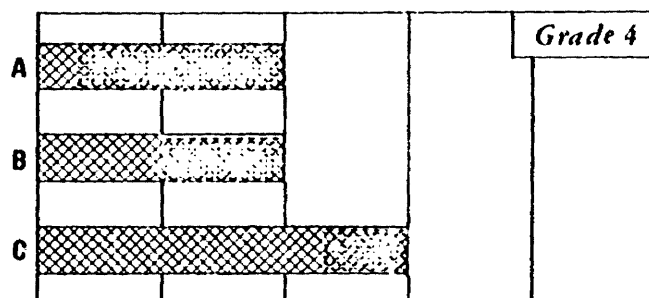
APPENDIX B

Percent of Schools Showing
 GAINS IN MEANS FOR 95 NON-TITLE I SCHOOLS AND FOR 110 TITLE I SCHOOLS (35 "A", 35 "B", and 30 "C") OF GRADE 4 READING TEST SCORES RELATIVE TO CITY MEANS --- 1965 to 1969

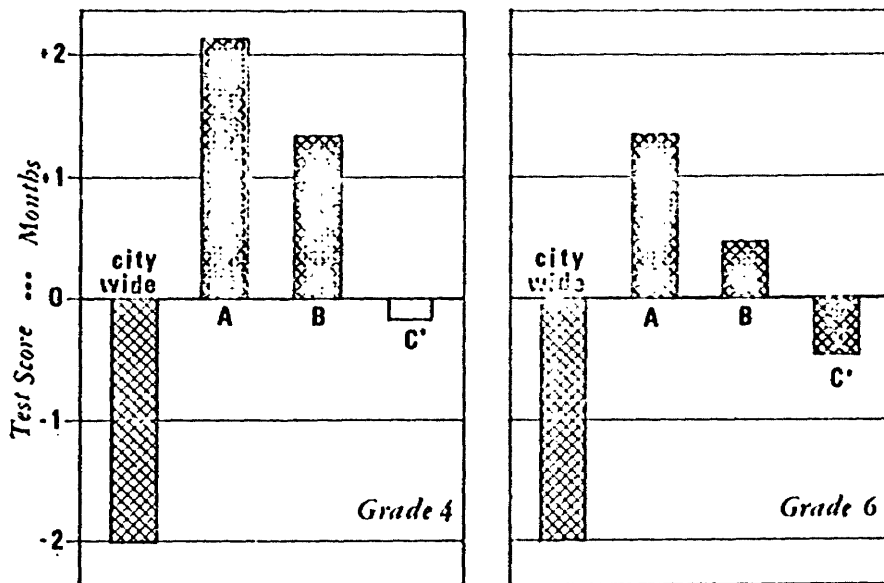


* "C" Priority Schools' Special Services Discontinued September 1968

NUMBER OF TITLE I SCHOOLS HAVING READING
 TEST SCORE MEANS AT OR ABOVE THE CITY MEANS --- 1965 and 1969

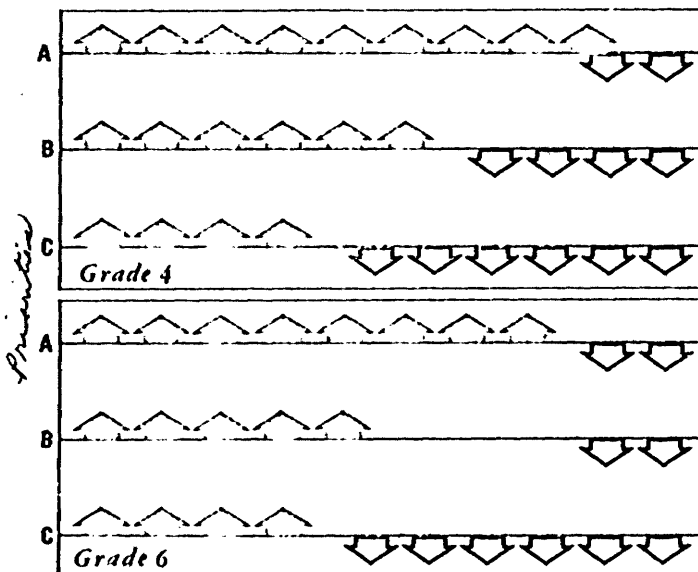


GAINS IN MEANS FOR 110 TITLE I SCHOOLS (45 "A", 35 "B" and 30 "C")
OF READING TEST SCORES RELATIVE TO CITY MEANS ----- 1965 to 1969



* "C" Priority Schools' Special Services Discontinued September 1968

Number of Title I Schools Showing
Gain or Loss of a or More School Months in Reading Test Score Means in
Title I Schools Relative to City Means ----- 1965 to 1969



Each symbol represents one school. Black symbols indicate schools with gains; red symbols represent schools with losses.

Dr. DRACHLER. Thank you, Congressman, and thank you, Congressman Ford.

Mr. Chairman, I am Norman Drachler, superintendent of the Detroit public schools. I have with me Dr. Bill Simmons, deputy superintendent, and Dr. Monacel, assistant superintendent in charge of Federal programs.

I think I will probably skim through most of my remarks, since I recognize that you gentlemen probably are very busy, and may not have a chance to read this later.

I wish to say at the outset, Mr. Chairman, that I have read the proposed bill and have followed the press reports, which discuss some of the previous hearings. The objectives or purposes expressed in section 2 reinforce some of the efforts that our own Detroit Board of Education has made during the past 10 years. However, I do have some concerns about the conditions under which funds will be allocated for these purposes, and I would like to present those in my concluding remarks.

First, permit me to review very quickly Detroit's position on desegregation as demonstrated by policy decisions made by our board of education:

1. In 1957, the Detroit Board of Education appointed a citywide committee on school needs. This committee, under the chairmanship of Mr. George Romney—at that time president of American Motors, worked for 18 months and made many recommendations to the board of education. One of these recommendations approved by the board related to the goal of integration. It proposed that when and if boundary changes are to be made in Detroit public schools—it shall be the policy of the board to draw lines in a manner that will bring together, insofar as possible and reasonable, children of different ethnic, religious, and socioeconomic and racial backgrounds. This policy has been followed for the past 11 years by our board.

Stated simply in another way, if you draw the line north and south and that separates people and you can draw it east and west and bring them together, the latter should be the policy for our school system.

2. The citizens' advisory committee also recommended that the board of education appoint a second citizens committee to devote itself primarily to the subject of equal educational opportunities. This advice was followed by the board of education and a committee on equal educational opportunities under the chairmanship of the Honorable Judge Nathan Kaufman made its recommendations to the board in the early 1960's. Due to the influence of this committee Detroit adopted a balanced staff policy which resulted in the assignment of black and white teachers to every single school in Detroit.

3. Recognizing the importance of attaining a better racial balance in its educational staff the Detroit schools initiated an extensive recruitment program to hire teachers and administrators from minority groups. Today over 40 percent of our educational staff is black and nearly 30 percent of our administrators are black.

4. Detroit was the first major city to recognize and implement integrated reading primers for our children. Our school system began in the early 1960's to develop the first urban series of school primers which reflected integrated content materials. These primers have now been developed through the third grade and are used in every school in our city.

5. Our board of education also adopted a policy that demanded from publishers textbooks and instructional materials reflecting more fully and accurately the contributions of minority groups in our Nation.

I know that the honorable Chairman of this committee is very much concerned with the aspect of pluralism in our educational system. I had the privilege of appearing before a previous commission of yours, and this very objective is partially sought in this move of our board.

Two years ago our board made a decision not to buy any textbooks for that year simply because we wanted to demonstrate that we would not purchase merely the best available book but insist upon quality integrated instructional materials.

I think people often forget that the lack of the contribution of various minority groups pertains not merely to the black or the Spanish Americans. The lack exists insofar as other minority groups who have come to this Nation and have made their contribution to the dynamics of our society.

We in Detroit, I might add, do not seek to have a telephone directory of all minority groups in our textbooks, but what we do want is that where minority groups have made a contribution to the dynamics of American society, that contribution should be reflected, and all children should know about it, and youngsters should be able to identify with it.

6. Our board of education adopted a contract compliance policy which requires fair employment practices by all parties with whom we conduct school business. Prior to the hiring of a contractor for school construction or purchasing school materials bidders must submit evidence of fair employment practices.

7. Since we have conditions in our city where certain schools are overcrowded, particularly at the elementary level, we have had to over the past 20 years bus children from crowded schools to buildings which had space; 4 years ago our board stated that whenever we bus children to relieve overcrowding we should bus them, if at all possible, to a school where we can achieve both relief for overcrowding and integration. If we were to do it to the nearer schools only, we would in many instances resegregate. If we were to bus the children back to the inner city from which they came, this would be very undesirable, so our policy is that we bus the children from a crowded school that live the farthest from the school building that is overcrowded and we bus them geographically. We take all the children on the street, so that when they arrive at their school to which they are assigned, they can be distributed among all the classrooms, and integrated into that school as if they had walked to school.

I might add, sir, that in Detroit, busing to relieve overcrowding is not new. We have bused children for over 20 years. The only thing really that has changed in the past 10 years is the direction of the buses—they are now going north instead of south—and the complexion of the children. Otherwise, busing to relieve overcrowding has been standard procedure.

Similarly the board adopted in recent years a policy that if a youngster wants to enroll in an "open school," in a school where we have space, he is accepted at that school only if his enrollment adds to the integration of that school. Thus, black children go to predominantly black schools, and white children cannot, by the same token, go to a predominantly open white school. I might add that some 7,000 to 10,000

students in Detroit are now, particularly at the junior and senior high school level in such schools.

About 6 years ago the board adopted a policy to retain integration in three high school constellations, Mackenzie, Mumford, and Pershing where our population at that time was about 40 to 60, 60 to 40. We recognized that in these neighborhoods where integration existed due to normal neighborhood changing patterns—it was essential to provide quality education in order to reassure parents that they need not leave these integrated neighborhoods. We wanted to do something special for these three high schools. An appeal was made to the State for special funds to improve educational opportunities in these three high school areas. The State provided us with some funds but for only 1 year and these were not adequate to do the job.

We had less than \$20 per student for the year, in order to improve the quality of the program, and it simply didn't do the job. In neighborhoods such as these, that I have just mentioned, in a sense when the newspapers report each year the merit scholarship list, immediately parents in a changing neighborhood try to recall how many students made the merit scholarship a year ago or 2 years ago. I sometimes say facetiously, but I think it is serious, that the merit scholarship lists, as they are published, are the Dow Jones educational average for our middle-class neighborhoods. The minute parents read it, there is a family conference to decide whether you sell or you hang on, and either "For Sale" signs go up in front of homes, because parents worry that the quality of education in the school has gone down, or parents decide to stay, so that in neighborhoods that are integrated or are benign to integration, the need for extra quality services is essential to reassure both the white and the black middle-class parents that they will not suffer, and that they ought to stay rather than flee. I think if we had funds for such purposes, this would probably be the most simple way to help retain the population from leaving.

Recently, our State legislature adopted a decentralization bill, to which Congressman Ford referred. The Detroit Board of Education was required to divide the city into not less than seven nor more than 11 regions. After several months of study, the board adopted a decentralization plan which provided for seven regions. Coupled with this plan was a proposal to change the feeder patterns of 12 high schools in order to achieve over a 3-year period better integration. I might add that the plan assured all the parents, whose children are now in a high school, that they will finish in that high school. It also stated that anyone having a brother or sister in the high school, who isn't in the high school yet, will be allowed to continue in that high school, so that we do not break up families. However, due to a variety of factors the plan aroused great opposition on the part of many parents as well as members of our State legislature. Nevertheless, if we had the means at the very start to assure parents that as a result of the proposed integration plan, additional educational services would be supplied to these schools and if the State legislature had not continued to debate the issue constantly, so that parents were not certain whether the plan would remain or not, I think we might have been able to convince both black and white parents that out of this proposal would come a better educational program.

Detroit has about 290,000 students of whom about 62 percent are black. In 1968-69 the Michigan State racial count indicated that 13 percent of the State public school enrollment was Negro. About 63 percent of all the Negro students in Michigan attend Detroit Public Schools. The distribution of our students coupled with a concentration of black and white students in different geographic areas call, in my opinion, for a two-pronged thrust, or effort, in our community. Within the innercity where the school population is primarily poor and black we must intensify our compensatory programs to achieve better education for our students. Integration at the elementary level is particularly difficult. In the areas where black students are attending schools adjacent to highly concentrated schools, we do have an opportunity for providing reasonable integration, particularly at the junior and senior high school level.

With your permission I would like to illustrate on the screen some demographic data existing in Detroit which probably reflect conditions in other large cities which reinforce, in my opinion, the necessity for the two major efforts that I have alluded to earlier, continued compensatory programs under title I, and efforts in areas where it is reasonably possible, due to demographic changes to bring about some quality, but integrated education. These charts are also attached to my formal remarks in the appendix.

With your permission, Mr. Chairman, let me simply review several of the factors that influence the Detroit situation.

This is a map of the city of Detroit, gentlemen. It is for the year 1967, because in that particular year we already have the complete vital statistics for the city. I might add that the 1968 statistics are almost complete, and there isn't any considerable change. As you look at this particular map, you will note that our city is divided, sort of the inner city with Grand Boulevard as the boundary line to the river, the central city between the boulevard and West and East McNichols Road, which is approximately the 6-mile road area, and the 8-mile road areas is primarily at the city limits.

If you will note, the black community is primarily concentrated in these population census tracts that are south of the boulevard. I think it would be simpler to state that census tracts O and N, I and H represent by and large the white population of the city. G and M are integrated neighborhoods, although the schools are primarily black.

It is important, when one discusses this bill, to stress the need for the continuation of compensatory title I programs, because there has been occasionally some reference that the integration funds might be taken from title I funds. I don't know whether this is correct or not, but I think it would be very serious if title I funds were lost, and let me point out why.

If you look at infant mortality in the "O" area, which is white and middle class, you will note that the infant mortality rate was approximately 12 per thousand. If you look in "J," you will note that it is approximately 14 per thousand. On the other hand, if you look in the area south of the boulevard in "A" and "K," the infant mortality rate is 39 per thousand, and east of Woodward it is 45 per thousand, almost three or four times as much, although these children in these two areas live closest to the best hospitals in the city of Detroit, and yet prenatal care and other conditions simply deprive these parents.

Now any of the communicable diseases that you see, we thought we had wiped out tuberculosis, and yet you will notice in area "K" it is 17, and in "A" it is 23 as compared with two or zero in "O" over here for TB. Whatever disease you take, it is higher within the ghetto, and obviously the child who comes to school doesn't bring with him merely his pencils and books, but he brings with him the burden of his environment. I am not saying this defensively. I am simply saying that this child has more needs. Physicians and psychologists tell us that in any community where the infant mortality rate reaches 30 per thousand, of those children who survive, probably 20 to 30 percent have neurological defects that the average teacher or principal cannot recognize, and therefore these youngsters need help, which will in the long run foster their educational program, so if you look at where is the concentration of deaths due to violence above the city average, it is in these inner city areas.

If you look at where is the concentration of deaths due to tuberculosis above the city average, you find it here. And where is the concentration of infant mortality? And where these three overlap, interestingly enough, is almost the geographic area where we had the disturbances of 1967, 12th Street and Kerchief. I don't mean to suggest that that is the only reason, but I do want to indicate the conditions in that area as they affect housing, health, and other opportunities.

Now, if I may, sir, let me relate this to the educational aspect. We have prepared a breakdown based on our Iowa achievement scores. The circle for the sixth and eighth grades; fourth, sixth and eighth, with the circle being the lowest third of achievement, the triangle the higher, and the square the highest achievement for the mean for that high school constellation, and again you see the relationships obviously between the conditions that I have just described and educational achievement.

Now, in Detroit we are confronted with a tremendous amount of mobility within the city. Even last month, sir, which was May, one would hardly believe that anyone would move just 4 weeks before school is over, but we had between 4,000 and 6,000 children that moved in our school system during the month of May.

Now, this represents the mobility in the city. In this area, the red, over 60 percent of the children moved last year. By mobility we mean that if a youngster moves 2 weeks after school registration is over and 1 week before graduation, so it does not include youngsters who register, move during the summer and register. It doesn't include youngsters who move the first 2 weeks of school, and it does not include graduation. In this area we have two schools where the mobility rate last year was 100 percent for these schools. Children simply come and go, and obviously they need additional help and additional services, due to the hardships that exist.

You will notice in the triangle area the mobility is about 40 to 60, and where the children achieve the highest we come with a mobility rate that is much lower.

If you look at it from a financial point of view, income, it is obvious that the pattern follows, that the highest income, the red, over \$8,000 average, the yellow is \$5,000 to \$8,000, and the blank is under \$5,000.

The problem in our cities, as to why we are so much dependent upon Federal aid, is the fact that the people are so powerless to help them-

selves with millage campaigns. We are a fiscally independent school system. Now this shows our 1968 effort for millage, additional millage. Because it was a presidential election, it was a pretty good turnout throughout the city, although we know that in places such as the eastern area and the Murray area, where there is a great deal of moving, people don't register as much as they do in neighborhoods that are set. Nevertheless, the turnout was pretty good.

Now, how did they vote? In the areas where the children achieve the most, and I want to remind you where they are, you see the squares, the people voted no on millage; 21 percent, 29 percent, 30 percent yes, 32 percent yes. In the areas where the achievement is lowest, 67 percent yes, 66 percent, 63 percent, 52 percent, and so on.

It is obvious that although the poor have many complaints against the schools, they still recognize that the school is their only hope as far as entering the mainstream of American society. The tragedy lies in their powerlessness with the ballot.

We have had a complex voting machine, and many of the people in the inner city come from areas where they always voted by paper ballot, or they didn't have a chance to vote, so look what happens? In the areas where we lose 14 out of 100 people didn't record their vote on millage, 11 out of 100, 11 out of 100, but in the areas where we win 57 out of 100 who went to the voting booth didn't record their vote, and we have studied this now for six elections, and the pattern is always the same. It happened on the constitutional convention for Michigan, that 20 percent of the people cast a blank vote in Detroit. The net result was that out of 700,00 voters, 174,000 votes were blank.

Mr. PUCINSKI. Why do you suppose they cast blank votes?

Dr. DRACHLER. I think in most instances, from the surveys that we have made, the people are so confused by the complexity of the machine, by the fact that here we are one of the most technological cities in the world, and no one can tell whether he has really voted or not. There isn't a light, for instance, that would go on, as in my home when my wife lights a burner on her stove, there is a red light that tells her "you have a burner on." There is nothing on these various lines to tell people, "Yes, you have voted" or "No, you haven't." We have done one experiment and we found in most instances they push the button down, think it records their vote, then they push it up again and their vote doesn't count. When we had an election where we had only the school issue on the ballot, which light really meant that you couldn't pull your curtain if you didn't record either a yes or a no vote, the blank vote dropped from 86,000 to 1,400. How the 1,400 got out I don't know. They must have crawled out under the curtain. But seriously, it is confusion, and there is a great need for education.

Mr. PUCINSKI. What they do is they depress a lever, then they put it back to neutral, and that permits them to open the curtain. I have often wondered why people do that, but there is a certain percentage who do.

Dr. DRACHLER. And among the poor the percentage is much higher.

Mr. PUCINSKI. Is it possible that they come to the polling place because somebody has stimulated them to come, a precinct captain, a precinct worker, or something, but then they negate the vote in the polling place to record their objection?

Dr. DRACHLER. No. If it were only on the school vote, I would say yes, but we had in 1964 a housing ordinance, the so-called Poindexter

housing ordinance, which meant, it was interpreted by the black community particularly, that this would deprive freedom of movement insofar as housing is concerned, and although that ordinance was defeated in every single ward that had a predominantly black community, nevertheless there were 150,000 blank votes still in those communities that defeated it; 2,000 vote for it, 4,000 against it, and 11,000 who came in voted blank, so we believe more and more that it is a matter of improving the technology of the machine as well as doing a more intensive job in voter education. As a result we bring into our schools, for all of our civics classes, the regular voting machines, to have mock elections prior to the regular elections, so that our students learn how to use the machine.

With your permission, let me indicate the intensity of the mobility. If you look at this map, the blue indicates where enrollment dropped 40 percent. The red here is where it went up 40 percent. What has actually happened is that the people have sort of leaped over the central city, and have gone into the areas to the northwest of our city, and the areas that they are leaping over are the areas which were within the 12th Street complex where we had the disturbances, and obviously reflect also older homes.

Now the last that I would like to illustrate here is this question of achievement, and I want to be very careful in explaining this, so that the map or the chart is not misleading. We have 110 title I schools in the city of Detroit, and 95 schools are not in title I. Taking our test results on reading from 1966 through 1969, since the beginning of the Federal program, we find that for the city as a whole, our reading achievement dropped by 2 months for the entire city. However, in the schools—the title I schools that are “A,” where we have our heaviest concentration, their gain has been 2.4 months. For “B,” about one and a half months. For “C” there has been a slight decline, not as great as that of the city. “C” category, by the way, means that in 1968 we stopped providing additional funds to “C” schools, simply because we were concentrating primarily in the 80 A and B schools.

For the sixth grade you notice that the achievement was not quite as good as for the fourth grade, because primarily in these schools our greatest effort has been in the lower grades, with Headstart and Follow Through, and our own efforts to intensify training of teachers and lower class size in grades 1 and 2. Therefore, I wish to submit to your committee that there is evidence, despite what people say, and we have the same evidence in a study made for the last 2 years, that where additional funds enable us to provide additional services to children, the poor, we have been able to raise their reading achievement somewhat. It is not enough, but if we can continue this trend, then we hope that we would be able to bring these youngsters up to higher standards.

MR. DELLENBACK. Mr. Drachler, may I ask a question on that, please?

You say “supply additional services.” Were these invariably the supplying of services over and above, or in any instance did you supply alternative methods of doing it?

DR. DRACHLER. Both, sir. I think the question that you are raising is important. We recognize that simply reducing class alone is not the answer. Therefore we invested quite a bit of time in the in-service

training of the teachers preceding the changes, we invested some time in developing alternative methods of teaching than we did before. I think it was a combination of both of those factors, but for some of the alternatives we did need to have additional services with these.

You were not here at the very start, sir, where I indicated the serious conditions, demographic conditions that exist in these communities, so I think it is a combination of both.

Obviously, I do want to point out that not all "A" schools made progress. I am saying that the vast majority of them, 62 percent of them, did, and there seems to be regression in relation to the proportion of services for the group, not for the individual school.

If I may show you one or two other charts, they may clarify this a little bit better. Here the percent of schools showing gains in mean for the 95 non-title I schools, and for the 110 title I schools, with 45, 35, and 30, you can see that in that 4-year period some 35 or 38 percent of the non-title I schools showed a gain between 65 and 69 in reading, but in the "A" schools, 62 percent of them showed a gain.

Now, I recognize that due to the mobility in our city, some of the children who were in title I schools may have moved out to non-title I areas. We know that, and they may be affecting the conditions of learning in those particular 95 schools that are now eligible for title I funds. They may be depressing the mean, although their mean is still higher than that of the title I schools in general.

My only concern is the number that made some progress versus the number that remained the same or went down, and the encouraging thing is that they did make some improvement, anywhere from 1 to 6 months.

Mr. DELLENBACK. As either stated or implied, this doesn't give us any absolute measure of the title I versus the non-title I, which had the superior reading skill or whatever it may be. This is a percentage of gain, and it is a percentage of schools that showed a gain.

Dr. DRACHLER. That is right, by school. I might add that the school where the second lowest mean occurred in the city also had a youngster with the second highest mean achievement in the city, so that within a school you have a spread. As a matter of fact, the spread of achievement within any single school in the city of Detroit is greater than between schools, and yet that is difficult to convince parents, even though as parents we know that if we have more than one child. Congressman Dellenback, that they are not all at the same level. We occasionally attribute it that they take after our wife's side of the family or something of that sort when that happens.

Mr. DELLENBACK. You are not saying which one that applies to.

Dr. DRACHLER. That is right, but the range is very great.

If I may, let me illustrate it one more way, simply because I am stressing the importance of not substituting one kind of legislation for another, and I thought it was relevant to this. In 1965 we had one school in the "A" category that had a reading score at or above the city mean. Today—this is not very dramatic—we have six. I had an artist who was carried away and wanted to make percentages of this, and I felt really that with one and six, it would be exaggerating to say a 500-percent increase, when you go from one to six. He meant well, and that is why I crossed out the percentages, but the point that

I want to make is that in each of the categories, the same kind of relationship exists. If you look at these in terms of numbers of title I schools showing gain, and the priorities, each one of these, of course, represents one school, but these are the schools that show a loss of 4 or more months in reading or in gain, and again you see in title I area the proportion, the "B" and the "C," and again for the sixth grade. Here we are talking only of schools with 4 months or more, a gain in reading a loss in reading.

Mr. FORD. Let me be sure I understand. When you describe title I, "A," "B," and "C" schools, this is not something that is in the legislation here, but a description used in Detroit, in determining the allocation of funds to concentrate them.

Dr. DRACHLER. Correct, sir.

Mr. FORD. In the attendance area of relatively high concentration of education and deprivation, you have categorized them as, "A," high concentration, "B," medium concentration, and "C," low concentration.

Dr. DRACHLER. And as of 1968 we have removed concentration in "C" altogether.

Mr. FORD. So now you concentrate all of your title I into two particular types of schools.

Dr. DRACHLER. Eighty elementary schools. Formerly, and I have Dr. Monacel here who could add to this in the discussion, because he is directly involved and responsible for the program, some of our funds were distributed in a different manner. For instance, we had cultural enrichment programs, which we thought were very good, but when we looked at how much we were spending let's say to have youngsters listen to a concert or a quartet, which was a wonderful experience for inner city children, we reached the conclusion by 1967 that by and large, although this is fine, a youngster is more likely to be a consumer of the arts if he learns to read and write, and let's concentrate our funds on more or less the major basic areas, although we still had some funds for cultural enrichment, but we didn't dose it out in as large a number as we did prior to 1967, so that actually the major encouraging gain has been in the last 2 years, although there was some priority to it.

Last, I simply want to show what we did as far as the proposal on integration, which as of this moment I want to indicate, Mr. Chairman, is not entirely certain yet as to what our fate will be, although it looks pretty certain that the legislature is going to change it. Our board adopted seven regions in terms of the decentralization bill. Now the numbers in these regions reflects the black percentage of students, in these areas where you see 3 percent, 2 percent, 12 percent, 90 percent, or 100 percent of these youngsters are there either in open enrollment or because we are busing to relieve overcrowding to an integrated area. They are not residents of the particular area. But what has happened in the past 5 or 6 years, as you saw from that map on mobility that I have illustrated, the population adjoining these almost 100 percent white high schools like Redford and Cody, which 6 or 8 years ago was predominantly white changed to almost 50- to 60-percent black. For instance, Cooley High School in 1968 had 1,800 white students and 1,200 black students. In 1969 Cooley High School had 1,800 black students and 1,200 white, just the reverse.

As we saw this organization, therefore, we realized that we have now adjacent high school constellations with black and white population, and since our discussion on the decentralization program were being made at a time when there was the Los Angeles decision, there was a Federal decision in Pontiac right near us, our board of education was committed for over 10 years, as I have indicated, to the idea of integration.

The question arose by some board members, we not only want regions where you have an opportunity for the local board to develop integration plans, but if they can do it, let us do it, and as a result of this, what we did was simply to take the lines that run north and south, and draw them east and west.

I might add we checked both the Old and New Testament and found nothing in there which said that the Cooley line has to go north and south. We felt that they were reasonably close enough that it could go east and west, but a storm broke out.

Mr. DELLENBACK. Failing to find it in the Old Testament, did you find it in the apocrypha?

Dr. DRACHLER. Not even there. We estimated in my opinion the concerns that parents had. Now 3,000 children, 1 percent are involved in the first year's move. Some children would have to take the city transportation. No busing was involved. Now, at the present, 49 percent of all of our students go with a bus to high school. Another 10 to 12 percent drive their parents' car, so the east and west transportation, I might add, in Detroit is better than the north and south, but nevertheless both black and white parents expressed some concern. It wasn't just one way. The majority of the black parents were much more anxious to have integration. They really had fears in terms of whether their youngsters could keep up with the quality of education in the new school.

Interestingly enough in this area, if you look at Redford this way, the southern part of the Redford area is predominantly the Brightmore area, which is very poor. By removing the southern part from Redford, and by adding the black middle-class area in the northern part, the Iowa scores in the Redford area went up a month by the mixture because of the socioeconomic factors involved.

This is the story in regard to the present effort at integration. The recent bill that is being discussed in the Legislature right now suggests that these feeder patterns just be held up until January when the new regional boards are chosen and they would then decide whether the feeder patterns are to exist.

I would like to now address myself directly to the recommendations. As I understand this act, it does not address itself to the \$150 million which will be made available immediately for schools engaged in desegregation.

I contend that time for the large northern cities is of the utmost importance. I do hope this committee will use its influence to enable northern cities that are voluntarily moving in the direction of integration to receive some share of the \$150 million.

Mr. PUCINSKI. The \$150 million is now working its way through the other body and is now in conference. It has been taken out of other funds. However, it would be applied to the \$500 million in this bill. In other words, assuming the Congress were to adopt this legis-

lation in its present form, the \$500 million authorized in this bill would be reduced by \$150 million. That is the sum that they have found in other sources for this particular operation.

To that extent, the \$150 million does affect the \$500 million.

Dr. DRACHLER. Now, the second point it seems to me this bill offers greater advantage to those schools that are under court order to carry out desegregation.

I question, gentlemen, whether funds can be most effective when the implementation is due to a court order. I think that a case can be made that where integration is the result of voluntary action taken by a local community, that its results will be much more productive and meaningful in the long run. Giving higher priority to areas that are under court order will simply stifle and discourage those communities that are seeking to implement the law of the land as well as to fulfill sound educational practices.

Third, a plan for integration requires planning, preparation, and communication far in advance of the implementation of the program. It is, therefore, essential that there be clearly enunciated guidelines which will foster and encourage efforts for integration and also give some assurance to school boards and staff as well as the community that services and programs anticipated will be fulfilled.

Now, our school system, with a deficit of \$12 million to \$16 million for this year, simply cannot provide the additional services that our communities now integrated or communities that are benign to integration need, in order to restore confidence to parents, students and staff.

I also plead, gentlemen, that the guidelines do not contain the kind of ambiguity which creates misunderstanding and distrust between school and community.

To state, for instance, that decisions are to be made, as some of the guidelines say cooperatively, a school system, in order to run—and I believe in cooperation—is not the same as negotiation. Somebody has to have a final decision and the guidelines need to be clear on that. If it is the people, say it is the people. If it is the school superintendent and the school board, let it say that it is the school board. But simply to use words which sound fine but end up in endless debate, I think would be very undesirable, particularly as relates to as sensitive an issue as this.

Fourth, I would urge for the sake of achieving quality education that the guidelines clearly provide funds for classroom rather than merely school integration. Segregated classrooms in an integrated building are meaningless insofar as the purposes stated in this act seek to achieve, and there is no protection, as I see this particular bill, that will prevent school buildings from being integrated on the outside but segregated on the inside and therefore it seems to me that the emphasis should be on the classrooms if we really want to achieve the purposes stated here.

I have some concerns about item 4 under section 5 which enables the Secretary to make grants to institutions other than local educational agencies. I believe that this will only lead to the outmigration from the public schools of middle-class black and white children and thus place an even greater handicap on the poor white and black remaining in the public schools.

In any case, if this provision remains, I certainly believe that safeguards be included not merely in terms of integration but also to determine educational progress in order to protect consumers whether they be in public or in nonpublic agencies.

These, Mr. Chairman, are basically my suggestions for your consideration. I believe that the concept of the act is a good one; it merits support but I do hope that it will not deprive poor children, black and white, from any of the compensatory funds that they are now receiving and that there will be provision in the act which will offer equal services to all school districts wherever integration takes place.

When some 50 years ago we initiated consolidated school districts in rural areas, we provided incentive funds which promised better educational services to children. This needs to be done today within school districts and between school districts to achieve integration.

I wish there were some guidelines or some funds available so that you would encourage Grosse Pointe and Southfield and Birmingham to want to integrate with Detroit, and that we have met exchanges in terms of magnet school programs and other services.

We must also be certain that funds for integration are used as supplemental grants and not for replacing general local educational services.

In the long run true integration will be achieved when minority group members and the white majority join together by choice, where diversity of interest is prized, where each group is respected and has a voice to determine its own destiny. Continued Federal funding of compensatory programs is required if we are to bring minority group members through education to the point where they can sit as equals with the educational background that will result in needed economic and political power. The Federal Government cannot leave compensatory services for the poor to the States. The problems of the cities are the problems of the Nation. Substantial and continuing investments by the Federal Government in education, welfare and health are essential.

If integration programs in the cities are to succeed, extra funds must be provided for demonstration projects which will serve as showcase examples of how integration can work. Extra services may need to be provided, class size may need to be reduced, pluralistic programs with many options for students are needed, and special attention to instructional materials is required. When such integration programs are planned, their success will depend largely on in-service educational programs for staff, students, and parents that will allow them to understand each other and work together effectively. Such training programs are costly and will need Federal support. In order to have a true community school in an integrated situation, additional funds are needed to carry on after school, weekend, and summer activities for the community.

Quality integrated education will be achieved through a joint effort by the Federal Government and local community. We who are school people need to create better alternatives to existing educational practice. The Federal Government must provide not only substantial funds for educational improvement and to compensate for educational deprivation, but it must also provide legislation requiring and incentives encouraging equal educational opportunity and an integrated society.

Thank you.

Mr. PUCINSKI. Thank you very much.

Is the Detroit school system presently under any court order?

Dr. DRACHLER. No, sir.

Mr. PUCINSKI. Are you operating under any voluntary plan that has been approved by the HEW for desegregation?

Dr. DRACHLER. No, sir. We have programs but we do not have any services from HEW.

Mr. PUCINSKI. Even though you had 62 percent of your school population members of a minority group and even though you have a rather extensive program of voluntary integration programs, the only benefits you could get out of this particular legislation would be under that provision giving the Secretary the right to count your children once. Your youngsters would not be double counted.

Dr. DRACHLER. This is what we assume and this is why I object very strongly and plead for a reconsideration because it will simply encourage waiting for court orders rather than to have the program come in a manner which is most sound and desirable.

Mr. PUCINSKI. Can you think of any problems that a school system in Louisiana under a court order encounters in trying to effect integration that you don't have, doing it voluntarily?

Dr. DRACHLER. I am sure that our problems are very similar to any State and I frankly don't envision—as a matter of fact I believe, sir, that our problems are greater when you are not under a court order because otherwise you can shift the responsibility on the court. Here the school district has to go out and convince the community of the desirability, so we need much more staff training and skill to encourage a program than does a school system that is under court order.

Mr. PUCINSKI. You referred to the guidelines on participation and the proposed guidelines that we have at this stage, we really don't know what guidelines they anticipate using because nobody has indicated what the final form is.

Yesterday we learned, quite by surprise here, that this \$150 million is going to be primarily used to train teachers. I had been led to believe it was going to be used for a lot of other purposes all along.

In the proposed guidelines there is language which says—

Sponsors of the projects will be expected to demonstrate provision has been made for minority groups, parents, members of the community and others at interest, to participate in an organized way in the development, review and evaluation of the project.

I think you made a very strong point here on this subject. Would you have any idea what "others at interest" is, as a school administrator? Do you actually administer the program under this guideline? Do you know what "others at interest" are?

Dr. DRACHLER. May I ask either Dr. Monacel or Dr. Simmons to speak to that?

Dr. MONACEL. We wouldn't know, except other agencies might be helpful in the same direction.

Mr. PUCINSKI. I take it what you are telling the committee today is that you have been making an honest effort to meet the problem of integration in your city. You have encountered all sorts of problems involving additional cost and if they are going to have a program to help school districts impacted by minority groups that we ought to have it uniform for every school district in the country rather than

to apply one standard to those under court order, another standard to those under a plan approved by HEW, and another standard to school districts like your own which is trying to do this as expeditiously as you can without any prodding from the Government?

Dr. DRACHLER. I certainly do, and I think that such services or funds would also serve as an incentive to our citizens. Now, we have, sir, a high school in the center of the city called Cass High School. It was not shown on this map simply because it is a citywide high school. You have to have a C average or higher to attend Cass. We have 4,500 students in that high school. About half and half—50 percent white, 50 percent black. They travel from all over the city because it is a status school and parents want their children there, but what happens is that we invest in Cass much more than we do in the average high school in terms of funds and services. By the same token, if we could do this in areas that are integrated or benign to integration, then I think we could convince parents that the fears that they have about the quality of education need not exist. I am convinced, Mr. Pucinski, that the majority of parents are not worried about racial matters. I think that the majority of parents are concerned about the educational future of their children and if we can guarantee that, and if we could at the same time reassure them in terms of the safety of their youngsters and so on, then they would stay.

Mr. PUCINSKI. That one redeeming feature of this legislation is that it would make funds available to a system like yours, to establish an educational task force that could go into a tilting school and shore up the quality of education in that school to stabilize the community.

I have been preaching that doctrine for many years, so I am attracted to this bill by that provision, but the thing that disturbs me about this bill is the allocation and distribution formula.

As you know, this legislation provides that two-thirds of the money will be allocated to the States, one-third will be retained by the Secretary. Now, while they are going to count the children in Detroit, ascertaining a State formula—in ascertaining the State's quota, the State's allocation—the Secretary will then dispense or disburse the money within the State and you really have no assurance that the city of Detroit would get its proportionate share of the money that was ascertained on the basis of the children in the system.

It was formerly proposed here we count the children to establish the State's allocation, but from then on there is no relationship between your problems, the number of children you have and the money that you may or may not get from the Secretary out of your State's allocation.

Secondly, I would like to ask you how you feel about giving the Secretary \$333 million to play with, with relatively no guidelines, standards or formulas. What is your reaction to that kind of a distribution?

Dr. DRACHLER. I, frankly, was concerned about that but primarily whether it is the Secretary or the Office of Education, I would prefer the funds be with the Office of Education but, nevertheless, what disturbs me most is I don't know what are the rules under which anyone is going to provide the funds, the Secretary or anyone else.

Mr. PUCINSKI. That is, perhaps, the one weakness in this bill, that you, as a school administrator, will really never know from year to

year what you can anticipate. You know how many youngsters you have in your school district and you know what are the needs of these youngsters because you control that determination by virtue of your population. But you never know under this formula—would you favor, perhaps, a prescribed allocation formula based on the number of children in your school district so that you would then know, commensurate with the appropriation, reasonably well, how much you can expect out of that appropriation, with some degree of predictability?

Dr. DRACHLER. May I ask Dr. Simmons to comment on that sir?

Dr. SIMMONS. I think we need some certainty in planning any kind of program. Let me relate that, if I may, Mr. Chairman, to the title I allocations that we have.

As you know, we have been at a relatively stable level until this past year in terms of funds to programs in the city of Detroit that Dr. Drachler has described. Now we know what the level of funding was. Of course, they were shrinking funds but we were able to budget them because we had a count, with a separate census track, and we know what our allocation was and even though we had to restrict those programs we know what was the amount.

I think, in any kind of budget planning operation, you must know the dollars that you are dealing with, not only for this year, but for the next year.

You see, all of our schools, the larger cities, are involved in tenure situations, in continuing contract situations, in negotiations sessions that makes the employment of people relatively continuous. If we have grants going in, for example—call it a startup grant, if you will—if we add large numbers of people to the staff based on a 1-year allocation with no certainties for the next year allocation, we can't plan. There is no way to plan.

Dr. MONACEL. It seems virtually impossible to plan on the basis of the known needs of the children without some kind of a stated formula to work from. The consideration of continuity, as Dr. Simmons pointed out, is critical. You cannot hire teachers or provide new staff or develop community or citizen participation in an integration project without some assurance that you are going to be doing this again next year.

In the one-shot programs in which we have participated, they have often disappointed communities by beginning a program that seemed promising, with no promise for continuity. Often it is perhaps better not to do the program at all.

Mr. PUCINSKI. The preamble of this bill is great. It says, "to assist school districts to meet special problems incident to desegregation in elementary and secondary schools, and provide financial assistance to improve education in racially impacted areas."

It just seems to me what we have to do here is try to come up with a workable formula that will indeed help racially impacted areas, and with some degree of predictability.

Dr. DRACHLER. It is essential, as I indicated in my comment, that for this type of program you had need of time and time is frankly the thing that is running out on us the quickest in the city.

In Detroit, if we are to retain not merely the white population, but to retain the black middle-class population in our cities, which we at present still have, we need some assurance to them that they need not

run. Otherwise the cities will become the depositories of the poor whites and the poor blacks, and that middle class which is so important because of the peer leadership which it provides in the school for incentive and learning—students learning as much, if not more from their fellow students' leadership than they do from the teachers, and I am worried about that group being lost.

Now, from the standpoint of integration, or the whole area of human relations, some 70 percent of Americans live in the 215 or 216 standard metropolitan areas. Where the central cities have lost about 2 million whites and they have gained about 2 million blacks. The metropolitan areas have increased by approximately 15 million people, it is estimated, in the last decade.

Here is 70 percent of Americans living on 9 percent of the soil of America. The more compact you are, the more important the issue is of human relations and understanding and acceptance that we have to live in an integrated society and it is for that reason that I make my plea that it not be merely on the matter of a court order, but on the matter of the commitment of a community and the essential necessity for a society where we can live with our neighbors.

Mr. FORD. Living outside Detroit and getting my information from sketchy newspaper stories, I am pretty well convinced at the present time we have a very volatile situation in Detroit.

Dr. DRACHLER. We do.

Mr. FORD. It seems we have a situation with both black and white segregationists coming together—this is my terminology I don't ask you to respond by agreeing or disagreeing. My impression is that we have segregationists on all sides who, for various political and other reasons, are throwing up barriers to the Detroit Board of Education carrying out its program of desegregation of schools. Public opinion seems to be very strongly against it—at least that which is being heard.

What would be the effect on that situation at the present time if we were to pass legislation that could be identified by either a black or white segregationist, as placing a premium on waiting for a court order to bring about change rather than proceeding with any kind of a voluntary plan? Would that be helpful or harmful?

Dr. DRACHLER. It would be harmful to us, in my opinion.

Mr. FORD. We have some people around the Detroit area who would be quick to suggest that the school board, and particularly the majority members who have been supporting a desegregation plan, didn't wait for a court order. Maybe they would add this assertion to their petition for recall.

Dr. DRACHLER. I think it would hasten the group if they had to wait for a court order, if I understand your question correctly.

Mr. FORD. I am thinking of the "carrot and stick" approach. I have been under the impression that one of the successful ways of getting people in our State to support a program that they may otherwise be reluctant to embrace is to appeal to the midwestern love of matching dollars by suggesting that this kind of stubborn action is going to cost you money; that the way to get the money is to be cooperative. We have generally responded pretty well to that in our State.

Dr. DRACHLER. That is right. That is why I gave the example of Cass High School. In addition to status, we provide more service. Students in Cass can take six full subject areas rather than five, or even

seven, and parents feel that they get something and integration is really secondary, then.

I believe that if we could come to a community and point out that through an integrated program they are going to receive additional services, improved education for their children, that this would help us greatly.

Mr. FORD. You don't call it Cass Tech any more?

Dr. DRACHLER. We did call it that formerly but basically it is really a comprehensive high school.

Mr. FORD. Is it not a fact that Cass Technical High School has had open enrollment for a long time? You describe it now as being about 50-50 black and white.

Dr. DRACHLER. Right.

Mr. FORD. No student going to Cass goes there because the board of education says, "You live some place and you have to go there?"

Dr. DRACHLER. No, sir.

Mr. FORD. So the 50 percent white students going to the school are doing so on a voluntary basis?

Dr. DRACHLER. That is right.

Mr. FORD. And at some expense. You don't provide the transportation?

Dr. DRACHLER. No, sir.

Mr. FORD. And it is not in one of the most esthetically beautiful parts of the city.

Dr. DRACHLER. Unfortunately, I would concur.

Mr. FORD. Do kids come in from places like the Redford district which is almost all white to go to Cass Tech?

Dr. DRACHLER. That is interesting. What has happened is that as the city has increased in black population the number of students from the all-white high schools has decreased. The white students from integrated high schools have increased and the number of black students from inner-city schools has increased. So that, to illustrate, Congressman Ford, an inner-city high school like Northwestern has more students today at Cass than Redford, which is all white, and Denby together. Yet there are as many bright students in those schools but they don't want to go all the way down town or possibly their attitude has been changed by the fact that they live in a white community and they become an economic enclave of a sort and there they are concerned primarily with their own school. They have established honor classes in their schools to encourage youngsters to stay. And this is what worries me.

Although Cass has some very strong, good features, I am worried that if the number of middle-class students in our city declines because we do not encourage other ways of retaining the middle-class population in our city, that the cream of the black inner-city schools, the top students of our integrated schools, will be all at Cass and the peer leadership that is needed in those schools will be lost, and therefore we need incentives and programs to have a Cass but at the same time also have good programs in all the schools in our city.

Mr. FORD. Now, going back a few years, was Cass one of the first truly integrated high schools in the city?

Dr. DRACHLER. No, sir. I think I would say 6 years ago Cass was only about 20 percent black and 80 percent white. It always had some

integration, but gradually as the population has changed, and as some of the fears exist on the part of parents about going all the way downtown, my guess is that the proportion of white students at Cass may decrease as the city becomes more predominantly black. I have suggested to the board at one time that we really ought to credit the marks of the students, those they receive at Cass, to the individual schools they come from, rather than depriving those schools of their students and then giving the impression that the achievement level of that school has dropped when it really hasn't. Simply, they are the best players and are now on the No. 1 team.

Mr. FORD. Now you suggest that one of the things that you need Federal money for is to provide programs in a school that has been or is becoming integrated. You need this money as a guarantee for the parent who is primarily concerned not with the racial makeup of the school but with whether the program and the level of achievement is going to remain at what they believe to have been a desirable level, prior to the integration.

You have an open attendance program of some sort with, you said, six high schools, where anybody can attend from any place in the city.

Is there any evidence that either racial group displays a different pattern in exercising those options? Are the options, in other words, exercised generally because of the quality of the program at these six schools or because of the racial makeup of the school?

Dr. DRACHLER. I think at present it would be fair to say that it is interwoven with a socio-economic factor where those schools are located because they are located primarily, the open schools, in middle-class, white areas. There has been a desire on the part of white students from integrated schools that are above the 30 percent mark, to rush to those schools.

There also has been an indication for black middle-class parents and some parents who are not necessarily in middle-class areas, to seek these schools because they look at the achievement records that are published annually and see that they have higher scores.

In order to discourage, or to prevent white students from leaving integrated schools, we have added the provision that you could only get into an open school if your enrollment there adds to the integration of that school. In other words, we say that if a black school is open, a black student can't enroll there, but a white student may and vice versa. If a school that is predominantly white, 90 percent, there we encourage black students to have first choice. For hardship cases, we treat those separately.

I do believe that what we need to do is to stop the running of both black and white and try to reassure them that their program in the integrated area is just as good if not even better because of the offerings that we could provide.

The tragedy is when the black move from the inner city they end up by carrying the ghetto on their backs. What do I mean by that? Here is a neighborhood where the enrollment has dropped simply because the pattern has changed. There are less younger parents, younger families, and the enrollment is down and some black parents from the inner city move in, or white parents with more children. Generally, black parents.

The Guest school at Myers and Fenkell is an example of that. Four years ago the Guest school had an enrollment of 750 students in a capacity of a thousand. Today this same Guest school has the same capacity with 1,600 children. So that the class size over 35 is higher. We have to build transportables around it and the fear of the white community, when they look historically at what happens when a neighborhood changes, that the percentage, that the class size becomes higher. The experienced teachers therefore seek transfers. The repairs that are needed are not made available. The instructional materials also aren't available in the same proportion and this is the condition that we want to stop, and prevent. We have been unable to do this because the community not only sees the current grievances, but recalls the historic changes that took place when a neighborhood began to change and therefore we can't retain them.

Now, if we could have funds to make sure that class size stays even better than before, rather than becoming worse, we could probably retain those children, but this we haven't been able to do.

Mr. Ford. You mentioned in your testimony that one of the principal recommendations of the 1957 report of the Romney Committee was "Insofar as possible, children of different ethnic, religious and socio-economic and racial backgrounds be combined". I gather from what you are saying here—perhaps because you have had more years of experience with it in Detroit than other places—that you are now placing as much or more emphasis on the need to maintain a socio-economic balance as well as a racial balance?

Dr. DRACHLER. Certainly, both are important, and one cannot be disregarded. This is true whether the community is white or black. We have, as you know, one of the widest streets with a great deal of traffic—Livernois. On one side of Livernois, we have a higher socio-economic group than on the other side. Whether the community is in black or white, if we were overcrowded on the East Side and they had to go over to the West Side where we had a problem, because they were going from a higher socio-economic level to a somewhat lower socio-economic level, although racially there was no difference, religiously there was no difference, but when we had them going in the other direction, to the higher socio-economic area, everybody was happy. When it was the reverse, then Livernois became a very dangerous street to cross and parents would complain. They didn't really give what the real reason was.

So parents, generally, assume that if it is a higher socioeconomic community, instantly the quality of education will be higher. I think it is an exaggeration because I pointed out earlier the mean may be higher but not the individual differences among the children.

I don't know whether I understood your question correctly in answering that.

Mr. Ford. If I might make a facetious comment in closing, the program for Kennedy Stadium shows President Nixon on it and says, "Our No. 1 fan." I had a chance to talk to Willie Horton at that stadium and afterward mentioned to a college president that Willie was a product of a school in Detroit that was once totally white when I went to high school and is now almost totally black. But as far back as anybody could remember, it was and still is the best baseball school

in the Detroit area. Nothing has changed in that regard. Maybe that is the approach we ought to use.

Dr. DRACHLER. If we could attract them that way, it would be very good.

Mr. FORD. We could buy baseball uniforms with this money.

Mr. DELLENBACK. With regard to athletics, at the State of Michigan when I was attending law school at Ann Arbor, I was pleased to be there in the days of the national championship and Michigan itself has power that goes beyond the field of baseball, I might say. Mr. Drachler, I have found this very interesting. I apologize for having been a little bit late getting to the hearing, but I will make it a point to read the balance of your testimony that I didn't hear you present.

Do you have any de jure segregation in Detroit at all in the sense of anything that has been proclaimed in Detroit or elsewhere to be in violation of the constitutional law?

Dr. DRACHLER. No, we have not.

Mr. DELLENBACK. From what your example shows, you have areas of what is referred to as de facto segregation?

Dr. DRACHLER. Right.

Mr. DELLENBACK. And you are moving into these areas to see what you can do about them.

Do you have a plan for desegregation that you are moving forward with?

Dr. DRACHLER. We have several. What we have done, sir, is in the past few years—that has been most effective—has been primarily in the changing of feeder patterns to improve the capacities of each high school. We have in the past few years changed feeder patterns of a number of junior high schools that were feeding—that were black, for instance, and feeding directly into another black senior high school from the junior high school.

We have changed those feeder patterns so that they would go to a predominantly white school. That was true of Finney when we changed to Joy Junior High School from Southern to go into Finney. It was true at Osborn when we changed the Cleveland Junior High School that formerly went to Pershing and so on throughout the city, but it is not on a very large scale.

This present plan that we have that would move about 3,000 to 4,000 students each year into an integrated high school would result in our having about 35,000 students in these 12 senior high schools, which represents nearly two-thirds of our high school population in an integrated situation. That is, provided that the legislature and our new board will approve it.

Now, in addition to Cass, I want to point out that we have several high schools where magnet plans have helped. For instance, Chadsey High School is a school where we do a great deal of work in cosmetology. Chadsey School is an outstanding program and we attracted students in that manner. We allow them to come citywide.

Mr. DELLENBACK. This is evolving as you go along. You are building on what you have learned and you are changing a little bit to the degree that you have found some of what you have learned has not proven successful, so you are evolving a plan and moving toward integration as you go along?

Dr. DRACHLER. That is correct.

Mr. DELLENBACK. For how many years have you been doing this, roughly?

Dr. DRACHLER. For almost 10 years.

Mr. DELLENBACK. Were you superintendent 10 years ago?

Dr. DRACHLER. No, sir. I came in in 1966. But Dr. Brownell, who was superintendent before, recognized this need. He was encouraged to it by the various citizens' commissions that we have had since 1957. Our Equal Educational Opportunity Commission was appointed in 1961 and brought in its report in 1963.

Mr. DELLENBACK. It has been a growing thing since it first began?

Dr. DRACHLER. Some day, for instance, the 40 percent black teachers that we have in our school system distributed in every single school—although our proportions aren't as desirable as we would like to have them—is the result of a long-range plan because 15 years ago only 5 percent of our teachers were black. So we changed from 5 percent to 40 percent. We have a board and a professional leadership that recognized 4 years ago the importance of black administrators. So when I became superintendent, although I inherited a list of promotions of some 40 to 50 principals, all of them who were left on the list were white and I realized that for a year and a half I couldn't appoint a single black principal, which I felt was not desirable either from an educational point of view or a political point of view.

I turned to our board and asked for permission—because we had many more teachers who are black in the system—to do two things. One, to reduce the number of years of service required to take the exam for assistant principal and, two, to allow me to give a second exam, establish a second list, and take from both lists, assuring the board that everyone who was on the list would be promoted. As a result, whereas 4 years ago 11 percent of our administrators were black, today about 30 percent are black.

Mr. DELLENBACK. Much of what you are saying is really of such broad, basic interest that I wish there were time to go off on some of these. Coming from an area, as I do, where we do not have some of this great problem, I still recognize it as a major fundamental problem to wrestle with.

Before the west coast, I came from the Chicago area where some of these same problems do, of course, exist.

A number of things you have said are certainly sound. When you touched on classroom segregation, I was categorizing in my mind that I can see you can have school district segregation; you can have school segregation; you can have classroom segregation and really within the classroom you can still have segregation if in the mind of the teacher and in the minds of the students who don't want integration.

You can trace it all the way through to that. So the point you made on the need for having integration really basically and fundamentally is not solved by anything done mechanically. You have to go way beyond the pure mechanics and even beyond the classroom concept that you put forward.

I am thinking in terms of this bill, not fighting for the bill as such, but thinking in terms of its application to the situation in which you find yourself and we find ourselves here in the Congress and in which the Nation finds itself.

You have indicated in Detroit you don't have de jure segregation but you have de facto?

Dr. DRACHLER. Right.

Mr. DELLENBACK. You have been struggling for at least 10 years in the district to work your way out of it.

What if right now you suddenly found yourself facing some mandate from the people, from the school board, from HEW, if they had the power to do so, from a court, whatever they might be, that in September you would have to have not only the district integrated, but every school in the district integrated, would you change anything that you are doing right now?

Dr. DRACHLER. No, I think we would have to intensify what we are doing.

Mr. DELLENBACK. I don't mean that you would reverse anything but you would have to take additional steps?

Dr. DRACHLER. Oh, yes, definitely.

Mr. DELLENBACK. Would they be disruptive?

Dr. DRACHLER. I think they would. If it had to be done in 1 year.

Mr. DELLENBACK. And that is on top of a 10-year experience that has brought you to this point. I am trying to be objective in what we are doing, but you can see part of the thrust of this bill is to look at school districts that don't have 10 years of experience; that do have a court order, telling them that by September they must do certain things.

If you, with 10 years of experience, and with the things that you have learned as you have come along, would still find it very difficult, suddenly within the next 2 months, to change what you are doing—and I commend you for a great deal of what has been very helpful in the illustration of what you have done in Detroit—I think you can see how terribly difficult it is for other administrators suddenly facing such a court order and facing such a mandate with not history to build on.

This bill is in part, you see, aimed at saying to those school districts who have, some of them, administrators who are I am sure as concerned as you are, or as we are, and who suddenly find themselves in a terribly difficult situation.

The things you have said are sound. You talk about the need for certainty in funding, the need for advance funding. I couldn't agree with you more. How a school district administrator can face some of the situations that you have had to face in recent years where you don't know how many Federal dollars you are going to have before the school year starts—certainly ignoring it when you create your budget, but when the school year starts and you are into the school year and you still don't know what you can count on from the Federal Government, it is a problem you never should be forced to face and yet you have had to face it.

We have not taken steps on the Federal level to solve this problem for you and that is the onus of the Congress. I see that problem, and the problem that you alluded to about the massive economic problems, and the deficit under which school districts like yours are struggling to try to do a quality job without the dollars right at hand to do it, this is a terrible burden to try to carry.

So I am completely sympathetic.

Do you understand what I am saying about the problem that is, especially in some districts of the country; would you make comment on that, Mr. Drachler, that could be of help to this committee as to where the dickens we could go?

Dr. DRACHLER. I assume you are asking the question as to whether or not in my opinion priorities should be given to a school district that is under a court order, versus a school district that wants to do it voluntarily?

Mr. DELLENBACK. Or the middle ground of a district which, facing a problem, has come up with a plan and worked out, maybe with the threat of court order over its head, a plan that has been agreed upon by the district officials and HEW, where they don't actually have the mandate of the court order right on them, but it is the intermediate ground between the two groups that you have alluded to. Yes. What should we do?

Dr. DRACHLER. Well, I personally don't want to take away any funds from any other school district. I realize that all school districts, probably, in the Nation, need funds. What I do believe is that if the Federal dollar is to be effective in the long run, it would have the capacity to stretch further if it could be done as an incentive for schools rather than its compensation for a court order. I don't believe that there will really be the achievement of the purposes stated in this bill at the very outset if it is done only under pressure of a court order.

Mr. DELLENBACK. That really isn't the question. The question is, What do the Nation and the educators of the Nation and the lawmakers of the Nation do about a situation where, in literally hundreds of school districts—not all the size of Detroit, but hundreds of districts throughout the Nation—are today facing a court order that, within a matter of a couple of months they must do certain things? How do we help them?

Dr. DRACHLER. Well, I think there are other ways. For instance, I believe that if we were told that we couldn't get title I funds unless we integrated, there would be some incentive for us to move ahead and integrate, and the same would apply to any State, and I urge, sir, that the process should be on an incentive basis. I believe in that—an incentive in terms of matching dollars, an incentive that if you don't comply, there are other penalties that may result that the Federal Government has to offer, than simply to count only schools that are under a court order within the large cities, with 62 to 63 percent of our children black. I know our conditions. I know that unless we get some help, the chance of integration in Detroit will be lost—integration along racial as well as socioeconomic lines—because we are going to lose our white and black middle class, and I want to save that.

Mr. DELLENBACK. I can recognize the gravity of the problem, the difficulty of the problem, and the dedication that men like yourself bring to what I think is a completely worthwhile goal, but do I read your prior testimony as saying that you, even with the history that you have in Detroit in the present situation, would find your problem considerably aggravated, very difficult to solve, and calling for a considerable change in even your present plans, if you were under mandate to bring about integration by September of this year?

Dr. DRACHLER. In terms of public relations, insofar as the people are concerned, our problem would be less, because we would simply say, "Look, the courts have ordered it and it has to be done."

Mr. DELLENBACH. I understand, but so far as the rest of it is concerned?

Dr. DRACHLER. And in terms of the rest of the job, obviously it would be done with difficulties, but it would not be as sound in terms of the educational inputs that we would like to have to accompany that.

Mr. DELLENBACH. I am not suggesting that we ought to place such an order on your shoulder. I am merely dealing with a hypothetical situation.

Dr. DRACHLER. Yes; but may I also add, Congressman, that part of our failure was—and we have made some errors in the past 10 years, we don't have a monopoly on them, but we made some—part of it has been, sir, if I can illustrate it right here on this map, that when we had an opportunity 5 years ago, when these three high school areas, Mackenzie, Mumford, and Pershing were approximately 40 to 60 percent, a sort of half circle, the parents in that community, that was the Mumford constellation parent group that initiated it, came to us and said, "We need showcase education. We believe in integration. We want to stay here. We have built homes. We have invested. We want to stay. Our schools are crowded. We have no junior high school. We haven't the facilities. Build us another junior high school or two in our area. Put up another senior high school, and provide the kind of extra education, make our classes 50 percent under 35 rather than 80 percent over 35," or 60 percent as it was in some of the schools.

We did not have the means to answer their demands or their needs, and this is now occurring, so as a result, all we had, sir, was \$20 per child for 1 year only from the State.

Now had we had the greater services for these parents, I think we could have convinced them to stay, because the demand came from them, not from us. They came down to the board and said: "We don't want Cass," which is down here, "to be the only high school that has science and arts programs. You make science and arts in our three schools, so that students will want to stay, so that students will want to come."

We simply didn't have the means to do it. We did not realize in the early years that the open enrollment policy was a poor one, that it allowed more students to escape from integrated high schools than for blacks to get into white high schools, and we had to change that.

We underestimated the attitude of our community. We thought that if we placed a black teacher in an all white high school, that parents would become frightened and run away, and I think the community was ahead of us. When we moved in, the community accepted these people on the basis of their qualifications and their ability, so I think the community is not as fearful of integration as they are concerned about the kind of school conditions that begin to occur when a community begins to change.

Mr. DELLENBACH. I commend Detroit for what it is doing and has done, and I certainly hope that it moves forward soundly in the future as it has made an effort to move in the past.

Dr. Monacel, may I just ask you that same question that I was putting to Dr. Drachler? You were nodding your head when I was asking the question. Did I mistake the nod?

Dr. MONACEL. I started nodding the other way as you continued. The mandate to do this by September isn't particularly expensive. Plotting the means by which you do it can be done without the allocation of money. The educational consequences is the need, so I see no difference between our situation and a mandated one.

Mr. DELLENBACK. Except you are not going to do it.

Dr. MONACEL. Yes.

Mr. DELLENBACK. You mean you feel you could do it if you had to?

Dr. MONACEL. Yes.

Mr. DELLENBACK. But even against a 10-year background you are not going to do it. You are going to get into it more because of the desirability of your method as opposed to the other in achieving ultimate beneficial results for education; is that correct?

Dr. MONACEL. That is correct.

Dr. DRACHLER. May I, Congressman, simply show the composition of Detroit as to why it is a question of—this is the racial population of the city. This is the concentration of the black community as of 1960, so that when you look at areas in the southern part of the city, integration will simply require tremendous—and this has changed, as you can very well understand even more seriously since 1960, so that your concentration of the black community is primarily within the inner city, and your white pockets are in the area. I don't know whether the southern situation is similar.

I assume that it isn't, because otherwise it would not be a de facto situation, but results in a de jure, so that it is not impossible to do this, but it is questionable whether today for the inner city our great emphasis should not be on raising their educational achievement level, and then doing the best so that for the junior and senior high school they can compete well in integrated schools.

Mr. DELLENBACK. Certainly from the standpoint of the benefit of education to the young people we are grateful that you don't face such a court order. Thank you very much, Dr. Drachler. Thank you, Mr. Chairman.

Mr. PUCINSKI. I think we ought to put this bill and this legislation and the whole problem into proper perspective, and this is as good a time as any. When we talk about de jure problems in the South, I am personally of the opinion that they can resolve these problems a lot easier and a lot faster than we can in dealing with de facto problems of the North, for the simple reason that we have had numerous witnesses who testified that actually when you do away with de jure segregation, you have less busing, less cost, less expense.

You have got the schools there, you have got the facilities there, and if there is any validity at all to the separate but equal doctrine, which, of course, we have exploded all over the place, but let's assume to just maintain for the moment the myth, you have the schools and everything is there. It is just a matter of recognizing the fact that you are going to have for the first time a neighborhood school system in the South, and once you recognize the neighborhood school system in the South, you have an integrated school system in the South,

and I don't think that the needs are all as great as some people have suggested.

Now we have gotten the kind of a preview though of what the problems are in the South from one of the witnesses here from Louisiana, who testified last week that now that the courts have ordered the elimination of de jure segregation and for the first time white parents are beginning to look at what has been up to now all black schools, they are discovering that separate but equal was really not very equal, and they are discovering that the schools, the neighborhood schools to which their youngsters now must be enrolled by virtue of a court order, those neighborhood schools have enormous physical needs that everyone had politely ignored over the years because they were all black. There were no washroom facilities, no gymnasium facilities, no library facilities, all of these things which for years the South has been telling us are equal, now they are discovering they are not very equal.

Mr. DELLENBACK. Emphasizing the special needs.

Mr. PUCINSKI. They think though that they are going to get out of this bill a big windfall for physical construction, to improve those schools and bring them up to the white school standard, and they are going to be very disappointed. When this money starts flowing into the South, they are going to discover that under the guidelines and under the bill itself they cannot use this money to take care of the physical disparity that exists in those school buildings, because the guidelines provide that repairs shall be minor and incidental, and they are going to discover that they can't use this money to build new schools, which some of them would like to do, to overcome this disparity, and they are going to discover that all this money that they thought was going to do all the things just isn't going to do all those things.

As the gentleman from Minnesota said yesterday, the main thrust of \$150 million is going to be used primarily for teacher training. And so I think that there is going to be a great deal of disappointment in these southern communities, who have looked to this legislation as the great answer to their problem by September 1, but I agree with you, Dr. Drachler, that your problem, because of a map that you showed here, you could go 20 blocks in any direction in those white communities, and you wouldn't find a nonwhite child, and you could go into the heart of that city and go 30 blocks in any direction and you won't find a white child, and the Supreme Court, for that very reason, has properly stayed away from trying to rule on de facto segregation, because they recognize that this segregation is created by housing patterns. That is not true in these southern communities. For the first time a lot of these little Negro kids are within walking distance of their school, instead of being bused 10 miles past six white schools to be taken to a black school, as they had been for many years, and so I agree with you. I think that the problem of trying to integrate schools in the North is vastly more complicated, and it is going to be more costly.

You make a point of trying to save those schools. I had the same situation in Chicago. We had the May school, overcrowded, and so the school board, in order to try to save the community, decided to bus youngsters out of the May school into some vacant classrooms in schools further up north, and there was the same kind of concern as

you have experienced in Detroit, but at that time I tried to persuade the school board that the way to stabilize that community is not merely to remove some youngsters out of that school by busing, but to send a task force into that school, make it a model of educational excellence, make that school so good that no parent in good conscience would ever think of moving out of that community and taking his child out of that school, regardless of how many nonwhite youngsters might be moving into that school, and I think you are right. I think that the answer to stabilizing these communities is to provide funds for good education, and that is why this formula here does concern me, because the formula tends to penalize you, and provide a windfall for those who I am not too sure need that money as much as you need it, and your testimony this morning, I think, makes that point very clear.

I want to thank you and I want to thank Mr. Ford for inviting you before the committee, because I think that you have made a very, very significant contribution this morning.

Dr. DRACHLER. We appreciate the fact of being here. I do want to thank the committee, Congressman Ford particularly, for inviting us, but I do want to—and I know I repeat myself—stress the tremendous dilemma which our city is in. We are totally committed to the problem, and it is so involved that I want to be sure that the formula is one, you know, that we need a formula here for the taming of the shrew so that nobody can use these funds in a manner that will not result in the very things that have been spoken of, because I know only one large southern community, and I can tell you that they have much greater latitude as to how they use title I funds, sir.

Mr. DELLENBACK. I assume, Dr. Drachler, that you could use some special help from the Federal Government to help with these problems of integration.

Dr. DRACHLER. Very, very much so, and I think we have a staff and a citizenry that are attuned and geared to make it work.

Mr. DELLENBACK. And as you say, you don't speak in derogation of any other school district's needs. You primarily see the great need that you yourself have.

Mr. FORD. That is a very important part of the problem some of us have with this legislation. No politician, civil rights leader, nor anybody else has urged for well over 10 years that the Detroit Board of Education has not had on it representation of a majority of the people; and its superintendents during that period of time were committed to desegregating the schools as rapidly as possible. That has not been an issue in Detroit for many years, has it?

Dr. DRACHLER. No, sir.

Mr. FORD. Now here we have this kind of a school district where you have community support, where you have people elected to the school board over the rough years, who are committed to the principle of desegregated schools. Yet we are considering a piece of legislation that would seem not to do anything for a community that has put forth this kind of effort. That is the philosophical difficulty I have with this legislation. I am reminded of 1966 and 1967, when we considered the Fountain amendment, which was adopted on the floor of the House each year and then cleaned up in conference.

The Fountain amendment would have said that, in the distribution of funds, the Office of Education would first distribute the funds and

then bring charges against a school district that was not using the funds equally because of racial segregation. Of course you would fight this thing out, and during the course of a year you would be on next year's budget. While you had exhausted all the remedies they would have spent the money. The result of the Fountain amendment, as we saw it, as southerners told it to us was to say:

If you allow this to go into effect, then you will cause every school superintendent in the South, who has nudged his school board into making any attempt toward voluntary desegregation to lose his job, because it will be apparent that you can drag your feet, do nothing, and there is no real penalty involved.

Only a fool would try to swim upstream against that kind of a current, the current that still prevails. The unfortunate part about this legislation is that it is just like the Fountain amendment. While on the surface talking about doing some admirable things for desegregation it may tend to provide an incentive for the people who have done the least, and who have no genuine commitment to the concept of desegregated education, to continue exactly the patterns that they have followed in the past, and delay even longer what is inevitable.

I find it very, very difficult, and I hope that this can be said without being construed as being antisouthern, to have a great deal of sympathy with school administrators who have been sitting around since the Court finally said, "Now, we are telling you that we meant it in 1954", when they run down here to Washington and say, "You owe us some reparations because you are now imposing the Constitution on us. How do you expect us to carry out the law if you don't give us money?"

Mr. PUCINSKI. Of course, Dr. Drachler, let me make this statement. I am going to have you come back here for a repeat performance if I can have the assurance that my two colleagues will be here for your excellent testimony on the ethnic studies bill. I had a little trouble with my two colleagues here. If I can get you back here, maybe you can persuade them of the merits of that bill.

Dr. DRACHLER. May I just add one item, gentlemen, because you have elicited a little story, but I think it illustrates Detroit, if I may, Congressman.

There is the story that a friend of one of my associates, Arthur Johnson, the deputy superintendent, likes to tell about a hen and a pig walking down the street past a restaurant, and they saw a sign saying, "Bacon and Eggs," and the hen said, "Let's go in and have breakfast" and the pig looked at her, looked at the sign, and he said, "Oh, no. For you this breakfast is just a contribution. For me it is total commitment." Our schools are totally committed, and it means a great deal as to what this bill says.

Mr. DELLENBACK. We commend you for what you have done. In the language of the law, Mr. Ford, I would merely close by saying I reserve my exception to your characterizations of the problem, because we are all involved in wanting to do something for school districts like Detroit. I don't think you can say this bill does nothing. It is a question of priorities and how to help all of the areas which badly need it.

Mr. PUCINSKI. Thank you, gentlemen. We appreciate your testimony. The committee will stand adjourned until tomorrow morning.

(Whereupon, at 12:20 p.m., the subcommittee adjourned, to reconvene at 10 a.m., Wednesday, July 1, 1970.)

EMERGENCY SCHOOL AID ACT OF 1970

WEDNESDAY, JULY 1, 1970

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The General Subcommittee on Education met at 10:15 a.m., pursuant to recess, in room 2261, Rayburn House Office Building, Hon. Roman C. Pucinski (chairman of the subcommittee) presiding.

Present: Representatives Pucinski and Quie.

Staff Members Present: John F. Jennings, counsel; Charles W. Radcliffe, minority counsel for education, and Alexandra Kisla, clerk.

Mr. PUCINSKI. The committee will come to order.

We are most pleased to have so distinguished a colleague of ours as our colleague from Florida, Congressman Pepper, who is here to testify this morning on H.R. 17846.

STATEMENT OF HON. CLAUDE PEPPER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. PEPPER. Thank you very much, Mr. Chairman.

I am grateful for the privilege of appearing here before your able committee upon this subject, which is very important to the school system of Dade County, a part of which consists of my district.

I am informed this morning by Dr. E. L. Whigham, the superintendent of public instruction of Dade County, that he expects that it will be necessary to spend approximately \$1 million more during this next school year, 1970-71, than would otherwise be spent, in an effort to carry out the Federal requirements with respect to the desegregation of our schools.

We have in our area a grave problem with respect to financing because except for the funds allocated by the States, a large amount of our revenue comes from ad valorem taxation and there are constitutional limits on that type of tax.

The addition of a financial burden upon our school system is something of great significance.

Our school system is the sixth largest in the United States. We expect to enroll 250,000 pupils in the school year 1970-71, including about 60,000, or 24 percent of the total number of enrollees, as black children.

Our people point out, as they have already done before your distinguished committee, the types of additional burdens and financial burdens which are imposed upon the school system in the carrying out of these Federal requirements. They relate to the planning and

preparation phase, the action phase, when the plans are being put into effect, and finally the third phase or the stabilization of the school system where they have to have a sort of shakedown, as it were, as the system matures into the implementation of the plans.

They point out that the costs generally which are added by the desegregation requirements are: (1) Immediate and intensive staff in-service programs and intercultural relations; (2) additional administrative and teaching personnel of several types, and (3) additional transportation requirements.

May I pause there to say our county superintendent, Mr. Whigham, told me on the phone just before I came here that that figure of \$1 million does not include any funds for cross-busing. They are going on the assumption they will not be required to cross-bus, as it were.

One of our local Federal judges recently held they did not have to cross-bus in our school system, which would leave 13 schools, if I recall correctly, completely black.

Now, whether that will be the final decision when the matter comes before the Supreme Court, I don't know, but Mr. Whigham explained to me there is a lot of additional transportation expense. In fact, they have advised me they will have to acquire about 40 new buses. They will have the costs of drivers and other operation and maintenance costs of those buses, even if cross-busing is not imposed.

We all will have a problem in our respective districts all over the country if cross-busing is finally required by the Supreme Court. It seems to me the Congress would have to adopt legislation that would help areas such as our school districts, perhaps all over the country, meeting these additional costs.

There will be required additional security services. Interestingly enough, my people tell me that in 1969, in September, the budget for security in our Dade County schools was \$350,000 and they expect next year to raise the figure to \$1,200,000 for providing security in the schools.

The additional assistance is necessary to provide equal educational opportunity for pupils affected by past discrimination and disadvantaged because they haven't had equal quality of educational opportunity, and who have waited too long to be brought up, when all the time they should have been afforded the normal educational opportunities.

These extra costs which are imposed by Federal requirement, I think, are perfectly proper. In fact, I think it is a just Federal expense. I, therefore, strongly support H.R. 17846 in this general purpose. Mr. Fascell, my colleague, has also introduced H.R. 16693, which has a similar purpose.

However, I would like to call your distinguished committee's attention to the following and ask that you consider it: In studying this bill, I could not find any of what I thought was explicit formula for the distribution to the local districts of the money once the State had its allocation according to the formula in the bill. When I asked our superintendent, who is a learned man in school matters: "Do you understand what the formula for the distribution of the funds allocated to the State is under this bill, to the districts?" He said, "I am not sure myself."

He said, "It seems to me to be a rather complex formula, and I am not sure that I understand what it is."

I don't know what would be a proper formula, but I just suggest that your able committee look into the matter of the adequacy of the formula. It seems to me that there should be guidelines which would direct the distribution of these funds. It could either be a formula of mathematical character or the guidelines could be general declarations of principles to be followed by the dispensing officer in the exercise of his discretion. I think the House might be concerned about the total absence of either formula or principle of determination as to how the funds should be distributed.

Mr. PUCINSKI. We are very pleased to have you call our attention to that, and I am very grateful to have your views because there is what they call the "Now you see it, now you don't formula." They see your children when they count the State's minority children to set up a State allocation. That is the two-thirds of the total appropriation to be allocated to the respective States on the basis of counting the children in that State. But then you don't see it, or you don't necessarily see it when it comes to distribution because there is no formula here.

The Secretary then will be the prime and sole judge of how that money is going to be spent within the State. I have a feeling that even my learned colleague from Minnesota, the sponsor of this bill, realizes the weakness in that kind of distribution formula.

Mr. QUIE. Now wait a minute. There is just no way of having an entitlement to the district.

Mr. PEPPER. Will the gentleman from Minnesota let me say the predicate for the comment by the able chairman was my calling attention to a conversation I had before I came here this morning with the superintendent of public instruction, Mr. Whigham, of the Dade County public school system, and I asked him how he understood the formula as I had read over the bill and wasn't clear whether there was any intended formula other than the discretion of the Secretary for the distribution of the funds allocated to the States. I understood the State allocation formula all right as it was set forward in the bill, but I was not clear on the other.

He said well he didn't understand either, and I was merely raising the question as to the committee's intent, or the author's intent in respect to the distribution of funds in the States. Is it your intention that it be to the discretion of the Secretary upon an application by each district?

Mr. QUIE. That is right. That is the only way it can be since the additional costs, because of integration of the school under court order or HEW rules, is something that differs in each school district. The only way you will find out what the school districts will be needing is by application to fund a project. The only way you have to do that is to have it either approved by a State department of education or the Secretary. Since these are all Federal funds and since it is a Federal court order, or a Federal HEW requirement, it seems wise to give the discretion to the Secretary rather than the State commissioner of education.

Mr. PEPPER. So the Secretary, by the formula prescribed in the bill, would know how much the State of Florida was allocated in the bill?

Mr. QUIE. That is right.

Mr. PEPPER. And the Secretary would receive and allocate funds up to the amounts allocated to the State.

Mr. QUIE. It could be more because under the bill he reserves one-third for himself so if the State of Florida would be guaranteed the amount under the State allocation, if they have additional needs they can make a proposal to the Secretary and he can use his one-third to add to that amount.

Mr. PUCINSKI. Can you imagine, though, Congressman Pepper, a Secretary having \$1 billion to play with in any way he wants, with no assurance that while the youngsters in your district are going to be counted to establish the State allocation, there is no assurance that you or your superintendent will get a penny of this money. You may, if you bring your hat in hand nicely enough over here and make out a case, you may, but that is why I say this is the famous "Now you see it, now you don't" formula.

Mr. QUIE. That is ridiculous.

Mr. PUCINSKI. I am amazed. I must say I am amazed that this administration would be proposing that kind of total and absolute power to the Secretary when I have been listening for 10 years to all those speeches on the floor about the evils of centralizing power in Washington from the other side.

Now, all of a sudden we find them proposing that the Secretary have \$1 billion to distribute in any way he sees fit, with no criteria, and the superintendent who talked to you this morning is absolutely correct; there is no criteria in terms of any assurance that the children are counted in your school districts and will get a pro rata share of the State allocation; no assurance at all. It is strictly discretionary with the Secretary.

Mr. QUIE. Will the gentleman yield?

Mr. PUCINSKI. Yes, of course.

Mr. QUIE. It is even more surprising to me that the gentleman protesting the concept of the Commissioner of Education, or the Secretary having this power, because I know how the gentleman from Illinois has been advocating for years that the Commissioner have this control in title III of ESEA.

Mr. PUCINSKI. You are talking about some other gentleman because you are not talking about this gentleman advocating any great powers in Washington. It has been the other way around.

As I said yesterday, this whole bill is like the Mad Hatter in Alice in Wonderland. It gets curiouser and curiouser as we look into it.

Mr. QUIE. If you look deeply into it, you will find that if Chicago does not wish to desegregate from de facto segregation, there is no reason why they should get any money under this program.

This program advocated by the administration is to take care of some school districts who run into some problems that cost money because of something that the Federal Government did; not somebody else; not problems they ran into in their own school districts. The Federal Government, either the Federal courts or HEW required that you must desegregate the school districts and it costs them an extra amount of money. The people aren't too happy with it. The Federal Government now says, "We will go ahead and provide some of the money" but in this case it seems it was only logical that the

Federal Government who required it should also make the determination as to whether there is adequate desegregation and what the cost to the school will be.

Mr. PUCINSKI. But the witness makes an excellent point. Take, for example, his school district. Let's assume for a moment that it is under a court order and it is integrating and it has run into the additional costs the gentleman mentioned here in his testimony.

Now, the youngsters in that school district will be counted to ascertain the State allocation, but there is nothing in this bill—and the witness has correctly pointed that out—that, even though that school district is under court order, Federal action—as my colleague from Minnesota has mentioned—they are doing something in that school district by virtue of an order from the Federal Government but, as I say, there is nothing in this bill that assures that school district, under a court order, to do away with de jure segregation; that that school district necessarily will get penny No. 1 from the Secretary unless that school district came in here carrying its hat properly in hand and persuaded the Secretary, and it seems to me inconceivable and indefensible that you would have that kind of a formula in this bill. That is all.

Mr. QUIE. It will operate the way the National Science Foundation has operated for years.

Mr. PUCINSKI. That is no comparison.

Mr. QUIE. We have Federal programs that operate that way, in which there is no Federal court order involved.

Now, you can hardly expect them to just hand out the money to the school districts to use as they wish.

Mr. PUCINSKI. What is wrong with it? Are you making this statement now? You know really, it is amazing. I think the greatest things that happened to us Democrats is to have Nixon in the White House. Now we are getting to see these fellows defending positions that are completely contrary to what they have been saying for 12 years.

Mr. QUIE. Not with myself. I will say that at any time it is totally a Federal program then the Federal Government ought to have direction over it. If you only assist State programs, assist local communities, then they ought to have a voice in their own direction.

Mr. PUCINSKI. I want the record to be adequately clear on this point: The author of the bill is saying that as long as the Federal Government is going to provide money to these districts that are under a court order, the Federal Government is going to be the sole judge of what happens to that money and how it is going to be spent. I don't believe America is ready for that kind of a complete, total takeover by the Federal bureaucracy in Washington.

Mr. QUIE. I didn't think they were ready when I was a little kid and listened to my father back in 1933, but I found that they were ready and have been operating under that since 1933 and I imagine they will accept some money.

Mr. PUCINSKI. Congressman Pepper, you have been an excellent witness.

Mr. PEPPER. We can all realize the necessity for the clarification of the purposes. I have tried to study the bill and I was confused as to the full intent. I am glad to have a clarification in the record by the author as to just what was the intent of the bill.

Mr. Fascell, in his bill, No. 16693, proposes a specific formula. In general, I am in favor and have been in favor of funds going directly to the areas where the Federal impact or Federal assistance is given and I have not intentionally supported the policy of late years where the States were the ones who controlled the distribution. For example, in respect to the law enforcement, in the Safe Streets Act program, where the States are the ones who allocate, there is a problem of how to assure that there will be a fair distribution of the funds, and when it is on a discretionary basis—and I am not saying it can't be done—there ought to be all the safeguards that can be provided to impose a duty to see to it that as far as general criteria are applicable, that there be guidelines, as it were, to assure proper distribution, and I think that it would be helpful in clarifying them.

Mr. PRCINSKI You will agree that the Vocational Education Act which went through the House unanimously and the Senate unanimously without a single dissenting vote does have a State distribution. The State gets the money and the State superintendent allocates the money and so far as I know they have been doing a fair job with it. We have had no complaints around here.

Would you suggest that, if nothing else, we at least give the State the right to make the decision as to how the State formula will be distributed within the States? Will that meet any of your—

Mr. PEPPER. I agree with the States being the distributing authority of funds. I have favored direct allocation of funds to the areas needed. Our Crime Committee study I think has shown that heretofore under the omnibus crime bill there has not always been, nor has there generally been, an allocation of funds to the areas where the need was greatest. There was a provision put in this last bill that the House passed here yesterday which put in a specific provision that said that the State, in the allocation of those funds, shall allocate them to the areas where the need is the greatest, so I would suggest that you might give some consideration to some broad guidelines of criteria in the allocation of the funds just to see to it that everybody was treated fairly.

To show you how important this is, this legislation, and I want to commend the able gentlemen from Minnesota and all others who have initiated and supported legislation like this—in my county of Dade we will have 250,000 students enrolled in the coming year and our people tell me they expended \$1.5 million over the last 6 months to support desegregation in the county and from the three Federal funds which were sources of assistance they only received a total of \$114,920, and I had stated that we expected to have an additional burden of \$1 million for that Dade County school system during the coming year. So this legislation is very important to us.

There is another suggestion I would make, and I am sure the able authors and this distinguished committee are well aware of it. My people tell me they desperately will need this money as soon as possible to prepare for the coming school program, so I think this should receive budget attention from the Congress and I hope the able gentleman will expedite it.

As a member of the Rules Committee, if you come up there, I will do all I can to expedite the reporting out of the measure.

Mr. QUIE. I thank the gentleman for saying that because I think we have to move fast with this legislation because the coming school year is a crucial year.

Mr. PUCINSKI. I wonder if I could get an expression here. We have had people from Dade County testifying here the other day. Their testimony indicated the largest need in Dade County right now is for physical plant improvement and construction. The biggest need right now in terms of dollars is to upgrade the schools and make them acceptable by September. And the guidelines for \$150 million which has been approved by the Senate and is now in conference, those guidelines provide only minor and incidental—they permit the use of section 3 here: "Equipment and minor remodeling; Procurement and relocation of equipment and classroom furniture, including replacement of obsolete items."

"Minor building renovation and remodeling for general upgrading of a facility."

I am inclined to think that the people who have been here urging quick action on this bill are going to be very disappointed when they discover that they can't use the money for the purposes they think they need it.

Mr. QUIE. Now, will the gentleman yield?

Mr. PUCINSKI. Yes.

Mr. QUIE. These gentlemen won't be disappointed at all because it has been made clear there will be no money for construction. They recognized in their testimony that this is a long-range need they have.

There is no way between now and September 1 that they can construct a number of new school bulidings down there, but there will be some remodeling necessary and there is provision in the guidelines for that kind of remodeling in Dade County.

Mr. PEPPER. You are correct. One of our great needs is for school construction and I am embarrassed to tell you that recently a proposed bond issue for the building of new school buildings was defeated. I don't know what our hard-pressed school officials are going to do to get adequate facilities.

Mr. PUCINSKI. That raises another question, Congressman. I appreciate your candor and frankness but the thing that disturbs me about this legislation is that witness after witness has come up here and said we could provide the funds.

A witness from Louisiana the other day testified they could raise \$11 million in his school district without increasing the——

Mr. QUIE. It is impossible to do.

Mr. PUCINSKI. It is in the record.

These communities have said, "We could raise the money but our citizens will not approve it."

Now, I ask you this question: Should my citizens, should my constituents, and should the rest of the country send Federal money into a school district because the local communities will not help themselves? Is this the function of this legislation?

What do I tell my constituent who is not going to benefit from this legislation that his tax dollars are going into a school district where the citizens of that district do not want to help themselves. What do I tell them?

Mr. PEPPER. I will defer until the gentleman from Minnesota speaks.

Mr. QUIE. The gentleman makes an argument for school construction and then says why should the citizens of his district help the school construction in Louisiana or Florida. He can't have it both ways.

You find it a lot easier for anybody to support school construction because you don't deal with people.

Programs where you help people are the ones that are most controversial and that is what we are dealing with here in the integration of the schools. You have to have special programs to train the teachers especially to work with other children, and provide funds to do some minor remodeling.

As you say, when the white kids go to the black schools and find out there is only one urinal and one washbasin for all the boys in the school, they demand additional facilities.

Mr. PUCINSKI. They want Uncle Sam to provide the additional facilities but they are not willing to provide the facilities from their own resources. I can see a school district that has reached its maximum capacity. A poor school district with no resources and nowhere to turn and they say to Uncle Sam, "Look, you have to help us," and I appreciate that. But I find it totally indefensible to say to the rest of the country, "You have to absorb the cost of providing facilities because the local people, for whatever the reasons may be, do not want to provide these facilities for their children from their own resources."

That is the problem we have.

Mr. PEPPER. It may well be proper to impose a proper formula in a case like that.

I do feel that the Federal Government should aid in school construction because that is a part of the school educational process.

You have to have buildings, just like you have to have teachers. I hope to see the day when the Federal Government will share the cost of paying the teachers' salaries because I think it is a proper function for the Federal Government to share.

As chairman of the Crime Committee, we have seen such deplorable crime problems over the country. We just came from 5 days of hearings in New York and found out there now that the narcotics trade has practically bogged down the whole system of the administration of justice and the like.

I have come to the conclusion that the Federal Government is going to have to help in paying the cost of law enforcement. I see no reason why we should bear other expenses like building roads, and the other, and not try to encourage the States to perform the essential function of providing law protection to the people of our country. However, we haven't got there yet. We do it more incidentally.

There might well be criteria that would be applied to the disposition of Federal funds for school construction. Let me say, gentlemen, how much pleasure I derive in seeing what the Federal Government has done and what I hope it will do in the field of education.

When I ran for the Senate the first time in 1934, the first plank in my platform was Federal aid to education. I came from a Southern State. I was born and bred in Alabama. I had seen the disadvantages our children labored under, and I didn't see how we would be able to bring our school system up to where it should be without the help of

the Federal Government. The Federal programs have been immeasurably helpful. I know they will constantly develop and expand, with wisdom. This is a good example of the Congress stepping in to meet an emergency attributable to Federal action, and I certainly will do what I can to expedite the favorable enactment of this legislation.

Mr. PUCINSKI. Thank you very much, Senator.

I have proposed a dollar-for-dollar formula. I would be glad to provide Federal matching. We have legislation before this committee which I wish I could get out, where the Federal Government would provide \$1 of Federal money for every dollar that the local government is willing to put up for school construction, but I do not believe that the Federal Government ought to go into school districts and provide Federal money when the local school district wants to exert no local effort at all.

Mr. PEPPER. I will say to my distinguished friend all the time I was in the Senate I was on the Labor and Public Welfare Committee, and from time to time we saw aspects of this measure, usually in respect to these school funds in the States. I considered also the Federal Government's taking into account the ability to pay, the per capita wealth, or some criteria that measures their ability to pay. Dollar for dollar for a rich area would not mean the same as dollar for dollar for a poor area. You might include in your formula the ability to pay also, it would seem to me.

By the way, I have a letter from the able and distinguished State superintendent of public instruction, giving his own views and comments, and I submit them as the views and comments of the State superintendent to stand on their own merits.

Mr. PUCINSKI. Without objection, that letter will appear in the record.

(The letter follows:)

STATE OF FLORIDA,
DEPARTMENT OF EDUCATION,
Tallahassee, June 4, 1970.

HON. CLAUDE PEPPER,
Cannon House Building,
Washington, D.C.

DEAR CLAUDE: I have been furnished a copy of a bill recently introduced in Congress entitled, "Emergency Educational Assistance Act of 1970." I am wholeheartedly in sympathy with the purposes to be served by this legislation; but, I have a concern on some of the provisions which I feel would be detrimental to our efforts in Florida unless the bill can be amended prior to passage.

Section 5 of the Act designates those agencies that are to be eligible for financial assistance. The various sections of this Act, particularly Section (a) (3), indicate that this financial assistance will go directly from the U.S. Office of Education to the local school districts and also to private non-profit corporations. Since the State Educational Agencies are already guiding our local school boards in the proper utilization of Federal funds for education, I feel that this Act would be improved by channelling the funds through the State Education Agency rather than direct negotiation between the Office of Education and the local district. Unwarranted and unnecessary duplication of services could easily result from applications going to two sources. I am also particularly concerned over grants to private non-profit corporations as will be evidenced in later comments in this letter.

Section 5(c) apparently limits the utilization of these funds to agencies in which the use of these funds would result in a net increase of the aggregate operating expenditures. In the case of public local school districts, it is possible that legislative mandates for millage limitation could result in the decrease of

per pupil expenditures. This would not be the case for a private agency, particularly if the agency was recently incorporated. The per pupil cost appears in a later section of this bill. The combination of provisions could easily result in local public school districts being ineligible for badly needed assistance, while a new non-profit corporation that did not have the experience or the expertise to handle a project of this nature be completely eligible from the standpoint of their financial expenditures per pupil.

Section 7 of the proposed legislation makes provision for a State Education Agency to be given a reasonable opportunity to offer recommendations to the applicant and to submit comments to the Secretary concerning any application for assistance under this Act. As I stated earlier, I feel that it is a mistake to channel resources of this nature directly to the local educational agencies. The opportunity to make comments and suggestions has been tried in connection with the ESEA Title III projects, and has now been superseded by channelling assistance through the State Education Agency. I would hope that we could profit from this past experience and avoid the same error in connection with this proposed Act.

Congress should understand, and I am sure that you do, that each categorical aid program requires administrative time on the part of both the local agency or the State agency for the preparation of reporting techniques, supervision, and handling the multitude of administrative details connected with the expenditure of any sums of money. While this legislation does contain provision for certain special administrative activities (See Section 6 (1)), it completely overlooks the burden of general administrative needs which all school districts and State education agencies are increasingly hard pressed to meet. If Congress feels that it is unable to provide that a portion of the funds made available under this Act may be used for general administration at the State or local agency, then it should at least provide that the general administration activities required by this Act may be included as legitimate costs in any of the other Federal aid to education acts in which funds have been made available to cover administrative costs.

I appreciate the opportunity to present my feelings on this legislation and again let me urge my wholehearted support for the purposes to be served but also my concern that we be permitted to dovetail it into existing programs in order to maximize the benefits to the disadvantaged pupils we are trying to reach.

Sincerely,

FLOYD T. CHRISTIAN, *Commissioner.*

Mr. PUCINSKI. We are happy to have with us this morning Mr. Howard A. Glickstein.

You have a prepared statement, as well as a statement of the U.S. Commission on Civil Rights.

STATEMENT OF HOWARD A. GLICKSTEIN, STAFF DIRECTOR, U.S. COMMISSION ON CIVIL RIGHTS; ACCOMPANIED BY JONATHAN W. FLEMING, SPECIAL ASSISTANT TO THE STAFF DIRECTOR

Mr. GLICKSTEIN. That is an exhibit to my statement.

Mr. PUCINSKI. That will go in the record also. You have the preliminary staff analysis of the Mexican-American education study, and that also will go in the record at this point.

(The documents follow:)

STATEMENT OF HOWARD A. GLICKSTEIN, STAFF DIRECTOR OF THE UNITED STATES COMMISSION ON CIVIL RIGHTS

Mr. Chairman, I am Howard A. Glickstein, Staff Director of the United States Commission on Civil Rights. I appreciate this opportunity to testify before the General Subcommittee on Education on H.R. 17840 the Emergency School Aid Act of 1970.

Father Theodore M. Hesburgh, Chairman of the Commission, was invited by the Subcommittee to testify on the Emergency School Aid bill. Unfortunately, his schedule since May has not permitted him to appear here. He has asked that

I convey his respects to you and his belief that the Emergency School Aid Act of 1970 deserves the constructive support of all persons who believe that the Nation's future rests on a racially and ethnically integrated society.

As the President observed in his message to Congress accompanying the Emergency School Aid legislation, school desegregation and the elimination of racial isolation in the schools "presents us a test of our capacity to live together in one Nation in brotherhood and understanding." He also said that "desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve the broad based human understanding that increasingly is essential in today's world."

As the President noted, desegregation makes good educational sense. Over and over again it has been demonstrated that integration of the schools is the greatest single factor contributing to the educational success of minority group children.

There is nothing mysterious about these results. There is no magic in attending school with a white child—in fact there are notable examples of all-black or predominantly black schools which have enviable records of success, such as Windsor Hills School in Los Angeles. Nevertheless, academic success, particularly verbal ability, depends in large part upon one's immediate experience with the world at large. If this world is artificially narrowed due to racial segregation and poverty, if experiences with the majority group are denied to minority group children, it is to be expected that they will not achieve as well in an educational system in which understanding of, and experience with, the mainstream of society is the key to success.

If this is true, and experience demonstrates that it is, it follows that white children also are harmed by segregated education. Indeed, there is mounting evidence that white students also suffer educational and psychic damage from segregated schooling.

The damage to white children, Dr. Kenneth Clark has explained in a recent speech, is caused by "[C]onfusion, conflict, moral cynicism and disrespect for authority [which] may arise in majority group children as a consequence of being taught the moral, religious and democratic principles of the brotherhood of man and the importance of justice and fair play by the same persons who, in their support of racial segregation and related practices, seem to be acting in a prejudicial and discriminatory manner."

I think that it is readily apparent to any observer of the American scene that white students do suffer from their frustration and inability to reconcile the sharp divisions between white and black, between Anglo and Mexican American, between the rich and the poor, and between our rhetoric and practice.

We in this Nation are committed to the ideal of a unified people and the basis for achieving a unified Nation, as the President observed in his message to Congress accompanying H.R. 17840, in an integrated educational experience.

The Emergency School Aid Act, as you know, provides financial assistance to local school districts in order to meet the costs of desegregation or to eliminate racial isolation in the schools. The Act also provides financial assistance to so-called racially-impacted school districts to carry out interracial educational programs and compensatory education programs in racially isolated schools.

A massive outlay of funds is necessary if we are to desegregate our schools. Existing Federal assistance to education programs have proven inadequate to do the job, in large part because schools districts have not elected to use ESFA funds to assist the desegregation process. Therefore, it is necessary to establish an assistance program aimed specifically at funding desegregation and the elimination of racial isolation. Funds are necessary to upgrade teacher skills, to train school personnel in the problems of desegregation, to renovate and remodel school buildings, to assist districts in paying for the initially high costs of transportation of students, to carry on community relations programs so that desegregation can proceed smoothly and to purchase new curriculum materials and classroom equipment. I have merely skimmed the surface of problems which require funds to solve.

Successfully desegregated school districts, such as Hoke County, North Carolina, have used direct grants under title IV of the Civil Rights Act of 1964 to retrain teachers and to conduct training programs in problems incident to desegregation. New Albany, Mississippi, used Federal funds to hire consultants to develop a new instructional program intended to provide integrated quality education, to acquire new instructional materials and to conduct community relations programs in preparation for desegregation. The superintendent of Moore

County, North Carolina—another successfully desegregated district—reported that desegregation was helped substantially by three title IV grants which built better teacher relations racially and thoroughly prepared the teachers for integration.

Our experience leads us to the conclusion that a prescription for disaster is to attempt to desegregate schools without preparation and with little or no investment of funds in training teachers to deal with problems incident to desegregation. For this reason alone, the Emergency School Aid Act, or some form of assistance similar to that provided in the bill, in an absolutely necessary adjunct to enforcement of school desegregation.

I would like to point out that the Emergency School Aid Act will also assist school districts to eliminate ethnic isolation of Mexican American, Puerto Rican and other minority group children. This Subcommittee should be aware that the educational problems of Mexican American and other Spanish-surnamed children are severe and that they, too, have been segregated into inferior and inadequate schools with resulting educational harm. The Commission on Civil Rights currently is studying ethnic isolation of Mexican American students in the Southwest.

Mr. Chairman, a preliminary staff analysis of the Commission's Mexican American education study has been prepared, which I would like to submit for the information of the members of the Subcommittee.

There has been some criticism of the funding formula of the Act which contains a double-count provision allotting a greater share of funds to school districts desegregating pursuant to an order of a Federal court or under a plan accepted as adequate under title VI of the Civil Rights Act of 1964. The practical effect is to concentrate funds in the Southern States where the immediate problems of desegregation are. The Commission on Civil Rights has no difficulty with the approach, although we propose an amendment which will expand the provision.

I believe that it is important for us to keep in mind that almost half of the black children in the United States attend school in the South. Of this number, nearly one-half attend schools in predominantly rural and small town communities where resistance to desegregation has been greatest, financial resources least, and the quality of education offered the poorest in the Nation. When we speak of denials of constitutional rights for 16 years, it is primarily this group of children, who are black, poor, and residents of small rural towns, about whom we are speaking.

Permitting these unconstitutional conditions to exist is an affront to our Constitution and our sense of justice and fair play. It makes good sense to concentrate first on eliminating such segregation and it is disingenuous to say that providing adequate funds to deal with such a problem is rewarding law violators.

To the extent that facilities in the South have been separate but *not* equal, more money will be required to establish a unitary school system capable of affording equal educational opportunity. In addition, it is an unfortunate fact that it is in the Southern part of our Nation where the greatest educational disadvantages exist. The Coleman Report indicated that in verbal achievement, the white and black children of the rural South are very far behind their counterparts in the North, and the gap widens over the years of school. The double-counting provisions, therefore, allocate the funds where they today are most needed.

The Commission also urges that funds for transportation services be available under this bill. There is one red herring issue always raised in connection with school desegregation and that is busing. The Commission dealt with this issue at length in a statement issued in April, and I would like to offer a copy of that statement for the record. Every day 18 million children are bused for an annual total nine billion passenger miles. People have no objection to busing for sound educational purposes. What many fail to recognize is that integration is educationally beneficial. First, integration of school has been demonstrated to be the most effective means of raising the achievement level of disadvantaged black and brown students; it does not harm white students and in fact it benefits them. Second, busing to integrate schools is cheaper than compensatory education programs. We hear a great deal about exorbitant busing costs accompanied by much deplored of misplaced resources which could be better used to improve schools. But let us look at the facts.

Pontiac, Michigan is a city of 128,000 facing the prospect of busing to integrate its schools under a Federal Court order. The city school system contends

busing the first year would cost \$1.4 million and lesser amounts thereafter. How much lesser can be learned by comparing busing costs in Berkeley, California, a similar sized city with similar racial population which buses to desegregate its schools completely. There the cost is about \$250,000 annually. Assuming the Pontiac figure is correct, busing the first year would cost \$56 per pupil to integrate the schools with positive benefits. Nationally, by way of comparison, title I was funded as \$135 per pupil last year and we have yet to see positive results from this program.

For the cost of a compensatory education program in a single junior high school, the City of Syracuse could have totally desegregated all of its schools.

Furthermore, busing to desegregate schools now accounts for less than three percent of the national total spent on school busing each year. Busing to desegregate schools is hardly a major financial drain on the Nation's educational resources.

The Commission has a number of changes to recommend to H.R. 17816 to eliminate racial and ethnic isolation—may be more effectively accomplished.

1. We recommend that Section 5 setting forth the purposes of the Act be amended by deleting language which authorizes the use of funds for educational programs unaccompanied by desegregation or the elimination of racial isolation. The Emergency School Aid Act should not contain any financial incentives to continue the status quo in the maintenance of racially isolated schools. School districts having "racially impacted" schools are eligible for title I funds and title III funds which will accomplish purposes identical to those proposed under Section 5(a) (3) of the bill.

Experience has shown that unless financial assistance is tied specifically to accomplishing desegregation or the elimination of racial isolation local school systems will tend to choose projects which perpetuate segregation. Therefore, compensatory education funds authorized under the Emergency School Assistance Act should be required to be used as an element in a plan to desegregate or to eliminate racial isolation in the schools. I might also point out that we have spent nearly \$6 billion on title I programs since 1965. There is some question whether emergency school assistance funds should contribute to this pool of money without the requirement that it be used for purposes of desegregation.

2. We recommend that the formula for allocating funds to States be amended to add a third class of districts eligible for double-counting its minority group children: those districts acting to eliminate racial isolation throughout the district pursuant to a plan adopted by a school board which either (1) meets State requirements of racial balance or (2) satisfies the Secretary that the plan will achieve the elimination of racial isolation. We believe this provision would apply to school districts complying with racial balance laws, either voluntarily or under State court order.

A similar amendment should be made to the definition of "plan of desegregation" in Section 9.

3. We recommend the deletion of the authorization to purchase mobile classroom units in Section 6(f). The Commission has documented the use of portable or mobile classroom units to maintain racial segregation. Mobile classroom units also have been used to establish black annexes to white school buildings as a subterfuge to avoid actually desegregating a school.

4. We also recommend that grants specifically be authorized for the purpose of enabling two or more local school systems to take steps toward eliminating racial isolation in one or more of the districts. This amendment is designed to assist suburban and urban districts to plan cooperatively to eliminate racial isolation. Grants should be authorized to carry out surveys and studies to develop plans for redrawing of attendance lines between or among the participating school systems, to plan for consolidation or merger and to plan educational facilities that will provide quality integrated education on a more efficient scale than is now possible.

A preference should be given to applications from school systems or other appropriate organizational units which represent central cities and substantial parts of the surrounding suburbs. As part of this program States should be encouraged to enter compacts that would permit communities comprising a single metropolitan area, but located in more than one State, to join in cooperative arrangements for the purposes of receiving the benefits of this new program.

As an emergency act H.R. 17816 cannot accomplish all that must be done to eliminate racial isolation in the public schools of the Nation. For example, no provision is made for a Congressionally established national requirement that

racial isolation be eliminated in the public schools, as recommended by the Commission in 1967. Nor does the bill address itself to providing quality education. For too long we have tended to ignore what has been happening inside classrooms. Unfortunately, prohibitions similar to those contained in Section 422 of the General Education Provisions Act, which prohibits Federal standards in education militate against effective Federal action to assure that equal educational opportunity will include quality education.

I also believe that the Federal Government must become involved in assistance programs to construct new educational facilities that will provide quality integrated education. I hope that Congress soon will be considering legislation to accomplish many of these purposes.

The Commission has a number of caveats concerning the administration of the Emergency School Aid Act, if passed.

--The Commission is greatly concerned that the Secretary when establishing priorities among schools with desegregation plans give first priority to districts which eliminate racial isolation in *every* school in the district. Some now contend that *de facto* segregated schools can exist in a formerly *de jure* school district. Because of this, a very real prospect is raised that a school district may receive substantial financial assistance under the act because it is complying with a court-ordered school desegregation plan yet continues to operate a number of all-black schools on the ground that they are "*de facto*" segregated. This probability obviously defeats the purpose of the Emergency School Aid bill.

The Commission has rejected the position that *de facto* segregated schools are permissible in a *de jure* segregated district. Nevertheless, until the legal problems are further clarified, we recommend that the Secretary give preference to districts in which no question exists as to whether the plan accomplishes desegregation of all of the schools.

We also recommended that the Secretary issue regulations to ensure that--

No funds go to districts which operate schools with segregated classrooms or which have used testing as a device for segregating children intentionally or with the effect of segregating them on the basis of race, color, or national origin;

No funds go to districts desegregating under court orders which have not been updated to the time of the current school year;

No funds go to a district cooperating with a private segregated school;

Drastic steps also must be taken to prevent a recurrence of the pork-barrel type of abuses that have occurred under the administration of title I of the Elementary and Secondary Education Act. It is clear that the Office of Education lacks the manpower to monitor carefully every proposal submitted to it for funding. The guidelines under which the funds are dispersed, therefore, must be restrictive and carefully targeted.

Unfortunately, the Office of Education already has come out with a tentative draft of basic policies for administering the emergency school assistance appropriation of \$150 million. The draft, which was placed in the Congressional Record of June 15 by the Chairman of this Subcommittee, lists at least 40 different activities which could be funded, including hiring of school-crossing guards, hall-way monitors, drug abuse seminars, an additional month's salary for school principals, Education Emphasis Week programs and the like. The list of activities is broad enough as to give rise to apprehensions that emergency school assistance moneys will be converted to general education purposes rather than used to desegregate schools. I will not comment further on the duplication and overlap with existing programs except to observe that the Bureau of Narcotics and Dangerous Drugs can fund drug abuse seminars. Why should funds be made available from a school desegregation appropriation for such a purpose?

We can order school desegregation to occur and we can back up Court orders with troops if necessary. But the mechanical achievement of desegregation is meaningless if we are not providing a good education to all the children inside that desegregated school building. The recent testimony of the black high school children from the South and North must be taken seriously--there will be major racial problems in our schools this fall if we fail to provide the necessary resources to train teachers, to develop effective community relations programs, to renovate buildings, to develop instructional methods and materials that do not perpetuate racism in the schools. Those of us who advocate desegregation and who are insisting on compliance with the law have an accompanying obligation not to ignore what is happening in desegregated classrooms. The Emergency School Aid Act, if strengthened as we have suggested, will be a step in

this direction: it will make possible the physical desegregation of the schools with sufficient additional resources to enable teachers, students, administrators, parents and communities to address themselves to the new and different problems of providing effective integrated education.

STATEMENT OF THE UNITED STATES COMMISSION ON CIVIL RIGHTS CONCERNING THE "STATEMENT BY THE PRESIDENT ON ELEMENTARY AND SECONDARY SCHOOL DESEGREGATION"

On March 24, 1970, the President issued an important civil rights statement. The President's statement is comprehensive and thoughtful. He has made clear his strong support for the constitutional principle of the 1954 Supreme Court decision in *Brown v. Board of Education*: "We are not backing away. The Constitutional mandate will be enforced."

The President also has given his view of the contents of that constitutional mandate. "Deliberate racial segregation of pupils by official action," the President said, "is unlawful, wherever it exists." He pointed out emphatically that "it must be eliminated 'root and branch'—and it must be eliminated at once." Further, the President stated that "segregation of teachers must be eliminated" and ordered that steps be taken to assure against discrimination in the quality of facilities or the quality of education delivered to school children within individual school districts.

As the President recognizes, however, the issues are more complex than merely ending current practices of deliberate public school segregation and discrimination, and their implications for the future of the country are far-reaching. While many of the problems are common to nearly all minority groups in all parts of the country, others frequently are unique to particular sections of the country or to particular minority groups. Problems of segregation and inadequate school facilities, for example, cut across racial or ethnic lines and exist in all regions. Black children in the rural South, however, experience educational deprivations different in kind from those of children who live in northern ghettos. By the same token, Mexican American and other Spanish-speaking children experience unique hardships when they come from homes where their first language is Spanish but enter an educational environment where only English is permitted, and as a result are shunted automatically into lower ability groups and subjected to curricular discrimination.

The President addressed himself to many of the more complex issues that have been troubling the Nation—issues such as what can be done about so-called *de facto* school segregation, what are the most effective and sensible means of enforcing school desegregation requirements, how much of a social burden can the schools reasonably be expected to bear, how important is integration to the achievement of minority group children, how effective can busing be as a means of carrying out school desegregation, how important is adherence to the neighborhood school principle, and what kinds of resources should the Federal Government make available to local communities to achieve the goal of equal educational opportunity?

These are issues of critical importance deserving of the highest level of consideration and discussion. In the course of its history, the Commission has paid continuing attention to many of these issues. We are committed to the purpose for which this Commission was created: To act as an objective, bipartisan fact-finding agency and to continually apprise the President, the Congress, and the Nation of the facts as we see them. The Commission believes that the experience and information we have gathered over the years concerning the issues discussed in the President's statement provide a sound basis for analysis and comment that can contribute to their clarification and be of help to educators, other public officials, and concerned Americans generally. It is in this spirit that we speak out now.

DE JURE V. DE FACTO

The President draws a sharp distinction between *de jure* and *de facto* school desegregation, contending that under the former there is a positive duty to end it, while under the latter, "school authorities are not Constitutionally required to take any positive steps to correct the imbalance." This statement represents a strict interpretation of existing Supreme Court decisions.

It can be argued, however, that the Supreme Court's decision in *Brown* warrants a broader interpretation. For one thing, while the holding of the Supreme Court in the *Brown* case was limited to legally compelled or sanctioned segregation, the Court's concern extended as well to segregation resulting from factors other than legal compulsion. The Supreme Court quoted with approval a lower court finding that "Segregation of white and colored children in public schools has a detrimental effect upon the colored children. *The impact is greater when it has the sanction of law.* . . ." (Emphasis added), and concluded: "Separate educational facilities are inherently unequal. . . ."

Thus the Court expressly recognized the inherent inequality of all segregation noting only that the sanction of law gave it greater impact. In a sense, therefore, the President's sharp distinction between *de jure* and *de facto* segregation tends to blunt what many think is a crucial thrust of *Brown*.

The Commission, moreover, in the course of its investigations, has found numerous examples—North and South—which suggest that it is not adequate to describe school segregation as purely *de facto*—that in many cases, school segregation that appears to result solely from accidental housing patterns turns out, upon closer examination, to result in large part from decisions by school and other public officials.

For example, decisions on school boundary lines have been made with the purpose and effect of isolating minority group members in their own separate and unequal schools. Sites for new schools, even recently, have been strategically selected so as to assure against racially integrated student bodies. The size of schools has been determined with an eye toward maintaining racial separation. As the President recognizes, conduct of this type is illegal. Instances of purposeful school segregation have been found in surprising places, in the North as well as the South. The school systems of New Rochelle, New York; South Holland, Illinois; Pasadena and Los Angeles, California; and Pontiac, Michigan, are among those which have been found by the courts to have practiced deliberate school segregation in violation of the Fourteenth Amendment. There is no doubt that there are many more instances of school segregation resulting from conscious decisions of school officials than the relative handful that have come to the attention of the courts.

It also should be understood that legally compelled or sanctioned school segregation is not a phenomenon unique to the South. In many Northern and Western states, the current pattern of racial separation of students is a legacy of era when laws and policies explicitly authorized segregation by race. States such as Indiana, New Mexico and Wyoming maintained separate-but-equal laws beyond the mid 1940s. In other Northern states, such as Ohio and New Jersey, cities and counties persisted in maintaining separate schools for black students well into the 1950s.

Even in those instances where school segregation is a result of housing patterns with no apparent complicity of school officials, government at all levels—local, State, or Federal—invariably is heavily implicated. Historically, racial zoning ordinances imposed by local law were a formidable factor in creating and maintaining racially exclusive neighborhoods. Although such ordinances were held unconstitutional as early as 1917, some communities continued to enforce them, even as late as the 1950s.

Judicial enforcement by State courts of racially restrictive covenants has been another important factor. Although these covenants were private agreements to exclude members of designated minority groups, the fact that they were enforceable by the courts gave them maximum effectiveness. Not until 1948 was the judicial enforcement of such covenants held unconstitutional, and not until 1953 was their enforcement by way of money damages held unlawful. Racially restrictive covenants no longer are judicially enforceable, but they still appear in deeds and the residential patterns they helped to create still persist.

Various exercises of local governmental authority, such as decisions on building permits, the location of sewer and water facilities, building inspection standards, zoning and land use requirements, and the power of eminent domain have been used to exclude minority group members from designated neighborhoods and even from entire communities.

The Federal Government, principally through its public housing and FHA mortgage insurance programs, has been all too often a willing partner in the creation and perpetuation of racially segregated neighborhoods, even to the point of insisting upon them. Until the late 1940s, for example, FHA insisted on racially restrictive covenants to insure against integrated housing developments. Until 1962 when the Executive Order on Equal Opportunity in Housing was is-

sued, the agency continued willingly to do business with discriminatory builders and developers. The Public Housing Administration permitted its funds to be used for the creation and perpetuation of segregated housing projects well after the courts had made it clear that such practices were in violation of the Constitution. Other Federal programs, such as the highway and urban renewal programs, which involve massive displacement and relocation, also have had the effect of intensifying residential segregation.

The point we are making is that the current situation we face, in which most minority group children attend school in isolation from children of the majority group, is *not* accidental or purely *de facto*. In many cases, it has resulted in whole or in substantial part from an accumulation of governmental actions. Thus the categorical distinction between *de jure* and *de facto* segregation is not as clear-cut as it would appear. Upon closer examination, there is probably little legal substance to the concept of *de facto* school segregation. Further, in the Commission's view, the Government has a moral as well as legal responsibility to undo the segregation it has helped to create and maintain. There is no statute of limitations by which government in its many forms can be exonerated from its past misdeeds or relieved of its current obligations.

The Commission believes that the necessary course of action is to make available to the Department of Justice and the Department of Health, Education, and Welfare the resources necessary to determine on a nationwide basis those cases which appear on the surface to involve *de facto* segregation but which in reality involve *de jure* school segregation, and then to take steps to correct the situation. We note that the President, in his budget request for Fiscal Year 1971, has asked for substantial increases in resources for civil rights enforcement in both departments—56 additional positions for the Civil Rights Division of the Department of Justice and 144 additional positions for the Office for Civil Rights in the Department of Health, Education, and Welfare. It is important that the President's request be honored. It also is important that the attention of these two departments be directed specifically to the problem of apparent *de facto* segregation that may, in fact, have been consciously created and maintained *de jure*. We believe that to accept without investigation the notion of widespread fortuitous and ingenious school segregation and to determine policy on that basis would be a serious mistake.

Further, there is a large arsenal of weapons, in the form of nondiscrimination laws and low- and moderate-income housing programs, available to combat housing segregation and remove it as a cause of school segregation. As this Commission also recently pointed out in its report of "Federal Installations and Equal Housing Opportunity," the leverage of the substantial economic benefits generated by Federal installations can be used effectively to promote housing desegregation.

Another important way to promote housing desegregation is to provide people with the economic wherewithal necessary to expand their choice of housing. The President's Family Assistance and Manpower Training proposals, as well as the Administration's endorsement of the "Philadelphia Plan," represent forward moving efforts to enable the poor, a disproportionately high number of whom are minority group members, to join the Nation's economic mainstream and expand their choice in housing and other aspects of life through adequate income and job stability.

ENFORCEMENT OF SCHOOL DESEGREGATION

The President's statement was largely silent concerning the means that will be used to bring about an end to dual school systems. Experience in the 16 years since the *Brown* decision provides many lessons on what kind of enforcement works and what kind does not. During the first ten years following *Brown*, when litigation was the sole enforcement mechanism, progress in carrying out the Supreme Court's mandate was frustratingly slow—three percent desegregation in 10 years. Since the enactment of title VI of the Civil Rights Act of 1964, however, with its provision for administrative enforcement, progress has accelerated enormously—30 to 40 percent desegregation in the last five years. In a July 3, 1969, statement the Attorney General and the Secretary of Health, Education, and Welfare indicated that the Government was deemphasizing the use of administrative enforcement under title VI in favor of a return to litigation. This, despite the evidence of the practical utility of title VI as an enforcement mechanism. The fact that the President made no reference to the means

to be used raises the fear that litigation will, in fact, continue to be substituted for administrative enforcement. In its September 1969 report on "Federal Enforcement of School Desegregation," the Commission characterized the Administration's reliance on litigation as "a major retreat in the struggle to achieve meaningful school desegregation." The Commission believes it is important that a clear statement of policy be made by the President to allay these fears.

The President made plain in his statement, however, two other principles which apparently will guide his Administration in carrying out the Supreme Court's mandate: local discretion and reliance on good faith of local school administrators. Again, on the basis of the experience of the past 16 years, the Commission believes that neither is adequate assurance. The progress that has been made in promoting school desegregation in the South has not often resulted from local initiative, alone, but more frequently from persistent Federal pressure, joined with local initiative. Experience also has demonstrated that results alone—and not good faith—are the only true measure of compliance with the Supreme Court's mandate.

BURDEN ON THE SCHOOLS

Another area that warrants further discussion is the suggestion that we are asking too much of our schools. The President said: "They have been expected not only to educate, but also to accomplish a social transformation." The Commission believes this is true—that much is being asked for our schools, that much always has been asked for them. The important point, however, is that they have delivered. During the great waves of immigration that brought millions of oppressed people to this land of promise, it was the schools that we relied upon to educate the children of these immigrant families and to integrate them into American society. They did not fail us then.

But they are failing today. The children of the Nation's ghettos and barrios are not receiving the quality of education afforded to more affluent majority group children, nor are they being enabled to join the Nation's social and economic mainstream. Above all, they are not being integrated into American society, but are becoming alienated from it. To be sure, the problems facing the schools may be more difficult than those they faced in earlier days when they succeeded so well. But these problems cannot be viewed as insoluble, nor can we relieve our schools of the burden, heavy as it may be, of being the chief instrument by which they will be resolved. For the schools occupy a special place in American society. As the President pointed out:

The school stands in a unique relationship to the community, to the family, and to the individual student. It is a focal point of community life. It has a powerful impact on the future of all who attend. It is a place not only of learning, but also of living—where a child's friendships center, where he learns to measure himself against others, to share, to compete, to cooperate—and it is the one institution above all others with which the parent shares his child.

Public schools must again be asked to play their traditional role as "the balance wheel of the social machinery." It will not do to insist that we are placing too heavy a burden on the schools. It is a burden that they always have accepted and they must accept it now. It should be a national priority of the highest order to provide our schools with the necessary resources—adequate facilities, better teacher training, and the like—to bear this burden. It is for this reason that we welcome the President's allocation of one and a half billion dollars. There are urgent needs for all of this and more, plus a clear pinpointing of the precise educational priorities for school improvement throughout the country.

There simply is no other institution in the country so equipped to do the job. If the public schools fail, the social, economic, and racial divisions that now exist will grow even wider. It would be even worse, however, if the schools do not even try.

IMPORTANCE OF SCHOOL INTEGRATION

In his March 3, 1970, message on "Education Reform," the President made the following statement: "Quality is what education is all about; desegregation is vital to that quality." That statement did not represent a suggestion of a new direction in national policy, but rather, an accurate and succinct description of one of the cornerstones of established policy.

It has been settled that desegregation is fundamental to the achievement of equal educational opportunity. All three branches of the Federal Government

have spoken with one firm resolve on this matter and the Nation has committed itself to achieving the goal of quality integrated education for all of our children. Studies have been made, such as the Coleman Report, the Commission's own report on "Racial Isolation in the Public Schools," and a recent study of the New York State Board of Regents, which indicate that racial, as well as social class, integration has a positive effect on the achievement of school children. These studies are useful in contributing to better understanding of the elements that make for quality education. They in no way question the fundamental policy of school desegregation. That policy is based on considerations as important as school achievement scores. School integration is necessary to create the understanding and sense of common purpose so vital to the Nation's future well-being. The key question now is not the relative merits of desegregation, but how to accomplish it.

It is true, as the President points out, that the adult community has failed to achieve for itself the kind of multiracial society that we are seeking to achieve in schools. The failure of the adult community, however, only highlights the necessity of insuring that our children receive the kind of training in integrated school environments that will equip them to thrive in the multiracial society they will enter. In fact, nowhere is integration more easily achieved than among children, who are born without prejudice and who accept other human beings for their human values, without automatic judgments based on race or color. If we delay this training until they enter the adult society, we will have been too late. It is in the schools where our children's attitudes and perceptions can be influenced to enable them to succeed where we, their parents, have failed.

BUSING

In his statement, the President raised the issue of busing and cautioned that we must proceed with the least possible disruption to our children's education. Busing has become an emotionally charged word and the issues involved have been the subject of considerable misunderstanding. Many who oppose busing do so on the basis of certain assumptions, one of which is that riding to school disrupts a child's education and causes harm. This is a serious issue which should not be argued solely in terms of assumptions or emotion. The Commission believes that facts which it has found in the course of its investigations may contribute to clarifying the issue and sharpening the debate over it.

Busing is neither a new nor a unique technique, and its use is not limited to facilitating desegregation. For example, for decades, black and white children, alike, in the South were bused as much as 50 miles or more each day to assure perfect racial segregation. In many cases, busing was the exclusive privilege of white children—black children often were required to walk considerable distances. No complaints then were heard from whites of any harmful effects. Nor was any concern exhibited over the damage suffered by black children through their deliberate segregation. The Supreme Court in *Brown* described vividly the nature of the harm to which Negro children were being subjected.

To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

Thus the arguments that some now make about the evils of busing would appear less than ingenuous. The plain fact is that every day of every school year 18 million pupils—40 percent of the Nation's public school children—are bused to and from school, and the buses log in the aggregate more than two billion miles—nine billion passenger miles—each year. It also should be understood that the overwhelming majority of school busing has nothing to do with desegregation or achieving racial balance. The trend toward consolidation of schools, for example, particularly in rural areas, requires extensive busing. It causes no disruption to the educational routines of the children and is treated as normal and sensible.

Amid the controversy over busing, in many school systems, North and South, transportation is being used quietly and effectively as a means of bringing about desegregation. The bus rides are not long—in Berkeley, California, for example, a city of 120,000 people, the bus trip never exceeds 20 minutes—and it causes no harm. In the South, of course, the amount of busing needed to bring about desegregation frequently is considerably less than was required to maintain dual school systems. For example, at the Commission's 1968 hearing in Montgomery,

Alabama, we found that black students in Selma, seeking to attend trade school, were bused some 50 miles to nearly all-black Trenholm School in Montgomery, although the Rufus King trade school was located in Selma. Rufus King, however, was all-white.

It is a mistake to think of the problems of desegregation and the extent that busing is required to facilitate it solely in the context of the Nation's relatively few giant urban centers such as Chicago, New York, or Los Angeles. In most of our cities the techniques necessary to accomplish desegregation are relatively simple and busing creates no hardships. The experience in communities which have successfully desegregated could easily be transferred to cities of greater size.

Even in giant urban centers, progress in desegregation does not require interminable bus rides or disruption of our children's education. The President, in discussing the recent California court decision requiring desegregation of the Los Angeles school system, quoted "local leaders" as estimating that the total cost of busing will amount to 40-million dollars over the next school year. This estimate represented the contention of the defendants in that litigation. It was presented to the court for the purpose of arguing against the feasibility of desegregation in that city's school system. In fact, the court rejected this estimate as unrealistic.

In Los Angeles, as in other cities, substantial desegregation can be accomplished through relatively simple devices such as alteration of existing school attendance areas, school pairing, and the establishment of central schools. To be sure, transportation is necessary in giant urban centers as it is in smaller cities, but here too, it is false and defeatist to assume that the bus rides must be lengthy or that the education of our children will be disrupted.

In the Commission's view, the emphasis that some put on the issue of busing is misplaced. As most Americans would agree, it is the kind of education that awaits our children at the end of the bus ride that is really important.

NEIGHBORHOOD SCHOOLS

In his statement, the President emphasized the desirability of maintaining the neighborhood school principle. For several reasons, the Commission questions whether this should be one of the cornerstones upon which national educational policy rests.

For one thing, neighborhood schools do not represent the invariable principle governing school attendance that many believe. Frequently, neighborhood attendance is subordinated to other educational goals. In some cities, for example, handicapped children or academically talented students attend schools other than the one in their neighborhood.

Further, the Commission has found numerous instances of departures from neighborhood attendance policy that have had the effect of promoting racial segregation, where faithful adherence to the neighborhood school principle would have assured integrated student bodies. In Cleveland, Ohio and San Francisco, California, for example, optional zones were created to permit white students who otherwise would have attended racially integrated schools to choose instead nearly all-white schools out of their neighborhood. Transfer plans, ostensibly instituted to relieve overcrowding, also have had the effect of promoting racial separation.

There is, in fact, a good deal of inconsistency and hypocrisy that all too often surround the lip service paid to the neighborhood school principle. Courts, as well as school officials, have had little difficulty in dismissing its importance for the purpose of maintaining segregation. In Cincinnati in 1876, for example, black children who had to walk four miles each way to attend a black school brought suit to enter the much nearer white school. The court refused and said: "Children cannot cluster around their schools like they do around their parish church." Several years ago, then Chief Judge Tuttle of the U.S. Court of Appeals for the Fifth Circuit, in a case involving the Mobile, Alabama, school system, made some observations on this point:

Both in testimony and in the briefs, much is said by the appellees about the virtues of 'neighborhood schools.' Of course, in the brief of the Board of Education, the word 'neighborhood' doesn't mean what it usually means. When spoken of as a means to require Negro children to continue to attend a Negro school in the vicinity of their homes, it is spoken of as a 'neighborhood' school plan. When the plan permits a white child to leave his Negro 'neighborhood' to attend a white school in another 'neighborhood' it becomes

apparent that the 'neighborhood' is something else again. As every member of this court knows, there are neighborhoods in the South and in every city of the South which contain both Negro and white people. So far as has come to the attention of this court, no board of education has yet suggested that every child be required to attend his 'neighborhood school' if the neighborhood school is a Negro school. Every Board of Education has claimed the right to assign every white child to a school other than the neighborhood school under such circumstance. And yet, when it is suggested that Negro children in Negro neighborhoods be permitted to break out of the segregated pattern of their own race in order to avoid the 'inherently unequal' education of 'separate educational facilities,' the answer too often is that the children should attend their 'neighborhood school.' So, too, there is a hollow sound to the superficially appealing statement that school areas are designed by observing safety factors, such as highways, railroads, streams, etc. No matter how many such barriers there may be, none of them is so grave as to prevent the white child whose 'area' school is Negro from crossing the barrier and enrolling in the nearest white school even though it be several intervening 'areas' away.

There also is some question whether the narrow attendance areas served by neighborhood schools truly represent the 'neighborhood' as we currently understand that term. In fact, the meaning of neighborhoods has changed over the years. Recent developments in the pattern of urban life—rapid population shifts and the growing distances city residents travel for recreation, business, and shopping—have diffused traditional neighborhood patterns. They no longer are the self-contained, cohesive communities they may once have been. In short, it is doubtful that adherence to the neighborhood school principle is required by considerations of close community ties in narrow geographical areas. The schools have an opportunity, by broadening the geographical areas they serve, to expand the experience of children beyond that of the restricted confines of their narrowly defined neighborhood, and establish the school as a broader "community" or "neighborhood" in which the lives of all who attend can be enriched.

If adherence to the neighborhood school principle frequently interferes with efforts to promote desegregation, there also is some question concerning its value as a means of providing quality education. The essence of the neighborhood school is a self-contained unit serving a relatively small student population. In larger units, however, economies of scale frequently make possible the offering of a broader curriculum and the provision of new and expensive equipment that are not economically possible in schools which serve small numbers of students. Many rural areas, for example, in an effort to improve the quality of education, have abandoned the tradition of small individual school houses in favor of consolidated schools serving much larger student bodies. In short, adherence to the neighborhood school principle under current conditions not only tends to interfere with efforts at desegregation, but also has little bearing on efforts to improve the quality of education and in some cases may even thwart those efforts.

The Commission believes that ideally and ultimately, resolution of the problem of school segregation lies in residential desegregation, which will remove the emotional issue of neighborhood schools from the arena of civil rights controversy. Residential desegregation can be accomplished through laws and policies designed specifically to secure an open housing market, and administered with dedication and purpose. This does not mean, however, that efforts to desegregate the schools should await the day when neighborhood desegregation has been achieved. We cannot afford to make integrated education wholly dependent upon open housing, for to do so would be to consign at least another generation children to education in racially isolated schools.

HELPING COMMUNITIES TO DESEGREGATE

We have spoken of communities that have recognized the problem of school segregation and have determined to eliminate it on their own. Many of these are in the South and they have complied with judicial and administrative requirements by devising imaginative and successful plans not only for achieving physical desegregation but also for assuring quality education for all children. Some of these communities are in areas commonly thought to be among the most opposed to desegregation. For example, Pass Christian and New Albany, Mississippi, both have accomplished full desegregation and have taken steps to assure

that the desegregated schools are not white schools or black schools, but schools that all children can feel a part of. As measured by white and black student participation in school activities, daily attendance rates, and achievement scores, their efforts have been successful.

Other communities, particularly in the North, while they have been under no legal compulsion to accomplish desegregation, nonetheless have sought to do the job. The President has pointed out that these school officials are free to take steps beyond the constitutional minimums to diminish racial separation.

The Commission questions, however, whether this is enough, and whether the appropriate posture of the Federal Government on this important matter should be merely a passive one. Rather, we believe it is essential that resources, in the form of financial and technical assistance, be made available to assist these communities in bringing about total and successful desegregation as rapidly as possible.

We recognize, of course, that the President has made a commitment of one and one-half billion dollars over the next two years to carry out his school policies, and we applaud this step. There is need to clarify how this money will be used. The President specified two purposes: "Improving education in racially impacted areas, North and South, and for assisting school districts in meeting special problems incident to court-ordered desegregation."

It is not clear whether these two purposes are considered mutually exclusive—whether school districts *not* under court order would be eligible for assistance under this program to promote desegregation or whether the President's proposal assumes that so-called *de facto* segregation is with us to stay. If the latter, then the proposal may well have the effect of providing built-in financial incentives for the perpetuation of racial segregation in schools not under court order and transform an acceptance of the reality of *de facto* segregation into self-fulfilling prophecy. We believe again that further official clarification of this point is needed.

The President has made it clear to all that his Administration intends to carry out the Supreme Court's mandate of an immediate end to legally sanctioned dual school systems.

Much more, however, is necessary. The problems of racial isolation in the Nation's schools cannot be resolved solely through cautious adherence to a narrow construction of existing case law. The courts, in defining the constitutional requirements relating to desegregation have informed us only of our minimum mandate, not the maximum that we are permitted to do to accomplish school desegregation. In education, as in other areas of national concern, it is the responsibility of the Congress and the Executive Branch to act beyond this minimum, using the broad authority provided under the Constitution. Thus it is not sufficient to say that local school officials who have not maintained legally compelled separate systems may desegregate their schools if they choose to. The necessity of desegregation must also be urged and the resources made available to accomplish it if our Nation is to move toward the ideal of "one Nation, under God, indivisible, with liberty and justice for all." It is this word "all," with its special connotation of equal educational opportunity for all the children in America which has inspired most of our comments. We believe that here is the central concern, the true promise of what America will be in the years ahead—one Nation, indivisible, or two Nations divided.

The Commission fears that the President's statement, particularly his sharp distinction between *de jure* and *de facto* segregation, well may have the net effect, though unintentional, of signaling a major departure from the policy of moving toward integrated schools and that open society of which he spoke so well in his statement.

Last September, in its report on "Federal Enforcement of School Desegregation," the Commission pointed out:

This is certainly no time for giving aid and comfort, even unintentionally, to the laggards while penalizing those who have made commendable efforts to follow the law, even while disagreeing with it. If anything, this is the time to say that time is running out on us as a Nation. In a word, what we need most at this juncture of our history is a great positive statement regarding this central and crucial national problem where once and for all our actions clearly would match the promises of our Constitution and Bill of Rights.

The Commission is aware that the problem of school segregation is one of enormous difficulty and complexity. Yet a realistic assessment of the scope and

dimensions of the problem should not result in a resigned acceptance of its indefinite continuation or a defeatist conclusion that it is beyond our capacity to resolve. The Commission is convinced of the ability and will of the American people to respond affirmatively to a call to end the injustice that school segregation represents. This call requires a major investment of resources, the commitment of public and private officials on the Federal, State, and local level—indeed of all Americans—and above all, the continuing example of courageous moral leadership from the President of the United States.

PRELIMINARY STAFF ANALYSIS, MEXICAN-AMERICAN EDUCATION STUDY—UNITED STATES COMMISSION ON CIVIL RIGHTS—JUNE 4, 1970

INTRODUCTION

This paper presents a brief summary of the preliminary staff analysis of a comprehensive survey of the educational status of Mexican Americans in the Southwest. For the most part, the information was gathered in Spring 1969 through two questionnaires. One was mailed to a representative sample of 538 districts in the Southwest with at least 300 pupils and an enrollment which was at least 10 percent Mexican-American: 532 districts (98.9 percent) returned the questionnaires. The second questionnaire went to 1,166 elementary and secondary schools within the districts sampled; approximately 95 percent of the schools returned questionnaires.

A supplementary source of information was the Fall 1968 title VI Survey of the Department of Health, Education, and Welfare.

The questionnaires were designed to probe two broad areas. One was the practices and conditions found in the districts and schools with regard to the following items:

- Socio-economic background of pupils.
- Staffing patterns.
- Facilities.
- Special courses for Mexican Americans.
- No Spanish rule.
- Tracking policies.
- Finances.
- In-service training.

The other area was the outcomes of education for the students by ethnic group. The outcomes measured were:

- Attendance.
- Reading level.
- Highest educational level attained.
- Participation in extracurricular activities.
- Placement in groups or tracks.
- Subject matter and grade repetitions.
- Suspensions.

SOME OBSERVATIONS ON THE STATUS OF EDUCATION FOR MEXICAN AMERICANS

1. A substantial number of schools are still attempting to motivate Mexican-American students to learn English by means of the negative practice of suppressing the use of the students' native language. The "No Spanish Rule" with a variety of sanctions is found in every state of the Southwest.

2. School districts make few efforts to institute bilingual education and English as a Second Language Courses (ESL) for either students or teachers.

3. Ethnic isolation of Mexican-American students is substantial in every State of the Southwest. In the region as a whole about 45 percent of Mexican-American pupils are in predominantly (60 percent or more) Mexican-American schools. Isolation is most severe in Texas where 40 percent of Mexican American youth are in schools that are 80-100 percent Mexican-American. The extent of isolation is greater for Mexican-American educators than for students. Fifty-five percent of the nearly 12,000 Mexican-American teachers in the Southwest are in schools which are 50 percent or more Mexican-American.

4. Teachers of twelfth grade Mexican-American students in the Southwest report that almost two out of every three of these students (63 percent) are reading below grade level. This rate is almost twice as high as the deficiency rate for Anglo pupils.

5. By grade 4, the proportion of Mexican-American youngsters who have left school is higher than the proportion of Anglos who are dropouts by the 12th grade. By grade eight, 23 percent of Mexican American youth are no longer enrolled in school. Only about half of all Mexican-American pupils ever graduate from high school.

SPANISH-SPEAKING IN THE SCHOOLS

For more than 300 years the principal language of daily communication in the Southwest was Spanish. Following the acquisition of this territory by the United States, the population balance shifted from Mexican to Anglo, the official language became English, and the speaking of Spanish in schools and elsewhere was at the very least scorned and, in some cases, banned. Three States (Arizona, Colorado and Texas) prohibited the teaching of public school classes in any language other than English. Until 1969 the Texas prohibition was often interpreted in such a way as to prohibit the use of Spanish anywhere on school grounds, subject to penalty. Principals and teachers instituted a variety of punishments, including spanking, to discourage the speaking of Spanish.

Despite these stringent measures, a high proportion of Mexican-American youngsters still enter the public school of the Southwest from homes where Spanish is generally spoken. According to respondents to the Commission's survey in Spring 1969, almost 50 percent of all Mexican-Americans in first grade do not speak English as well as the average Anglo first-grader. Yet the language of instruction is English, with few efforts made to aid the transition from the child's other tongue. The result for many youngsters is academic failure and unfavorable psychological consequences.

Today there are no laws remaining in any of the States which forbid the speaking of Spanish in schools. Most districts have abandoned their official "no Spanish rules." Less than 3 percent of the districts replied that they had a written school board policy discouraging the use of Spanish by Mexican-American pupils. However, 15 percent of the schools which responded stated that they discouraged the speaking of Spanish in the classroom. Clearly, although few districts still officially sanction the "no Spanish rule," some schools within these districts have taken it upon themselves to formulate their own practices regarding language.

The Commission found that the most frequently used techniques for discouraging the use of Spanish were:

- Suggesting that the staff correct Spanish speakers—48 percent.
- Requiring that the staff correct Spanish speakers—12 percent.
- Encouraging English—10 percent.
- Advising pupils of the economic advantages of speaking English—9 percent.
- Encouraging other pupils to correct Spanish speakers—7 percent.
- Punishing persistent Spanish speakers—3 percent.

SPECIAL PROGRAMS AND TEACHER TRAINING

In the five Southwestern States there are about 5,000 schools located in districts in which 10 percent or more of the enrollment is Mexican-American. Eighty percent (1.1 million) of all Mexican-American pupils are in these districts. It is estimated that less than 400 of these schools (0.5 percent) have bilingual education programs and less than 1,200 (19.6 percent) have programs in English as a Second Language. Of the 1.1 million Mexican-American youth attending these public schools in the Southwest, Commission data indicate that not more than 20,000 of these pupils are enrolled in bilingual education and 64,000 in ESL classes.

Furthermore, of the approximately 1,200 teachers of bilingual education in these schools, almost one-fourth have had no special preparation for their assignments. Of the nearly 3,000 teachers of English as a Second Language, close to one-third (1,000) have had no special training.

In contrast to bilingual education and ESL, far more attention is given to remedial reading problems. More than half (58.2 percent) of the 5,000 schools have remedial reading classes. These classes enroll almost 116,000 Mexican-American youngsters (over 10 percent). Thus, most of the effort is being placed on seeking to remedy reading problems rather than on avoiding the problems in the first instance.

At the present time, there are only about 2,100 persons in the districts surveyed who are receiving special training in the teaching of bilingual education, 4,500 are being trained as teachers of ESL classes, and 6,500 are being

trained as teachers of remedial reading. Almost twice as many hours are being spent annually for training teachers of remedial reading (471,328 hours) than are spent for bilingual education and English as a Second Language combined (243,756 hours).

ACHIEVEMENT OF MEXICAN-AMERICANS

Almost from the first day they enter school and are required to receive instruction in a language not their own. Mexican-American pupils achieve at a lower level on the average than do Anglo youngsters. Furthermore, they are more likely than Anglos to become discouraged and to leave school—often at surprisingly early ages.

Attrition rates

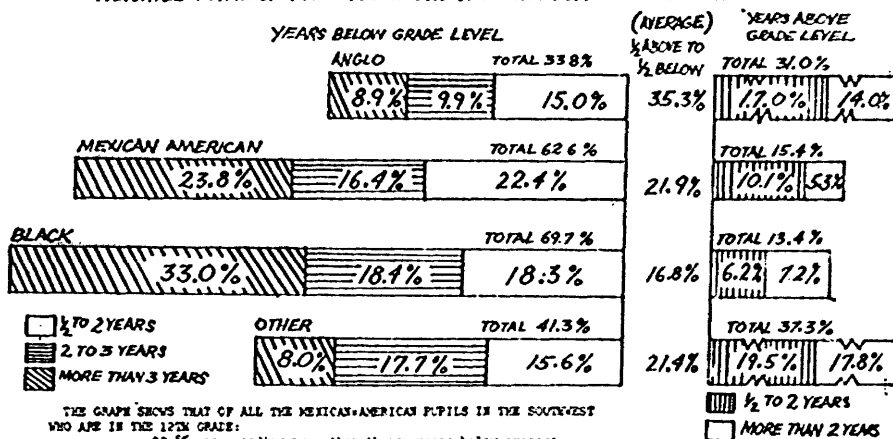
Using fairly conservative estimating procedures, Commission staff estimate that today at least 18 percent of Mexican-American youngsters in the Southwest do not go beyond the 4th grade in school. By grade 8, close to one-quarter (23 percent) of Mexican-Americans of school age are no longer enrolled in school. And by grade 12, the attrition rate is more than half (52-55 percent).

Reading achievement at the 12th grade

Even among those Mexican-American pupils who remain in school, achievement levels are frequently low. At the 12th grade, nearly two-thirds (62.6 percent) of all Mexican-Americans are reported to be reading below grade level. Nearly one-fourth (23.8 percent) are more than three years below their grade in reading ability.

In contrast, two-thirds of all 12th grade Anglo youngsters are reading at or above grade level.

WEIGHTED TOTAL OF FIVE SOUTHWESTERN STATES READING LEVEL - GRADE TWELVE



ETHNIC ISOLATION OF MEXICAN-AMERICAN STUDENTS

Mexican-American students have never been segregated by statute into separate schools or school districts in any of the five States of the Southwest. However, they have been subjected to *de jure* segregation in the past by the action of school boards whose stated policy was to separate Mexican-American pupils. Although no overt policies of segregation remain today; Mexican Americans are still substantially underrepresented in some schools and districts, overrepresented in others. In addition to deliberate design of school authorities, this has occurred for such reasons as historical patterns of settlement and the concentration of ethnic groups and economic classes by neighborhood.

Location by States

Today, there are about 1.4 million Mexican-American youngsters in the public schools of the Southwest. In the region as a whole, they represent 17 percent of the total enrollment and 60 percent of the non-Anglo enrollment. More than 80 percent of Mexican-American youth attend schools in California and Texas. Nearly one-half are in California alone. However, Mexican-Americans constitute a larger proportion of the enrollment in New Mexico than in any of the other four Southwestern States.

Mexican-Americans as Percent of Total Public School Enrollment

<i>State</i>	<i>Percent</i>
Arizona	19.6
California	14.4
Colorado	13.7
New Mexico	38.0
Texas	20.1

Isolation by School

Although they make up only 17 percent of total public school enrollment, a substantial proportion of Mexican-American youth attend schools in which they are in a majority. About 45 percent are assigned to schools in which they make up 50 percent or more of the enrollment. Slightly more than 20 percent are in schools in which they comprise 80 percent or more of the total enrollment.

The extent of ethnic isolation differs greatly among the five States. Segregation is most severe in Texas, where some two-thirds of the Mexican-American students are in majority Mexican-American schools and 40 percent are in schools that are 80-100 percent Mexican-American. Ethnic isolation is least severe in California. Only about 28 percent of Mexican-American pupils in this State are in majority Mexican-American schools. Less than 10 percent are in schools that are 80-100 percent Mexican-American.

**MEXICAN-AMERICAN STUDENTS IN PREDOMINANTLY MEXICAN-AMERICAN
SCHOOLS BY STATE**

	Mexican-American pupils (total) number	Mexican-American pupils in schools with 50 to 100 percent Mexican-American pupils		Mexican-American pupils in schools with 80 to 100 percent Mexican-American pupils	
		Number	Percent	Number	Percent
Arizona	71,748	29,361	40.9	7,551	10.5
California	646,282	178,266	27.6	64,302	9.9
Colorado	71,348	23,262	32.6	4,098	5.7
New Mexico	102,994	68,440	66.5	21,785	21.2
Texas	505,214	335,328	66.4	201,613	40.0
Southwest	1,397,586	634,659	45.5	299,613	21.5

Isolation by district

About 30 percent of all Mexican-American students attend schools in districts with 50 percent or more Mexican-American enrollment overall. Isolation by district is most pronounced in Texas where nearly 60 percent of Mexican-American pupils are in majority Mexican-American districts. In New Mexico more than one-third of all pupils of this ethnic group are in districts in which they form a majority of the enrollment.

Ethnic isolation of Mexican-American teachers

There are less than 12,000 Mexican-American teachers in the Southwest. They make up less than 4 percent of all teachers in the region. Proportionately more Mexican-American teachers than pupils are assigned to majority Mexican-American schools. Fifty-five percent of them are assigned to schools which have a predominantly Mexican-American enrollment. One-third are in schools that are 80-100 percent Mexican-American.

Furthermore, a higher percentage of Mexican-American teachers at the elementary level are assigned to predominantly Mexican-American schools than are those teaching in intermediate and secondary schools. Overall, 67.8 percent of all Mexican-American teachers at the elementary level are in predominantly Mexican-American schools, 45 percent at the intermediate level, and 40.8 percent at the secondary level.

Ethnic concentration of teachers is most acute in Texas and least severe in California. More than 80 percent of the approximately 5,100 Mexican-American teachers in Texas are assigned to majority Mexican-American schools and more than 60 percent of this ethnic group's teachers are in schools that are 80-100 percent Mexican-American. In California only 17.5 percent of about 3,800 Mexican-American teachers are in schools in which the enrollment is predominantly Mexican-American. Nearly two-thirds (66 percent) are in schools where Mexican-American pupils constitute 25 percent or less of the enrollment.

EDUCATIONAL FINANCES, TEACHER QUALIFICATIONS AND SCHOOL FACILITIES

Although the Commission gathered comprehensive information on these three items in its March 1969 survey, these data are still being analyzed and are not yet available for reporting. However, in Fall 1968, the Commission collected similar data on nine independent school districts in the metropolitan area of San Antonio, Texas. The following material is based on the study of these nine districts.

Educational finance

The following tabulation illustrates the substantial differences in per pupil expenditures in the 1967/1968 school year among the nine districts.

PER PUPIL EXPENDITURES, 1967-68

Name of school district	Percent Mexican-American enrollment of total enrollment	Expenditure per pupil (revenue from all sources)
North East.....	7.4	\$745.07
Alamo Heights.....	14.1	653.17
East Central.....	24.8	604.22
South San Antonio.....	59.5	592.87
Northside.....	16.1	578.13
Southwest.....	38.8	543.00
Harlandale.....	61.7	465.53
Edgewood.....	89.4	464.54
San Antonio.....	58.2	425.31

In general, the predominantly Anglo districts spend far more per pupil than do those with substantial Mexican-American enrollments. In one instance, an almost exclusively Anglo district (Northeast) spends almost \$320.00 more per pupil than the predominantly Mexican-American San Antonio Independent School District.

Teacher qualifications and pupil teacher ratios

The level of academic attainment of the teaching staffs in the predominantly Mexican-American districts is generally lower than that of the Anglo districts. For example, nearly 20 percent of teachers in the Edgewood District (89 percent Mexican-American) have not completed college. There is only one non-degree teacher (0.3 percent) in the largely Anglo district of Alamo Heights.

Furthermore, the average pupil-teacher ratios in heavily Mexican-American districts are substantially higher than those in Anglo districts.

School district	Percent Mexican-American enrollment of total enrollment	Teachers without college degree		Average pupil-teacher ratios
		Number	Percent of total	
Edgewood.....	89.4	160	19.7	28.1
East Central.....	28.8	5	4.8	27.1
Southwest.....	38.8	11	11.1	26.1
Harlandale.....	61.7	40	6.0	26.1
South San Antonio.....	59.5	12	4.1	23.1
San Antonio.....	58.2	30	.9	26.1
Northside.....	16.1	5	.7	24.1
Alamo Heights.....	14.1	1	.3	21.1
North East.....	7.4	8	.7	23.1

School facilities

As part of the San Antonio pilot study, differences in facilities were compared among individual schools within one district. In terms of median age of school buildings a strong relationship exists between the year of construction of a given school in the San Antonio Independent School District and the ethnic composition of its enrollment. On the average, schools with enrollments over 80 percent Mexican-American are a quarter of a century older than those whose student bodies are predominantly Anglo. Four predominantly Mexican-American elementary schools predate the twentieth century, the oldest being 90 years old.

The lower the proportion of Mexican-Americans in the student enrollment of a school, the more recent the date of construction of the school is likely to be, whether the remainder of the student body is primarily Anglo or black. At the elementary level, the typical predominantly Mexican-American school predates the average black school by 19 years, and the average Anglo school by 31 years. Generally, Mexican-American schools are also in need of more repairs than are the Anglo or black schools.

In San Antonio schools there are on the average almost twice as many children per acre on school sites accommodating enrollments over 80 percent Mexican-American as on school sites with a predominantly Anglo student body.

MR. GLICKSTEIN. Mr. Chairman, I am accompanied by Jonathan Fleming, my staff assistant.

Thank you very much.

MR. PUCINSKI. Mr. Glickstein, you deal in broad strokes and I would like to get some clarification.

On page 8, you make a strong case of the fact that busing provides positive benefits. We have had testimony by Dr. Jensen and Dr. Van den Haag seriously challenging Dr. Clark's findings and both of these gentlemen have made a statement before this committee that there is no authoritative body of evidence to indicate that indeed either busing or integration itself necessarily provides the so-called positive benefits that you speak of.

Has your commission any studies, findings or any material that Van den Haag and Jensen are not aware of which will give us positive and indisputable evidence to support your testimony?

MR. GLICKSTEIN. I am sure they have read our Racial Isolation Report and I am sure they have read Dr. Coleman's report and I am sure they have read the report of the New York State Board of Regents which supports my testimony. I have read Dr. Jensen's testimony, I have read his article, I have read Dr. Van den Haag's testimony and other writings of his. I have also read writings of those who dispute Dr. Jensen and Dr. Van den Haag. I am not an educator and I am not a scientist but I think they are wrong. I think they are just wrong, and I think the authority I have read on the other side substantiates that.

MR. PUCINSKI. What puzzles me is that you are so willing to accept that evidence in support of your thesis and yet you reject, apparently, all the body of evidence that we have to show that title I has indeed been making some fantastic strides around the country.

In your statement on page 8 you say, "Nationally, by way of comparison, title I was funded at \$135 per pupil last year and we have yet to see positive results from this program."

Then you say in your last paragraph on page 14, "Drastic steps also must be taken to prevent a recurrence of the 'pork barrel type of abuses' that have occurred under the administration of title I of ESEA."

One could argue, and I think the chairman of this committee, Mr. Perkins, surely has a great deal more evidence in support of the positive results in title I than we have in support of your statement on positive benefits that busing brings about.

As a matter of fact, Doctors Jensen and Van den Haag pointed out yesterday you may be doing more harm than good to youngsters by forcefully busing them from their own community into a new and strange community which very often is hostile and unacceptable.

Mr. GLICKSTEIN. If I may say so respectfully, Mr. Chairman, I think Dr. Jensen's testimony and Dr. van den Haag's testimony is a typical example of professors living in an ivory tower. If it could be conclusively demonstrated that integration had no effect on achievement scores of black children, that still would not be an argument against integration.

As the President pointed out in his message to Congress, integration is important from the standpoint of helping all children achieve the broad based human understanding that increasingly is essential in today's world.

If you read the report of the Eisenhower Commission, if you read the report of the Kerner Commission where they describe what is going to happen in this country if we don't get the races to live together and to work together, it is just absolutely necessary that we start early in teaching children to live together and integrating the schools is the way to do that. You can't start in college, you can't start on the job and you can't even start in high school. You have to start in the beginning.

Mr. PUCINSKI. There is no question about the fact that obviously the role should be to try to bring the races together. There is no quarrel on that.

But you take the position that this legislation ought to provide funds for massive busing to achieve the goals that you intend to achieve. This legislation does not include any funds for busing to overcome racial imbalance. It does provide some funds for taking youngsters to a cultural activity as a part of the federal process. If there is money needed for busing for that kind of purpose, it is permissible, but the legislation very wisely avoids providing funds for any massive busing to overcome racial imbalance because, in the case of Los Angeles they estimate it is going to cost them \$17 million a year.

Now, you have questioned the busing figures?

Mr. GLICKSTEIN. The estimate in Los Angeles, incidentally, was offered by the attorney for the school board. The judge asked for them to provide the maximum amount that would cost and they suggested it would be \$17 million. The judge disagreed and it was his conclusion that it could be done for considerably less than that.

Mr. PUCINSKI. Again, the learned jurist didn't show any evidence to support his claim.

My point is that you, yourself, talk about going into the classrooms and upgrading the teaching. That is why I presume the authors of this bill wisely left out funds for massive busing because they don't want to see these funds dissipated on the busing process at the cost of the classroom.

Mr. GLICKSTEIN. We didn't advocate funds for massive busing. We are supporting the provisions of this bill.

If a school system applies for funds under this bill and contends that for educational reasons it is necessary to bus children, this bill provides funds for such purposes and we agree with that.

We do not think the bill should contain any prohibition against busing, but we feel that if the school system decides that for educationally-sound reasons it is necessary to bus children, that funds should be made available. It is their choice. It is not being imposed upon them; it is a decision of the school board.

The Syracuse example I gave and the Berkeley example I gave were instances where the school systems themselves concluded that busing was educationally sound and needed to be done.

Mr. PUCINSKI. I think that the Supreme Court has wisely stayed away from that issue because there are compelling and persuasive arguments on both sides.

I think we can make a case, and I have seen this time and again: Youngsters being bused into an all-white school in the morning, getting off the bus, walking into the school and when the bell rings getting back on the bus, totally isolated from the community, totally isolated from playing with any of the children they attend school with, and in my judgment I think that you are harming these youngsters more than you are helping them but that is my judgment and I respect your judgment.

I just don't think that the evidence is that conclusive on either side. For that reason the Congress, I think, has stayed away from the issue.

You take a very strong position. You take the position that if there is any de facto segregation in a school district, it should not get any funds.

What you are saying is, a city like Chicago has really three situations. We have segregated all black schools, segregated all white schools, and integrated black and white schools in the peripheral area. Now you go into one part of Chicago and you can go 40 blocks in either direction and you won't find a black youngster, and so those schools are all white. You can go to another part of Chicago, 40 blocks in any direction and you won't find a white youngster. Those schools are all black.

What you are saying to us is that in those areas where we have made an honest effort to integrate the schools in the tilting communities, and save that community from going from all white to all black, and we are shifting, in a city like Chicago, four blocks a week from white to black, you are saying under your formula Chicago is not to get any money under this bill because by the very nature of the beast it has all black schools and all white schools established by housing patterns.

Mr. GLICKSTEIN. I think you misunderstood me, Mr. Chairman.

Mr. PUCINSKI. Your testimony is very clear.

Mr. GLICKSTEIN. I said in a former de jure segregated school system, such a school system cannot have de facto segregated schools, that a system such as most of the Southern systems where there was de jure segregation, the notion of de facto segregation is incompatible with that. It is the obligation of those school systems to root out segregation, root and branch, and they cannot come back to HEW and say, "We have some schools that are the result of de facto segregation." But in Chicago, we agree that Chicago is entitled to funds and it should get funds under this bill.

Mr. PUCINSKI. It wouldn't under your recommendation.

Mr. GLICKSTEIN. Yes; it would. It has not yet been established that the situation in Chicago is the result of de jure segregation, and until that is established, if it can be, Chicago does not come under the recommendations that I made. I am just talking about—

Mr. PUCINSKI. What would you do in this situation? The court, as you know, in North Carolina, has very wisely permitted eight, I believe, de facto segregated schools when the district gave up their de jure segregation, simply because of housing patterns, and HEW has approved, in a number of instances, where a school district has given up de jure segregation, because of the neighborhood pattern, HEW has approved certain schools that are either segregated, all black or segregated all white because of the neighborhood pattern.

Are you saying that in those school districts, under your formula, they should not get help either?

Mr. GLICKSTEIN. That is what I am saying, sir. I think the court in North Carolina, the court of appeals, was wrong. The Supreme Court, as you know, on Monday agreed to review that decision, and I think the court of appeals was wrong. I think the district court judge, Judge McMillan, was right when he required that those segregated schools be eliminated.

I also think that it is something of an irony that here in this case where a district court judge who is close to the scene and most familiar with local conditions has ordered a plan into effect which does desegregate a school and a court of appeals sitting in Richmond reverses him, without being as close to the local community as the district court judge is. I think that is very unfortunate. The district court judge, I think, had the best interests of the community in mind and was most familiar with the facts, and I think he was right.

Mr. PUCINSKI. On page 14 in your recommendation that, " * * * no funds go to districts which operate schools with segregated classrooms or which have used testing as a device for segregating children intentionally or with the effect of segregating them on the basis of race, color, or national origin."

Am I correct in assuming that you are not suggesting that we do away with the track systems or the ability grouping that 95 percent of the school districts in this country use?

Mr. GLICKSTEIN. I am suggesting that if these systems have been adopted with the intention of segregation they should not be honored, but if they have not been adopted, they were adopted for sound educational purposes, they should continue.

Mr. PUCINSKI. Even if they do lead to certain grouping by race or by national origin?

Mr. GLICKSTEIN. There are various ways I think that tracking and grouping can be accomplished. I think, for example, in the District of Columbia Judge Wright ordered the tracking system as such eliminated, but he did not prohibit the schools to have groupings in individual subjects, and he also did not prohibit the schools from using any kind of system, as long as they frequently and constantly tested it to make sure it was current and up to date.

Mr. PUCINSKI. I wonder if I could ask you, since Dr. Jensen and Dr. van den Haag have so seriously challenged the basic concepts of this legislation, whether we could ask you for an additional memorandum on whatever bibliography you want to present in terms of

studies that have been made to support your statement that there are some positive results achieved in busing. I think that this question is very much debatable, and I would like to see, and I am sure the committee would like to see, whatever evidence you may have to support your thesis.

Mr. QUIE. Will the gentleman yield?

Mr. PUCINSKI. Yes.

Mr. QUIE. Will you add to that the benefits to the students from integration? Busing may be just a part of it. It seems to me both Dr. Jensen and Dr. van den Haag claimed that there was no provable benefit from integration.

Mr. GLICKSTEIN. I think that is probably the key question, whether integration is beneficial, and if it is, busing is just a tool. There are different ways of doing it, and busing is one way, pairing is another way. There are all kinds of ways of doing it.

Mr. QUIE. We could benefit from the facts which the gentleman could present.

Mr. PUCINSKI. Yes; I would like to see that because I am reminded a couple of weeks ago a very distinguished columnist here in town, Mr. Raspberry, raised some serious question as to whether or not all of this emphasis on trying to integrate schools hasn't really set back the whole process of providing good education. Here in the District of Columbia, you have got 92 percent nonwhite attendance. To talk about integrating the District of Columbia schools is really to engage in an academic discussion. Yet what is being done to upgrade the quality of education for these thousands of youngsters in this city?

It does seem to me that we ought to have from the Commission whatever evidence you have to support this. If indeed we are losing time, as I said yesterday, this legislation proposes a massive injection of Federal help to do all the things that you have said in your testimony ought to be done to improve schools. Assuming that all of that is done, and 3 years from today we go into a comprehensive analysis of what results has all of this brought about, and to what extent has it helped improve the quality of education for both the white youngster and the nonwhite youngster, it is entirely possible that if there is no appreciable improvement shown, that Brown may be shot down. It is conceivable, and so to that extent perhaps this legislation ought to be moved as quickly as possible.

Perhaps we can find some answers to this vexing question. I think there is some merit to what Dr. Jensen and Dr. van den Haag said. Really there is very little body of evidence on the subject. I am not taking a position whether it is good or bad, but I do think that these gentlemen make a strong point in saying that we don't have the amount of research that we ought to have, 15 years after the Brown decision. It is incredible to me that at this late date there are people who still question whether or not it works, and they do that simply because we apparently have not had as much testing, as much evaluation as we ought to have had over these last 15 years.

(The information requested follows:)

U.S. COMMISSION ON CIVIL RIGHTS
Washington, D.C., August 19, 1979

Hon. ROMAN C. PUCINSKI,
Chairman, General Subcommittee on Education,
House of Representatives, Washington, D.C.

DEAR MR. PUCINSKI: During my testimony on the Emergency School Assistance Act of 1970 on July 1, you requested that I furnish you with information supporting my contention that title I of the Elementary and Secondary Education Act was subject to "pork barrel" abuses. I am enclosing for your information an excellent study of the administration of title I of ESEA done by the Washington Research Project of the Southern Center for Studies in Public Policy and the NAACP Legal Defense and Education Fund. I also am enclosing a copy of "Inequality in Education", published by the Harvard Center for Law and Education, criticizing the administration of title I of the ESEA.

The point of my testimony was not that the legislation is at fault, but that the Office of Education has not done what it can to ensure against title I funds being misused or spent foolishly. Since the Office of Education has not been able to prevent abuses of ESEA funds, it is appropriate to question whether administration of the Emergency School Assistance Act funds should be left to the discretion of the Commissioner of Education without sound guidelines to ensure to the extent possible that the money will be used to assist in desegregating schools or eliminating racial isolation and not be converted to general education purposes for which other funds—Federal, State and local—are available.

You also requested that I furnish you with documentary evidence to support our contention that racial integration increases the achievement of minority group students. I am sure that you are familiar with the study done by Dr. James Coleman, *Equality of Educational Opportunity* (1966) and the study by the Commission on Civil Rights, *Racial Isolation in the Public Schools* (1967).

The relevant findings of that study are as follows:

There is . . . a relationship between the racial composition of schools and the achievement and attitudes of most Negro students, which exists when all other factors are taken into account.

(a) Disadvantaged Negro students in school with a majority of equally disadvantaged white students achieve better than Negro students in school with a majority of equally disadvantaged Negro students.

(b) Differences are even greater when disadvantaged Negro students in school with a majority of disadvantaged Negro students are compared with similarly disadvantaged Negro students in school with a majority of advantaged white students. The difference in achievement for 12th-grade students amounts to more than two entire grade levels.

(c) Negroes in predominantly Negro schools tend to have lower educational aspirations and more frequently express a sense of inability to influence their futures by their own choices than Negro students with similar backgrounds attending majority-white schools. Their fellow students are less likely to offer academic stimulation.

(d) Predominantly Negro schools generally are regarded by the community as inferior institutions. Negro students in such schools are sensitive to such views and often come to share them. Teachers and administrative staff frequently recognize or share the community's view and communicate it to the students. This stigma affects the achievement and attitudes of Negro students.

I also would like to call your attention to a recent study done by the New York State Department of Education, *Racial and Social Class Isolation in the New York Public Schools* (1970). This study completed several years after the commission's study reconfirmed our findings.

The most complete catalogue of existing research on desegregation and academic achievement appears as chapter 2 of Weinberg, *Desegregation Research: An Appraisal*, 2nd ed. (1970), a copy of which I have enclosed for the convenience of your staff. I believe you will be interested in Mr. Weinberg's remark that "the scientific resourcefulness of the [Commission's] Racial Isolation study is especially outstanding".

In his conclusion to the chapter on the effect of desegregation on academic achievement Mr. Weinberg writes:

The evidence is strong that desegregation improves the academic achievement of Negro children. In a few cases, desegregation did not provide such stimulation; and in a rare case or two, Negro children's achievement fell. The evidence is even stronger that white children fail to suffer any learning disadvantage from desegregation.

During our colloquy you raised a question concerning the work of Professor Arthur Jensen who testified before your Subcommittee on June 29. I would like to take this opportunity to respond further because I believe that Dr. Jensen's assertions should not go unchallenged.

Dr. Jensen's thesis originally was set forth in an article appearing in the Winter 1969 issue of the *Harvard Educational Review*. The article caused great controversy and many scholars have challenged its assertions. Many of the best responses to Dr. Jensen's article were published in the Spring 1969 and Summer 1969 issues of the *Harvard Educational Review*.

Professor Jensen's thesis begins with his assertion that the median IQ score for black American school children is about 15 points lower than that for white American school children. He cites several studies which tend to show that to an extent this difference is independent of the correlation between socio-economic class and IQ. But because there is a correlation between IQ and socio-economic status, and because Negroes are disproportionately represented in lower socio-economic groups it is not clear how much of the 15 point black-white IQ differential is due to factors relating to each and how much of it is due to factors relating to socio-economic status. (See, Stinchcombe, 39 *Harvard Educational Review*, 511)

Jensen counters the argument that racial IQ differences are caused by the use of culturally-biased tests with the observation that these differences persist even when culturally neutral tests are used. However, he does not consider evidence that testing itself may be culturally biased. (E. N. Anderson, 39 *HER* 581; Jastak, 39 *HER* 608; M. Deutsch, 39 *HER* 542)

There have been several studies in which socio-economic class patterns in IQ scores disappeared when efforts were made to test the children in a comfortable and familiar environment and to relate the testing to things familiar to children from lower socio-economic classes. One such study was made by Professor Jensen himself. (See, Cronbach, 39 *HER* 338)

Professor Jensen discounts environment as having any effect on racial differences in intelligence. He points to the failure of compensatory education programs to produce any marked increase in IQ or academic achievement of disadvantaged children. This contention overlooks a number of factors, including the relative lack of experience with compensatory education programs. (J. M. Hunt, 39 *HER* 278) While the apparent lack of success of these programs in raising IQ scores is cause for concern and further study, it is not proof that IQ cannot be measurably affected by environmental factors.

The mainspring of Professor Jensen's argument rests on his work in studying the heritability of IQ among white Americans. His analysis has met with favorable response from his professional colleagues, although some have raised questions about the accuracy of his methodology. (Kagan, 39 *HER* 274)

No matter how accurate Professor Jensen's heritability work may be, heritability analysis is rather limited and does not support generalizations beyond its limits. (Lederberg, 39 *HER* 611) Professor Jensen's heritability work deals only with the differences of IQ among white Americans. *He did not study heritability of IQ among black Americans* and his study does not explain why the median IQ of white Americans is different from that of black Americans. Professor Jensen is very careful to acknowledge that fact and I call your attention to his statement submitted to your Subcommittee on June 29 at page 6. In his article he cautions,

All the major heritability studies reported in the literature are based on samples of white European and North American populations, and our knowledge of the heritability of intelligence in different racial and cultural groups within these populations is nil. For example, no adequate heritability studies have been based on samples of the Negro population of the United States.

The greatest shortcoming of heritability analysis is that it does not cast any light on what determines median IQ test score for any group studied. Thus, it simply says that IQ test score differences among whites are hereditary traits relatively unaffected by environmental factors. (Interestingly, Dr. Jensen also has produced an important study which shows that basic learning abilities are essentially unrelated to IQ scores in the low socio-economic group, (Jensen,

American Education Research Journal 1, (1968)), but the relationship for the high socio-economic group is substantial. He found that lower class children with low IQs showed a wide range of learning ability scores, whereas the middle-class children with low IQs were invariably slow learners. Thus, an IQ test score is an accurate predictor of learning ability in a white, middle-class child, but it is a poor predictor of learning ability in a lower-class child, regardless of race. This suggests that IQ test scores measures not only a person's innate "intelligence", but also the environmental and cultural factors which affect performance on the test negatively as well as positively.) (New York State Department of Education, *Racial and Social Class Isolation in the Schools* (1970) at page 123-124)

But even in instances where the heritability of a trait is nearly absolute, changes in environment can cause dramatic changes in the average value of the trait. (Crow, 39 HER 301)

Height is a trait with a nearly absolute heritability factor. Yet within this century the average height of men in the United States and Japan has increased significantly because of changes in environment, primarily nutritional. The lesson of this example is that no matter what the heritability of IQ, it is quite likely that environmental changes could raise the IQ of black American school children enough to eliminate racial differences in IQ.

There is no lack of evidence that the particular environments faced by many poor and black children can hinder their mental development. Professor Jensen himself has co-edited a book containing a number of discussions of this subject. (Deutsch, M., Katz, I., and Jensen, A. R., *Social Class, Race and Psychological Development* (1968)) We know that environmental factors such as emotional climate of the home, prenatal and postnatal nutrition and subjective factors such as motivation and aspirations have enormous effect on the IQ and achievement levels of school children. In fact, there is substantial evidence, to which I have alluded previously in my letter, that integration has a significant effect on the aspirations, motivations, achievement and IQ scores of black school children.

Professor Joshua Lederberg, Nobel prize-winning geneticist, has written that in his opinion the impact of racial alienation in the United States is sufficient to account for any racial differences in median IQ test scores. (Lederberg, 39 HER 611)

Professor Jensen's attempt to show that racial differences in IQ may be genetically determined is, by his own admission, very hypothetical. He intends simply to stimulate scientific investigation of the possibility. Notwithstanding the speculative nature of his argument, he seeks to make his hypothetical the basis for national policy on school desegregation. Informed speculation of the hypothetical and tenuous sort offered by Professor Jensen should not be allowed to be used by those who would delay desegregation of the schools.

Even if we assume the correctness of Professor Jensen's work, I believe that to allow public policy decisions on desegregation and elimination of racial isolation to be based on his work would be criminally negligent. We know too little about intelligence, learning and the effect of environment on intelligence and learning, to segregate children solely because of median IQ test score difference as between one racial group and another.

It is a national calamity that such public policy decisions are being made in the United States today. I call your attention to the recent policy of the California public schools which condemned Mexican American children to mentally retarded classes because they scored extremely low on IQ tests—given in English to Spanish speaking children. (I am sure that if I were given an IQ test in Japanese I would be relegated to a home for the mentally infirm for life.) Although we may be perplexed at what seems to be an exaggerated instance of abuse of IQ tests, we ought to keep in mind that this policy was carried out by presumably well-informed educators of the State of California—a State noted for its outstanding public school systems. I think the warning is clear: a scientific hypothesis which offers a facile explanation for apparent racial differences in behavior may tempt many unaware people into an alluring trap of the worst and most vicious sort of racist actions.

In this regard, a number of professional associations have warned against using Dr. Jensen's hypothesis as the basis for school desegregation decisions. The Society for the Psychological Study of Social Issues in May 1969, warned that Dr. Jensen's thesis could be "seriously misinterpreted, particularly in [its] applications to the social policy." A similar statement was issued by the American Anthropological Association in November 1969.

I sincerely urge your Subcommittee to hear scientific testimony rebutting Dr. Jensen's work. May I suggest the following names of possible witnesses to you and your staff:

Professor Irving Gottesman, University of Minnesota ;
 Professor Arthur Stacheombe, University of California, Berkeley ;
 Professor Martin Deutsch, New York University ;
 Professor Joshua Lederberg, Stanford University ; and
 Professor James F. Crow, University of Wisconsin.

I also would like to request that my letter be made part of the record of the hearing before your Subcommittee on H.R. 17840 if possible.

Again, I wish to thank you for the opportunity to appear before your Subcommittee.

Sincerely,

HOWARD A. GLICKSTEIN, *Staff Director.*

Mr. QUIE. Thank you, Mr. Chairman. I take it it is incredible to Mr. Glickstein too that such testimony was presented by Dr. Jensen and Dr. van den Haag.

First, I want to commend you for your statement and your recommendations. I have come to the conclusion that you are right in your first recommendation that we should not provide anything in the act which would be in effect compensatory education. This ought to be funded out of title I of the Elementary and Secondary Education Act. You refer to this in the guidelines on page 15 of your testimony listing some of the additional or permitted activities, such as school crossing guards, drug abuse seminars, additional months salary for school principals and so forth. I certainly agree with that.

The one thing I would ask you about is hallway monitors. Would there be a necessity of hallway monitors, because of integration, where they may need some to keep decorum in the school, until they were certain that they were well adjusted to the fact of both races there?

Mr. GLICKSTEIN. I would think that that is a normal expense of operating most schools. If I recall when I went to school there were hallway monitors.

Mr. QUIE. We see them operate in the District of Columbia schools. Of course, they aren't exactly integrated schools, even though the classes are integrated. There aren't enough whites to integrate them. That was the one question I would have there.

You suggest also that the formula be changed to include in effect voluntary desegregation or elimination of racial isolation in the States as well as those who are subject to a State court order, as long as they meet the State requirements or satisfy the Secretary with the plan.

Dr. Coleman recommended the same thing, that we expand, double counting those beyond who are subject to a Federal court order and an HEW plan, and that makes sense to me also.

Now as to No. 3, I would like to ask you this: You want to delete the authorization for purchase of mobile classroom units. I can see putting language in there so they won't use the mobile classroom to establish, say, black annexes to the schools. However, in some of the schools as I understand it, they found it necessary to close the black school, and bring all the children to the white schools because they couldn't get any of the white children to go to the black schools. It seems to me they may need some additional room in the white school, and mobile classrooms might be beneficial to them. We could make certain that they were integrated mobile classrooms, just as we want integrated schools throughout the entire school district. Would you have any objection to mobile classrooms if they were used for that purpose?

Mr. GLICKSTEIN. I think there are a number of problems in this whole area. One is the problem of closing down perfectly good black schools. There are areas where school districts and courts have required school districts to close down black schools which are just totally inadequate, but you are going to run into enormous problems with the Negro community, if you close down black schools that are perfectly good, and in some cases better than the white schools.

Mr. QUIE. But they have done it through court orders.

Mr. GLICKSTEIN. They could go back to the court and change it. I know there are court orders requiring the closing of dilapidated and inadequate schools. I assume there might have been the requirement of closing perfectly good schools on their own. I assume some, when they were ordered to desegregate, chose to do that, but I think there are great problems of retaining pride and association with the past among black students that are being integrated in desegregated schools, and I think that if you take the position that anything associated with black experience in the past is undesirable, and you should close it, you are going to have great problems in integrating the schools, and I think this has to be a two-way street.

Mr. QUIE. I recognize that. It is hard for me to accept the concept of closing any school, although when the chairman and I visited down in Atlanta in De Kalb County, we saw that at least in De Kalb County, by closing a school and using it for handicapped children and administrative offices, they actually are using the facilities. That was not under court order. It was under a HEW requirement on the one school. I guess they closed six schools and HEW required them to close another one. I thought under this legislation we couldn't change either the HEW plan or the court order, and had to comply with whatever they had decided.

I agree with you that it seems unwise to close perfectly good black schools, but they have done it, and we have supposedly given them assistance here, and mobile classrooms seem to have fitted into that in the past.

The other question I would have is on No. 4, where you would suggest that more than one school district go together and eliminate racial isolation. Of course in a school district like the District of Columbia, the only way they will eliminate it is if they work out some cooperative agreement with some neighboring school district. There are provisions in the act, however, that permits them to use private agencies rather than public schools. Do you think this is going to help fan the flames of dissent between the suburbs and the center city, if the Federal Government funds a project with a private corporation or a private group, who then are attempting to integrate the efforts without the agreement with the school districts?

Mr. GLICKSTEIN. I think you probably would need the agreement of the two school districts. I would think that the private efforts that you are talking about, that it would be essential that they did obtain the agreement with the two school districts.

Mr. QUIE. That is what it seems to me, as long as the two school districts agree, there should be no objection to it.

Then on page 12, you mention that there is no provision for congressionally established national requirement that racial isolation be eliminated in the public schools. Are you recommending that we amend this act to do that, or are you just bringing up the point?

Mr. GLICKSTEIN. Just bringing up the point that this is something that I think at some time is going to have to be dealt with. This was a recommendation the Commission made in 1967. This is an emergency bill, and it can't deal with the world. We are pointing out something that is desirable.

Mr. QUIE. Then we can let it pass. Let's then go on to the question of de jure segregation being eliminated and actual de facto segregation in some of the schools. It seems to me that if de facto segregation does not exist in a de jure segregated district at the time that the court requires them to eliminate de jure segregation, undoubtedly in the future de facto segregation may not occur that has not occurred in the past.

I know in the South they tended to be pretty well integrated in housing patterns, and more so in the rural areas than in the cities. As the big cities industrialized, the blacks who came and worked in the industries tended to live together. Therefore, housing patterns developed. Now in this case even more importantly in the future if de facto segregation occurs, how can you say that it is not permissible in a former de jure segregated district?

Mr. GLICKSTEIN. Well, in the North Carolina case, the *Charlotte-Mecklenburg* case, there were some schools in that district that the school board said were de facto segregated and they would have to be all black or all white and the district court disagreed with that. He felt that the population pattern in Charlotte-Mecklenburg at that time would permit the integration of those schools.

You are talking about what might happen in the future with people moving out. This bill does provide, very fortunately, that if a school system fears that as a result of some integration there is going to be a tipping or there are going to be people moving to the suburbs, assistance is available. Assistance is available under 5(a)(2), aid to a school district if, "in one or more schools in such district which are not racially isolated but have a substantial enrollment of minority group children."

I think what is contemplated there is that if a school, let's say, has 35 percent minority group children, and is afraid that that is going to go over the tipping point, that school could probably get funds under this act to prevent that from happening.

Mr. QUIE. Is that the reason why you suggest giving first priority rather than recommending against?

Mr. GLICKSTEIN. That is right. We suggest giving first priority, that if a system like Charlotte-Mecklenburg says that we are going to provide desegregated education in every one of our schools, that system should get priority to another system which says, "We are going to have half of our schools all black or all white."

Mr. QUIE. The Counsel would like to ask a question.

Mr. RADCLIFFE. The point of the Congressman's question was how long you could treat formerly de jure segregated districts in a different fashion. That is, suppose you have a district in that situation that has completely desegregated all of its schools and has complied with HEW plans or Court orders, and then finds that because of shifting population patterns some of its schools, one or more, are being resegregated even though they are trying to prevent this. As you know,

preserving integration can be a very difficult thing to accomplish. At what point do you treat a school district in that situation, the same as you would a school district in Michigan or Illinois or Minnesota that faces precisely the same problem.

Mr. GLICKSTEIN. Well, at the moment we are dealing with what you do when this money is given out this summer or next fall. Now if this act or similar legislation is continued over the years, then you would face the problem you have.

Mr. QUIE. I would sooner have you answer what your feeling is as to integration of the schools rather than as to the implementation of the act, because I recognize that you are referring to a first priority with which I would agree. What about this whole problem in the future of resegregating schools, or de facto segregation developing in a de jure district?

Mr. GLICKSTEIN. Ultimately school desegregation problems and the problem of integrating the schools is not going to be solved just within particular cities. The Commission over the last year or so has been concentrating a great deal of its attention on integration between the suburbs and the cities, and we are going to have to deal with this problem by dealing with some forms of urban-suburban cooperation or urban-suburban consolidation or something of that sort.

In addition to that, we are going to have to deal with the whole problem of residential segregation. A lot of these problems can't be dealt with in isolation, and I think at the same time that we are providing for the integration of schools, we have to be sure that housing becomes available in the suburbs to minority group people and low- and middle-class people, and we are going to have to make sure that we don't have involuntary or unwilling racial concentrations of people in any parts of our country. There has to be freedom available for people to move out, and I think that the trend that you well describe has occurred in this country in the last 10 years. The cities are becoming progressively more black, and this is something we are all concerned about, and I think it is something that we have to develop a national policy and national priorities to deal with so that this doesn't happen.

As you know, the Eisenhower Commission said if we continued to let this happen our cities are going to be fortresses. People are going to go in and out to go to work in sealed corridors, and this is just a terrible thing to contemplate. It does in effect deprive most people of their freedom in the real sense of the word. We just can't permit that to happen.

Mr. QUIE. I think we will have to attack housing policies. One of the bad features is the establishment of huge areas of public housing in the center cities. I don't know how suburbs are going to like public housing established out there but it must be done. We must integrate people at all economic levels and all races.

On page 14 you recommend that the Secretary issue regulations, and you make three points there. In my discussion with HEW, I expect Nos. 1 and 3 are or will be done, but the second one you say that no funds go to district desegregating under court orders, "which have not been updated to the time of the current school year." What really do you mean, that they should be updated?

Mr. GLICKSTEIN. Well, there have been court orders issued in some districts that are as much as 5, 6, 7, or 8 years old, and some of them perhaps still permit freedom of choice and some of them probably are even older than that, and in not all cases have the parties to the litigation gone back to the District Court and asked that that court order be updated to conform to current judicial standards.

What we are recommending is that that be done before any aid be provided, that either the school board or the plaintiff go back and have the court order updated.

Mr. QUIE. I think the bill contemplates the situation where a court order or HIEW requirement occurred within 2 years, a school system would be eligible, but if longer than that they would not be eligible.

Mr. GLICKSTEIN. Even some of those court orders require that.

Mr. QUIE. Could you indicate what are some of the pork barrel abuse you have seen in title I, ESEA?

Mr. GLICKSTEIN. I think there was a study of some of these problems by the Washington research project that came out about a year or so ago that illustrated some of these examples. I think we have seen examples of where the money was used to build a white gymnasium and a black gymnasium, things of that sort, or where the money in effect perpetuated segregation rather than helping to eliminate it. I think there have been charges that some of the money has been used for a lot of audiovisual equipment and other sorts of equipment, which is perhaps more of a frill than was really necessary to deal with some of the very real other educational problems in the district. I think we can provide you with a copy of the report that I referred to.

Mr. QUIE. I would appreciate that. I guess we have been partly at fault that in the first year the money came so late that the school districts didn't know what to use it for and some audiovisual salesmen helped them with the proposal and they got that established. Of course, in Mississippi they never uncanceled it. We didn't do much better with our late funding in subsequent years and we have finally changed it now to permit carrying the money over, so I guess that will be eliminated in the future.

I yield back to the chairman.

Mr. PUCINSKI. Don't you believe, Mr. Glickstein, that the main problem with title I is not in its concept or its administration, but in its underfunding. The Congress has spelled out certain basic principles that we wanted to do to help disadvantaged children, to bring them up to a level of educational ability, and yet we have not been able to get the program more than 49 percent funded, and so I think that a lot of harsh words and a lot of criticism have been leveled, and I think your own testimony is somewhat unfair in its broad strokes, when if it had been funded fully perhaps you would see a different picture.

I would like to ask you this: If you couldn't do all the things that you propose to do here in this bill, if you had title I fully funded—

Mr. GLICKSTEIN. I must say that personally I agree 100 percent with you that there is not enough money provided under title I or for education programs. I think the country must be prepared to make the same commitment to solving our educational problems as we

have made to get to the moon, and we should provide as much money as is needed to do that.

MR. QUIE. We spent more for education than we have to get to the moon. We jumped in 20 years from \$5.4 to \$38 billion for elementary and secondary education.

MR. PUCINSKI. You mean at all levels? Local and State?

MR. QUIE. Local, State, and Federal.

MR. PUCINSKI. Mr. Glickstein is talking about the Federal contribution.

MR. QUIE. This business of 49 percent funding, if we can add or bring the income level up above \$4,000 and make it \$6,000, you know we could get that percent of funding down to 35 percent. That is kind of where we are right now. Of course, when it comes to the pork barrel if we double the money we could at least double the pork barrel.

MR. PUCINSKI. If I may make this comment, I would like to get your view on this too, Mr. Glickstein, but after reading Secretary Shultz's report yesterday on the revolt of the blue collar workers, I think that we had better start giving some serious consideration to going to \$6,000, and I think we had better start thinking about this forgotten American. I would like to know how you people on the Civil Rights Commission feel about this.

MR. GLICKSTEIN. That is a problem.

MR. PUCINSKI. It is a very serious report that the Secretary put out yesterday.

MR. GLICKSTEIN. This is a problem that our Commission has been devoting greater attention to over the last year or so, and we are interested and hope to do something affirmative and constructive in the area of so-called ethnic groups, who regard themselves in many respects as alienated or as having interests that conflict with the black community, and I think that is a very real problem.

There was a conference here in town, I think, a week or two ago that Father Baroni sponsored that dealt with this question and this issue and we are interested in that and we think it is something that needs to be pursued.

MR. PUCINSKI. You ought to get behind my ethnics study center bill. I would like to send it to you and get your reactions. You are familiar with it?

MR. GLICKSTEIN. Yes.

MR. PUCINSKI. You are very kind to be with us this morning, and I think that your testimony certainly gives a great deal to think about. I have just one final question, and that is on this distribution question. You heard the colloquy we had with Congressman Pepper, the idea of counting all the youngsters in the State to establish a State allocation formula, but then having no assurance that the money is going to follow the need. In view of some of the things that you have said here about the Office of Education, I am wondering do you think we ought to give that kind of broad power to the USOE?

MR. GLICKSTEIN. If I have any misgivings about the Office of Education, I have much greater misgivings about local school boards, and I would think that we have seen the need existing in these local dis-

tricts for 16 years, and a lot of these people have not done anything about it, and to believe that suddenly overnight they are going to reform and show good faith and receive large sums of money and use it constructively, I think is unreal.

I think they should come "hat in hand" to the Secretary, and should say, "This is our plan. This is what we propose to do," and he should be able to evaluate it, to determine whether it will accomplish the purposes of this act, and that is one way to prevent districts that have been evading the law for 16 years, that have been giving this country one of its greatest law-enforcement problems, from not complying with the law, if they were required to live up to standards. If we just give them the money they are going to spend it to avoid desegregating, just as they have done in the past.

Mr. PUCINSKI. Would you be willing to take a change on a bill that would just provide money to every school district that has a concentration of minority groups and has a problem, and is trying to cope with this problem? Now, there are many districts around the country that are not waiting for a court order or are not waiting for HEW, Berkeley, Calif., Evanston, Ill., White Plains, N.Y., a number of communities all over the country, which are trying to work out some program to integrate their schools without waiting for Federal prodding. Would you think that perhaps we could do much better with this \$1.5 billion if we identified the school districts in the country that have a problem in integrating their schools, and making money available to those districts, and try to encourage them voluntarily to adopt workable programs to meet this problem?

Mr. GLICKSTEIN. I think that Berkeley and White Plains and similar districts would be able to get assistance under this bill. I think that would be available to them. I think one important thing that I believe is true is that the \$1.5 billion, while it seems like a lot of money, isn't a lot of money, and if it is spread too thin, we are not going to get the impact that is necessary.

If you are suggesting that there should be some automatic entitlement for every district that has a concentration of minority group students, or that would like to do something without the district coming up with a plan that looks like it is going to work, I would much prefer that they be required to come up with a plan that looks like it is going to work before they get any money.

Mr. PUCINSKI. I think a lot of districts have run away from the problem because they recognize the costs involved and they recognize the pressures. As I have said, and Mr. Quie has heard me say this many times, the one thing attractive about this bill is that it will make funds available for the tilting schools, and I think that is the big problem in America today. If we can stabilize communities, if we can arrest this tragic turning of four blocks a week in the city of Chicago from white to black, you can bring in a huge educational task force into a tilting community, so that the middle income blacks don't flee, the whites don't flee, they all stay, as they did here at the Amidon School, I thought the Amidon School was an excellent example of that. My son went there for 6 years. He was one of three white children in a class of 27 Negro children. It was a good school. They had good programs. All the chil-

dren benefited, white and black. Seven percent of the children in that school were above the national average in reading scores, reading achievement.

It seems to me that perhaps if we did wait, if we tried to encourage school districts to use this money by saying, "All right, you have a concentration of minority groups, we are going to give you the money here, and you go ahead and try to work out the best plan you can," especially in those tilting areas, I think that you might find more progress than you do now in this kind of a situation. I get the feeling that this program is going to get bogged down like every other program in so much detail and administrative supervision that the net result is that we will never reach the student. That is what I fear about this legislation.

Mr. GLICKSTEIN. I can only say that I hope that doesn't happen. Perhaps problems of providing assistance in funds to desegregate schools is somewhat less complicated than providing money to improve reading skills, which is something that we perhaps know less about, and maybe this would be less complicated.

Mr. PUCINSKI. You are very kind, Mr. Glickstein. Thank you very much.

(Whereupon, at 11:45 a.m., the subcommittee adjourned to reconvene at 10 a.m. on Monday, July 6, 1970.)

EMERGENCY SCHOOL AID ACT OF 1970

MONDAY, JULY 6, 1970

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The general subcommittee met at 10:10 a.m., pursuant to call, in room 2261, Rayburn House Office Building, Hon. Roman C. Pucinski (chairman of the subcommittee) presiding.

Present: Representatives Pucinski and Quie.

Staff Members present: John F. Jennings, counsel; Alexandra Kisla, clerk; and Charles W. Radcliffe, minority counsel for education.

Mr. PUCINSKI. The committee will come to order. We are very pleased to have this morning Mr. Julian Prince, the superintendent of the McComb, Miss., schools, and Mr. Edward Leichner, superintendent of the Cook County, Ga., schools, and Dr. Jack Hornback, superintendent of the San Diego, Calif. schools.

If you gentlemen have no objections, I would just as soon have all three of you at the witness table, and perhaps the most expeditious way to proceed is to have all you make your statements and then have a panel discussion on how best we can solve this problem.

We will have more members coming in. Monday morning is a kind of a rough morning to start around here, but since we have three witnesses, I thought we might as well start making our record now and let them catch up as they assemble here.

STATEMENTS OF A PANEL COMPOSED OF JULIAN PRINCE, SUPERINTENDENT, McCOMB, MISS., SCHOOLS; EDWARD LEICHNER, SUPERINTENDENT, COOK COUNTY, GA., SCHOOLS; AND DR. JACK HORNBACK, SUPERINTENDENT, SAN DIEGO, CALIF., SCHOOLS

Mr. PUCINSKI. We are pleased to have you gentlemen here. As you know, H.R. 17846 is a controversial piece of legislation. It is introduced by the President in recognition of the fact that there are problems encountered by the school in the process of desegregating.

We want to make this legislation as helpful and as meaningful as possible, and it is only by talking with people like yourself that we are going to see the strengths and weaknesses of the legislation, and your suggestions will be most helpful.

I suggest we start with Mr. Prince.

Why don't we start with you? You have a prepared statement and your entire statement will go into the record at this point, but you may proceed as you wish.

(The document referred to follows:)

STATEMENT OF JULIAN PRINCE, SUPERINTENDENT, McCOMB, MISS., SCHOOLS

Mr. Chairman and members of the General Subcommittee on Education, I am Julian Prince, Superintendent of Schools in McComb, Mississippi.

The purpose of this presentation is to request your support of HR 17846, the Emergency School Aid Act. This act can provide a measure of assistance to school districts such as mine which are experiencing difficulties with the process of total school desegregation. My testimony is based upon the experiences of my district.

The McComb Municipal Separate School District is located in the southwestern area of Mississippi, and encompasses the municipalities of McComb and Summit in Pike County. Student enrollment is approximately 4,200, equally divided by race.

Our district is presently involved in the process of implementing a voluntary school desegregation plan. The latest phase of our local plan was approved on May 18, 1970, by the title VI Civil Rights Staff of the Department of Health, Education, and Welfare. We are in compliance.

The plan of desegregation agreed upon by the school district and the Department of HEW can best be described by an article appearing on the front page of the May 27, 1970, issue of the *McComb Enterprise-Journal*.

The desegregation plan for a unitary school system submitted by the McComb School District to the U.S. Department of HEW has been approved. . . .

The plan is essentially as follows:

1. High school: Gibson, Higgins and the new vocational high school buildings will be utilized. Students will attend the buildings at which their courses of study are being taught. Certain courses of study will be offered in only one building.

2. Junior high school: All 7th and 8th grade students will attend Denman Junior High School.

3. Elementary schools: Neighborhood schools with grouping of students from different schools for instruction to meet individual needs of students will result in a student exchange between school buildings during the day for grades 2 through 6. There will be no grouping or student exchange between school buildings by first grade students.

Faculty and staff: Assignments will be based on professional ability of the staff and needs of the school. Each member of the staff will be hired, assigned, promoted, paid or otherwise treated without regard to race, color, or national origin.

Activities: All activities and extra-curricular activities will be conducted on a unitary basis. . . .

The plan is unique in Mississippi desegregation plans in that we have been allowed to retain the home schools concept. Elementary students will be assigned to neighborhood schools in essentially the same areas they are now assigned.

Elementary students will be assigned on the basis of educational need during part of the day, and because children, regardless of race, have similar needs, these assignments for special educational opportunities will result in desegregated situations.

Each elementary school pupil will have an individually designed educational program and these programs will be worked out by the administrative staff during the summer.

The process of desegregating schools is not new to our school district. Since 1965 we have been in voluntary compliance with the various Title VI regulations of the Civil Rights Act of 1964. Only recently have regulations required sufficiently massive relocation of pupil population to cause some major problems in our school district.

I should point out that both the professional leadership of our school district and the civic leaders of our community feel that we have a better than average chance of maintaining quality public school education in our district despite the requirement to quickly complete total desegregation.

I must say in all candor that desegregation is not a goal with us. Maintaining good schools—developing better schools—is our goal. That these schools will be desegregated is an accepted fact.

Events of this past year have caused us concern because we have become aware that good schools are a product of public support. This is not a trite

statement. People pay taxes (or raise taxes) to support only those things in which they have confidence. In our community our major tax payers are white. They will support public schools if they believe these schools are good for children in the community. Proving that these schools are good—and making them good—is our task.

We find it a given fact in Mississippi today that under any requirement to establish a totally unitary school system public schools with a heavy proportion of black students will lose a certain percent of the white students—regardless of the type or quality of educational program operated. Given the certainty of this loss, recent events have shown that if we can develop a sufficiently good quality education program we will maintain the greatest preponderance of our enrollment. And if we maintain this enrollment we can maintain quality public schools.

The foregoing statement may seem rather shallow or superfluous, but there are many who "may say" us when we make such statements in our local situations—they do not believe Mississippi public schools can succeed under present circumstances.

In our school district these are our major problems:

1. We have a past history of inadequate financing of virtually every facet of our school program. As a result, we have much ground to cover to have a "normal" school program. One characteristic need is to physically house an instructional program with sufficient depth and flexibility to be adequate for our students.

2. Before we have assurance that this program is adequate we must establish assessment (evaluative) procedures capable of measuring the adequacy of instruction, i.e., we need to determine how effectively we teach.

3. We must have an intensive training period devoted to retraining our staff to deal effectively with those of different ethnic backgrounds.

4. We must communicate to the public our ability to properly educate our children—to maintain the credibility of the public schools in the public's mind.

5. We must establish a truly adequate individualized instructional program—and do this in the face of the fact that the educational establishment of this nation has proven itself historically incapable of so doing.

At this point in this presentation I must re-emphasize that I am speaking for only one school district. Any information I present on any other school district would be based upon hearsay. Despite this, I can make a generalized statement that public school administrators I have come in contact with over the State of Mississippi feel they can maintain quality public school education in their individual school districts. They know the task is difficult. Most I have talked to indicate there is support for public school education in each school district, although this support certainly is not as evident in some districts as the administrator would like it to be. Almost to a man, these administrators feel that given time, good assessment tools, a better financial position, a better trained staff and improved physical facilities, they can reestablish the credibility of public schools.

Statistical evidence shows that education in our school district is progressing towards an adequate program for the educational needs of the children enrolled.

My subjective evaluation is that the McComb School District has recently made a better than average effort to maintain good public schools. I do believe that at the present our progress is threatened because we do not now have sufficient funds to quickly attain the five needs we listed above.

A look into the past is necessary to justify the preceding statement. I first became associated with this school district in 1949—21 years ago. At that time I found a community which had long been proud of its schools. Not all of the pride which came our way was deserved. Nevertheless, much of this reservoir of good feeling about our schools has stood us in good stead in the last several months. Expressions of support from the community at large have shown the majority of our citizenry will try to give us a chance to prove that desegregated public school education can be viable.

A reservoir of good feeling is not enough to maintain public support, though.

As we stated earlier, one of our major problems is a past history of financial inadequacy. This caused corner cutting in construction, purchase of inadequate equipment, did not allow funds for supervisory staff, provided an inadequate teacher-pupil ratio (with consequent lack of ability to give needed individual attention to deep-seated pupil needs) and prevented adequate assessment of

individual pupil progress. This reality has certainly left us with a very steep education hill to climb—even if there had been no school desegregation problems to overcome.

But there are other hills to climb!

In 1965 the school board of the McComb School District recognized that the process of desegregation of the public schools was inevitable if public schools were to be retained. Congressional legislation and court orders were clear as to their general intent. The timing of the desegregation process was the only factor left in the hands of the local school policy makers. As a first step toward compliance, the administrative staff was assigned the responsibility of determining what steps would be necessary to properly comply with the desegregation rules and regulations which had been, and would be, promulgated by the various federal agencies. After deep thought we recognized that school desegregation was more nearly a problem associated with the ills of society rather than one associated with the ills of education. Schools reflect the attitude of the community. Schools are not operated in a vacuum but in a pressure cooker. We saw a long drawn out process which would involve some major revision of overall community attitudes. We chose a program which would be defined by those interested in "civil rights" as gradualism.

Since 1965, considerable time, energy and effort have been expended in careful planning of this program. We hoped it would allow us to prepare the community, the staff, and the children for the eventuality of desegregation—but, quite frankly, this was not our goal—our goal was maintaining good schools. Not all of our efforts have met with success—certainly not all of our efforts have been in vain.

We can document the fact that during this time period our instructional program has grown to be one of the most comprehensive in the state of Mississippi; that we offer more high school units (112) than any other high school in our State; we have the most comprehensive vocational education program in the State; at the elementary level we used Federal funds to develop an experimental computer-assisted instruction program that is a national model system; we used Federal funds to develop an innovative regional data processing pupil assessment program; (as a result of this latter program) we prepare each student's schedule based on determined needs of the pupil; we have entered into local and federally funded extensive staff training programs; our city has floated a bond issue to purchase a computer for us; our district has negotiable notes in the amount of \$325,000.00 to raise our share of matching monies to construct a \$650,000.00 vocational education complex.

We have exhausted every resource during the past five years to upgrade our instructional program. As a measure of this effort we submit an expenditure table below.

	Local	State	Federal	Total
1965-66	\$480,477.78	\$635,126.07	\$279,256.03	\$1,394,859.88
1966-67	494,588.60	722,812.07	604,549.09	1,821,919.76
1967-68	591,374.01	759,848.00	1,218,788.11	2,617,989.87
1968-69	602,483.70	1,061,513.58	1,068,585.13	2,732,585.41
1969-70	631,000.00	1,078,000.00	763,000.00	2,472,000.00

We feel that this accelerated fiscal effort has been reflected in an increased educational growth in our pupil population. Statistical evidence indicates we are indeed making needed academic progress.

Our holding power is getting better:

In 1965 we graduated 259 of 410 (63.1%) who were enrolled in grade two in 1954. In 1970 we graduated 316 of 431 (73.3%) who were enrolled in grade two in 1959.

A follow up of graduates indicates higher percentages continuing formal education and higher percentages succeeding in their academic pursuits.

The academic progress of our elementary students is getting stronger. Achievement records show that in 1960 76.7% of our students were reading below expected grade level. During this spring only 51.3% of our students are reading below grade level.

School attendance is better. The poorer level children are healthier and better fed—largely through title I ESEA expenditure.

Despite these and other more detailed evidences of progress we could submit, there are serious problems facing our school district. Some can be solved by increased financial effort; others cannot.

There are simply not sufficient State and local dollars to do the educational task which must be done now to correct years of educational neglect in the short time available. Our Federal funds are helpful, but they are tied to specific programs—none of which will assist in meeting our immediate needs: funds for bussing students to centers where special programs are located; total district pupil evaluation programs; operating our desperately needed computer educational program; cutting class loads to allow for individual instruction; teacher retraining.

Our scheme of carefully planning each step of our desegregation program became instant patchwork this past January when we readjusted our instructional program to produce what others, with their wisdom, considered a proper degree of local integration. We do need outside assistance to accomplish in a short time what we could have successfully accomplished with available state, local, and federal funds in a longer period of time. We do need these funds in the form of some general aid not restricted other than to assure that we do not replace local funds with Federal funds.

Thank you for allowing me to make this presentation.

Mr. PRINCE. I will refer to the prepared statement in this presentation. I represent a school district enrolling some 4,200 students in the southwestern area of Mississippi.

This is an area in which our population is predominantly black. Our school district has a slightly higher black percentage than white.

With the loss of a number of white students to the newly developing private schools in the area, we may run in the vicinity of 55 percent black and 45 percent white in the coming school year.

I think we would qualify to meet a de facto situation as designated in House Resolution 17846.

Prior to 1965 we operated a de jure segregated system. In 1965, the board of trustees of the school district took a rather careful look at the legislation which had been passed, and determined that the schools must eventually be in compliance with the law and embarked upon a course of voluntary desegregation.

We have continued under a program which probably would be described as gradualism, up until this January, when we made a major step, still voluntary, to go to a unitary system.

We anticipate that we will have a totally desegregated school system when we open in September of this year. Our plan has been accepted by HEW officials.

The general outline of the plan is to have a single high school where we had dual high schools, with unitary functions throughout. We will have a single junior high school.

We will have what we call "convenience zones" for our elementary schools, which are schools closest to the child's neighborhood, but because of the fact that we actually do have a de facto segregation situation, we worked out a plan with the Department of Health, Education, and Welfare officials whereby we actually assign elementary students to special programs for a part of the day, each day, based on their particular educational needs.

These needs come from a rather detailed pupil assessment program we have in the school district.

Mr. PUCINSKI. You assign them to what, to the different schools?

Mr. PRINCE. They are transported to different schools. We transport them to the area where they will receive the best educational program, suited to their needs.

Mr. PUCINSKI. And you change that school daily?

Mr. PRINCE. No. Let's take an example. In an elementary school we have a general mix of the population found in that area. We would suppose that it would not be the mix of the population of the school district as far as race is concerned, but nevertheless, we have a general mix as far as pupil backgrounds are concerned.

For at least one-half of the day, the students in the school district schools will be assigned to attend class in their home areas, whether they are mentally retarded, dyslexic, have a reading retardation problem or culturally deprived, or potentially gifted—whatever the case may be—the children will be grouped heterogeneously, and will take social studies, health, art, music and physical education. For example, the mentally retarded children will also be included in the neighborhood group for a part of the day.

Then for the balance of the day, each child would be transported to some center where a specific training area is located which handles his particular area of educational interest. We say we are desegregating schools by pupil similarities rather than differences.

Mr. PUCINSKI. What happens to the normal child?

Mr. PRINCE. The normal child is treated just as the other children, for example taking computer-assisted instruction in mathematics and English.

Mr. PUCINSKI. I get the feeling that you have all sorts of in and out busing.

Mr. PRINCE. Absolutely.

Mr. PUCINSKI. What are you teaching these kids?

Mr. PRINCE. Well, in response to your statement, I am not advocating busing by moving children to areas where they can receive special attention.

Mr. PUCINSKI. Neither am I, but then it seems to me like a nightmare, what you are preparing.

Mr. PRINCE. No; it is not a nightmare. It worked well this spring. We tried it to see if it would operate. The problem that we encountered when we began to look at children's needs was that we had not previously recognized that there were so many divisions, so many educational needs, within the student body.

I am off my train of thought in the testimony, but let me take a back step and give you an idea what we are striving at educationally.

Under title III of ESEA, we had two innovative programs we developed which have helped us implement this program. One was a regional data processing center whose purpose was the management of the educational process. Over the 4-year period this project has been in operation we have taken those things which are legally required in the Mississippi cumulative record folder, plus the addition of several other items we think are important in any effort to assess what is actually occurring in our educational program.

We then began to look at our program. We found few "normal" children. When I use the word "normal"—I don't like to use that word, because we have a tendency to categorize children this way—but we began to find we had fewer normal children than we thought we had. In fact, only a relatively small percentage of our children were without some type of special educational need.

Our percentage of disadvantaged is so high that we find a high percentage of culturally deprived, for example, and—

Mr. PUCINSKI. If your findings are correct, and I have no reason to doubt them, isn't the answer to your problem in a fully funded strengthened title I instead of this new formula?

Mr. PRINCE. No; it is not. I was going to come to this, because we do not have all our children eligible for title I. Of course, title I is not a general education act, and if you will recall, we had considerable discussions at the national level this last year about Mississippi school districts using title I funds as supplementary educational funds.

Title I is sufficient to meet the needs of a limited group and this year we were restrict to 1,600 children, to handle the problems of 1,600 children—600 children—under title I.

Mr. PUCINSKI. Out of how many?

Mr. PRINCE. Out of 1,600 who were eligible for title I under the \$3,000 cutoff. But the guidelines were that we had to restrict it to 600 and whether it seemed rational or not that is what we had to do.

Mr. PUCINSKI. Did you have more disadvantaged than 600?

Mr. PRINCE. We had 1,600.

Mr. PUCINSKI. 1,600 disadvantaged?

Mr. PRINCE. Right, but the guideline came down that we were required to concentrate our moneys in such a way that we would be sure that we would get some impact out of the program.

Mr. PUCINSKI. I will let you finish your testimony, and then I will have more questions. I am most grateful to have you gentlemen here.

Mr. PRINCE. I don't know whether they had this experience or not.

Mr. PUCINSKI. The boys over here in IFEW draw up these bills, and they think that they have got some answers, but it is only when we get down to people like yourselves who live with these bills that we find out the strengths and weaknesses of these bills.

Why don't you proceed with your testimony?

Mr. PRINCE. Let me proceed with this business of desegregation and the culturally deprived student and the impact it has on us.

We saw sometime ago in our school district that the business of desegregation, massive desegregation, operating a unitary system, was going to be extremely difficult. Primarily because desegregated education was not a problem with an educational base. It was a general community problem.

In 1965 we began to make some rather detailed plans for desegregation of the schools, but not for desegregation, per se, but to maintain the quality of the schools in a desegregated situation.

We had such a long way to go, and so much to do, when we began, that we had to set priorities. The priorities we set anticipated that we would be allowed to move through, or would permit moving through, several of the priority stages before total desegregation was required.

When it did arrive, I am afraid that we still were not ready. We were not ready because there were just not enough local, State, and even Federal dollars, which fit in the right loopholes, the right priorities, to do everything which needed to be done in the short period of time that we had to do it.

We have five primary needs.

The first one of these is based on the fact that we have always been

underfinanced in our educational program. You can take a look at almost any facet of our instructional program and you will see that it has suffered from the financial have-nots, all the way from construction through the operational phases of instructional programs.

A second need is to be able to assess where we are going, to tell what we are doing to change children in the right way.

Third, we need an extensive staff retraining program primarily because of the ethnic differences and the separations that have existed in our community.

Our fourth need is an effective communications program with our community. Maintaining credibility in the eyes of our community is a critical problem with us today. So far, we have been able to maintain credibility with a very large portion of our community, black and white, but there is a certain proportion of our community that we cannot and never will be able to satisfy with desegregated schools.

Finally, we are deeply concerned about an individualized instructional program.

We know we have made strides. We even know we have a reservoir of good feeling in our community about public schools, but we also know that we have the needs we listed which can keep us from having good schools.

Let me jump to page 6 of my prepared statement to illustrate there are simply not sufficient State and local dollars to do the educational tasks that must be done now.

Our Federal funds are helpful, but they are tied to specific programs, few of which will assist in meeting our immediate needs.

We need funds to move children to centers where special programs are located; a total district pupil evaluation program; we need a continuing computer assistance instructional program. At one time we operated this as a federally funded experimental program in conjunction with Stanford University. We are now operating on our own. At one time it was hoped we could use this program for the disadvantaged students, but we can't because of the title I limitations I pointed out awhile ago.

We need to cut class loads to allow for more individual attention. We need teacher retraining, and we need some construction of permanent classroom facilities to just take care of problems left by educational neglect over the years.

We feel as though this particular House resolution, which we have appeared here to testify for, based on the reading of the material that we have seen and the Congressional Record and the copy of the bill as it is being presented at this time, we think it would be of tremendous value to our school district, and would help us to do the educational job that we feel we have got to do now to take care of the needs of our children in our section of the country.

That is my formal presentation.

Mr. PUCINSKI. I am somewhat concerned about the role of the Federal Government here. What is the per capita income in your county, in your school district there?

Mr. PRINCE. Our per capita, per family income, the latest figures I have are approximately \$4,800. Now that is not per capita. The per capita income, I think, measures out to about \$2,016.

Mr. RADCLIFFE. Excuse me. Are those 1960 figures?

Mr. PRINCE. Those were the latest estimates that the Research and Development Center at Jackson, Miss., had.

That is later than the 1960 census figures, and I don't know whether that will even be related to what actually comes out from the 1970 census, but it is slightly over \$2,000, we estimate, about \$1,800 per family.

Mr. PUCINSKI. The problem that I am confronted with is, the Federal Government is already spending more in your district than the State does, and almost twice as much as the local community does.

Mr. PRINCE. Are you on page 6?

Mr. PUCINSKI. Yes.

Mr. PRINCE. Let me go through this for you, which may be of value to you. I included these figures because I felt they would be of some value. First I must comment that none of the Federal aid which is shown here is general aid to education, nor it is all educational aid to public school children.

In 1965, our area of the State of Mississippi was a hotbed of racial discontent and had been since the early 1960's.

The name "McComb" was known as a hot point in the civil rights conflict. As a result, the governmental leadership in the community emotionally withdrew from accepting Federal funds from the programs which were developing at that time—vocational education programs, through OEO, and what have you.

These dollars that you see here represent a number of programs, some of which is a general education program. For example, all of the OEO programs at one point run in that area of southwest Mississippi were run through our school district. This included Neighborhood Youth Corps, Headstart, and what have you. We operated these programs when nobody else would.

In one 3-year period, 1966-69, \$1,200,000 was spent through the district for the development of computer assisted instruction. A large portion of these funds were paid to Stanford University. In the same time period, there is approximately \$600,000 in there for the development of a regional data processing system, and pupil evaluation system, which benefited over 60,000 students in the State of Mississippi.

One school district, 240 miles from us, participated in that program daily. What I am saying as far as direct aid to our school district is concerned, you have title I moneys in there which run about \$260,000 a year. Vocational education funds in there run about \$35,000 a year.

Mr. PUCINSKI. What you are saying is that this money, while it may appear impressive as a statistic, did not go to the individual children.

Mr. PRINCE. Yes, it did not go to the individual children. It was in the development of programs or to agencies scattered over that area.

Mr. PUCINSKI. Yes. I don't think you have any more assurance in this bill that that money is going to go to children either.

Mr. PRINCE. Well, if we are allowed to handle the money in the manner that we desire to handle it —

Mr. PUCINSKI. If my aunt had a mustache, she would be my uncle, but you are not going to be able to have that money that way. You know yourself, and you have already seen the guidelines. I don't think that you are going to be able to be the sole judge of how this money is to be spent.

If we could have that assurance, perhaps we might get some forward movement. The thing that disturbs me, and I want to ask the other gentlemen the same question when we get through with their testimony, it seems to me we do put too many restrictions and limitation on these funds, and I am amazed to learn, for instance, that here we have a statistic that shows your school district received in 1967-68, \$1,228,000 of Federal aid, but you tell me that \$600,000 of that went to Stanford University for a survey.

Mr. PRINCE. No, no. That was over—the figure of \$600,000 to Stanford is essentially correct, but it is over a 3-year period, and it was used for the development of software in computer assisted instruction under title III of ESEA.

Mr. PUCINSKI. Is it helping?

Mr. PRINCE. I think so.

Mr. PUCINSKI. OK. Let's hear from Mr. Leichner.

Mr. LEICHNER. I will keep mine as brief as possible.

Mr. PUCINSKI. Mr. Leichner, your prepared statement will go in the record at this point.

(The statement referred to follows:)

STATEMENT OF EDWARD LEICHNER, SUPERINTENDENT, COOK COUNTY (GA.)
SCHOOLS

BACKGROUND INFORMATION

Cook County is located in the southern portion of Georgia, with Adel as the county seat. The population of Cook County, 13,000, 38% of which is Black, is dependent primarily on agriculture for its income.

There are five schools located in the county:

Adel Elementary Schools—Grades 1-6 (predominantly white).

North Cook Elementary—Grades 1-6 (predominantly white).

Cook County High and Elementary—Grades 1-12 (black).

Cook Junior High—Grades 7 and 8 (predominantly white).

Cook High School—Grades 9-12 (predominantly white).

These schools employ 148 professional persons, and have an enrollment of 3200.

As a result of Freedom of Choice, the following desegregation took place:

1965-66: 10 Negro student transferred to previously all White schools.

1966-67: 104 Negro students transferred to previously all White schools; 4 Negro teachers taught in predominantly White schools.

1967-70: 140 Negro students transferred to previously all White schools; 2 Negro teachers taught in predominantly White schools.

The Cook County Board of Education has submitted the following plan to the Department of Health, Education, and Welfare for the development of a unitary school system to be implemented September, 1970:

The reorganization of the Cook County School System in Compliance with the Court Order of the United States District Court, Northern District of Georgia involves pairing of the two high schools. Cook High and Cook County High and Elementary. Adel Elementary will accommodate grades one through four (1-4) in the Adel attendance district. North Cook Elementary will become a grade one through four (1-4) school serving the Sparks-Lenox attendance district. Cook County High and Elementary will house all children grades six through eight (6-8), all fifth grade children will be housed in Sparks, and grades nine through twelve will attend Cook High School.

The professional staff will be transferred to the respective schools as their area of certification requires.

The current enrollment of the Cook County School System is 1873 White children and 1271 Negro children. The minority student quotient being 40.4.

The current Cook County professional staff composition is 88 White and 44 Negro, the minority faculty quotient being 34.

The reorganization plan by schools and enrollment is projected on the basis of current enrollment and is as follows:

School	Grades	Enrollment		Percent minority
		White	Negro	
Adel elementary.....	1 to 4.....	433	397	48
North Cook elementary.....	do.....	204	96	32
Sparks.....	5.....	181	119	40
Cook County high and elementary.....	6 to 8.....	532	358	40
Cook high.....	9 to 12.....	523	301	37
Total.....		1,873	1,271	

The faculty composition of schools as projected from current professional employees is as follows:

School	Grades	Faculty		Percent minority
		White	Negro	
Adel Elementary.....	1-4.....	17-21	9-13	30-43
North Cook Elementary.....	1-4.....	90-11	3-5	21-35
Sparks.....	5.....	7-9	3-5	25-42
Cook County High and Elementary.....	6-8.....	18-22	9-13	29-40
Cook High.....	9-12.....	24-28	12-16	30-42

Implementation of desegregation plan

Retraining of professional staff to work more effectively with the individual differences found in children.....	\$10,000
Individual instructional materials to be used by teachers.....	0,000
Hiring of additional personnel; that is, counselor, reading specialist, speech therapist, librarian, and school nurse.....	47,000
Additional mobile units for Cook High School to prevent overcrowded condition which may result in loss of accreditation by Georgia Accrediting Commission.....	80,000
Development of health centers at each school to insure better student health.....	0,000
Total renovation of previously all black school and repairs of other existing buildings to facilitate new organization pattern.....	175,000

Mr. PUCINSKI. You are with the Cook County, Ga., schools?

Mr. LEICHER. That is correct. Adel is our county seat. Our population is approximately 13,000, 38 percent of which are black.

Presently, there are five schools in operation, four of them are predominantly white. There are two elementary schools, and there is one all black school housing grades 1 through 12.

Next year our new organizational pattern will be based on a pairing situation. It will be as follows: There will be—there are going to be two elementary schools housing grades 1 through 4, one in the southern portion of the county and one in the northern portion of the county.

There will be one school housing just the fifth grade. There will be a junior high school housing grades 6, 7, and 8, and one high school, grades 9 through 12.

We are having a little bit of difficulty as far as taxation is concerned in Cook County. Our property is valued at 100-percent evaluation. It was reevaluated several years ago, and according to the State statutes, 40 percent of this is taxed.

There is a millage ceiling set by the State of 20 mills than can be used for school purposes; 19.5 mills for school purposes was levied last year. This is five-tenths of a mill below the ceiling.

The Cook County Board of Education in accepting the respon-

sibility of the unitary system, it was one of the 81 counties under the court order, I feel demonstrated a role as far as leadership is concerned. The community has followed them very nicely at this point, and of course we are looking forward to next year, and in the development of the unitary system just to see exactly how this will work out.

We are optimistic about it, but the financial aspect is the thing that concerns the board tremendously.

We need aid to try to bring about this unitary system, and we need it as soon as possible.

Mr. PUCINSKI. I get the feeling as I listen to you gentlemen from the Southern States that the growing increase in private schools over there that are siphoning off white students, it is my understanding that there are some 400,000 youngsters now attending private schools, the so-called citizen council schools, that were obviously established to avoid integration, I get the feeling that it won't be very long before many of these school districts are going to be all black, the public schools.

Mr. LEICHER. Fortunately in Cook County, we do not have a private school. We have some in neighboring counties. I don't anticipate too many people leaving. We are fortunate in that aspect.

Mr. PUCINSKI. What is the breakdown of students in your county?

Mr. LEICHER. Thirty-eight percent black.

Mr. PRINCE. Mr. Chairman, I may—may I enter this in the record, we are at the maximum millage in our State. The growth recently is a growth in increased assessed evaluation.

Mr. PUCINSKI. You don't have access to any other funds through taxation, through bond issues?

Mr. PRINCE. We have gotten every dollar that we could get our hands on so far. This private school point, we have so far out of our approximately 2,000 white students, have lost only 128 to a private school in the area, and for a school district that is predominantly black, we feel that this shows some measure of public support for the public schools in the area.

Mr. PUCINSKI. You say that you have 38 percent black out of 3,200 students down in Cook County, right?

Mr. LEICHER. Right. The percentage is total population. In the elementary school, we have—and we are closer to 50 percent black. Up in the high school, the percentage will be approximately, I would say, 28 percent black.

Mr. PUCINSKI. What about the NEA report that we have in the record in this committee alleging that while you have integrated the schools, you have not integrated, and I am not necessarily saying your particular districts, but there have been general statements about Southern schools, you have not integrated the classroom themselves.

Do you have segregated classrooms in your integrated schools?

Mr. PRINCE. We do not. It would have to be hearsay, because I have not been in a school district which has this situation, so my information on this would have to be hearsay on my part. I have heard this, and have heard testimony to this effect, but I do not personally know of it.

Mr. PUCINSKI. Have you investigated that?

Mr. PRINCE. No, I have had no reason to.

Mr. PUCINSKI. You don't have a dual bell system for moving youngsters from class to call in your schools?

Mr. PRINCE. No.

Mr. PUCINSKI. Well, the NEA made that charge. How about you, Mr. Leichner?

Mr. LEICHNER. We are not in a unitary system now but we are planning for one next year. We are going to utilize three teachers together as a team. It will not be a true team teaching situation, but three teachers and three classes will work together.

The children are going to be heterogeneously grouped for a major portion of the day to cover such subjects as science, social studies, various musical activities, physical education and so on.

In the two basic skill areas the children are going to be regrouped, based upon achievement level, so that there will be a grouping and regrouping going on between the three classes and the three teachers.

There will not be any racial isolation as such.

Mr. PUCINSKI. And you are talking about the difficulty you are having with some of your taxpayers. You are referring to the bond issue that was defeated recently in Cook County?

Mr. LEICHNER. Yes. We tried to have a bond issue to build a new high school. However, this was defeated. I think this came at a very bad period of time. For one thing, taxation went up at this time.

The State of Georgia is on a minimum foundation program, and is working down to the point where the State will support 80 percent of the budget and the county or the local agency will support 20 percent of the budget.

It is presently on an 83/17 proposition, and we are slowly working to the 80/20.

We are at 19.5 mills and we don't have much leeway and I don't know where we will go in the future as far as taxation is concerned.

Mr. PUCINSKI. Do you feel the steps you are taking now will lead to a successful integrated school system in your particular school district?

Mr. LEICHNER. Yes, I do.

Mr. PUCINSKI. Do you think it is going to improve the educational quality of both the white youngsters and the black youngsters?

Mr. LEICHNER. I hope so.

Mr. PUCINSKI. Do you anticipate any substantial increase in the academic level of all students as a result of the program you have?

Mr. LEICHNER. I do not see any hindering of students. It will be based on the child and his ability to grow. We hope we will not hinder any child as far as his potential and child.

Mr. PUCINSKI. Why did it take 15 years to achieve this, if all that you say here is correct?

Why have we waited all these years?

Mr. LEICHNER. You are talking about history now, and it is difficult to look back sometimes and perhaps make a surmise.

Hindsight might be easier that is than foresight.

Mr. PUCINSKI. You are absolutely right, but as the new deputy director of the budget said yesterday on Meet the Press, some people think that money is going to take care of all of our problems, and I

I think that what this committee wants is some assurance that if, indeed, we are going to spend another billion and a half dollars to short change the schools all over the rest of the country to provide massive kinds of financial help to schools to do something that they should have been doing for 15 years, I think that we want some assurance that we—when this money has been spent—that there is going to be an appreciable improvement in academic opportunities and achievement for all of the youngsters in your community.

Now if all we are going to do is pump a billion and a half dollars in there and find out a few years later that you have used all kinds of subterfuges to even get around the laws, then I think it will be money badly spent, and there will be great disillusionment among the rest of the American people.

I can appreciate spending money in these districts. I don't mind telling you that 39 percent of the people on public aid in our State are from Mississippi. What happens in Mississippi sooner or later affects my constituency because sooner or later many of the people migrate from Alabama, Georgia, and Mississippi into your larger urban areas, and what has created the crisis in urban areas is the fact that we have had to try to undo the damage that has been done to young people for all these years in their southern society localities.

As I say, I am for this legislation, if we can have some assurances that it is going to honestly be used for the kinds of tools you need to do the job you need to do so that we can put every child on some reasonably equitable educational footing.

Mr. PRINCE. Could I speak to that for just a moment?

Mr. PUCINSKI. I would like to have you both speak to that.

Mr. LEICHTNER. Our lives are dedicated to education.

Mr. PUCINSKI. It has not been for the last 15 years. Let's not kid ourselves. You are dismissing my question. A statement that it is history is not enough.

The fact is your track record is not very impressive for us to pour another billion and a half dollars into a situation and I think this committee is going to want to have some pretty firm truth that by spending this kind of money in there you are going to finally achieve some of the things that we think should have been done many years ago, and this is your chance to give us that proof.

Mr. LEICHTNER. There are some things about the bill, though, that I think might hinder that, if I could talk to that for a moment.

On page 3, for instance, then it speaks of two-thirds of the amount of money and the remaining portion of one-third.

To be given to grants and contracts for the purposes of the act. Here I think is the same thing you are talking about, the amount of money getting down to the child, the utilization of this money.

I think this can be a hindrance. If we are talking about hindrances, that could be one.

Mr. PUCINSKI. Your point is what now?

Mr. LEICHTNER. Only two-thirds are going for what we are talking about, getting down to the students.

Mr. PUCINSKI. Let me ask you an even more complex aspect of this bill. As you know, this legislation will count your children to establish and ascertain your State's allocation on a pro rata basis of the

total, but once the State allocation has been ascertained, that State allocation will be distributed not on any firm formula, but rather by the Secretary in that State, and conceivably you might not get a penny of your State's allocation, even though your children will be counted in ascertaining that allocation.

Do you think that this bill ought to have some more firm formula for distributing this money so that when your children are counted you have some assurance that you are going to get the money for which your children are counted?

Mr. LEICHTNER. Definitely. I would like for it to be handled and approved, also, by a State agency. Here again we are talking about time.

Mr. PUCINSKI. I think the fear that some Members have, if you are going to have it go through a State agency in Mississippi is that you will be right back where you have been for the last 14 or 15 years. Now what has changed in the State administration in Mississippi to make you feel that they would be any more compassionate today than they have been for the latter 15 years?

Wouldn't you rather, if this money continues to be handled by the Secretary, but on a firm formula, if there are indeed 1,600 students in your community, minority students, and if you are under a court order, you double count them so that you as a school superintendent would have some reasonable knowledge of how much money you can count on once you ascertain what the Congress has appropriated for this program?

Wouldn't you rather deal directly with the Secretary here, but on a more firm basis, a more predictable basis, then?

Mr. LEICHTNER. I would like for it to be on a predictable basis, but I am talking about expediting the situation. I am optimistic about the unitary system, but there is a position of the—a portion of the population which is not optimistic about it, and it is difficult for them to accept, and the success or failure is going to be based on our next year, and we need the funds to help our situation, you see, and I am talking about speed and expediting matters.

Also, I would like for it to be handled by a local educational agency. The mention of a private agency worries me a little bit, on page 5. This is of concern to me, also, reading through it, where it talks about a private agency or institution.

Mr. PUCINSKI. Yes, but here Mr. Prince comes along and says they gave Stanford University \$600,000 over a 2-year period, and they developed a technology down there that is helping the youngsters.

So if the private schools have not come up with private, meaningful programs, you feel the secretary should not have latitude to work through means to provide them?

Mr. LEICHTNER. If it could be handled through a local agency. We have different viewpoints on it, perhaps.

Mr. PUCINSKI. I know the attitude of many of our colleagues of Congress, and much of this legislation and much of these safeguards, the so-called Mississippi bypass in the poverty program, and various other programs, many of these safeguards are written in here specifically because of the track record of these Southern communities over the past 10 or 15 years.

Now perhaps if there were some assurance that indeed there has been a sincere, honest to goodness, genuine change in attitudes, maybe you would not have to have these things quite this restricted.

I don't know.

Could you give us some of that assurance here?

Mr. LEICHTNER. I could for my county.

Mr. PUCINSKI. Well, we have had a member of a school board from Houston here who surely made a very impressive argument that things changed over there.

He does not know how long he will survive.

Mr. LEICHTNER. This is the point.

Mr. PUCINSKI. You believe that at the county level there have been some appreciable changes of attitude, there is an honest desire to bring about a better education for all these youngsters?

Mr. LEICHTNER. Definitely.

Mr. PUCINSKI. What about you, Mr. Prince?

Mr. PRINCE. I do.

The school administrators that I have talked to personally feel very strongly that they can provide good quality public education, and for all children across the board.

Admittedly it is rather difficult, as you spoke about the gentleman from Houston, Tex., it might be as difficult in Houston, Miss., to survive with that attitude.

But I am sure that for those of us who are convinced that public education can do its job, and for all kinds of children, I think I have to sit here and tell you with as much candor as I can muster, I do believe my school district can administer the monies that come to me for the best welfare of my children, and for no other reason.

Mr. PUCINSKI. As you know, Reverend Graham said yesterday and the day before yesterday, that this country is either going to have to deal with this polarization of attitudes or else it is going to destroy us, and I think there is a lot of merit to what he said.

Am I to understand, is the committee to understand, that you gentlemen are urging this kind of special help to your schools, and that you are bringing to the Congress a report of a genuinely changing attitude that bodes well for race relations in those communities on the educational level?

Mr. PRINCE. I think so. If you could see the programs that have been operating in our schools in the summer, using ESEA title I funds, I think you could recognize that much of the resistance to, well, to doing the proper thing that needs to be done for every child is being swept away by the recognition of just the kind of thing you were saying about Chicago.

If we don't do what is educationally right and sound in Mississippi, it is bad for our community, it is bad for other areas of the Nation, and it is a responsibility that we can't afford to pass by, and this is one of the reasons that we have made the massive effort that has been made in my particular school district to get our hands on every nickel we can to pump into our educational program.

We think we are producing results. I mentioned here that in 1970 we graduated 73 percent of our children enrolled in grade 2, 11 years ago as against 63 percent graduating 5 years ago.

We would have lost more than 1 out of 3, 5 years ago, who did not finish school, now it is more nearly 1 out of 4 who is not finishing school, and we think we will drive the percentage finishing higher than that.

Mr. PUCINSKI. I think the most hopeful things in your statements are that the schools trying to evade what should be done, the citizen councils schools, are not cropping up in your districts.

It would indicate to me that perhaps with this sort of massive help, if there are not too many strings attached to it, maybe you can move forward.

Mr. PRINCE. My public says in effect that desegregation is going to be a bitter pill to swallow, but if you can prove to me that each child in this school district can be educated to his potential, I will stick with you.

I have had this said to me over the Fourth of July weekend, where I came in contact with many people, I guess that statement was made to me more often than ever in the 5 years I have been superintendent of schools.

Mr. PUCINSKI. How many people participate in the drawing up of programs and laying out plans and actually managing these school programs in your district, Mr. Prince?

How many black people do you have?

Mr. PRINCE. I have a black school board member. My administrative staff has a number of black staff members on it. My principal's group, and my assistant superintendents and principal's group is almost equally divided by race, so I would say a high percentage.

This is one of the reasons I feel that then what we have done has been as passively—and I use that word, because there has been a lot of undercurrent in both the black and white communities opposing the things we have done—has been passively accepted, because the public feels we are reaching into various areas of the community to at least get different ideas on how desegregation should be approached.

Mr. PUCINSKI. How about you, Mr. Leichner?

Mr. LEICHNER. We have four white principals, one black principal, and one black assistant principal. All committees we have formulated consist of a 50-50 ratio.

Mr. PUCINSKI. How many? I am sorry.

Mr. LEICHNER. We have a 50-50 ratio of any committee that is formulated as far as textbook adoption is concerned, or investigation into any type of curriculum change.

Mr. PUCINSKI. Do black people actually participate in the policy decisions in your schoolboard?

Mr. LEICHNER. We have no black school board members.

Mr. PUCINSKI. In your school system, then?

Mr. LEICHNER. They have a voice; yes.

Mr. PUCINSKI. I was not asking you if they had a voice. Do they actually participate in the policymaking decisions then?

Giving them a voice is one thing, but seeking their counsel, giving them a chance to express some of their particular views on how they see the program is another thing.

Now, do these people have an opportunity to actually participate in policymaking processes?

Are their views reflected, are their views accepted in major decisions affecting the system itself?

Mr. LEICHER. Yes, they are, because the formation of this unitary system is an example. Each faculty developed a plan of desegregation, complete integration, and their plan was very similar to all of the others.

So they had a definite voice, for instance, in this.

Mr. PUCINSKI. How about you, Mr. Prince?

Mr. PRINCE. Very much so.

Mr. PUCINSKI. Let me ask you a final question. Obviously what you tell us here is most encouraging and surely it would go a long way in judging the need for this legislation.

Would you say, Mr. Prince, and Mr. Leicher, that you are typical of what is happening in your respective States, or are you atypical?

Mr. PRINCE. Again, I don't know the internal operation of that many school districts. We are not atypical in that we are the only school district doing this, because across the State of Mississippi there are a large number of school districts which have recognized that the black community must have a voice in the operation of the community schools.

Based on things that I have read in the newspapers and I have heard, there are still school districts in the State where there is still a massive disagreement on how much the black should be involved in the development of the public school program.

I think there are two law suits involving release of large numbers of black teachers. I don't know the facts behind this. All I know is that there is a lawsuit.

So I am saying that certainly we do not stand alone in our efforts to operate good public schools under desegregation but I don't think we are representative of every school district in the State. I don't think we could do what we do if we stood alone. It is not that uncommon any longer.

Mr. PUCINSKI. What you are saying is that there is a genuine wave growing, or tide growing in these Southern school districts that does offer hope in your judgment?

Mr. PRINCE. Yes.

Mr. LEICHER. I would agree with that. It is difficult to say whether we are typical. Each county differs as far as the ratio is concerned and I think the problems change when the ratio of black to white changes.

Systems that have 75 to 80 percent black, you have private schools cropping up. We don't have this problem. We have 38 percent. You have a less percentage of blacks, 16 percent for instance, 20 percent, they don't have the same type of problem that we have. We don't have the same type of problem that a 75 to 80 percent ratio has.

So it is difficult to say whether you are typical or not. I know Cook County has made tremendous strides. There are black teachers in the white schools, which never would have been 10 years ago.

This is presently working, you see. I think generally speaking that there is a change in attitude in the majority of the systems in Georgia.

Mr. PUCINSKI. I gather from what you are saying that there is a tilting point. Perhaps a rule of thumb would be 50-50, but both of you gentlemen, who are 50 or under, seem to think that you can solve the problem, you can live with it, and you can find solutions.

But you are vague, Mr. Leichner, where you have a 70 or 80 percent of blacks, the flight to private schools and various other phenomena seem to be more pronounced.

Assuming for a moment that what you say is true, would you think this legislation would help arrest the flight of these families by bringing up the quality of education in the integrating schools?

Mr. LEICHTNER. Yes; I think it would. I am concerned about the outcropping of these private schools. There are no standards involved in the development of the schools. They can be held in a barn, and as far as teaching there are no State standards of accrediting standards.

They don't have to be State approved, and I have a feeling these schools are not going to last very long. This is my personal opinion, in looking at the scene as I do, and I think if public education is improved, these people will come back.

Mr. PUCINSKI. You think that the various programs authorized in this bill would be the most effective way of encountering the so-called citizens council schools?

Mr. LEICHTNER. It would be one effective way, perhaps.

Mr. PUCINSKI. Do you have the other resources to do this job?

Mr. LEICHTNER. Certainly—

Mr. PUCINSKI. Certainly you are not going to do it by the first of September—I don't think you will.

Mr. LEICHTNER. We are working now. The success or failure of our plan is going to be based upon, one important thing, physical facilities next year.

Mr. PUCINSKI. You know this bill has even very rigid limitations on what you can do to improve physical facilities. Do you think this language is too strict on this?

Many witnesses have said the problems are brick and mortar, but both the guidelines and the language of the bill define money used for improvements only as minor and incidental.

Mr. LEICHTNER. It mentions mobile classrooms, doesn't it, or mobile-type units?

Mr. PUCINSKI. Yes.

Mr. LEICHTNER. In my own situation, the mobile situation would be fine, because we are in hopes of passing a bond issue if our program is successful.

Mr. PUCINSKI. The language in the guidelines refers to temporary classrooms, mobile facilities, and procurement of equipment for obsolete items, minor building modifications, and so forth.

Are you suggesting that this language might be too restrictive in meeting the problems that you have in bringing these schools up to some sort of a habitable standard?

Mr. LEICHTNER. Yes.

Mr. PUCINSKI. The bill says "repair and minor alterations of school facilities," and so forth.

Do you think that the word "minor" in there should be more precisely defined in the bill?

Mr. LEICHTNER. I would think so, because it is very difficult to talk about minor, when you are remodeling.

Mr. PRINCE. I see no differences between constructing a vocational education building, which we have under construction now, and con-

structing facilities which would involve an upgraded science laboratory or an upgraded library. There is no real differences between the two when you use a very broad definition of "vocational" with the kind of problem that you are having in Chicago.

Mr. PUCINSKI. Mr. Prince, I didn't get your reaction to my question. Do you believe a genuine program to improve the quality education of all youngsters does tend to break down the mistrust and the flight of families and so forth?

Mr. PRINCE. I cannot answer that question yes or no. My general reaction is positive to your statement. There are two things which are going to have impact upon your question. One is credibility. Can the school do its job? Can you maintain something similar to what the parents had expected for their students in the past? If you can do so, then you have credibility; the other thing is the financial problem we referred to earlier.

You must realize that many whites in the State of Mississippi cannot now, and never will be able to afford any type of private school education.

I am familiar with one school situation in the area called the Mississippi Delta, Clarksdale, Miss., where half of the white children in the school district, which represents 30 percent of the population—that is, 15 percent—are still enrolled in the desegregated, 85-percent black schools.

The very simple reason for this is these whites are the children of tenant farmers and there is no way they can afford another school.

In answer to your question, if the schools have good quality financial reasons will cause most white to eventually drift back into the public schools. Despite this we must recognize that there are some who can never accept a desegregated school.

Mr. PUCINSKI. Mr. Quie?

Mr. QUIE. Mr. Prince, what has happened in the last 15 years is that many of the de jure segregated schools continue to be segregated. The blacks moved out and went north to attend de facto segregated schools.

Now we find this legislation that at least is going to help those schools in the South that have desegregated, and even provide for a few of them in the North who have some de jure segregation and a few that are following an HEW plan.

Are we now finding the same thing happening in Mississippi where you have gotten rid of the de jure segregation school, that a de facto segregated school is developing?

Mr. PRINCE. That is a question that I am not now able to answer except by quoting you some examples.

In one county in Mississippi, adjacent to my county, I do know that there are fewer than 5 percent of the whites in that county enrolled in the public schools, whereas you had a ratio of at least 35 percent white population in the schools prior to midsemester of this year.

Mr. QUIE. Do they go to private schools?

Mr. PRINCE. They have moved to private schools. Some have come back for the financial reason I was quoting. On the other hand, Jackson, Miss., which has been involved in a long series of Federal court desegregation suits, since back in the early days of desegregation, had approximately 42 percent black and 58 percent white pupil population.

Under the pressure to bring about unitary schools, I understand Jackson is now slightly more black than white. A very high number—not a high percentage—of whites have removed themselves from these schools, as the courts have required that they continue to adjust the zone lines to maintain a racial balance in the schools.

Now the question is, will continuously moving the zone lines continue to drive the whites from the Jackson public schools or will the white population stabilize at some particular point?

I can't answer that question. In our district, we do believe that if we can maintain quality and credibility that a heavy white exodus will not occur. We have an indication that the whites will stay, even though we are a majority black school district.

MR. QUIE. For the last 15 years, the Northern segregated schools have been pointing their fingers at Southern segregated schools as if something were especially bad down there, and it was bad to the extent that it was deliberate segregation, although I wonder how much the de facto segregation is without some deliberate moves.

MR. PRICE. I won't speak to that.

MR. QUIE. But undoubtedly these Northern schools will look at the Southern schools, especially if you have some success in desegregation. I wonder what kind of programs you would propose to use this money for.

MR. PRICE. For our school district?

MR. QUIE. That is right.

MR. PRICE. I see several major needs for us.

NO. 1: we need some physical facilities. We can scrounge up about \$140,000 in money from local and State sources, but this is not enough to upgrade our facilities to meet the program we have in mind.

If we got an unrestricted grant of money, we would try to put a certain portion of it into construction if we could do what we wanted to with it.

MR. QUIE. You know the legislation does not allow construction, but that you could remodel the facilities.

MR. PRICE. I am talking about permanent construction. You asked me, and I have answered it.

MR. QUIE. I want to follow through on this. Why don't you have the physical facilities there now, since you had those children there last year, and some of your whites may have moved out to go to some private schools?

MR. PRICE. We simply do not have the facilities we need. I believe that is the best way to describe it.

MR. QUIE. You did not before, and you don't now?

MR. PRICE. We don't now. We did a lot of things that were jerry-rigged. If it was jerry-rigged before, it is now.

MR. LEICHER. In our situation, and I don't know whether it is typical or not, we had grades eight through 12 in our previously white high school. We were warned by the Georgia accrediting commission that there are too many students in the school, that the facility was not capable of holding that number of students. So we moved the eighth grade students out, and we are going into our new organization next year.

All nine through 12 grade students are going to have to be housed at the high school. This is going to throw us into an overcrowded

situation, and even with the moving of three mobile classrooms we own. The Georgia accreditation commission is coming back next year and saying "we warned you about this," and I am afraid we will be dropped.

Mr. QUIE. Were both the black and the white schools jerryrigged, Mr. Prince, or are the schools jerryrigged now that everybody is stuck with them and they have to go to school together?

Mr. PRINCE. Our junior high school is in pretty good physical condition. It is a relatively new building. It is really not adequate for the number of children we have enrolled. We had the black seventh and eighth graders scattered around in the three formerly all black elementary schools.

The facilities were not there. Two years ago when we moved all into the junior high school, we seriously overcrowded the facilities existent.

This is the bricks and mortar thing I was talking about, more shop facilities, more home economics facilities, more class room space for children at that facility.

In addition, we have an inadequate elementary school building which we really need to do away with. It is an old building which was inadequately constructed. It was built in the 1930's with all the ramifications associated with something being built in the 1930's, and we just need to replace the facility.

I know that is not in the legislation now. You are asking me a question, and I was giving you my preferences.

Now what do I think I would do? My major needs are program needs. For one thing, I would like to continue to operate our computer-assisted instructional program, giving it to all of the children in the school district.

If I operate this, and I am now operating this program on a shoestring, exceptionally strong and useful program I must restrict it to the title I children the way the law is written. Using this approach it allows me to keep CAI in operation, and if I ever find the local dollars, which requires about \$20 per pupil per year, I am going to make sure each student gets this and take it out from under the title I program.

I need staff retraining. I desperately need that. We have decided that with the salaries that we can pay, that we will not release any teachers. This seems to be a problem in desegregated schools in the South. The reason we are not releasing any teachers is that we know teachers we have are about the best we can hire with the money we have to hire teachers with.

We have to take whatever staff we have and remake them into the kind of instructional people that we need.

Mr. QUIE. Won't they ask for higher salaries someplace else once you get them upgraded?

Mr. PRINCE. We lose a lot of good teachers. Yes, we train plenty for Louisiana and Florida. I guarantee that.

Nevertheless, I am saying that our local people are the ones we are going to keep. We can't hire people from some place else. We are at the bottom of the ladder, and whatever staff we have is going to have to be retrained if we have a better staff.

I need money for individualization of instruction. I think that edu-

cation, public education, is considerably more expensive a program than we have allowed it to be.

We have been able to compartmentalize children in small groups with teachers, but I think we must realize that to do a good job it is going to have to be more detailed than that. I need general assistance to relieve teachers that we have with large numbers of students.

Mr. LEICHTNER. I would—

Mr. QUIE. Mr. Leichter, could you tell us what you would use the money for if you submitted a project that you thought could be approved?

Mr. LEICHTNER. Renovation of physical facilities, I think, would be close to the top of my list. That and the retraining of teachers to help them with an individualized type of instruction program.

Talking about salaries, the board of education adopted a new salary schedule with increments based upon experience and based upon work beyond a BS degree, and one of the major reasons for adopting this was, of course, to try to get even better teachers, upgrade the educational program, but also to try to help the morale of the teachers we presently have.

We felt next year we needed to do all we can to help the morale of the teachers, because they're going to be confronted with problems that they have never been confronted with before and here, you get into the retraining of the teachers to work with some of the problems that are going to be developing, and those—get the materials so that they can work on an individual basis with children, individualized instruction that we are talking about.

Mr. QUIE. Mr. Chairman, Mr. Hornback is going to talk and from my looking over his testimony here, he will speak on the differences between integration and desegregation. I would like to defer to him and then ask more questions.

Mr. PUCINSKI. Yes. I thought before the morning was through, we might go into Mr. Hornback's testimony, because you really bring up a little different problem, the problem of the Spanish-speaking minority.

So if you don't mind your entire statement will go into the record at this point.

(The document referred to follows:)

STATEMENT OF JACK HORNBACK, SUPERINTENDENT, SAN DIEGO UNIFIED SCHOOL DISTRICT AND SAN DIEGO JUNIOR COLLEGE DISTRICT, SAN DIEGO, CALIF.

Mr. Chairman and members of the committee, I am Jack Hornback, superintendent of the San Diego City Schools and the San Diego Junior College District. I am privileged to have been asked to report to you today on the efforts of the San Diego City Schools to achieve a quality educational program for all of its youngsters through a planned program of interracial experiences which have led to meaningful integration.

The city of San Diego, lying in the southwestern corner of the United States, has a population of 710,000 which is increasing at a rate of about 1,000 persons a month. The public school population at the end of the school year this June was 120,531, attending 153 schools. We are the fifteenth largest school district in the nation—the second largest along the west coast. Of the K-12 student population, 15,872 or 12.2% are Blacks; 13,614 or 10.5% are of Mexican descent.

San Diego is most remembered by those of my generation as a small "Navy town." It is now larger than San Francisco. In recent years the city has become an educational center. We claim as permanent facilities the Salk Institute for

Biological Sciences, Scripps Institution of Oceanography, the University of California at San Diego, San Diego State College, the Catholic University of San Diego, the United States International University, and three campuses for our public junior college system. Education is a major element of the economic, social, and cultural life of the San Diego community.

My appearance today is to support, in principle, the purposes of H.R. 17846. This qualified support is prompted by what appears to be an emphasis of the bill on desegregation of schools rather than the more positive and more productive purpose of integration of schools. Stated in another way, it is my position that any legislation enacted by members of Congress might have greater support from the American people were that legislation to direct itself toward the positive aspects of integration. And, in this light, the law should reward, rather than punish.

Since 1954, the year of the Brown case, courts at many levels have taken actions and issued orders designed to mix the races at all ages and at all levels of education. Your consideration of the legislation under study suggests you might agree that progress has been abysmally slow.

This condition has prompted legislative bodies to consider and to enact more narrow regulations to force or to bring about desegregation at a faster pace. I would like to propose an hypothesis—that punitive law can bring about desegregation; but *it cannot bring about integration.*

Let me point out a clear sign which has apparently gone unnoticed since the Brown decision. At no time since this case became a landmark decision—at no time over the past 16 years—to my personal knowledge as a school superintendent in New York, Oregon, and California, has there ever been offered a system of incentives which would reward the school districts which make substantive efforts to integrate their schools.

There are hundreds of communities throughout the United States which find their school districts or individual school racially imbalanced. I have no doubt that the majority, if not all, of the superintendents or boards of education which administer these districts or schools, yearn to have the financial resources to effect pupil integration. I am certain they would move favorably in the direction of integrated schools if the taxpayers of the school communities were offered some kind of tangible incentives to join the educators in this direction.

The San Diego City Schools have supplemented Federal- and State-supported programs with their own district-financed pilot projects to provide a quality educational program for all of its students.

And here we must establish another hypothesis—that *a good educational experience coupled with a positive interracial experience will lead to substantive integration.*

Integration must not be equated with a blend of, let us say, sixty parts white to forty parts black. It must not be simplified to an elementary exercise in addition or subtraction. Integration must be the result of a sound and valid educational experience. This requires the same type of energy, enthusiasm, imagination, knowledge, and planning that goes into any successful program.

A school child who attends classes with youngsters of mixed ethnic backgrounds is a statistic on integration. He and the school district of which he is a member become integrated when the child and his classmates are directed through interracial experiences of a positive nature. You learn to integrate.

On May 16, 1967, the San Diego City Board of Education issued this statement:

The Board of Education now reaffirms its determination to use whatever means are in keeping with sound educational policies to retard the growth of racial/ethnic segregation and to use all reasonable means to reduce racial/ethnic segregation in the schools of the district.

The goal was clear; the method was this—*provide interracial experiences for our black, white, and brown children under planned and closely evaluated programs which will lead to lasting and meaningful integration.*

The haphazard intermixture of youngsters of various ethnic and social cultures leads too often to the headlines stories of disruption, antagonism, resistance, and increased prejudice.

Under the programs instituted in San Diego, we have insisted on these steps before the actual interracial program is effected: That teachers involved be provided with proper "in-service" training to prepare them for the experience of a classroom of youngsters from all ethnic and social levels; and, that secondary students be counseled by professional counselors to assist them in making this adjustment to a new way of school life.

Here, briefly are some of the programs the San Diego schools have used and are using to attain the goal of meaningful and lasting integration of students. Students and parents have entered them voluntarily. Our school board has diverted local funds from other programs to give these efforts a trial. I am pleased to report their success, but I must also report that they must be short-lived because of insufficient local funds.

1. THE BALBOA PARK PROJECT

Balboa Park is a public park of 1,158 acres located in the heart of the city. Within its boundaries are such facilities as the San Diego Zoo, Natural History Museum, Fine Arts Gallery, Museum of Man, Aerospace Museum, Hall of Science, and Botanical Gardens.

The Balboa Park Project had two major objectives: To utilize Balboa Park as an educational resource center; and, to bring children of various ethnic, social, and economic backgrounds together for common educational, cultural, and social experiences. Children were transported to a central staging area by private buses. Here the project children were organized into small groups of approximately ten children per teacher or teacher assistant. The groups were conducted on study trips through the facilities in Balboa Park for in-depth study of particular topics such as general aviation, NASA and space, primates, cats, birds, sea life, and man's ingenuity.

To provide an opportunity for children of various socio-economic backgrounds with experiences in planning and working cooperatively, students from Compensatory Education schools were paired with students from other areas of the city. For many children, this was their first opportunity to have direct experiences with children of other cultural and ethnic groups. Approximately 3,400 elementary children from 12 school districts, 35% of whom have minority group membership, participated in this unique educational experience during the 1968-69 school year. Comments from questionnaires have indicated the following gains for participants:

- (a) Positive changes in attitude concerning children of other cultural and ethnic groups.
- (b) Increased interest in the educational facilities of Balboa Park.
- (c) Development of observation and listening skills.
- (d) The opportunity to build on previous classroom learning.
- (e) Development of critical thinking based on observations and information provided by staff and other children.

This project was funded in the amount of \$105,000 under title III of the Elementary and Secondary Education Act for the year 1968-69 only. It was discontinued only because the ESEA, title III, funds were reduced by 30% for 1969-70, and local tax funds were so limited that the project could not be continued as a district-funded program.

2. FREMONT-SILVERGATE MODEL SCHOOLS

Two years ago the Board of Education approved and funded an experimental program at two elementary schools having the dual purpose of integration and individualization of instruction. Three bus loads of volunteer white, black, and brown children, 180 in all, are transported to the two schools. This gives Fremont a student population of 20% Mexican-American, 20% Negro, 55% Caucasian, and 5% other. The Silvergate student population is 25% Negro and 75% Caucasian.

Bus coordinators, adults from the neighborhood, ride the buses each day with the children and act as community aides during school hours.

Control groups were established on a matching basis in the host community, nearby communities, and in the home neighborhoods of the black and brown students. Academic achievement has been constant over the past two years for all pupils. Some slower groups have shown more growth than control groups. Parents, staff, and citizens have been highly enthusiastic about the program. Our hopes of expanding the experiment to two more schools this fall have been put aside for lack of funds.

3. OUTDOOR EDUCATION

San Diego has pioneered in the school camping program since 1948. Each Monday throughout the school year, more than 500 sixth-grade boys and girls go with their classroom teachers to the mountains of San Diego County. There, under the leadership of trained camp teachers, they explore their new environment. The camping program is planned so that in any given week the student population will represent approximately the racial and ethnic mix of San Diego County. For four and one-half days they live together in a camp and outdoor setting. The students take an active part in planning their week, setting standards of behavior, and accepting the responsibilities that are a natural part of camping and outdoor living. The students' trip to the mountains comes as a feature of their regular school instructional program.

4. EXCEPTIONAL CHILDREN

Many years ago the school district became concerned over the apparent injustice resulting from the use of intelligence tests prepared for middle-class white children with boys and girls who are raised in the ghetto or the barrio. In 1945 we began using Spanish-speaking interpreters for children with Mexican background. Since then the district has experimented with every published intelligence test, trying vainly to find one which is culture-free. For several years we have used only Spanish-speaking psychologists with children from Mexican homes. We have established a "bridging" program to remove from special classes for mentally retarded pupils those boys and girls who seem to have been placed there because of inaccurate testing. The large majority of the pupils placed in the bridging program are making a successful transition to regular classes.

5. VOLUNTARY RACIAL/ETHNIC TRANSFERS

In September, 1966 the San Diego Board of Education adopted a policy granting students permission to transfer out of their school of residence to any other school in the district as long as their transfer involved the racial/ethnic balance of both the receiving and sending schools. Our records show these transfer requests have increased approximately two hundred a year. As of June 25, 1970, 1,447 students were attending San Diego schools on racial/ethnic transfers. This program, too, may be curtailed this year due to lack of funds.

6. BILINGUAL EDUCATION

Segregation can take many forms. One form may not be readily discernible, for it does not involve the physical separation of one group from another. Indeed, in its most flagrant practices it involves just the reverse—intermixing of groups and treating them as if they were alike.

This form of segregation is often inflicted upon Spanish-speaking children whose English language skills are deficient or nonexistent. When such children are placed in classrooms with children whose native language is English, and when the class is taught as if all children in it actually were native English speakers, a subtle and dangerous form of segregation is being practiced.

In the San Diego City Schools, over 10% of the population is of Spanish surname. Large numbers of students live in homes in which Spanish is the only language. Special programs which meet the special needs of these children are required.

At certain elementary schools, children who know no English are grouped into classrooms with a bilingual teacher and, if possible, bilingual teacher aides. Specialized instruction in English is given for a small part of the day while the rest of the instruction is predominantly in Spanish. Where appropriate, the young child may even be taught to read in Spanish, since research indicates that children who have learned the reading process in their native language find it easier to learn to read in English.

In the secondary schools, three levels of English-as-a-second-language are offered. Initially, students are enrolled in two or even three periods of special English. As their skill in English improves, they enroll in a smaller number of special English classes. In addition, special courses, such as science or social studies in Spanish, are offered.

To provide the required educational programs and supportive services, funding beyond that available is a crucial necessity. Many aspects of the district's special

program for these youngsters are already Federally funded through the district's ESEA, title I, and Inner-City projects. But this is not sufficient. If the district is to equip all of these boys and girls with the tools required for them to experience successful integration into the mainstream of American life, additional funds must be provided.

7. ELEMENTARY AND SECONDARY EDUCATION ACT, TITLES I AND III

Since 1965 San Diego has had a comprehensive program under funding by titles I and III of ESEA. Twenty-five schools are currently serving 4,000 pupils, prekindergarten to sixth grade, with special emphasis upon reading and math achievement. Results have been encouraging and significant growth has been achieved in reading at the primary level. Congressman Landgrebe spent two days in San Diego recently and said that our program was the best he had seen.

8. ELECTRONIC INTEGRATION

It has been proposed by the San Diego school district that two of its junior high schools be linked together by cable television so that students from predominantly white, brown, and black neighborhoods might exchange cultural, athletic, and social activities. This proposal envisions using television to hold classes simultaneously at two schools with an instant exchange of student response with the teacher. The television link is also expected to be used to introduce the parents of children from the two communities to each other before physical contact is made between the two groups, thus allaying fears and misunderstandings. Funds for this proposal are not available and are being sought from a private foundation.

These programs have not been introduced without problems. A lack of financing is, perhaps, the most critical. Our Silvergate-Fremont integrated school program was cut by \$20,000 this year for lack of funds. A proposal to add two more schools to this pilot study at a cost of \$160,000 has had to be dropped from our 1970-71 budget because there just isn't enough money available to continue our existing school program, let alone for some of these areas of expansion.

We in San Diego have not been exempted from vigorous efforts at the local level to test in court the practices historically used by larger public school districts in states outside the South to assign pupils to particular schools. Two lawsuits were filed against us in the last couple of years in the State courts seeking a judicial determination of whether or not pupil racial imbalance in the public schools of California resulting strictly from neighborhood residential patterns constitutes a violation of the United States Constitution which the local school district must remedy regardless of the fact that it had no hand in causing the imbalance. While we are defending against these lawsuits in a firm manner to insure that any judicial decision rendered will be made in light of *all* the facts, we have continued to press forward seeking to develop new techniques to encourage pupil racial balance and to relieve the effects stemming at least in part from existing pupil racial imbalance.

Programs for the orthopedically handicapped, trainable mentally retarded, severely mentally retarded, hearing handicapped, and visually handicapped are completely integrated. Children are bussed from all geographic areas of the city to the centers serving their specific handicaps without regard to race, creed, or national origin. This has been the case for more than thirty years. Race is not a problem.

In summary, may I leave the Committee with these thoughts:

1. Integration of our schools can be achieved through properly planned and evaluated interracial experiences within or between school communities and districts.
2. Efforts must be made to gain the support of political subdivisions to preclude the erosion of housing patterns into segregated districts.
3. "In-service" time is essential for teachers before they are thrust into an integrated school situation with which they have had little or no experience.
4. An effort should be made to provide a nationally accepted definition of the term "racial imbalance."
5. The Congress should provide financial support wherever the principles of interracial experience are being effected toward the goal of integrated

schools. Urban areas such as ours do not have the financial resources to solve this national problem.

6. A system of incentives should be developed which would reward those school districts which make substantive efforts to integrate their schools. Punitive law can bring about desegregation; it cannot bring about integration.

7. A quality educational program coupled with sound interracial experiences will lead to an integrated child—physically and intellectually.

Mr. Chairman and Members of the Committee, I have made available to each of you documented evidence of programs of the San Diego City Schools which we feel are giant steps toward achieving the purpose of H.R. 17846.

Thank you.

Mr. PUCINSKI. Proceed as you wish.

Mr. HORNBACK. I do not propose to read the entire statement, because obviously you can read faster than I can talk, but I would point out that we are a large school district, having a pupil population from kindergarten through 12th grade of almost 130,000, and they are in 153 schools. Of those students, over 15,000 are black, about 12.2 percent, and 13,000 are Mexican descent, or 10.5 percent.

We are one of the few cities in the United States that still has room for growth; our city is slightly over 60-percent saturated, and as a result we are growing at the rate of about a thousand people a month, and they bring with them all of their problems as well as adding to our own.

Within the last 2 or 3 weeks, the transfer of one navy ship, from Long Beach to San Diego, will bring 500 families in before the opening of school next fall.

So it is in kind of a milieu that we are in. In our minority groups—our minority groups live in closed areas—not entirely—but in the main they are in the ghetto or in the barrios. As a result in addressing ourselves to this problem, I pose the first hypothetical, that the actions of the courts and the actions of the various legislative and judicial bodies might bring about desegregation but it won't bring about integration as such, and I am proposing, basically, that some kind of system be put into effect which will reward integrated education and that you gain integrated education not by going through an exercise in arithmetic, but rather by improving the quality of education, and having a positive interracial experience.

I would speak briefly to the idea that integration has not been defined, either numerically or in a time span. To illustrate, is integrated education taking place in a 2-hour-a-day kindergarten situation, or need it be 6 hours a day, as in the high schools?

There is a continuum, in fact, of interracial experience that takes place. If these are positive then you are moving in the direction of integration.

The San Diego City School Board has a matter of policy supporting stopping de facto segregation and moving in the direction of an integrated school system.

I would call your attention very briefly to some programs that we have and suffer, as does every district in the Nation, from a lack of funds.

These are all voluntary programs. In every instance where we have been able to propose a positive interracial experience along with improving the quality of education we have had all the volunteers that we can handle in voluntary programs.

One project we had lasted 1 year, and then, in anticipation of reduction of title III moneys, it was dropped. This program brought together from San Diego County as a whole, as opposed to San Diego City, some 3,400 elementary children for in-depth studies, making use of our large and beautiful Balboa Park as a center for these studies.

We found in the followup work that there was a strong positive change in attitude toward children of other ethnic or racial backgrounds.

The second program, the Fremont model schools program, again combines the elements that I spoke to before, that these have brought together on a positive basis the interracial experiences and the improved educational programs.

The results of that show what most generally and genuinely integrated schools, I think, have found, and that is that the academic achievements of the majority students continue, and those of most of the minority students improve.

Our outdoor education program again, is a limited program, 4½ days a year for our sixth graders, but again, containing some of the same elements of planned interracial experience and a positive and strong educational program.

If any of you happen to get interested in outdoor education, there is a fine book out by Wilbur Schram called "The Outdoor Classroom" about our program.

In the education of children, especially those who are monolingual Spanish, there are great problems.

The urban education systems and American education generally speaking has been criticized severely, and with some justice, for what has been done and has not been done for the black population, and every criticism made is also true and several added ones as far as Mexican American children are concerned.

We have been working for many years trying to develop and to use culturally fair and culture free testing.

We have bilingual teachers, we have bilingual psychologists, and we have other people, community aides, and others who are bilingual. We have made every attempt to use performance-type tests as then opposed to verbal testing, and we have a bridging program to remove children from mentally retarded classes who might have been erroneously placed there due to language difficulties, and all in all we have had grants, title III grants, to develop English as a second language material, and we have expended compensatory education funds along these lines as well.

Our programs for exceptional children have been integrated for more than 30 years. We bus children from all over the city, for mentally handicapped and so on, and race has not been an issue in this.

In 1966, we adopted a policy which permits a student to transfer out of their home or neighborhood school to other schools in the city, and if the financial need is there, the district will assist in providing funds for transportation.

Each year, more and more students are taking advantage of this program, and currently there are nearly 1,500 attending schools other than their home school on this basis.

To come back to the problem of the bilingual education, if you could ever have the opportunity to see the difficulties that take place in

children when they are being taught, when they have limited facilities with the English language and are placed into a classroom where Spanish is being spoken, to see their animation, to see the joy they have in learning, and then observe those same children when they are placed in a classroom where only English is spoken, and see their withdrawal, and their nonparticipation, their lack of understanding, their confusion.

That would be far more graphic than anything I could say to illustrate this.

Teaching English as a second language is described here as expensive. There is not any cheap way to do it. You have to have special programs to meet individual needs. We receive students who are monolingual Spanish, who have limited ability in English, and each one has to be treated as an individual.

There is a great lack of appropriate educational materials to teach these children. We have just been announced as the recipients of a grant under title III which will, next year, make us a center for gathering from the Hispanic world the materials that may be helpful in this program.

I have provided the committee in the folders over there, in addition to my prepared testimony, some backup documents illustrating these various programs.

We have had success in compensatory education. It shows in our charts and academic achievements, and when Congressman Landgrebe was in San Diego recently, he commended our program under title I as being the best he had ever seen.

Finally, I want to say that we have always made the assumption that to achieve an interracial experience you either have to have—to move bodies or you have to move buildings, or build new ones, and I have a couple of staff members who say that just is not true, that you can move pictures instead, and we are proposing, and I have a proposal pending before one of the private foundations for pairing of two junior high schools by closed circuit television, so that the initial interracial experiences among white, brown, and black will be in a nonthreatening manner.

There is no fear involved in looking at a tube, and so that you can exchange ideas, get acquainted and that parents, teachers, community leaders, can get acquainted via closed circuit TV, and then this leads to joint field trips, to activities, and to physical interracial experience as well.

We think this has some promise, because it will also jump political boundaries without any difficulty, and this is one of the big issues that is facing you and all of us, the matter of artificial political boundaries as it affects our ability to integrate our schools.

I have called attention to some of our financial and legal problems, but I would also want to emphasize very, very strongly the need, as both of my compatriots have mentioned, for the training of teachers.

I have, as a superintendent, served in Oregon and New York, as well as in California, and in my experience, you have to do a great deal of preplanning.

Teachers must have inservice training if they are going to cope with the new kinds of problems that they are going to face in a new kind of situation. I think this is absolutely essential.

I think that we should also get together sometime on what we mean by racial imbalance in a school. Up until quite recently the State of California has defined this as having a given school—a given school must be within 15 percent one way or the other of the ethnic racial makeup of your school district.

This meant that one school district could be integrated when it was all white, and that the Oakland public schools could be 75 percent black and still meet the standards set forth by the State.

I think there is some good work coming out on this now that gives us indications that racial balance is probably achieved when you do not exceed approximately 30 percent of a given minority in a given school.

But I would like to see a national definition of that that could give us some leadership in it. The courts have been unwilling to do this, have not done it, nor have the legislative bodies.

Mr. PUCINSKI. What do you suggest?

Mr. HORNBACK. I would suggest around 30 percent of any given minority in a school might be appropriate, because the history of sociological change seems to indicate that once a school breaks over 30 percent minority population, it causes an exodus.

Mr. PUCINSKI. That is what Mr. Prince and Mr. Leichner said. They suggested a cut-off point of 50 percent.

Mr. PRINCE. I did not suggest that. That is just what we have got.

Mr. HORNBACK. He is talking about political boundaries again, that contain and cause the problem to be aggravated. If there could be a bell shaped curve.

Mr. PRINCE. There is no bell shaped curve in southwest Mississippi. We are just there.

Mr. HORNBACK. Those that cope with this kind of problem should be rewarded, and some kind of distributive formula for this needs to be evidenced in the bill.

I won't talk any more, sir. I thank you.

Mr. PUCINSKI. You made a good point in suggesting that we offer some system of incentives to reward the school districts which make substantial efforts to integrate their schools on their own. As you know, this legislation places the highest priority on those school districts that are being dragged into this whole thing screaming and kicking by a court order.

We say that those schools districts will be double counted, we count their youngsters once because they are members of a minority group and secondly, because they are under a court order, and the bulk of this money will go to school districts, even though out of the roughly 20,000 school districts in America, 10 percent or 2,000 house 70 percent of the Nation's school population, and I think it would be reasonably good bet that that 70 percent is divided probably 50-50, black and white, and so here you have a school district like Watts in Los Angeles, Chicago, New York, St. Louis, those districts will get very little money out of this program.

Mr. PRINCE. Yes.

Mr. PUCINSKI. Even though those districts now have been and are now trying to deal with this problems, and I think that you make a very strong point.

Now we have section 3 here in the bill which is the one that cer-

tainly attracts my attention most, because it would help schools up-lift. Then I think the big problem in America today is the tilting school, the school that is changing from white to black, and invariably—our experience has been that it is 3 years around the country, that the complete tilt occurs in 3 years, and that you have 70 percent or 80 percent and then of course everybody runs, and it becomes all black within 36 months.

Now it seems to me that section 3 of this bill does try to give some help to local school superintendents to bring in an educational task force into the tilting community and see if he can build the school up with quality education to escape the flight of families.

I don't know if this will work or not, but the problem I have with this legislation, and I would like to get all your views on this, is that this bill gives that kind of environment a minimum consideration.

We have put the highest priority in this bill on the school districts under a court order and there is relatively little left for the school that is voluntarily trying to deal with the problem.

Let's get your reactions, all three of you gentlemen.

Mr. PRINCE. First, I am not so sure about the politics involved in the situation. I don't know the reasoning behind the initial writing of this bill, but I do think that a high priority ought to be given to an area or a school district which seems to have some chance of operating a school district under this tilting community description that you give.

I think that is important, I think it is critical, to prove that you can operate good public schools in these kinds of situations. This bill does not allow for any priority on that.

The second thing, I cannot deny are the critical needs of a school district like an Amit County or Jefferson County, Miss., where the schools are turning all black, all at once.

Certainly some help is needed there to encourage the whites to participate in the public education program.

Mr. PUCINSKI. Mr. Leichner.

Mr. LEICHER. Some of the counties in Georgia, some of the systems in Georgia, have desegregated and gone into a unitary system. When there was a threat of cutting off Federal funds, this was done. But now we are talking about a county with a low percentage of blacks.

You mentioned some situations, of course, New York City, where you have a higher ratio, but if you are talking about giving aid to those that do it voluntarily, you are also talking about those that have a low percentage and can do it voluntarily without some of the problems that the higher percentages brings about.

Mr. PUCINSKI. Except that in most of your large cities, Chicago and New York, you have a problem of de facto segregation, and the housing patterns are such that this is the situation.

In the city of Chicago, 52 percent of the youngsters attending the public school system are not white. In California, if my memory serves me correctly, in Los Angeles, I think it was 32 percent Spanish speaking and 30 percent nonwhite.

But again you had your de facto housing pattern. So it is not that they have a—it is a different problem.

Mr. LEICHER. It is a different problem entirely than that which a county system would come up with as far as Georgia is concerned.

Mr. QUIN. They are not necessarily desegregated, either, in the Northern cities.

Mr. PUCINSKI. You would have to look at a large Northern city, like Chicago. There are really three levels, or three areas of education. You have got the segregated nonwhite in a community where you can go 30 or 40 blocks either way and won't find a white student.

Those schools are all black simply because of the housing pattern. Then you have the segregated all white, where you can go 30, 40, or 50 blocks in either direction and you won't find a black child.

But then you have the changing community, and it seems to me that there ought to be a program of Federal assistance to deal with that changing community, to do in those changing communities, and if you look at a city like Chicago and forget the all-black and the all-white school and address yourselves for a moment just to the changing community, that problem is no different than your problem.

That problem is identical. If you take the belt around the inner city and look at the schools in that belt, and they constitute perhaps more substantially more youngsters than you have, but in that area, the problem is no different than it is in those schools that are now under a court order.

Circumstances are changing those schools rather than a court order, and it occurs to me that we ought to have some financial assistance in this bill for those tilting communities if you want to save the large cities.

Now, if you just want to let the cities go and you want to see the flight of these families, then all right, but—

Mr. LEICHER. This is happening in Atlanta, also, sir.

Mr. PUCINSKI. Mr. Hornback?

Mr. HORNBACK. I agree with you, Mr. Chairman, that it is only through some kind of encouragement, and again I would go to an incentive system that we are going to prevent this from taking place.

I happen to represent a system that is unique because it has room to grow. Among the large cities in the Nation, I think we are the only one that has stopped the shift insofar as de facto segregation is concerned.

Our percentage has not shown any appreciable change during the last 3 years, and so we have stopped that wave at this point, using a variety of things that I talked about before.

But we had quite recently the problem of building a new junior high school in one area of the city where the perfectly logical way of where to build would have upset the balance of one of our other junior high schools that was nearby, and this was a precarious one, so these four alternatives were proposed in the way of where it was to be built, how the boundaries were to be drawn, and whatnot, and finally one was chosen which did not upset that balance, and the balance has held in the other junior high schools for the last 2 years.

Mr. PUCINSKI. What did you do in that particular area then?

Mr. HORNBACK. Gerrymandering of attendance boundaries so that the feeding element of the new junior high school did not substantially affect the racial balance of the other junior high school. Our city is canyons and it is difficult to walk between schools.

It may look easy on the map, but it may be 2 miles.

Mr. QUIE. In the booklets that you enclose in the brown folders, I notice there is quite a bit of effort to work with the community.

Are these parents, or other groups then in the community? I always thought this was an important factor.

Mr. HORNBACK. We view this as a very important factor, and we are totally committed to the involvement of the parents and community leaders with their schools. May I cite briefly our intercity project, which is composed of seven elementary schools, one junior high school, and one high school, operating special programs, under title III grants which are going to expire this year.

We took these schools and took 10 percent of the money that was allocated to us and returned it to the site. We have a lot of other things in the program as well, special counseling and special programs, and a variety of other things.

But we said 10 percent of the budget goes to the site and the parents will elect their own advisory committee.

We have a parent advisory committee in many, many schools out there, but in this case they are given discretionary authority to use 10 percent of the project money to improve the educational program in their schools.

This intrigued me so much that I have watched those requests come through under the last 2 years, and I have not seen them make a bad decision yet.

The things they have wanted and needed have been sound educationally. These were elected democratically by the parents of children in the school, and then we have an overall parent advisory committee for the entire project.

We have this in almost all of our special projects. We involve parents.

Mr. RADCLIFFE. Mr. Chairman, if I may, I was with Congressman Landgrebe in looking at the San Diego schools, and I think you are really too modest in your presentation, because these are quite extraordinary schools. I think the atmosphere of the schools is completely different from, say, those of Washington, D.C., and I think perhaps your intensive program of community involvement played a large part of changing that atmosphere, of making it an atmosphere of learning and enthusiasm and confidence.

Mr. HORNBACK. Thank you, Mr. Radcliffe.

I appreciate that. There was another case where we had some disruptions in one of our high schools, a near all-black high school a little over a year ago, necessitating closing of that school for a week.

With changes in staff and administration in the school, the local school district, out of its own funds, not out of any special purpose grant of any kind, allocated \$200,000 for that high school and a junior high school nearby, and during the summertime we brought the staff in early to train them, first of all, and then every parent of a child going to either one of those schools were contacted by a representative of the school, either invited in or was called on in their home, and we sat down and explained what we were going to try to do by way of a program for that school, what our purposes were, our goals, and our purpose in soliciting their cooperation and both of those schools have run without incident this year.

It took an investment of money and time and a lot of salesmanship but we do have tremendous community support for our schools.

The same thing is true in all programs. We have more teachers involved in curriculum writing, more teachers involved in policy-making decisions at various levels throughout our school district, than any other major district in the country, teachers, parents, all of us working on it.

Mr. QUIE. Some feel that this legislation is dangerous because the Black Panther or Ku Klux Klan could take over. Do you have any trouble with militant groups, and if you do, how do you handle that?

Mr. HORNBACK. I don't know of any urban superintendent today who could say that he does not have, among the survivors of urban superintendents, that is.

We have taken a position, and, again some of the programs I described in my original testimony contribute to this, that we are not separatists, and we are working toward integration.

Every action that we take is a step along this route. We work with everyone in our community, and this includes what may be called militants.

I have always rather liked the definition that was given some time ago by one of our local black leaders, when he said, "A militant is characterized by the white man as a black man who thinks."

But we work with everyone, and I don't see a danger of separatism in this, as long as we keep in mind that our goal is integrated education.

Mr. QUIE. Let me ask Mr. Prince and Mr. Leichner how parent committees work in the case of the title I and how you would expect them to work in this type of program.

I would imagine that this administration would require some kind of assistance of either parent or community committees and—

Mr. PRINCE. Quite well, and quite vocally. They say where it hurts. They explain this very carefully, and in detail.

These local committees have been something that those of us who have been in administration for some period of time prior to the development of such committees have had to learn to live with, and I use that advisedly, because, you know, the administrator has previously been on his ivory pedestal, and it has been rather difficult to learn to live with the community knocking some of your pet ideas down, much less rapping your shins, all the time.

The committee is helpful.

Mr. LEICHER. Our citizens committee is very active in our title I project and talking about citizens activity and change of attitude. I thought it was very interesting that the PTA's of the two elementary schools voted to merge, and drew up a slate of officers for next year, and I thought this was very interesting, because in 1965 we first had integration of our students under the freedom of choice plan, there was talk of then doing away with the PTA entirely, but this last year there was a vote to merge.

So this goes back to our change in attitude and the interests of the local citizenry.

Mr. PUCINSKI. You know in the ESEA amendments adopted this year, in order to qualify for Federal funds beginning in 1972, you

will have to certify that there has been parental participation in the development of your curriculum, programs, and that is before you can qualify for title I funds.

Mr. PRINCE. Don't we have to do that now?

Mr. PRINCIPAL. Not to the extent that you will.

Mr. QUIN. You do by guidelines now, but we put the guidelines into law.

Mr. PRINCE. I did not know the difference. I thought we had to anyway.

Mr. HORNBACK. Mr. Chairman, could we go one step further in the process of involvement?

We involve students, too. They are involved not only on faculty committees and a variety of other ways, but through summer employment on curriculum writing teams.

Mr. QUIN. How do they know about that?

Mr. HORNBACK. They know whether it means anything to them or not, and that is very important.

Mr. QUIN. Well, when does a child learn then to do that? Does it start at Headstart, sixth grade, eighth grade, or where?

Mr. HORNBACK. Someone would say when you have a son, he starts on his course of independence the day he is born and increases his independence as each day goes forward.

It is my thesis that we should start when the child comes under the jurisdiction of the school, to develop his independence as well as his critical thinking, and that we should give him, the largest measure of responsibility that he can carry and we should, over the period of his staying in school as an end product, have as a goal a person capable of functioning as an independent citizen within our democracy, and this does not mean the kinds of regimentation and the kinds of things that they have historically done in the schools.

It means that we have to help him achieve his independence and I think we have grossly underrated him very much, if not all, of our students in our schools, and I think——

Mr. QUIN. It still surprises me that high school students can help develop curriculum. I could understand if a high school senior came back after he had been through there and helped.

How does he know what curriculum he should have? I knew everything there was to know when I finished high school, but I have learned ever since, how little I know.

Mr. HORNBACK. The same thing goes as far as tutoring is concerned. We have been very successful as have been a number of other districts in students tutoring students programs.

Mr. QUIN. That is an excellent program.

Mr. HORNBACK. And this has the same kind of merit to it.

I had the honor to serve on the Governor's commission for educational reform in our State, and there are only three superintendents on this, and there is one graduate student.

Over the last year he has been one of our best contributors.

Mr. QUIN. I can understand the graduate student, but I understood you had students developing the curriculum before they took the courses.

Mr. HORNBACK. That is right.

Mr. PUCINSKI. Excuse me. We just completed a survey of some 29,000 high schools in the country, and we received responses from 15,000, which is a pretty good response, and in those schools where there was some form of student unrest, 68 percent reported that the students disenchantment with their curriculum was the main cause of the unrest, and so it would seem to me that young people ought to be consulted in the development of curriculums.

If this statistic is valid, and I have no reason to believe it is not valid, I would imagine school administrators to want to bring young people into participation as long as that is the chief contributor toward unrest in the school.

I think you should call on them and say, "What are the things you think we ought to be doing that we are not doing?"

I was impressed that so many students would list that as the cause for their unrest in the schools.

Mr. HORNBACK. It does not surprise me at all.

Mr. PUCINSKI. Mr. Hornback, you mentioned one aspect of this bill which Mr. Quie spoke of the other day.

The \$150 million now working its way through the Congress.

If I understood my colleague correctly, he said the other day that the bulk of this would be spent on teacher training, and that his programs—and his perhaps is a very wise decision—I don't know—but the superintendent in White Plains, N.Y., which has here had programs and perhaps the oldest busing project in the country, has stated in his evaluation that one of the main problems they have had is the inability of teachers who have never been exposed to dealing with minority groups trying to make the adjustment without some pretraining.

Now, I would like to get your reaction, because apparently the 150 million that is going to be available I presume, by the first of September is going to be used primarily by and for that purpose.

What is your reaction to that?

Mr. PRINCE. Very valid. I would agree with that fully.

Mr. PUCINSKI. How would you go about suggesting that these teachers be trained? What do you envision as a training program?

Mr. PRINCE. Well, based on past experience, it involves several different approaches. One is teacher—teacher relationships. How do they deal with peers who have a different ethnic background? They have to find out that they are both equal professionals, and middle class people—middle-aged, too—with the background of their generations being quite similar.

Our experience with teacher training is that they came away when we started this 3 years ago—when we first went into this—that their similarities were so far greater than their differences, they were both middle class, firmly attached to the Judeo Christian ethic, deeply religious, deeply committed to what a public school ought to do for both black and white.

You have these ties—they need to share these experiences.

Then they need to get some idea of the kind of problems that the different groups face in their homes, and they need to get some kind of idea of the different emphases which are placed in the homes. These differences are very interesting things.

Then teachers need to get an idea of the kinds of learning styles which children of the different ethnic groups have. There are differences in learning styles which I think are quite interesting when you study them.

So, in summary, you have to get teacher-teacher relationships, teacher-student relationships, and then have each understanding how the children of the different races learn in several different suspects.

Mr. PUCINSKI. Mr. Hornback?

Mr. HORNBACK. We do not have a similar problem, because we don't have the teacher-teacher kind of problem, but I have found both in California and in my experience in New York that the teachers do need to know the kinds of problems that they are going to be dealing with when they enter into a desegregated or integrated situation, and that they need to anticipate, because quite frequently the verbalization patterns are different, and the parent reactions are somewhat different, and a variety of other things are somewhat different than they have been accustomed to.

I think that this can be done. They can get these kinds of experiences prior to going into the classroom. I think it is terribly important that they have them, because otherwise you have a negative reaction on the part of both faculty and students, and you are headed for trouble if you don't have those kinds of things.

One means of doing it, incidentally, that we have done some work with, is by the use of video tape to demonstrate this.

Mr. PUCINSKI. Mr. Leichner?

Mr. LEICHTNER. The understanding of the subcultures and why these children think the way they do and why they perform the way they do. We are going to have a grant under title IV of the Civil Rights Act.

The emphasis on this, though, is restricted to person-to-person relationships. We are talking about interrelationships between faculty and staff. We are going to work with faculties, busdrivers, lunchroom workers.

The thing we would like to work with that we cannot under the title IV is methods of teaching, and here we get into the individualized instructions, then.

Mr. PRINCE. In the South, our problems is essentially that the adult community is expecting the children to do something that the adults have never done before.

The children are faced with the responsibilities of carrying the burden of learning how to live with each other in an integrated society. The adults of the community have avoided doing this, for many reasons, whether good or bad. What has to happen in the case of the staff, the teachers, the classroom teachers is that they must learn how to do this first, before any of the other adults in the community.

To learn to live together with a multiethnic society it is extremely difficult for some teachers to do, but it is not based on age.

It is based on attitude. We find young teachers who cannot adjust to this situation, and you find those who are ready to retire, and you would think they had lived in a multiethnic society all their lives.

Mr. PUCINSKI. Gentlemen, as I see your testimony here, Mr. Prince,

Mr. Leichner, you feel that the legislation is very urgent in its present form, although I gather from your testimony that you would prefer to have some predictable safeguards in here so that when your youngsters are counted, you can count on that money.

Mr. PRINCE. Yes.

Mr. PUCINSKI. You would also like to have a little more latitude, to be able to spend the money in a way that you feel will be most productive.

Mr. PRINCE. Right.

Mr. PUCINSKI. Mr. Hornback, as I can see from your testimony, you are hopeful that we can give perhaps the same priority to section C as we do to section A in that you want to give some incentive to those school districts that are not necessarily waiting for a court order or waiting for some other phenomenon to make them eligible, but rather those who are trying to do this as quickly as they can within their own resources on a voluntary basis.

I think your testimony has been extremely helpful to the committee, and I certainly want to thank all of you for taking time out to be here.

This is important legislation, and obviously we want to make sure that when it leaves here it is going to do the job that it was intended to do, and I am impressed with the testimony of Mr. Prince and Mr. Leichner in describing the immediate needs of your school systems now that you are going to an integrated pattern as of the first of September.

I think you make a good point, Mr. Hornback, of the needs that you have in trying to deal, particularly with the Spanish-speaking minority which has been to a great extent ignored in this country, and yet your testimony shows that the needs there are as valid as anywhere in the country.

Mr. HORNBACK. May I add one comment, Mr. Chairman, a caveat? One of the reasons the needs of the Spanish-speaking students have been ignored is that they have not shown the same degree of unity and aggressiveness as has been shown by other minorities, but that day is over, and that is a caveat.

Mr. PUCINSKI. Thank you, gentlemen. The committee will stand adjourned until 10 o'clock tomorrow morning.

(Whereupon, at 12 noon the General Subcommittee on Education adjourned, to reconvene at 10 a.m., Tuesday, July 7, 1970.)

EMERGENCY SCHOOL AID ACT OF 1970

TUESDAY, JULY 7, 1970

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION OF
THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The general subcommittee met at 10:15 a.m., pursuant to recess, in room 2261, Rayburn House Office Building, Hon. Roman C. Pucinski (chairman of the subcommittee) presiding.

Present: Representatives Pucinski, Perkins, Quie, and Ruth.

Staff members present: John F. Jennings, counsel; Alexandra Kiska, clerk; and Charles W. Radcliffe, minority counsel for education.

Mr. PUCINSKI. We are very pleased to have with us this morning Congressman Monagan, who is a cosponsor of this legislation.

We are particularly pleased to have our colleague here this morning, not only because of the tremendous respect that he enjoys in Congress, but because he represents a school district that is other than a Southern school district which apparently has some problems and I was particularly interested in seeing your name in the cosponsor legislation.

We welcome you to the committee and we are most anxious to hear your testimony.

STATEMENT OF HON. JOHN S. MONAGAN, REPRESENTATIVE FROM THE STATE OF CONNECTICUT

Mr. MONAGAN. Thank you very much, Mr. Chairman.

I do have a formal statement and I would like to ask that it be put in the record following my remarks.

Mr. PUCINSKI. Without objection, that will be done.

Mr. MONAGAN. As you say, I do find myself in rather unusual company here as cosponsor of this bill with Mr. Quie, Mr. Gerald Ford, and other cosponsors who are members of a party other than my own.

I did think it important that the committee have my point of view because the reason I joined in cosponsoring this bill was because Waterbury, which is my principal city in Connecticut, is one of the few cities north of the Mason and Dixon Line and east of the Mississippi which is under a Federal court order to integrate and it did seem to me that if, through the intervention of the Federal Government, this city were to be compelled to take extraordinary steps which would, of course, entail great financial obligations that it would be justified in expecting some additional help from the Federal Government in adjusting to this compulsion.

That is why I joined in the bill and why I am supporting an approach of this general type.

As you know, the President, some time ago, announced that he was going to ask for \$150 million as a special fund for adjustment assistance in bringing about school integration or preventing segregation and, at that time, the responsibility was delegated to the Vice President. I immediately wrote to the Vice President and asked that the situation of our city be considered and that the interest of Waterbury be considered in relation to any funds that might be made available.

I received a reply from one of the Vice President's assistants which said that the application would be turned over to the "proper authorities." I could never find out who the "proper authorities" were. Then this instant proposal came along which, at least, would institutionalize the operation and provide some basis for the consideration of areas that deserved consideration and financial help.

We, in Waterbury, of course, are not a *de jure* segregation situation. As you, Mr. Chairman, are well familiar with similar conditions where we have had, I suppose, *de facto* segregation from the racial point of view through the last century and not from a color point of view but from the various racial groups that have come into manufacturing cities and have, by the historical facts of the situation, become segregated.

So, it is this type of problem that we face. It is not a racist situation. It is not one that is created by law. It is one which has come about through the course of history.

Certainly, at the present time, there are discussions between the Federal authorities and the local authorities with a view to taking steps that might be advisable, or desirable, to end this situation and certainly any assistance that might be available could be highly useful.

There are just a few points in connection with the bill that occur to me as I look it over. One is that construction funds could be very important. One of the objectives of the administration has been stated to be the equalization of opportunity, the providing of good schools even in areas that are underprivileged. It seems to me that new construction might be an important part of it.

I think, also, that the source of the order, whether it be a State court or a Federal court, should not necessarily be a reason for determining whether assistance would be available or not. I think also that the act of subsidizing private, purposely segregated schools is one that might be prohibited. I also believe that there should be more specificity in the legislative formula regulating and authorizing the Secretary's action rather than granting very broad discretion to the Secretary to determine eligibility and allocation of funds. I think that authorization should be made more specific.

To conclude my point of view—and my interest is somewhat different—I notice that there are three school districts in Illinois that are included and one in Indiana and I think those are the only ones in the North and North-Central areas, other than the one in Waterbury, which are under court order.

Perhaps you have a somewhat similar situation there. It is because we have this unusual situation which is not where an area has been intentionally discriminatory that one has at least a suspicion that there may be some political basis for this action in bringing suit against a city in the North to prove that its policy is not an entirely anti-Southern strategy.

It certainly is not out of line to expect, in the event that legislation is passed, that there be some consideration for an area such as the one I represent.

Mr. PUCINSKI. Thank you very much.

There are several points that we would like to clear up.

This legislation sets up a policy of double-counting those who are under some form of court order or plan approved by the HEW. I was just wondering if you feel we ought to have this double-counting in view of the fact that there are an awful lot of school districts across the country who may not be under a court order but would be at some disadvantage here in the double-counting concept.

Mr. MONAGAN. As I said, I am not supporting any of the specific provisions without exception. I do feel that there is some basis for making a distinction between the districts that are under the gun when you are right in court and have the legal pistol at your forehead. It is different from ones that are proceeding at a more leisurely pace.

Mr. PUCINSKI. I have another problem with this bill. I am not sure it is valid but it has given me some concern.

For the first time, so far as our research has been able to ascertain, Congress has tried to define a minority group child in this bill in section (b) (1) in section 13.

The term "minority group children" means children aged five to 17, inclusive, who are Negro, American Indian, or Spanish surnamed Americans and, except for the purpose of Section 4 as determined by the Secretary, children of such ages who are from environments whose predominant language is other than English (such as French-speaking and Oriental children), and, as a result of limited English speaking ability, are educationally deprived, and the Spanish surnamed American includes Mexicans, Puerto Ricans, or Spanish-origin ancestry.

I don't know whether, as a long-range measure, Congress wants to get itself into a position of this narrow kind of definition of a minority group child. In a changing society and a changing concept, it is entirely conceivable to me that a white child could conceivably be a minority youngster in a given set of circumstances in a given kind of community.

So, I am just wondering whether or not the Congress which has wisely, up to now, avoided to establish that kind of definition wants to, at this point, lock itself up into this definition.

Mr. MONAGAN. I think you are absolutely right and I touched upon that point in my statement when I said that in the underprivileged areas, if you want to call them that, we had segregation which was racial and economic but which was not on the basis of color.

I went to a school that was probably 99 percent Irish-American and the public schools in that section were exactly the same.

The basis of the presence of these students was the fact that there was a factory in this section of the city where all the men in the families worked. So there you had a segregation that was de facto, racial, and economic.

Now they have moved out and subsequent to their coming you had an Italian immigration and you had Polish and Lithuanian ones. The lower East Side in New York, 70 years ago, was Yiddish.

But that wouldn't come within this definition here.

So, I think that your point is a very good one and I am interested

to see the French-speaking group listed in this bill because in some attempts by HEW to define what these groups would be, the French-speaking are left out.

Well, in Connecticut and New Hampshire and Maine, the French-speaking are the immigrants and nearly the lowest economic group and this illustrates the difficulty you get into when you try to make an all-inclusive definition.

Mr. PUCINSKI. That difficulty is even further aggravated when you consider that the Civil Rights Act bars discrimination because of race, religion, national origin, sex, and age.

Now, national origin surely takes in much more than just Spanish surnamed Americans.

It just makes me feel that this definition is probably designed to meet contemporary problems in some particular communities but, as we go into the whole picture, as I say, I can conceive the white children being in a minority under certain circumstances and I can appreciate where they might have some need for some special help under those circumstances and yet under this definition those youngsters would be totally excluded.

There is no reference here to religious minorities and we know we have those in this country.

So, I was just wondering whether or not—I appreciate getting your views on this subject because I am sure the Congress will want to seriously consider whether it wants to get into this kind of narrow definition of a minority group child.

It is a tough problem and it becomes very difficult when you try to administer this bill in the absence of a definition. We probably will want to get some more views on how best to address this problem.

Mr. MONAGAN. I think your point is a very good one.

Mr. PUCINSKI. I am most grateful to you for your testimony and for your being here. It is always encouraging to see a Member of Congress, such as yourself, who never forgets who sent you here. You are here pleading your congressional district.

I want to thank you.

Mr. MONAGAN. May I ask you, what about the situation in Illinois. Is that a comparable problem in any way to the one we face? The statistics that I saw show that there are three cases in Illinois.

Mr. PUCINSKI. In the *South Holland* case there is a court order.

Mr. MONAGAN. Which part of the State?

Mr. PUCINSKI. South of Cook County.

We have a problem there. One of the things that I think this legislation will have to address itself to—and we will have to take this into consideration—is the distribution of funds.

Now, in this bill, the young people in your particular district would be counted as would all the young people in your State. Young people who are defined as minority youngsters—your youngsters, because of the fact they are under a court order—would be double-counted.

Once you ascertain a State's quota, you count the children to pro rate your count against the total of the Nation, then divide it by the money available, to come up with a quotient of how much your State will get.

Once that quotient has been ascertained for your State, there is no assurance that your school district will get any assistance at all under the act.

The distribution of funds within the State would be determined by the Secretary here in Washington.

Mr. MONAGAN. I certainly feel that the whole purpose of the legislation is to take care of an imbalance in capacity to act and there ought to be some requirement in it that those districts that are under the gun should be the ones—that is, that the double-counting, or whatever the formula would be, would carry through and that they would have preference in the allocation of the funds.

Mr. PUCINSKI. One final question, Mr. Congressman, in view of the fact that you are a cosponsor of this bill, this bill provides, as you know, that two-thirds shall be allocated in the manner just described to the States; one-third stays right here with the Secretary.

In other words, of the \$150 million that is now in conference, or the \$500 million contemplated in this legislation, or ultimately the \$1½ billion that is authorized in this legislation, the Secretary would have one-third to distribute in whatever way he wishes within this legislation, of course.

I am just wondering if that is not an inordinately large amount of money to give to any administrator without any appreciable guidelines or strings attached to it. I am just wondering if, perhaps, the total amount should not be allocated to the States because when you look at a \$1 billion authorization—and assuming that \$1 billion was appropriated for 1972—the Secretary would have \$330 million to play with out of Washington.

I am just wondering if we want to give that broad power to any administrator no matter how much respect we have for him.

Mr. MONAGAN. I think it is a large amount of money and I briefly mentioned in my statement the fact that I thought there should be much more complete legislative definition of what the authority of the Secretary should be if this, or any smaller amount, were to be made available to him. I think your point is a good one.

Mr. PUCINSKI. We are very pleased to have with us the very distinguished chairman.

Mr. PERKINS. Let me compliment my distinguished colleague, the chairman of the subcommittee, for conducting these hearings.

I do want to state that we have problems with almost every piece of legislation that comes before the Congress, but, as I understand, the \$150 million that most likely the President will obtain, would leave it up to some poverty language for the Commissioner of Education, the Office of Education, to go directly to the local school district, bypassing the State school superintendents, which would be deviating from the usual procedure under the Elementary-Secondary Education Act.

How do you feel about bypassing the State school superintendents altogether in a situation of this kind.

Mr. MONAGAN. I certainly think the general opinion is good, that you deal with the States and that you permit the States to make the allocations.

It has worked out in libraries. It has worked well elsewhere in education and I think it is a good principle. I don't see any objection, however, to making a little more certain in the legislative definition that the imbalance be taken into consideration by the State superintendent or by the State school board.

Mr. PERKINS. I was speaking with one State superintendent last week over the phone. It was about last Tuesday, a week ago. He told me he had been invited in here to help formulate the plan but that he didn't know why he was invited since their plan, as he was told, was to go direct to the local educational agencies with this \$150 million that they already have.

I am just wondering whether this is the best way to bring about desegregation. I know the South has a special cause of the de jure segregation that has been practiced down there a long time. But it would be the purpose, as I understand, of the subcommittee's point of view, to do everything possible to enact the best legislation and I am certainly glad to hear your viewpoint along that line.

Mr. MONAGAN. You are as familiar as I with the age-old conflict between the big cities and the legislatures in their States and I suppose that the large cities, where there is much de facto segregation in the North, for example, would prefer to have funds come directly to them and perhaps that is part of the reason.

I think dealing with the legislatures is the preferable way to do it. We have in the past put formulas in the legislation which require attention to the large population centers and that could be done in this case also.

Mr. PERKINS. But it would seem to me that whether you worked with the city school superintendents or with the State school superintendents that you would be able to obtain much greater cooperation than trying to make determinations here in Washington without actively cooperating with the people at the State and the big city levels.

Mr. MONAGAN. I think that is right. You have got to spread the authority and the responsibility for administration.

Mr. PERKINS. Thank you very much.

Mr. PUCINSKI. Thank you very much.

Mr. MONAGAN. Thank you.

(Congressman Monagan's prepared statement follows:)

STATEMENT OF HON. JOHN S. MONAGAN, REPRESENTATIVE FROM THE STATE OF CONNECTICUT

Mr. Chairman and Members of the Subcommittee, I am pleased to appear before you today to express my support for H.R. 17810, the Emergency School Aid Act. I am a co-sponsor of the bill. This bill, by authorizing a \$1.5 billion Federal commitment over a 2 year period to the national effort to provide equal educational opportunities to the Nation's minority students is a realistic step in the direction of achieving that goal, and I endorse its objectives even though I hold no brief for many of its specific provisions.

I realize that in the course of these hearings this bill has been the object of frequent and severe criticism, not the least of which has been directed at provisions in the bill allowing minority students in school districts under Federal court order to desegregate to be double-counted in the apportionment formula. It has also been vigorously asserted that the focus which this bill places upon de jure segregation belittles the severe problems confronting school districts endeavoring to eradicate the educational disadvantages posed by de facto segregation.

I think I am well qualified to speak about the objectives of the bill. As you may know, my hometown of Waterbury, Connecticut, which is the largest city in the Fifth Congressional District which I represent, was the target of the first Federal desegregation suit in the entire Northeast.

Waterbury, historically an industrial city, has been object of unprecedented migration in the last 15 years. The prospect of steady work and high wages is a natural drawing card for a wide range of citizens who wish to enhance their economic standing. New housing patterns were established and with schools tending to reflect the make-up of the surrounding neighborhoods, a few schools eventually were attended by only minority group children, and Waterbury had de facto segregation. The Justice Department filed suit alleging de jure segregation, and the case is pending in the District Court.

Under the circumstances, Waterbury is under pressure to take immediate action to increase minority enrollment in all of its schools. To meet this requirement, and to implement other long-term plans to ensure an equal educational opportunity for all students will cost the City of Waterbury a great deal of money—money that is nowhere in sight. Because of Waterbury's situation, I can understand why a city must have substantial outside financial aid to enable it immediately to meet the requirements of a court order of this type and still maintain a constant high quality of education.

I would not deny that the bill, as introduced, contains some shortcomings, and I would like to suggest some perfecting amendments to the bill which allow the funds authorized to do the most good for the most children.

First: Whether attempting to solve the problems of de jure or de facto segregation, there is an urgent need for construction funds, and provisions should be made in this bill for school construction when it is a part of any acceptable school desegregation plan.

Second: Where a school is under a court order to desegregate immediately, it is appropriate for the Federal government to furnish financial aid to enable the school district to provide quality education to all students under the mandate. Whether the order comes from a State or Federal Court should not be a factor in the determination of the double-counting eligibility under the apportionment formula, and the bill should be amended accordingly.

Third: In the interest of fairness, the bill should be amended to insure that no funds provided under the bill be used to subsidize private segregated schools, and there should also be a prohibition against the use of these funds to supplant local or State funds that otherwise would be committed to desegregation efforts.

Fourth: A legislative formula for mandatory funding of school districts filing an acceptable desegregation plan with the Secretary of HEW should be substituted for the Secretary's discretionary funding authority presently provided for in the bill, and an advisory panel should be appointed to monitor the administration of all funds authorized by this bill and report its findings to Congress quarterly.

Unfortunately, by historical accident the problems of de jure and de facto segregation have become clouded by geographical and political considerations, and there is a continuing tendency to miss the true object of the national commitment to desegregation of public schools which is to ensure equal educational opportunity for all children. We must not disregard the fact that in many school districts minority school children are not receiving the quality of education provided to other children.

What this bill does propose to do is to raise the quality of education and in this objective we all agree.

Mr. PUCINSKI. Our next witness this morning is Mr. Carl J. Megel, the director of legislation for the American Federation of Teachers who is an old friend of this committee and I think all of us will agree that he is one of the most highly respected spokesmen for the educational groups in this city.

I know he enjoys the confidence of many Members of Congress because of his hard work and understanding of problems in educational legislation.

Mr. Megel, you have a statement here. It is a very brief statement. You may proceed in any manner you wish.

Mr. PERKINS. Let me say a welcoming word for Carl Megel.

He has been a great leader in education, one of the great leaders of education in this country. He has done a yeoman's job in promoting education legislation.

**STATEMENT OF CARL J. MEGEL, DIRECTOR OF LEGISLATION,
AMERICAN FEDERATION OF TEACHERS; ACCOMPANIED BY DON
MERWIN, STUDENT INTERN, UNIVERSITY OF MASSACHUSETTS;
AND GERALD DULGOV, PAST PRESIDENT OF THE AMERICAN
FEDERATION OF TEACHERS, TUCSON, ARIZ.**

Mr. MEGEL. Mr. Chairman, I thank you very much for that fine introduction and also for the fine things Congressman Perkins said.

I have with me this morning Mr. Don Merwin who is a student intern in the University of Massachusetts; and Mr. Jerry Dulgov who is the past president of the American Federation of Teachers from Tucson, Ariz.

They are sitting with me and if there is anything they can add, I would be glad to have them do so.

My name is Carl J. Megel. I am the legislative director of the American Federation of Teachers, a national teachers union of more than 200,000 classroom teachers affiliated with the AFL-CIO.

It is a privilege for me to appear before this committee to present the views of the American Federation of Teachers in reference to H.R. 17846, a bill designed to aid school districts, meet special problems incident to desegregation in elementary and secondary schools.

The American Federation of Teachers has a proud record in support of integrated education. The amicus curiae brief which we filed with the Supreme Court in 1954 was followed by an American Federation of Teachers convention resolution which required integration of all of our segregated local, a directive which became an accomplished fact by the end of 1957.

Unfortunately, the rate of school integration has proceeded at a much slower rate. Accordingly, there is a legitimate and urgent need for carefully defined Federal assistance program to aid school districts in their effort to complete school integration.

However, integration for the sake of integration alone is only a partial educational solution and becomes truly meaningful when accompanied by quality education. Therefore, our emphasis must be directed toward a goal of quality integrated education. In this area we maintain that one of the bars to quality integrated education for both students and staff is the lack of proper compensatory programs and facilities in schools of high student enrollment.

While any efforts to effect full integration within our schools are commendable, we are concerned because the bill is directed only incidentally toward elimination of the indisputable public school needs; the shortage of fully qualified teachers; the grossly inadequate teacher salaries; the overcrowded classrooms and the outmoded physical plants.

These are the basic deficiencies which burden our children with inferior educational opportunities. Inferior in that they fail to prepare for living in this advanced age. The advance of technology and auto-

mation have generated a need for profound changes in our educational program if we are to achieve equalized educational excellence in the schools throughout our Nation.

Accordingly, we strongly support authorizations which provide for additional teachers to reduce the teacher-pupil ratio. We strongly recommend "remedial and other services" in order to meet the special needs of children affected by the plans for integration.

Moreover, teachers must have a definite role in planning and drawing up any integration program. The orientation must not be completely from an administrative point of view.

H.R. 17846 authorizes the Secretary of Health, Education, and Welfare to approve plans which involve compensatory education programs. Quality integrated education cannot become effective without compensatory programs based upon the total school improvement approach used in the MES program. That stands for "More Effective Schools."

In the best of schools, teaching is hard enough. Without the education staff provided under compensatory programs, teachers will have difficulty in achieving success and satisfaction and, hence, are apt to be driven off to other teaching jobs or to seek other careers.

The allotment among the States as outlined in section 4 would limit funds to only those districts which are under court order or Health, Education, and Welfare directive. This limitation means that, with few exceptions, only schools of Southern districts could qualify for this money.

It is true that HEW has directed a few Northern cities to integrate—Los Angeles and Chicago—for instance, yet it is also true that the Department of Health, Education, and Welfare has not been able to investigate all de facto situations in the North.

For this reason, we propose that the sum allocated be at least doubled and that any district anywhere in the United States which wishes to submit an integration plan, either to overcome de jure or de facto segregation of its school system, shall be eligible for funds.

Moreover, any school district which conforms to an approved integration plan should qualify under the double accounting provisions of the bill for those minority children who, according to the plan, were actually moved from a segregated area into an integrated area.

In so doing, school districts which desegregate their schools but fail to integrate classes should be denied assistance of any kind.

The bill relies upon its incentive feature to secure good faith performance by public officials. In fact, it rewards those school districts which have extended the least effort to eliminate segregation within their school system.

We believe that the allocation of one-third of the appropriated sums to the Secretary of Health, Education, and Welfare to be expended "as he may find necessary or appropriate" to be extremely unwise.

Public officials who violate the law should be held responsible by the proper authorities. The Health, Education, and Welfare Secretary possesses punitive powers only through the withholding of funds which negates the intent of the legislation to encourage integration of school systems.

Moreover, vesting all powers in the Secretary of Health, Education, and Welfare, bypasses the Commissioner of Education and is counter to general procedures of all other federally funded education programs.

While any effort to effect complete integration of our student population is commendable, we believe that the basic answers to the problems facing American education is through expansion of general Federal aid in an amount which will eliminate the indisputable public school needs.

Mr. Chairman, we appreciate the opportunity to appear before this committee. We sincerely thank the chairman for the courtesy which he has extended to us in making it possible to testify.

Mr. PUCINSKI. On this particular legislation, what are your views as to the timetable?

As you know, the President has proposed \$150 million of the emergency measure funds taken out of five different authorizations which have absolutely no relationship whatsoever to the problem that the appropriation is intended to deal with and they are trying to move this through the conference now so that these funds may be available by September 1.

My own feeling has been that if this legislation has any merits, it ought to go through normal authorization procedures and processes that we are conducting in these hearings and there ought to be legislation earmarked for that purpose.

What are your feelings on a timetable that the administration has proposed here?

Mr. MEGL. First of all, certainly any reduction of any of the previously committed funds is not within the best interests of our educational program.

We have fought hard in every area to get funds and, even at best, the funds are insufficient to satisfy the present needs of education.

I certainly agree with your statement that this piece of legislation needs careful consideration by the committee.

Mr. PUCINSKI. In your statement, you propose that we double this authorization and that any district anywhere in the United States which is to submit an integration plan, either to overcome de jure or de facto segregation, shall be eligible for funds.

Why would we want to limit this only to those school districts that propose a plan? I rather suspect that with the tremendous amount of Federal legislation in many directions, title VI and title IV of the Civil Rights Act, and various other bills and laws, that every school district in this country that has minority youngsters will undertake some effort to meet and deal with the problem.

Many of them are doing that now. Evanston, Ill., White Plains, N.Y., Berkeley, Calif. A lot of other communities across the country are doing this voluntarily without submitting a plan to HEW.

I really have some reservations that only HEW-approved plans shall qualify for funds because, in my judgment, it introduces a horrendous dimension of bureaucracy on one hand, and, on the other hand, I think it slows the program down.

I think that when we look at the way some of these agencies are dotting every "i" and crossing every "t," why not just have a bill

that would recognize the fact that we are a nation of people who want to proceed in good faith to meet a problem and give every school district that has minority children in it the funds to proceed with the plan as best as they can in that community.

Do you insist that it be tied into Federal approval?

Mr. MEGEL. Congressman Perkins a minute ago asked the question about the power that the Secretary of HEW would have.

I think that, vesting so much authority in the Secretary, does exactly what in the past we strove so hard to prevent.

In my statement I said that we believe the basic answers to the problem facing American education is expansion of general Federal aid. We still believe that.

Mr. PUCINSKI. You missed my point. The point I am making is that I believe the time has come when we ought to recognize that every school district in this country that has a minority group in it has a problem and is trying to resolve that problem.

I would like to see legislation that would give that district money that would deal with the problem but not necessarily insist that the plan that the district develops to deal with the problem must first be approved by Washington because I do not believe that the bottleneck that we create here will serve the best interests of the country.

We have a myriad of districts around the country who are now moving on their own.

The one thing that I hear all over the country, as I move around in this country, is local administrators telling me that Federal programs are just not getting down to the operational grassroots level because they are tied up in all of this fantastic redtape and bureaucracy.

All I want to know is, would you support a concept of giving this money to a local school district and, unless it can be proven that the school district is not moving expeditiously and is not moving effectively to overcome this, deny the funds then.

Why do we presume that every plan must first be approved by Washington. Why not lay down some broad guidelines, make the money available and take the money away if they fail to meet criteria. Wouldn't that be a much more expeditious way of doing this and getting this money down faster?

Mr. MEGEL. Yes, of course. That is exactly the position which we take in our educational excellence legislation which we proposed when Dr. Kyserling was here with us. It represents the basic fundamental position of the American Federation of Teachers.

Mr. PUCINSKI. Do you think that the school administrators across the country ought to be able to look at the appropriation and figure out reasonably well in advance how much of that appropriation they can count on by virtue of the number of children they have in their school district?

It seems to me that one of the great weaknesses in this bill right now is the complete uncertainty in which we distribute the funds to the—

Mr. MEGEL. The uncertainty occurs because policy and allocations are determined by the Secretary. This is one of the weaknesses of the bill.

MR. PUCINSKI. You are one of the most highly respected and one of the most experienced educational observers in Washington.

Let me ask you this question.

Is there any doubt in your mind that once this legislation is approved, it is forever? They have tried to create the impression that this is a 2-year bill. It is a one-shot operation.

But I have been here long enough and you have been here much longer to know that once you feed this money into the pipeline and once these programs get started and once these local school districts start counting on this kind of assistance, they are not going to give it up in 24 months.

I think that whatever bill we pass ought to be passed on the presumption that this is going to be legislation that is going to be around for a long time to come.

Rather than trying to come along with a two-for-one count and a two-thirds to one-third and all the other hocus pocus in this bill on the assumption that it is going to be a one-shot operation for 24 months, is there any doubt in your mind that once this bill is passed that it will take an Act of God to undo it?

MR. MEDEL. That is why this bill should have strong amendments along the lines which we proposed.

MR. PUCINSKI. Did you have any feeling about the questions I raised with Mr. Monagan? They attempt, in this bill, to define a minority group child, but it seems to me like a rather narrow definition and I am wondering whether this definition will meet the needs in our country from coast to coast.

MR. MEDEL. First I would like Mr. Dulgov to comment about the section which says age five to 17.

Would you comment on that?

MR. DULGOV. I have taught for 10 years in a school that is fully integrated. In fact 45 percent of our students were chicanos. The average age of the senior from a minority group background is over 18. Many of our graduates are 19 years old.

You have a cut-off point at 17 which would be, in my opinion, unrealistic.

MR. PUCINSKI. What would you suggest?

MR. DULGOV. A general definition.

MR. PUCINSKI. Without limiting yourself from five to 17?

MR. DULGOV. Yes.

MR. PUCINSKI. Well, I was wondering, if you did that—you see they have got to count—the problem that we have here—and perhaps you have some suggestions—you are going to have \$150 million, ultimately one-half billion dollars, and ultimately \$1 billion. You are going to have \$1 billion to distribute in this country and you have to have some sort of criteria for distributing it.

I can appreciate your point about the five to 17, but how would you count people and how would you ascertain a State allotment if you don't have these parameters. Who would you count?

MR. DULGOV. The actual number of children enrolled in school. That would also take into account the present rate of drop-outs, and what you could do to get them back into school—

Mr. PUCINSKI. One problem that this definition is going to have-- and the one problem that we are going to have in this whole system-- is the problem that has plagued us always on a general aid bill and that is the count-in, count-out principle.

There are children attending private schools; the private schools don't get any help in this bill. The children are counted in the State formula. That is the problem we have had for years around here.

You say that we should count only the children who are in public schools or who we anticipate will be in that school in 1972 if that is the year for which we are allocating?

Mr. MEGEL. I think he meant to say 5 to 19 rather than 5 to 17. Since many of these minority children are retarded because of educational deficiencies, they are in school a year or two longer.

Mr. PUCINSKI. You made a good point there. We have had previous testimony here and one of the things that the superintendents testifying yesterday, from Mississippi and Georgia, and superintendents testifying previously on this told us is that one of the problems they have is the large number of retarded youngsters that have now come more deliberately to the attention of the educators once they take them out of the segregated schools.

So, you are probably right. They do stay in the educational cycle a little longer than 17.

Mr. MEGEL. It is practically impossible, by definition, to cover all categories of minority group children.

The term "aged 5 to 17," should be at least 5 to 19.

Mr. PUCINSKI. The other question that has come up is how do we deal, if we accept this narrow definition of a minority group youngster, how do we deal in those situations where it may be reversed, where the white youngster might be in the minority?

Mr. MEGEL. If you followed the definition, as stated in the bill, those youngsters would be eliminated from that consideration. It is almost impossible to define minority group children in a satisfactory category.

Mr. PUCINSKI. The other question that I wanted to probe with you is the concept of schools that have the same problem as the de jure schools but who would be covered under this bill, only possibly in section 3, and that is the school in a city like Chicago where you have three situations.

You have de facto segregated nonwhite schools because they are in a community that is solid black. You can go 30 blocks in either direction and you won't find a white youngster.

Then you have the de facto segregated all-white schools located in all-white communities.

But I have said that the third category of schooling in Chicago, and this is true in other cities across the country, the tilting schools. The schools in those neighborhoods that are shifting from white to black are the third category.

Those schools are no different today than the schools in the South which are shifting from de jure segregated to neighborhood schools. What is happening in the South is the courts have now ordered all of these schools to integrate and they have done away with this

crosstown busing of black children to black schools and white children to white schools even though they may pass schools by.

So, what you have got is a kind of a return to the neighborhood school concept in the Southern communities to which this legislation is addressed.

They are having the identical problem that tilting schools are having in Northern cities.

Under this legislation we give no preferential treatment to the tilting school while we give a double count to the de jure school system even though their problems are identical.

Now, do you think that perhaps we ought to try to write into this bill, if we are going to have this legislation, some preferential treatment to the tilting school so an administrator could bring a task force into that school and raise the quality of education so that white families wouldn't think of moving out of that neighborhood?

Don't you think the problem is identical to the problems in the South?

Mr. MEGEL. We have said that the solution of this problem is through the more effective schools program. Results have proven its success.

I know the situation you are talking about in Chicago. The schools you mentioned probably would not be eligible for funds.

Mr. PUCINSKI. Other than through a grant from the Secretary himself under section 3.

Mr. MEGEL. Yes.

Mr. PUCINSKI. But it seems to me that the basic drive of this legislation is good. Surely there are great problems involved in shifting, integrating schools. You need more teachers in your teacher retraining to deal with problems they have never been confronted with.

I don't think that anyone will argue that it takes more money to upgrade the quality of education in a school that has suddenly become integrated because of the new problems that have been introduced in this school.

The problem that I have is with the inequitable distribution of the dollar and the inequitable treatment of schools having the same problem.

Mr. MEGEL. We tried to provide an answer by recommending that we double the amount of money and allow any school district—and this would also take care of what you call the tilting areas—any school district to make an application and be eligible for the funds.

Mr. PUCINSKI. What if we went the route of the chairman of the committee, Mr. Perkins, that programs—the best way to meet this problem is to fully fund title I?

Mr. MEGEL. We would support that wholeheartedly in preference to this legislation.

Mr. PUCINSKI. Then setting up a new bill?

Mr. MEGEL. Sure, it can be done. Title I also title VI.

Mr. RUTH. Mr. Chairman.

Mr. PUCINSKI. Yes, Mr. Ruth.

Mr. RUTH. I get a little confused at our inconsistency. We had the Stennis amendment that we should treat all these schools alike and I remember being the only person in here that thought this was a good

idea and now we have a bill here that presents some money and all of a sudden we decide that these de facto schools are like a de jure and that they should have some help.

Why is it any different when there is any revenue involved, Mr. Chairman?

Mr. PUCINSKI. I think that we ought to get one thing clear which sometimes escapes most of us in these discussions.

If there is a fundamental difference between a de jure school system and a de facto school system—the de jure school system, as we know it in the South, consisted of a separate but equal school system, supposedly equal. Let's stipulate it was equal.

It was where black children would be bused past four or five or six white schools; bused out of their immediate neighborhoods, hauled considerable distances to be taken to an all black school because they were black and white children were bused considerable distances past black schools and taken to white schools because they were white.

That was established by law, de jure, that you had two schools: a black school and a white school. Black children went to black schools and white children went to white schools.

In de facto we have segregated schools by virtue of the fact that we maintain a neighborhood school system. Children are encouraged to go to school close to the home. Where you have an all black community, obviously the children go to all black schools. Where you have an all white community, obviously the children go to all white schools.

When Senator Stennis proposed that we treat the de facto schools the same as we treat the de jure schools, he was dealing with apples and pears because he was trying to impose the same concern that we have shown over de jure schools on de facto schools which would have met that under court orders dealing with de jure schools.

You set up a neighborhood school system. He goes to the school closest to his home.

If you were to apply that same logic to de facto schools, we would have busing and we would be doing in the de facto school districts the very thing we have tried to eliminate in the de jure systems. We would have to bus children from all white communities to all black communities and children from all black communities to all white communities.

That is why we opposed Senator Stennis, because we did not believe that he was trying to make any contribution toward improving the quality of education. We felt he was trying to block the whole bill.

For that reason, we opposed him.

I do think that in this country there are a lot of people who do not draw a distinction between a de facto and a de jure school system.

Mr. RUTH. I think we are all cognizant of this de facto and de jure. Maybe you aren't aware that we are busing Negro children past Negro schools to go to white schools and taking white children and busing them right by their schools—

Mr. PUCINSKI. If my colleague will yield I will tell him I am a strong advocate of the neighborhood school system. That means that if a school system is an all white system because the neighborhood is all white, so be it. If it means an all black system because the neighborhood is all black, so be it.

It would seem to me what they ought to have is neighborhood schools. If the housing pattern is an integrated housing pattern, you are going to have integrated schools. If it is not, you will not have integrated schools.

The great mistake this country has made, in my judgment, is trying to make the school a citadel of social reform. That is what has set us back 20 years in education. We have made that schoolhouse the great laboratory of social reform. I think this is where the whole country has suffered. I think that good schools have gone down in quality.

I must tell you this. At this late date—I am not sure my friend in the witness chair will agree—but at this late date, 1970, July 7, we do not still have any concrete evidence that the mere act of integrating, in itself, has helped a single American child, black or white. We have testimony before this committee—I am aware of the Coleman report, but I am also aware of the Jensen report, the van den Haag report, and I think there is today as much division among the educators as there ever has been about the mere fact of bringing blacks and whites together, *per se*.

Now, this legislation attempts to address itself to the problem of coupling the act of integration with improvement and quality of education. I think that within this framework you can look forward to an improvement in educational achievement; but the mere bringing of children together without the support of educational programs that are envisioned in this bill, just the mere mingling of people without any further activity in itself, there isn't an iota of proof before this committee that that, in itself, has helped.

Mr. RUTH. I didn't mean to open an avenue for explaining the Stennis amendment on our point of disagreement.

My point was that in the *de jure* schools it was necessary to integrate. I felt that these funds were primarily to permit these people to integrate more intelligently.

The area in Chicago that you spoke of, that has existed prior and it was assumed that it had been already integrating. It didn't need the help that the South needed.

I am sorry to have taken up 15 minutes for the background.

Is this not the plan of this bill? To help those areas who are forced to integrate to do it more intelligently? Is part of the bill to help schools in the North and the East and the West, who have been integrated for years, to do a better job?

Mr. MEGL. As I said in my testimony, the funds will principally go to the South in this bill.

Also, Mr. Chairman, I stated in reply to your statement that integration for the sake of integration alone is only a partial education solution.

Quality education is the answer.

Mr. PROINSKI. If my colleague will yield, would you agree that, surely the fact that we now have legislation reforms that recognize this, that if you are going to integrate you are going to need passive help to make that integration successful educationally?

The mere fact that we now have taken cognizance of that principle surely is a step in the right direction.

Mr. MEGL. That is very true.

Mr. PUCINSKI. We have to clean this bill up to make sure that everybody who has this problem gets some help to deal with this problem.

Mr. RUTH. You have schools in your area that were integrated before I was born and before you were born. We have schools in the South that just started integrating within the last 5 years. This must be the reason for the money.

Do schools in New York and Chicago need money to help them do something they have been doing for over 50 years?

Mr. PUCINSKI. Yes. We are shifting four blocks a week in Chicago from white to black. As this movement moves from Chicago—had there been funds available, such as are envisioned in this bill, for the school superintendent to go into Austin High School when it first became integrated, he could have gone in there with a massive program of compensatory education, lower class rooms, all the things envisioned in this bill, if he could have gone into Austin High School with this kind of a program, the chances are reasonably good that that school would not have tilted all the way to black. It probably would have today been an integrated school.

We had testimony here, which my colleague will be interested in, by our Southern witnesses from Mississippi and Georgia who said that they felt that if you could keep a balance of 50 percent white and black in a school, you are all right.

But the moment it tilts to 60 or 70 percent, then the remaining 30 percent of the whites just vacate the school and it tilts very quickly.

This bill is designed to try to meet the problems. To that extent I think it is a good start.

Mr. RUTH. Couldn't you make that same statement about your all-white or all-black schools? It wouldn't just be the integrated schools.

Mr. PUCINSKI. The gentleman raised a marvelous point. I represent a district that is on the northwest part of Chicago. I am surrounded on three sides of my district by suburbs. I have a school in my district called the Mather High School which has been consistently short-changed.

Six blocks down the street from Mather High School is one of the 10 best high schools in America in Niles Township in the suburbs.

If we want to save the large cities, you are going to have to shore up the schools in the outlying areas as much as the schools in the inner-city. Why should a parent live in Chicago and see his children being short-changed in the Chicago High School when he can move six blocks in the suburbs and put his child in one of the finest schools in America.

That is what worries me about minority groups.

As my colleague pointed out, it is not the minority groups that need help; all of the education needs massive help in this country.

Mr. RUTH. As this bill is designed, is it designed to help those schools which have recently been compelled to integrate or is it compelled to help all schools in the United States?

Mr. MEGEL. The bill is designed to help the schools in the South.

Mr. RUTH. Those schools which have been forced to integrate, where they need the help because they have had no prior training or learning along those lines?

Mr. MEGEL. That is very true but—

Mr. RUTH. It looks like we are going to have to agree on that so we can proceed from there. I don't see how we are going to get anywhere. Would you agree, Mr. Chairman?

Mr. PUCINSKI. Yes, but we are going—

Mr. RUTH. Do you agree with him?

Mr. PUCINSKI. Under the present language of the bill, the schools under the court order get an enormous advantage in the allocation of funds. The only exception would be his school system in Waterbury. There are three school systems under court order in Illinois and one in Indiana. As far as I know, that is all we have.

There is, in this bill, the authority that the Secretary has under section 5(a)(3). He could help schools like Evanston, Ill., or White Plains, N.Y., or Berkeley, Calif. He could help them. But the bulk of these funds, under the formula in this bill as it now stands before the committee, would gravitate toward the 600-or-so school districts that are under court order for de jure segregation.

Mr. RUTH. This is where I think that it is our responsibility not to release ambiguous bills. If this is for that specific reason, that should be stated. If we leave it ambiguous, we play that great American political game—How can I get part of these funds?

If we need another bill to help these other schools, then that should be so stated.

Mr. PUCINSKI. But the problem we have with this bill, as I see it—and Mr. Megel, I believe, will agree—is that it is a myth to think that this is temporary legislation.

It is a safe bet that this is forever. Once it is passed by Congress, it is going to be for a long, long time to come. This is not a 2-year, one-shot emergency operation, because the very nature of the bill—hiring counselors, reducing the classrooms, doing all of the things this bill provides—surely at the expiration of this legislation you are not going to say you have got to cut all of that off and cut all that out and fire all these teachers because this was a temporary one-shot operation for 24 months.

You know and I know that, once you start something like this, you don't shoot Santa Claus.

Mr. RUTH. To go back to our fundamental difference, and not to give the definition of all the things that have happened in the past—we will use Chicago since you live there—and Chicago has schools which are all black and all white.

You have some who are integrating, and that was their choice. This is what we call de facto.

In the South you have people who had no choice. They had to go to black schools if they were black and all-white schools if they were white. This is a mistake. We admit it.

Now, they are forced to go to schools in the same building. If you people in New York or Chicago integrated by choice, then you should be getting along better than the people in the South who are forced to go to school together, which is contrary to tradition and their way of life.

Mr. PUCINSKI. I think it is necessary to get this legislation moving. I think that as long as we now have a Federal recognition—insofar as I know, it is the first time that we have had a Federal recognition—

that there are enormous costs involved in trying to integrate school systems effectively, I believe that this legislation should be written in such a manner that it will address itself to this problem, and actually this legislation, if it is properly structured, could be a great inducement, could encourage school districts to move in the direction that the courts have been moving simply because they now see that if they do they have an opportunity to get these additional Federal funds to help in the process.

My only quarrel with the legislation is that, in its present form, it will only help a certain category of schools when, in my judgment, there are some 3,500 school districts in America that are now in desperate need of help.

These are the 3,500 school districts that have 70 percent of the Nation's school population and their problems are enormous.

All of these school districts are faced with some kind of integration—

Mr. RUTH. But are they faced with court orders?

Mr. PUCINSKI. In some instances.

Take Chicago. I have here the plan that HEW has proposed to Chicago to desegregate their schoolteachers, and if they fail to do it, they are going to go in court. There are many school districts that are negotiating with HEW and trying to work out voluntary plans but HEW has indicated that if those plans are not acceptable they will go into court.

The point I am making here is that since this legislation is, as I say, forever, as long as you are going to recognize a principle that schools undergoing desegregation need help, why not come up with a bill that will help the whole country; that will help those districts under a court order, those districts that want to do it voluntarily, such as Evanston, Ill., White Plains, N. Y., Berkeley, Calif.?

Why not come up with a bill that gives every school in this country that wants to address itself to this problem a financial assistance?

Mr. RUTH. My experience is that one of the ways to foul up legislation is trying to make one bill do too many things.

Mr. PUCINSKI. There are a number of ways that we could overcome this problem. One of the ways I think—Mr. Nixon estimates that we can save \$400 million in an impact reform bill and if I had my way with it, I would like to tack the impact reform bill onto this bill so we could save \$400 million on this bill.

As far as I can see, this is the most urgent pressing problem in America today.

Mr. RUTH. When it comes time to act, "Look, over there in the South is where you people have gummed up the works and that is why we are issuing court orders and sending people from HEW to show you what to do. We are not sending these people to New York and Chicago."

Then we come out with a bill that says now we are going to have some money to straighten this up and you people in New York and Chicago—"We are talking about something else. We don't mind telling you people what to do but when you pass the hat, let us get our dirty paws into it, too."

It looks like the whole problem is as soon as we get something with some money in it, you are in bad shape. When it came time to integrate, "we do all right up here. We did this by choice. We really haven't violated anything. So, we don't really need any help such as court orders; but if you are going to have money to help solve these problems, we need your help."

That is what is bothering me.

Mr. PUCINSKI. I think you have to go to the public works bill—

Mr. RUTH. Let's not go there. Let's stick with this bill.

Mr. PUCINSKI. As somebody said here, if the Supreme Court takes on the question of de facto segregation and if the Supreme Court should rule adversely on that issue—I say adversely to those who justify desegregation—whatever opposition to this legislation there is will disappear overnight.

I am trying to anticipate, knowing that this is going to be landmark legislation.

I think that the Congress is constantly trying to react instead of looking downrange and anticipating the needs and coming up with meaningful legislation.

I maintain that there isn't a school that has minority groups that, at some time in the near future, is not going to be confronted with some problem. I am hoping that this bill will anticipate those problems. I am hoping it will encourage districts not to wait for court orders. I am convinced that the Austin High School in Chicago could have been saved if they had been able to go in with a big task force and make that school attractive.

Mr. MEGEL. It was once the best in Chicago.

I would like to comment on what you said.

This bill is more than an integration bill. If this bill said only integration, that would be one thing. But this bill provides more than that and here we get into the area of quality education. In establishing quality education, all children in the United States are just as eligible as anybody else.

Mr. RUTH. Have I missed something. It says "To assist school districts to meet special problems incident to desegregation."

You tell me that the bill is for more than that. How do you read more than that into it? I don't deny that we need bills to do more but this bill is designed for a specific purpose and some people are trying to make it solve all of the evils of education.

It clearly states that it is "To meet special problems incident to desegregation."

Mr. MEGEL. But it also provides for retraining of teachers.

Mr. RUTH. That is for desegregation.

Mr. MEGEL. It also set up remedial programs.

Mr. RUTH. Is that not necessary in desegregation?

Mr. MEGEL. The point I made was that section 8 calls for additional teachers, retraining the staff, remedial, and other services.

Mr. RUTH. Wouldn't the gentleman admit that all this is particularly needed in areas where you are desegregating?

I will go along with you that we possibly need it in all of our schools and we have some programs in all of our schools but this bill is designated to help this particular situation.

Let's quit trying to solve all of the education problems in the United States in this bill. You are going to have to change the title of this bill if it is for the purpose of anything other than desegregating the schools.

Mr. MEGEL. You can do the same thing through title I with more funds if you insist upon integration in legal fashion.

Mr. RUTH. I don't like to keep harping on the same thing but we go back to Stennis and that is realizing that the North doesn't have the problems that we have in the South. We would like to give them the opportunity to have them but they said they didn't need it. "We are handling our desegregation all right. It is you people that need the help."

That is when the President formed the committee and said "Let's get some funds together."

But, you see, the rest of them said, "We don't need help." Now, here we come up with some money to help these people who admitted they couldn't do it all and now we are trying to help the education bill for the whole country.

I am sorry I interrupted you. As long as I know what the committee was formed for, I will have to go on that assumption.

Mr. MEGEL. The thing that we are saying is that we need to provide educational opportunities for the whole Nation and we can do that.

Mr. RUTH. I think we can probably terminate this by my saying that I know about your program; that I mostly agree with your program. I think that we need this thing in all of our school districts.

I agree with what the primary purpose of your organization is, but I still say that let's not try to solve all of those things you are interested in a bill which is drawn up to help schools integrate. I think it is in the wrong place.

Don't you feel, Mr. Pucinski, that this bill is primarily for States to desegregate schools?

Mr. PUCINSKI. I don't think that this bill, in its present form, would desegregate one single school in this country. This bill is designed to help those schools which are already in the process of being desegregated and, to that extent, I have said repeatedly, that to narrow it down to just the de jure schools makes it look like Mr. Nixon's southern strategy.

Mr. RUTH. You misunderstood my question. I said the primary purpose of this bill is to help in desegregation and it is not to change the whole educational structure.

Mr. PUCINSKI. This is where your biggest problem is and the objection I have to this bill is that it would help only one segment of the educational segment that is having this problem whereas I would like to see a bill that is, as you pointed out, properly so.

You are absolutely right. This bill is designed specifically to help those schools that have encountered financial problems in trying to desegregate. You are absolutely right. It is not a general-purpose bill.

Mr. RUTH. That is all I want.

Would you agree?

Mr. MEGEL. Yes, in light of my testimony.

Mr. PUCINSKI. The only problem we have, and I hope that our committee can resolve this, is that within the framework of schools, because

they are integrated, there are more than just the 600 schools under court order and what I would like to see if this bill broadened to help any school in this country whether it is under a court order or whether it is under a HEW approved plan or whether it is under its own voluntary plan.

As I said, White Plains, N.Y., Berkeley, Calif., Evanston, Ill., are not under court order and yet they have done more and are doing more and it is costing them more money to do what they are doing in integration than any of the schools that are under court order.

Certainly this bill now provides that help would be given only to those schools that are under a Federal court order, but the Los Angeles school system is under a State order and the Los Angeles school system has been ordered to desegregate and if the Supreme Court upholds the lower court, the city of Los Angeles will have to bus 280,000 children at a cost of some \$480,000 a year for busing alone.

Yet, within the narrow confines of the bill before us, Los Angeles would get very little help from the Federal Government to carry out that order of the State court.

I hope you and I can get together and clear the bill up.

Mr. RICH. Would the distinguished chairman tell me how we are going to word this bill so we get what he wants?

This is the "Who-wants-to-know" game. You say "How are you getting along with your integration?" They say "Who wants to know?"

"The courts want to know."

"We are doing just fine. We don't need any help."

Someone says "How are you getting along with your desegregation?"

"Who wants to know?"

"The man with the money wants to know."

"We aren't getting along too well. We would like to get you people to come down and help us a little bit."

If you need help, then you need the court's help and the money.

"We need the money part, but we don't need your advice and the court's help." That part has got to go.

This is what I am—hopefully pleasantly—quarreling with Mr. Pucinski about. Plant a few bucks—"Welcome, gentlemen. We need you."

Mr. MEGEL. We are all looking for additional funds for quality educational purposes.

Mr. PUCINSKI. I think this only reflects the desperate plight of school districts all over the country and I don't blame people for wanting to find money where they can.

I hope my colleague someday will join me. I think we are coming more and more to a point where we ought to have just a general school bill in this country where perhaps the Federal Government would say, "All right. We will assume the cost of one-third of educating the youngsters of this country." And give every school district that kind of Federal aid and say: "Do a good job."

I am concerned with the proliferation of educational programs in so many different directions that you have developed a whole new breed of cat in this country, a whole new breed of people. That is that people that do nothing but draw up grant requests. They are here

in Washington and follow these programs and get clients all over the country and for a fee they prepare and advise them and counsel them on how to put together a grant request for Federal funds.

Just imagine the enormous money and time that is wasted by administrators going in 60 different directions. Mrs. Green once put together a chart on the various Federal programs in the Federal Government and I could wallpaper my whole house with that chart.

I do think that the time has come when we, on this committee, can get together with Mr. Megel and various others and put together a meaningful school aid bill.

Mr. RUTH. We don't know whether she had a very large chart or whether you have a very small house. This is what happens in the Federal Government.

Back a few months ago we said, "We want you people in the West and the East and the North to have the same benefit of the court orders" and you rejected it and you said, "Let the South have it."

But now we are going to put some money in this thing and you are saying, "We need it like mad. We have got tilted schools and funny-shaped schools and if you are going to have any money, let's spread it all over the country."

I still say take our court orders and HEW problems if you are going to take our money.

Mr. PUCINSKI. My grandfather always told me never to get into a debate with a North Carolinian. He must have been thinking of Mr. Ruth when he said that.

Thank you, Mr. Megel.

Mr. MEGEL. Thank you.

Mr. PUCINSKI. The committee will stand adjourned until 2 o'clock this afternoon in room 2175.

(Whereupon, at 11:45 a.m. the subcommittee recessed to reconvene at 2 p.m. the same day.)

AFTER RECESS

(The subcommittee reconvened at 2:40 p.m., in room 2175, Rayburn House Office Building, Hon. Roman C. Pucinski (chairman of the subcommittee) presiding.)

Mr. PUCINSKI. Dr. Graham, won't you join us here at the witness table?

We have been conducting for some time now hearings on H.R. 17846, which is the President's Emergency School Aid Act of 1970, which, as you know, would make available \$1½ billion of Federal aid to schools that are experiencing difficulties in meeting the court orders for integration.

I welcome the opportunity of having Dr. Graham in Washington. I understand you had been here earlier today testifying before Congressman Perkins on the title I of the ESSEA.

Dr. GRAHAM. That is correct, sir.

Mr. PUCINSKI. And I am very grateful to our distinguished Chairman for prevailing upon you to remain through the afternoon to get your views on H.R. 17846. We are most anxious to have as wide a reflection of views on this legislation as possible.

So, Dr. Graham, if it is agreeable to you, I wonder if I could ask you to proceed in any manner you wish and make whatever comments you have on the bill. There will be other members joining us very shortly, but because I know you are in a hurry to get away, we will move along.

I would like very much to get your views on this legislation if we may, sir.

**STATEMENT OF DR. LEON GRAHAM, ASSISTANT COMMISSIONER,
ADMINISTRATION, TEXAS EDUCATION AGENCY**

Dr. GRAHAM. I would have to say, sir, I am familiar with the legislation. I have not made a detailed study of it. I think as far as the general idea of the legislation, it is excellent. I do have two observations that I might make. I would certainly regret to see the funds for the implementation of the act to be taken from existing Federal programs. If that should come to pass, I would certainly regret that.

I would trust if the legislation does become law and there is an appropriation that it could be above and beyond what is presently or will be dedicated to other federally assisted programs in local school districts at the present time.

The only other observation I might make is that we would trust that State departments of education can be involved in the program to the fullest extent possible. It is our understanding that the grants would be made direct to local school districts. If that is to come to pass, we would still trust that State education agencies may have an active part in assisting local school districts in developing their applications and in making recommendations to the Department of Health, Education, and Welfare as to which ones should or should not be approved.

Of course, I would assume that fundamentally we would rather that the funds came to the various State departments of education and then went to the participating local school districts. However, if that be not possible, then we would trust that State departments can be involved to the fullest extent possible in the program.

Mr. PUCINSKI. What would be the practical advantage, in your judgment, of requiring that these funds do go through the State departments of education for ultimate disbursement to the local school districts? What, in your judgment, is the most compelling argument in support of that doctrine?

Dr. GRAHAM. I presume, sir, I would have to say that if a State board of education and its commissioner of education and the staff of that State department of education as a combined unit is supposed to present the educational leadership of the State in public school education, then federally assisted funds to the fullest extent possible should be channeled through that State agency and not direct to local school districts. I realize there are some that are channeled directly.

Mr. PUCINSKI. Now, Dr. Graham, on the distribution formula in in this bill, as you know the bill as it now is before the committee would propose that all minority children be counted in the State to ascertain the State's allotment of the total. But then the disbursement within that State would be made by the Secretary of Health, Education, and Welfare here in Washington. So that there is no assurance that

a particular school district whose children are counted into the State allocation to ascertain the dollar volume that that State is to get, there is no assurance in this bill that that particular school district would get a pro rata share of the fund based on its population. The amount of money that would go to each school district would be determined and ascertained by the Secretary.

Dr. GRAHAM. I would not care to comment too much, sir. It seems to me that such funds as are available should go to those school districts that need the funds the most. That may not be a very good way to say it. I trust that some method of equitable distribution could be worked out. I do not think that where school district's youngsters are counted that if that school district needs the funds and can use them—I don't think they ought to summon the school district in the State, I guess that is about what I am saying. It may not be a very good way to say it.

Mr. PUCINSKI. What is your feeling on the fact that this legislation would make two-thirds of the appropriation available for distribution to the respective States and one-third would remain with the Secretary to be disbursed in his judgment wherever it is needed most urgently.

Do you think that when you talk about a \$1 billion appropriation—and I don't want this to sound like a "When did you stop beating your wife" question, but I know no other way to ask the question except to ask you how you feel about giving the Secretary \$333 million to play with in his own way?

Dr. GRAHAM. Sir, I am not going to beat my wife, I assure you.

I would feel, just from a personal standpoint, that that is a little bit too much of a percentage. It is quite a bit above the normal percentage of discretionary funds. It might be a little bit high, yes, sir. I recognize that probably there should be some funds that were available at the discretion of the Secretary, yes, sir.

Mr. PUCINSKI. The schools that are being integrated in Texas, are there additional costs involved in that process?

Dr. GRAHAM. I think there are additional costs, there is no question about it.

Mr. PUCINSKI. What are those costs?

Dr. GRAHAM. Do you mean what is involved in the costs?

Mr. PUCINSKI. Yes.

Dr. GRAHAM. Of course, I couldn't give you any figures on cost.

Mr. PUCINSKI. Not the dollar amount, what are some of the things?

Dr. GRAHAM. I think one of the primary ones in Texas, at least, where there is desegregation, is their curriculum problems in that quite often there has to be quite a bit of revision on the curriculum and that costs money. And I think there must be training programs where the so-called crossover teachers can more fully understand how to work with groups of youngsters from the minority group or the majority group from wherever the teachers come, the opposite group, and that does require quite a bit of money, there is no question about it.

In certain school districts in order to do a good job there are construction costs that are inevitable and that certain schools that should be abandoned and then they must construct elsewhere. I think in the total planning of it there are bound to be additional costs, there is no

question about that, sir. Mostly in staff and in curriculum, I would say.

Mr. PUCINSKI. Do you think this legislation is necessary?

Dr. GRAHAM. I think—may I answer in this way?

Mr. PUCINSKI. Let me rephrase the question perhaps, and then we will come back to this question. Do you believe that if we fully funded, say, title I, could you do the same job more effectively or less effectively than is envisioned under this new legislation, or is there no similarity between the two?

Dr. GRAHAM. I think there is quite a bit of similarity, sir. I would say that if title I were fully funded and it were possible that a State department in the States involved, local school districts, had a full commitment for the purposes of what this additional legislation is intended for, that in large measure it could be solved with full funding of title I, yes.

Mr. QUIE. Would the chairman yield?

Mr. PUCINSKI. Yes.

Mr. QUIE. I understand that title I is for compensatory education and the purpose of this legislation is not necessarily compensatory, but rather the added cost that comes to require desegregation of school districts. I recognize there to be some overlapping here. But the intent and purpose of the two pieces of legislation are entirely different.

Dr. GRAHAM. I would think I would agree with you that there would have to be some way where title I could be blended in a way that its program could accomplish, in addition to what it is intended to do, some of these other things; I would agree with you there, yes, sir, I sure would.

Mr. QUIE. Could I ask another question? What experience have most State departments of education had with the problem of desegregation? I doubt that there are many school districts that have desegregated because the State office asked them to do it. It is usually under a court order or else there has been an interest of the people in the community. And I don't recall a State department of education putting pressure on or having developed any expertise in making decision on desegregation.

Dr. GRAHAM. Sir, while the State department of education in Texas has not enforced desegregation, we like to think that we have done a great deal in a leadership way in encouraging local school districts to desegregate and we really think we have. We do have a small technical assistance staff funded under title IV of the Civil Rights Act that works with local school districts upon invitation to develop plans for desegregation and to develop programs such as we are talking about where the teachers of one group learn something about working with children from the other group.

We think, in a way, that we have done a great deal from the standpoint of leadership in working with local school districts.

I will admit that there may be some that haven't made much impression, but fundamentally we have done quite a bit. Actually, maybe I shouldn't say this, I am supposed to be the desegregation specialist in Texas in the general way in that I am the liaison person between the State department of education and Office of Civil Rights, but I

didn't know I was going to testify on this when I came up here so I am not prepared to speak to that, but we think from the point of leadership we did a pretty good job, sir.

Mr. QUIE. Would you list some specific things you do to encourage the schools to desegregate in Texas?

Dr. GRAHAM. We meet with local boards. Of course, most of our desegregation is pretty far along but we have met upon invitation with local boards, with community groups, with teachers, from time to time, in doing everything we could to explain and to work with them on their desegregation plans. Yes, sir, we sure have. As far as holding any ax over their head, we have not.

Mr. QUIE. You haven't held an ax over their head like HEW has and the courts have.

Dr. GRAHAM. No, sir, we have not.

Mr. QUIE. You don't have the problem of de jure segregation in Texas but you have had a substantial problem of de facto segregation, especially between Mexican-Americans and whites.

Dr. GRAHAM. We are one of the so-called 17 border States, Southern and border States. We did have de jure segregation.

Mr. QUIE. You had some?

Dr. GRAHAM. We did have, yes.

Mr. QUIE. But most of the seven Southern States have had primarily de jure segregation and it has been hard for the courts to figure out what is de facto and what is de jure and most of your segregation has been de facto or do you have a substantial amount of de jure segregation between Mexican-American people and white people. I shouldn't call them white and Mexican-American.

Dr. GRAHAM. Sir, we have all kinds of ethnic groups. If we care to call them ethnic groups we have in excess of half million Mexican-American youngsters in school and we have nearly 400,000 Negro youngsters in school, and in part of Texas, particularly in east Texas, we had complete de jure segregation at one time.

Mr. QUIE. What are you doing now specifically with the State Department of Education to encourage them to eliminate their racial isolation that has existed in Texas?

Dr. GRAHAM. Well, I guess I really said about all I can. We have encouraged them in every way we know. But we have no authority.

Mr. QUIE. Did you do anything on bilingual education prior to the Federal help on bilingual education?

Dr. GRAHAM. Yes, sir; we have been engaged in bilingual education for quite a number of years. I must admit that the emphasis on this is certainly accentuated by the availability of Federal funds, yes, sir.

Mr. RADCLIFFE. I was in Laredo about 1 year ago and they had just started to think about initiating a bilingual program. Now I would assume in Laredo the student body must be 85-90 percent Mexican American.

Dr. GRAHAM. At least 85 percent, probably more.

Mr. RADCLIFFE. Do you know of any explanation as an educator for the lack of bilingual program there?

Dr. GRAHAM. The only explanation I know, sir, is that Laredo, as you know, is one of the lowest income cities in the country or school districts, and their amount of local funds are extremely limited. But

I thought they had something in the way of bilingual education operating.

Mr. RADCLIFFE. We thought so too, but when we really started asking questions about it we found that they had only plans to initiate a program and this was a year ago. And I know some of these things cost money, but it would seem to me that when you are dealing with youngsters, many of whom don't speak English and you don't have English as a second language and you don't have bilingual instruction, what you are buying with your money, whether it is 10 cents or \$10 million, is educational failure. And, frankly, I am appalled by that situation.

Thank you, Mr. Chairman.

Mr. PUCINSKI. We are going to take a very short recess, although, Mr. Graham, it won't be necessary for you to wait for us to come back, but I believe there are other witnesses we would like to hear from.

I might make one observation. Mr. Quie asked if you had any experience at the State level in dealing with desegregation. I presume that that indicated that the people in Washington have had this experience. And I am reminded by this statement made by the new Commissioner of Internal Revenue that hereafter he will not let any forms be adopted by the Treasury Department until every executive of the Treasury Department has first filled those forms out himself so that he can see what the people are up against when they try to fill these forms out. And if all the executives can fill them out, they will be sent out to the public.

It seems to me that is pretty much the same way with desegregation. It seems the people in Washington think they know more about it than the people at the local level, when it is really the people at the local level who have to deal with these sensitive problems and try to put together an effective school system. So I think there is a great deal of merit to your suggestion that the States certainly ought to have some role in the distribution of these funds.

I am very grateful to you for your testimony, Dr. Graham.

I am sorry, I have to go and answer a rollcall. The subcommittee will stand in recess for 10 minutes.

(Whereupon, at 3 p.m. the subcommittee recessed to reconvene at 3:15 p.m.)

Mr. PUCINSKI. The subcommittee will come to order.

Chairman PERKINS. I am delighted to welcome you again, Dr. Horowitz. I would like for you to give us your views on the proposed school desegregation plan of the administration as you understand it.

STATEMENT OF DR. DAVID HOROWITZ, DEPUTY SUPERINTENDENT FOR INSTRUCTION, ACCOMPANIED BY THOMAS C. ROSICA, DIRECTOR OF FEDERAL PROGRAMS, PHILADELPHIA, PA.

Dr. Horowitz. I presume you are referring to H.R. 17846. I have read that very hastily and I can see some real benefits for the city of Philadelphia from section (c), under purposes that begins on the cover page and goes over to page 2. We have presented to the State commission on human relations a plan for offsetting de facto segregation in the Philadelphia public schools. The plan, as yet, has not been approved by the State. We have said very directly to the State com-

mission that in order to implement this plan we would need additional funds from State sources. At the time the plan was presented this seemed the only possible source of financial aid.

I see in this, if I read it correctly and interpret it correctly, that there may be a source of aid coming through this bill.

Chairman PERKINS. Specifically what aid would you expect from this legislation, for what purpose?

Dr. HOROWITZ. For a number of purposes. Under two broad umbrellas, I would say: first, to bring together children of different races for valid and well planned educational programs and, two, to bring children together of different religious groups. As I think someone stated this morning, we have sizable proportion of the children who live within the county of Philadelphia, 40 percent to be exact, who attend parochial schools, and there is, in addition to racial isolation in many parts of the city of Philadelphia, a religious isolation as well. We can mount a plan and bring children together in programs where they are able, in a good educational environment, to work together, learn together, and learn to know each other as human beings. This, I think, would be of great assistance not only to the school systems involved but I think to the general community both in the present and future as well.

Chairman PERKINS. In developing that specific plan that you are telling the committee about, what elements would be involved insofar as expending money?

Dr. HOROWITZ. We would set up what we call exemplary or model programs which we have given a special name in Philadelphia—magnet programs. For example, we could offer outstanding programs in the field of science that would use not only school facilities but the facilities of the museums, the scientific institutions in Philadelphia, to which we would bring children of different backgrounds, social, economic, religious, ethnic, so that they could mingle in a good learning situation. That would be one kind of opportunity.

Chairman PERKINS. Where would you house these different groups after you brought them together, in your regular auditoriums or where?

Dr. HOROWITZ. We could house them either in existing school facilities where these are available, we could use institutional facilities within the city of Philadelphia, the museums of various kinds, the science institutions, the exhibition halls, and certain business institutions would and have lent to us space for special kinds of programs. This could be done. We could also use the existing facilities we have now at other times than the usual hours in which schools operate, after school hours, summer periods, and so on, where we have a tremendous amount of real estate that is just standing there that is relatively unused.

Chairman PERKINS. You state that you see some good that could come to the city of Philadelphia from this legislation. Could the things that you have described result from title I if the program was fully funded, title I program?

Dr. HOROWITZ. Yes, if fully funded we have a long list of priorities that we can defend that we would like to place under the title I umbrella which we haven't been able to do thus far. I think that in order to do these other things such as we are talking about that might be funded under the provisions of this bill, additional money would also be needed.

Chairman PERKINS. Do you think that the things you can do under the administration's desegregation proposal—and you tell the committee that you have read it hurriedly here this afternoon—should take priority or precedence over a general school construction bill?

I am just exploring my way here.

Dr. HOROWITZ. May I backtrack a little? My colleague has reminded me of something I should have stated, and that is in the desegregation or offsetting of de facto segregation activities and the possibility of using title I. Title I of course is limited to children who live within the poverty areas or the so-called target areas. We have a large population who live outside of these areas who need contact with other kinds of children with different backgrounds and need to learn how to grow up with them, live with them, learn with them, and learn to respect. So title I therefore would not be able to serve in any desegregation activity those children who live outside of the target areas that are now eligible for title I funding.

To get back to your other question—and forgive me for interrupting you—I don't know whether to say this is one, this is two, and whether this is three, because everything is critical all at the same time and they are all interlaced and one really hinges on the other. A good, modern school building is needed for good, modern school programs and one without the other is handicapped and so on.

Chairman PERKINS. Now what other benefits, if any, do you see coming to your city under this proposal, as you read it, other than what you have told the committee?

Dr. HOROWITZ. I see benefits also in bringing our staff really to a better level of development so that they understand the kinds of problems that are faced in the urban situation outside of the school as these affect the school. I see the need, for example, of developing a great deal more expertise and competence in such studies as Afro-American studies, history, cultural—the so-called black studies that are at a rapid pace really becoming inserted into the curriculum of our schools, becoming an integral part of many of our schools.

Chairman PERKINS. Has anyone from your section of the country been invited to participate in any formal plans by the Office of Education to disburse \$150 million immediately?

Mr. ROSICA. There was a representative of the Office of Education in Philadelphia approximately 2 weeks ago, on a Saturday, to discuss the desegregation plans and he did meet with two of the staff members. It was on very short notice and some of the key staff who could have discussed the matter with him unfortunately were unavailable. We were on our way to Harrisburg that particular morning to solve another problem we had on the State level. So we have been contacted and there was a 2- or 3-hour discussion on this matter.

Chairman PERKINS. I would like to have your views about the formula in the bill, Dr. Horowitz, where it has been alleged that most of the money goes to the South and only a small portion of it or a fraction of it would go to areas like you represent.

Dr. HOROWITZ. All I can say is I don't know, I couldn't give you offhand what the formula ought to be. But I can say to you without fear of contradiction that there are certain needs that must be met in

cities such as Philadelphia. Philadelphia right now has a public school population of close to 60 percent black.

Chairman PERKINS. What percent?

Dr. HOROWITZ. Sixty, sir, close to 60 percent. And there are needs, educational and intercultural, that will bring people together and learn how to grow up together in peace and in constructive endeavors which, as you know better than I do, is a major problem in our big cities right now.

Chairman PERKINS. As an educator, do you think that proposal has been well thought out?

Dr. HOROWITZ. I am not sure; I really would have to study it more closely. I must confess to a bias here, that my eye centers on section (c) and some part of (b) because of our background in submitting our recommendations to the State Commission on Human Relations. When my colleague, Dr. Hess, this morning stated that it was his estimate that the State of Pennsylvania could benefit from an allocation of \$15 million, I did not want to contradict him publicly, but we could use about that sum for the city of Philadelphia alone, according to the programs that we have planned and are ready to implement if we can get the financial support for them.

Chairman PERKINS. I thought you made an excellent witness this morning and I would like to ask you at this time if you would be kind enough, for the benefit of the committee, to further study the proposal of the administration and give me a supplemental statement within the next week or 10 days, outlining your viewpoints after further study, along the lines that I have interrogated you on here today.

Dr. HOROWITZ. We would be glad to do that, sir.

Mr. PERCINSKI. Thank you very much.

It is good having you back before the committee, Dr. Horowitz.

We were wondering about some of the distribution formula in the bill. I want to get your thinking on that. As you know, the administration bill would count all the minority children in a given State and then they would double the children who are attending schools under a court order again so that youngsters attending schools under a court desegregation order would be counted twice. This is the aspect of the bill that would provide a substantial amount and the bulk of this help to the Southern school districts that are under court orders.

Do you think that just because a school district is under a court order there is any substantial difference in the problems it has than a school system, such as yours, which is trying voluntarily to institute a plan?

Dr. HOROWITZ. I would think so and I am only projecting because it is outside of my direct experience. We have no children attending in Philadelphia under a court order. But I could very well imagine that the kinds of resistances and the community reactions that would set in under a court order would require some actions and activities and programs that might very well go beyond what we experience in Philadelphia where children do attend in integrated situations and for the most part have become natural and normal components of the school organization.

Mr. PERCINSKI. I think, Dr. Horowitz, that perhaps it is very im-

portant for you and all the other witnesses to keep one thing in mind: that there be no mistake and let no one be so naive as to think that this is a 2-year bill. This is forever, like Impact and everything else. And if you think you are going to change this formula 2 years from now or 4 years from now or 6 years from now, you just don't know of the operations of the Congress of the United States.

Now I could appreciate some of the problems that they may have on a court order, but it does seem to me that if you adopt that formula ad infinitum, at some point in time things which you discuss which may be very valid in the initial instance are going to disappear, but for all time to come, just because at some point in time, namely, this year, a school district was under a court order, it will be double counted into eternity.

Are you, as a superintendent of a large school system in Philadelphia, willing to deal away whatever rights you have and whatever funds you need to a double counting formula in the court order district?

Dr. HOROWITZ. I wouldn't be willing to deal away any money that could accrue to the benefit of the school district in Philadelphia. And if that were the net result of it, I would certainly examine it very closely. And, incidentally, I respect your view on this and, as I said initially, this is something that is beyond my direct experience and I am merely projecting what I think might be the case.

Mr. PUCINSKI. Now on the distribution of these funds, this bill provides that you will count the minority children in each State and then double count the ones under court order and prorate that total against the national total to ascertain a State's allotment. But once you have ascertained the State's allotment the Secretary then has the sole word and determination on how this money is going to be disbursed within the State. In this bill there is no assurance that your children in Philadelphia, having been counted to ascertain the State allotment, would necessarily get one penny in the ultimate distribution of these funds within your State.

Now, do you feel that you, as an administrator, could engage in any predictable planning within that kind of a formula where you wouldn't know from year to year how much you are going to get or if you are going to get anything at all, and it was only after you came here, hat in hand, that you might get something or might not get something? Could you favor that kind of distribution formula?

Dr. HOROWITZ. I wouldn't favor any kind of formula that leaves us hanging from year to year and leaves us at the mercy of, what I interpret you as saying, the will of a single individual. I think a much better progress would have to be organized in order to have as equitable and as just a distribution as possible.

Mr. PUCINSKI. As you know, in this bill the highest priority would go to school districts under court order.

Dr. HOROWITZ. I understand that.

Mr. PUCINSKI. Double counting their youngsters.

Dr. HOROWITZ. I understand, sir.

Mr. PUCINSKI. If you will take a city like Chicago, and I might presume that you probably have the same problem in Philadelphia, you really have three situations in a city like Chicago. You have one group

of students attending segregated, all-black schools, because that is the housing pattern in that community. Then you have another category of students attending segregated, all-white schools, because that is the housing pattern in that community. Then you have the tilting community, that belt between the black and the white community which is so typical in every large city, which is changing. Now we are changing in Chicago at the rate of four blocks a week from white to black. And we see schools changing from white to black over a period of 36 months.

What problems are any different in that tilting community that are any less significant to a school administrator than the problem that you find in a court order school district in Louisiana, Georgia, or Mississippi?

Dr. HOROWITZ. I would say to you, sir, from my experience of what you term "tilting community," the problems there, as I have experienced these very directly, are frequently much more critical than the situations that develop when the school becomes predominantly black or all black. The contest, you know, for power that begins to develop, the abrasions, the misunderstanding that develops between whites and blacks in a school situation when it is beginning to change, and when it reaches what we call a tipping point of 50-50, are in many ways much more difficult for the school and for the community than when the school changes over completely and becomes uniracial.

Mr. PUCINSKI. I think also when you have a court order the community recognizes a fact that the court has issued an order and that is it: where you have a community tilting involuntarily, it seems to me that you have even more serious problems. The thrust of my question is, Why should not these tilting communities be given the same priority in allocation of funds to help them achieve integration that you are giving in this bill to court-ordered schools?

Dr. HOROWITZ. What you say makes very good sense and is very rational. I agree with you.

Mr. PUCINSKI. Now, finally, in this bill, so far as my research is able to ascertain, they attempt for the first time to define a minority group child in the definitions of the bill; on page 13, line 9(d)(1), they say that:

The term "minority group children" means (a) children, aged five to seventeen, inclusive, who are Negro, American Indian, or Spanish-Surnamed American, and (B) (except for the purposes of section 4), as determined by the Secretary, children of such ages who are from environments where the dominant language is other than English (such as French speaking and Oriental children) and who, as a result of limited English-speaking ability, are educationally deprived, and (2) the term "Spanish-Surnamed American" includes persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.

Now I know that you have a very heterogeneous community in Philadelphia, and I have had your youngsters testify before our committee. And I was wondering if you feel that it is wise for the Congress to try to ascertain this rigid a definition of a minority group child when I know that in your city there are many other problems that constitute and identify themselves with a minority group child.

Dr. HOROWITZ. I couldn't hold to this definition of minority. I don't know how you would define minority except to really say that a minority is a group that considers itself a minority and behaves like a minority in relation to the environment in which the individuals

live. So that, for example, it might be possible for a small group of Jewish children living in an almost totally black community for them to be a minority and much more strictly speaking a minority than the total group of black children who surround them. It is a very complex thing, and for me, as a school person, this is a very simplistic definition of what minority means.

Mr. PUCINSKI. Well, I think that this definition would deny your State and your community substantial funds. That is the concern I have here, that if we are going to try to ascertain or define a minority group child—and I confess I share with you the difficulty of that problem—I am not sure how you go about trying to find an appropriate definition.

Dr. HOROWITZ. The black and the Spanish surnamed would be the two dominant groups who could fall within this particular definition in Philadelphia.

Mr. PUCINSKI. We had testimony here before the committee the other day where one of the school superintendents testified and showed great concern about the flight of middle-income Negro families from his community. And he was deeply concerned about this flight of middle-income families as well as white families in his community, leaving only the poverty stricken contingent.

Isn't it possible that you could have a middle-income Negro community that would not be a minority?

Dr. HOROWITZ. Yes, sir. And this is what I really had in mind when you read this definition. I mean the factor of socioeconomic level and the generalization as to whether it is the first, second, third, or fourth generation within a group, affects whether you categorize a group as minority or not.

Mr. PUCINSKI. You see in the poverty program we have tried to, in order to establish a State allotment or allocations, we deal with income levels in ascertaining that. And in title I we also deal with income levels, or if they are on public aid in counting youngsters to ascertain what is the State's allotment. But this is the first time that an attempt has been made to define a minority group child and I am pleased that you find the same difficulty that I do in trying to reconcile this meaning with an actual application to your needs in your city.

Do you have any suggestions?

Dr. HOROWITZ. The only one I would make, and it probably has been done, but certainly it doesn't come out to me as being particularly inclusive or accurate enough, would be to have people who have studied this particular problem, people in the field of sociology who have studied minority problems, to come up with a definition that is a little sharper than the one that you have included in the bill.

Mr. PUCINSKI. One final question. As you know in the ESEA amendments of this year we have written three criteria: one requiring that school superintendents must certify that parents of the school have been consulted and afforded an opportunity to participate in determining the policy and curriculum and standards of that school; two, of course, is the comparability factor; and, three, is the bonus pay for teachers who accept assignment in ghetto schools.

In this bill, in the guidelines, and I want to get your reaction to this because, as I say, in ESEA we have included a requirement that you

must certify that you have permitted parents to participate in the determination. But in the guidelines that have been prepared for the implementation of the \$150 million that is now working its way through the Conference and is a prelude to this legislation, the guidelines spell out that sponsors of projects will be expected to demonstrate that provision has been made for minority groups, parents, members of the community, and others at interest to participate in an organized way in the development, review, and evaluation of the project. Now we have already established, and rightfully so, the participation of parents—and I think that is very important. I think parents ought to be consulted. I think they ought to feel that they have a voice in the affairs of their school. In Chicago it took us, I think, 50 years to list a telephone number of schools and up until a year ago if you tried to call a public school in Chicago it was an exercise in futility. And after a great deal of prodding they finally decided to publish the telephone number and they found out it has been very helpful instead of hindering them.

But what about the rest of this provision, "members of the community and others at interest"? What does that do to you as an administrator in trying to effectuate an effective program?

Dr. HOROWITZ. This would present no problem to us because it is in effect at the present time. We have well-organized parents groups, school associations, PTA, and advisory groups that relate to our individual school districts' advisory groups. They are involved really in the consideration and take part in the decisionmaking not only for Federal programs but for other parts of our budget, and these are kinds of decisions that the Board and administrators are making.

Mr. PUCINSKI. Do you think that perhaps the Secretary, though, ought to define more precisely what kind of community groups and limit them to PTA's and to the various others? You know we have had in the poverty program, in many communities we have had some very, very difficult experiences because by requiring as broad community participation they could never reach a consensus to get a program approved and funded and off the ground. And as a result, a number of years have elapsed all over the country where communities just don't get together a program.

Do you think that perhaps we ought to have some language in here more precisely defining—well, really, I mean bona fide, legitimate, community organizations or educational groups, or do you think we can live with this loose language?

Dr. HOROWITZ. You might try to build in more precise language but I frankly am not very optimistic as to whether this would be particularly helpful. I think more helpful might be the establishment of some guidelines of participation in discretion—you know, within which limits are you working, what rights and privileges do you have—and those of you who want to work within these rules of the game, you come in. But we, as well as other school systems around the country, have a difficult time when we face a problem of who represents the community or which group is bona fide and which one is not bona fide. It is really an exercise in futility. It creates more problems and more dissension and more confrontation than if you left it alone and tried to deal with the issues and tried to set up rules of

the game; people either play within these rules or don't play the game.

Mr. PUCINSKI. Well, you have had a lot of success in Philadelphia and you certainly are doing a great job over there. So I appreciate your testimony here on this legislation, particularly on how it would affect your particular program.

And I gather, if I may summarize your position, that you have a program now that you are ready to go with except that you need funding?

Dr. HOROWITZ. That is right, sir.

Mr. PUCINSKI. Do you think that either full funding of title I or this legislation would help you move in that direction?

Dr. HOROWITZ. No, sir; both of them.

Mr. PUCINSKI. Both of them?

Dr. HOROWITZ. Yes, sir.

Mr. PUCINSKI. How about a school construction bill?

Dr. HOROWITZ. That would help a great deal because we at the present time are on a vote to move ahead on a \$360 million capital program projected over a 5-year period, because we can't sell our bonds. The interest limit is 7 percent and though we have bond-selling rights we can't sell them. Now we are waiting some favorable and changed legislation on the State level that will raise the limits for that interest rate. But even if it does, as I said this morning, we presently have, in the operating budget, \$30 million for carrying charges and amortization which in 2 years will be close to \$50 million and that comes off the top of the heap, as you know.

Mr. PUCINSKI. The chairman has introduced a bill that is before our committee now providing a dollar-for-dollar Federal matching for every dollar that you spend at the local level. Would that kind of formula be helpful to you?

Dr. HOROWITZ. It would be tremendously helpful to us. It would help us get back on the track where we have cut back from a half billion dollar program, which we need, to what we consider to be a bare-bones one of \$350 million at the present time over 5 years.

I would like to react, if you don't mind, to the third element that you mentioned, the bonus, because we have very strong feelings about that as expressed in Philadelphia. We in Philadelphia have hoisted the flag up on this one to try it on. And this is one that has been batted down very, very strongly. Particularly the black community has said, "Look, we don't want people teaching our kids just because they are earning more money." And they have considered it an insult. The Teachers' Union has objected very strongly. They don't want—what they termed at the time it last came up, which was about 2 years ago—"combat pay," and so on.

Mr. PUCINSKI. I think you ought to be clear on one thing, though. I agree with you. We have had considerable testimony and very persuasive testimony that children in ghetto schools should not be taught by teachers getting combat pay. This is not the purpose of the bonus. The HEW requirements, the guidelines, when they come down, are going to treat this as additional pay for additional work. And the mere fact that a teacher accepts an assignment in a ghetto school and makes no particular or significant contribution in the work of that school will not

qualify that teacher for the additional bonus. But if this is a teacher with an advanced degree that can accept an assignment in a ghetto school and give that child a better degree of education than he has been getting up to now by virtue of her advanced training, this then is a bonus for bringing to that school a new dimension of quality. And the HEW guidelines are going to be very specific on that; that this is not combat pay per se, this is an inducement for quality teachers to accept teaching assignments and bring their quality ability into those schools.

Now, within that framework, what do you think is the attitude of bonus pay?

Dr. HOROWITZ. That would be acceptable, provided additional service of a higher rank was service to which we could hold a teacher accountable—for example, if a teacher could, through her efforts and through her application, make it possible for a group of children to meet grade standards in reading by the end of a year, that teacher deserves a bonus and I would be very much in favor of that. That would be the kind of incentive that I really would favor.

Mr. PUCINSKI. I proposed to my own superintendent that in order to attract more men teachers into ghetto schools—and that is what we need so very desperately.

Dr. HOROWITZ. So right.

Mr. PUCINSKI. That he give preferential treatment in summer school hiring to teachers who accept assignments in ghetto schools. Since men teachers need 12 months of employment to take care of their families and whatnot and since so many of them spend the summer driving trucks and working at day care camps and tending bar and selling neckties and a lot of other things, I think the teachers would prefer to teach 12 months out of the year. So the union has accepted that. The union has indicated that that sort of inducement, if it were going to get more male teachers into the ghetto school, that they would go along with that.

Dr. HOROWITZ. Sounds like a good idea.

Mr. PUCINSKI. I have one final question. There is no question in my mind that this country has to give education its No. 1 priority. As I sit here and listen to witnesses like you, every day we see a grim story of the enormous needs of the American education. And I see the day when we are going to have to spend a minimum of \$20 billion in Federal aid to become a reasonable partner in helping local communities develop educational programs. But we do not have that money now, obviously.

If you had your choice, full funding on title I, this bill, or a dollar-for-dollar school construction bill—and I know it is a tough question, but I have got to deal with this problem every day—if you had your choice, which of those three would you pick?

Dr. HOROWITZ. You are asking me if I want chocolate or vanilla and I want them both.

Mr. PUCINSKI. But you haven't got them both. Now which of these would you take?

Dr. HOROWITZ. As I stated before, I think before you came into this room, you know, one depends upon the other. They don't exist. You need good buildings for a good program to give a better opportunity for kids and one without the other really is only half a loaf. So I really couldn't say. I think they all come in different proportions and different places according to the needs of the school district.

Mr. PUCINSKI. Well, you see the chairman has suggested that because of the limitations on funds—and let's not kid ourselves they are going to have a \$15 billion deficit in 1971 no matter what Mr. Nixon says. He is locked into programs that are no longer debatable. They are there and have to be funded. And the economic situation is such that the revenue, the anticipated revenue is just not going to materialize. We have already got the second quarter returns coming in and it is just not going to be there. So the President is going to wind up, whether he likes it or not, with a \$12 to \$15 billion deficit. So we obviously have to look at priorities, no matter how much we want to spend \$20 billion.

Now the chairman of this committee, and I need your judgment on this, has made the point that you have already got 5 years of expertise with title I. There are ongoing programs, the staff work has been done, the formulas are there, the disbursement machinery is there, the big problem is underfunding; it is only 49 percent full funding. So the chairman has made an appeal that if you really want to help why not utilize the machinery that you already have in the field and merely bring up the dollar value, add a half billion dollars to title I in 1971, and add a billion dollars to title I in 1972, and then you have got an ongoing program. This legislation before us is really, to a great extent, repetitive. Some of the authorized activities, "The provision of additional professional or other staff members (including staff members specially trained in problems incident to desegregation or the elimination, reduction, or prevention of racial isolation) and the training and retraining of staff for such schools." We can do that now under title I, and we are doing it.

Remedial and other services to meet the special needs of children in schools which are affected by a plan described in clause (1) or (2) of section 5(a) or are racially isolated, including special services for gifted and talented children in such schools. We are doing that now under title I.

"Comprehensive guidance, counseling, and other personal services for pupils." I have had dozens of school superintendents before this committee bring full funding of title I so that they could go into a greater degree of guidance and counseling and we haven't been able to get the administration to give us this full funding.

"Development and employment of new instructional techniques and materials designed to meet the needs of racially isolated school-children. That is already being done under title I.

"Innovative interracial educational programs or projects involving the joint participation of minority group and nonminority group children attending different schools." That is being done in title I in a rather interesting way. There has been a great deal of cultural programs. In Chicago last year they used some title I funds to enter into a contract with the Chicago Symphony to bring title I students their first exposure toward an institution like a symphonic orchestra.

I wonder if I could get a judgment from you as one of the finest school superintendents in this country, or at least a member of a school system that has demonstrated in this country enormous sensitivity to the needs of the community.

If we had to make a tough choice between full funding of title I, this bill, or a school construction bill, and we had no more than one choice, which of these three would you pick?

Dr. HOROWITZ. I would take full funding under title I. I would ask, however, that consideration be given to adding to the guidelines of title I and approving the use of some of the title I money for offsetting de facto segregation outside of the target poverty areas of the city. You see that is the one piece that title I would not provide for. If that could be built into the guidelines, yes: full funding for title I.

Mr. PUCINSKI. I think you made a very significant contribution, particularly this last point, because as you know my concern has been and continues to be what we are witnessing all over the country, the tilting school. And this is really something that you can't ignore. I am sure that in my own district, Austin High School could have been saved if my superintendent had the funds to move in there with an educational task force and turn that into a model of educational excellence. I think he could have established that community and he could have arrested the flight.

So you are absolutely right, and this is something I think we are going to have to wrestle with before the committee.

You are very kind to take the time to be with us this afternoon.

Dr. HOROWITZ. Thank you, sir.

Mr. PUCINSKI. I hope you give Dr. Shedd my admiration and tell him he has a lot of admiration in Washington.

Mr. Chairman?

Chairman PERKINS. I certainly want to join with the subcommittee chairman and compliment you for the imposition that we have brought about by asking you to remain.

I have had some difficulty in making up my mind and, personally I have got to rely on educators like yourself that are familiar with these problems in your respective communities and cities to give us some guidance.

One of the primary reasons for opening up the hearings was because I realized the underfunding problem that confronted the school superintendents, the local educational agencies. And another reason was I felt that we could not stand these onslaughts coming from certain sources that wanted to destroy title I without giving the school people of the country the opportunity to speak up and give their own evaluations of title I programs.

In your opinion, would you suggest that we bypass the States and cities, as is now being proposed by the Commissioner in this legislation?

Dr. HOROWITZ. No, sir, I would not.

Chairman PERKINS. How would you offer a suggestion there to the committee to make this more workable, from the standpoint of consultation either at the State level or local level? How would you do that?

Dr. HOROWITZ. There would have to be specific guidelines and specific earmarking of funds for purposes that, in our case, for example, would meet the needs of an urban community with all the problems that we face, not only in education, but as a total community.

Chairman PERKINS. Now, I entertain a fear here that unless we separate this proposal in some effective manner that the enemies of title I may, sooner or later, destroy some of the most worthy programs.

What would be your comment along that line?

Dr. HOROWITZ. I think this would be a disaster. As I believe I stated this morning, if, for example, title I suddenly were to be cut off, the school system of Philadelphia just couldn't operate. We would come to a screeching halt.

Chairman PERKINS. I want to thank you for your views. And again let me repeat that I will deeply appreciate if you could take time when you get back home, if it takes you a week or ten days, to analyze the administration's proposal and give us a supplemental statement along with your suggestions to each paragraph.

Dr. HOROWITZ. Right.

Chairman PERKINS. It is very seldom that we have a witness before the committee that understands the educational problems of the Nation to the extent that I feel you understand those problems.

Dr. HOROWITZ. Thank you, sir.

Chairman PERKINS. You have devoted your life in that area and you will be very helpful to the committee. And we will have you back before this committee in the future, I can assure you.

Dr. HOROWITZ. Sir, we will get that statement to you within 10 days.

Chairman PERKINS. Thank you very much.

The committee will recess.

(Whereupon, at 4:05 p.m., the subcommittee recessed to reconvene at 10 a.m., Wednesday, July 8, 1970.)

EMERGENCY SCHOOL AID ACT OF 1970

WEDNESDAY, JULY 8, 1970

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 2261, Rayburn House Office Building, Hon. Roman C. Pucinski (chairman of the subcommittee) presiding.

Present: Representatives Pucinski (chairman), Ford, Meeds, and Quie.

Staff members present: John F. Jennings, counsel; Alexander Kislak, Clerk; and Marty LaVor, minority professional legislative coordinator.

Mr. PUCINSKI. The committee will come to order.

We are very pleased to have with us this morning Reverend Stewart, the president of the Council of the Great City Schools, and president of the Detroit Board of Education, and Mr. John Davis, superintendent of schools of Minneapolis, who will be here promptly. I imagine he is up there circling the National Airport trying to get in, as I do very often.

We are very pleased to have with us Dr. Alvin G. Skelly, executive vice president, Council of the Great City Schools.

Gentlemen, we are pleased to have you here this morning to tell us your views on H.R. 17846, the President's Emergency School Aid Act of 1970. We are particularly anxious to get the views of the Great City Schools superintendents because I suspect that their difficulties are manyfold these days in trying to achieve solutions to their problems. So we are most pleased to have you gentlemen.

Reverend Stewart, you have a prepared statement?

STATEMENT OF REV. DARNEAU V. STEWART, PRESIDENT, COUNCIL OF THE GREAT CITY SCHOOLS, AND PRESIDENT, DETROIT BOARD OF EDUCATION; ACCOMPANIED BY DR. ALVIN G. SKELLY, EXECUTIVE VICE PRESIDENT, COUNCIL OF THE GREAT CITY SCHOOLS

Reverend STEWART. Yes, sir.

Mr. PUCINSKI. You may proceed in any way you wish. If you would like to read the statement it is perfectly agreeable with us.

Reverend STEWART. Thank you.

Although I have appeared before this committee on different occasions in the past, I especially appreciate this opportunity to testify on desegregation, a subject to which I have been close for many years,

both professionally and personally. Today, I will speak to you as president of this council, and in discussing the proposed legislation, will try to reflect the broader view of large urban school systems. Dr. Draehler has already appeared before this committee and described to you our situation in Detroit.

The Council of the Great City Schools is a coalition of 21 of the largest urban school systems in the United States, organized in 1956 to study, develop, and evaluate programs designed to realize our Nation's commitment to equal educational opportunity for all its youth. The Great City Schools systems serve a student population which is rapidly approaching the 5 million mark. The number of children in our schools has increased 31 percent over the past 10 years, while the population of the cities has declined. During this time the face of our school population has changed spectacularly. Today, 10 of our 21 cities have more nonwhite children than white children.

In the battle against ignorance, and the unending cycle of poverty, welfare, crime, unemployment, and misery, of all the public institutions in existence in this country today, the public school represents the greatest potential source for developing a basic commitment by young people to the legitimate values and goals of society, and for uplifting the lower class, less privileged individual into the success of the great American middle-class mainstream.

Throughout its history, this Nation has stressed education as the primary route to obtaining the rewards of this society. If educational opportunities are unequal, then the great American experiment in equal opportunity is doomed to dismal failure. Integration of our public school system is a must. America must pursue the goal of a fully integrated, successful multiracial society with unswerving and unhesitating energy.

For school desegregation to work it is important that we all understand that we cannot stop with the accomplishment of having white and black children going to the same school. In order to insure quality education, there are a range of essential services which must accompany the movement of bodies from one school to another. In order for a smooth and effective transition to take place, these services must involve inservice training for teachers, administrators, counselors, and students, and the remediation of poor school facilities. Parents are less hostile to seeing their children moved to a more distant but racially balanced school if the physical plant of that school is a superior one, if the school system can guarantee that quality education will be received in that school.

A case in point is Cass Technical High School in the city of Detroit which is a city school and is racially integrated, almost 50 percent, and because of the quality of education offered by Cass Technical High School, there is very little apprehension in sending children all the way to the heart of the city of Detroit to attend that school. Every attempt must be made to remove the vestiges of unequal treatment, unequal services, and unequal instruction.

Alexis de Tocqueville made an observation over 100 years ago which appears to have a great deal of relevance to this issue of desegregation today. He said that Americans have a tendency to transform their political or social problems into legal problems. Through this proposed legislation, the Congress has an opportunity to help

eliminate segregated schooling, wherever it may exist, by lending both financial assistance and moral support where the need is most crucial. I feel that this bill draws some unnecessary distinctions in its reference to districts who are under Federal Court order to desegregate, and districts which are under other kinds of orders to eliminate the racial isolation of children.

It is my feeling that "orders of conscience" should be just as persuasive in this case as "orders of court." The Court based much of its 1954 decision on the damage that segregation does to children, and I would presume that few of us here today would argue that children who are segregated by housing patterns are any less damaged than children who are segregated by law, or defiance of law.

The Congress of the United States should seize this opportunity to take a strong stand on the entire issue of desegregation. Programs which are genuine efforts to eliminate discrimination and racial isolation in the North or South, in the East or West, should be given every encouragement. The money involved in this bill, although not nearly enough, is a start.

The Council of the Great City Schools supports what we feel is the intent of H.R. 17846, the Emergency School Aid Act of 1970, and is gratified to see national attention so focused on this subject of desegregation. However, we must also express some reservations about the proposed legislation.

1. We believe that the intent of this legislation could be realized through the strengthening of existing legislation; that is, title IV of the 1964 Civil Rights Act, title I, ESEA. However, since we have been asked to testify on this particular bill, we must strongly state our feeling that moneys to support this legislation must not be taken from already underfunded domestic programs.

2. The council takes exception to the double-counting procedure incorporated in this bill for a number of reasons. The simple existence of a court order to desegregate is not irrefutable evidence of greater monetary need. There is little to suggest that the unwillingness of Southern school districts to desegregate has been a function of shortage of funds. In many instances, additional moneys have been spent simply to maintain a dual school system. It has been our experience that desegregation cannot take place unless there is community support for the effort. H.R. 17846 seems to be operating on the premise that extra money will produce this community support and willingness to achieve desegregated schooling, and, if not, will at least make it less painful. The double-counting provision of this bill serves as an incentive to school systems who have resisted the law of the land for over 15 years, and to use money as an incentive when the will to proceed has been absent seems a bit foolhardy to me. It is our belief that if the intent of this legislation is, in fact, to assist school systems in the process of desegregation, in eliminating the effects of racial isolation upon children, that its purpose could best be served by extending an extra incentive to those school districts which have voluntarily instituted school desegregation plans, and to those who show the greatest need for additional funds in order to make their plans work.

3. We have, in this country, been carrying on a continuing dialog regarding de jure versus de facto segregation. There are many large cities where school boards are committed to school desegregation, and

most of them are de facto segregated systems. The crucial point is not whether the segregation is de facto or de jure, but that these boards and their superintendents recognize that racial isolation in the schools, whatever its cause, is damaging to the minds and spirits of children, and are seeking solutions to it. These systems do not need the courts to tell them that the effects of segregation, no matter what you call it, are destructive. Congress did not wait for the courts to declare poverty illegal before action was taken to help eliminate it; and we feel that we need not wait, just as the Congress need not wait, for the courts to tell us that de facto segregation is wrong and needs to be corrected. We should make no distinctions between de jure or de facto segregation as long as the school system in question has shown a willingness, or at least a determination by virtue of court order or moral commitment, to desegregate schools, to provide all children with equal educational opportunity and access to quality educational instruction.

4. As I have stated before, desegregation is a complex process. A plan for integration requires a great deal of advance planning, preparation, and communication. We therefore feel that clearly enunciated guidelines are essential in order to give assurance to communities, school boards, and staff that the anticipated programs will fulfill their purpose.

5. I would like to reiterate a point that Dr. Drachler made here; that the guidelines clearly provide funds for classroom integration and not merely school or school district integration.

6. We believe that funds for school construction are essential in any legislation which attempts to alleviate segregation. To those who believe that we can achieve desegregated schools without widespread busing, we can only reply, "Show us funds for the construction of new school plants on the periphery of segregated neighborhoods, so that the 'neighborhood school' can encompass a boundary that includes white as well as black families." In recognition of this aspect of racial isolation, the Massachusetts racial balance law provides increases in the amount of grants for schoolhouse construction to 65 percent of the approved cost, whenever the board of education is satisfied that the construction or enlargement of a schoolhouse is for the purpose of reducing or eliminating racial imbalance in the school system and so notifies the school building assistance commission.

7. Section 5(a)(3) of the bill authorizes the Secretary to contract with private profitmaking agencies to carry out interracial education programs. We feel that this section is unclear and could be misused. The bill must contain specific language to avoid this.

8. The responsibility for the implementation of this legislation currently resides with the Secretary of HEW. We feel that this responsibility should be placed with the Commissioner of Education in order to maintain a continuity of educational policy and to avoid further proliferation of education programs.

Finally, I would like to reiterate our support of the intent of this proposed legislation. The Council of the Great City Schools stands ready to offer any possible assistance to this subcommittee in its efforts to alleviate the effects of racial isolation in this country.

Thank you, Mr. Chairman.

Mr. PUCINSKI. Thank you very much, Reverend Stewart. What is the council's position on the proposal in this bill for two-thirds of the funds to be allocated on a fixed formula to the States, and one-third to be retained by the Secretary for distribution within the parameters set in the bill? There has been some testimony here. My own feeling is that when you talk about a billion-dollar appropriation that is \$330 million that the Secretary would have at his disposal. I am not too sure that that is a wise policy for any intelligent advance planning on the part of educators. It would seem to me that we would be better off to just perhaps leave the Secretary some money. He ought to have some free money to take care of contingencies.

Basically, it would seem to me that this money ought to be prorated on some fixed predictable formula so that school administrators would have some idea of what they are going to get commensurate with the amount of the appropriation. Do you have any thinking on that, sir?

Reverend STEWART. Although the council has not had an opportunity to discuss this, I would like to suggest that perhaps a formula would be better than giving the money to the State. There is a real possibility, if you provide some funds, say to the State of Michigan, that the city of Detroit might not get a fair share of the moneys.

Mr. PUCINSKI. The one problem we have with the present formula in this bill is that, while I can appreciate that they would want to use this money where it is going to do the most good, within that framework there is just no chance for school administrators to do any kind of predictable planning. You never know from year to year what you are going to get.

This is a rather strange formula in that two-thirds of the appropriation would be allocated to the 50 States in direct proportion to the number of minority students that they have in each of these States, counting twice the youngsters who are in school districts under a court order or an approved HEW plan, but once you have allocated or determined the amount of money that a State is entitled to, from then on it is a decision by the Secretary as to how that money is going to be spent within that State, and there is nothing in this bill that would assure your school district, for instance, even though your children were counted, getting any of this money. The Secretary may decide that Saginaw or Muskegon or Grand Rapids, or somebody else needs the money more urgently and he would have within the formula in this bill now the prerogative to not send you any money even though you make out a very strong case that you need it. He would have that discretion. While I can appreciate the validity of that kind of flexibility with the Secretary saying, "Well, we would like to use that money where it is going to do us the most good" and they can point to title I, they can point to poverty programs where, when the money was distributed on a predictable formula, it was always too little and too late, and so I guess this formula was included in this bill to give them flexibility for saturation; as attractive as that argument may sound, it does seem somewhat incongruous to me that your children would be counted but you have no guarantee over the next 10 years that you are going to get any of this money.

As I have said here throughout these hearings, anybody who has any foolish notion that this is a 2-year bill, they are really out of touch with reality. Once this legislation is adopted it is going to out-

live me, and perhaps the Dome and a lot of other things around here, so I think that we ought to try and give some thought to what this bill is going to look like 8 years from today and 10 years from today. It seems to me that perhaps we ought to write some more workable formula.

I was wondering, if I could get your views on that.

Reverend STEWART. Go ahead, Al.

Dr. SKELLY. Mr. Chairman, I share your concern with the restrictiveness of this formula and do also share your concern with placing roughly one-third of these moneys for an extended period of time within the discretionary power of the Secretary. We have faith in the Secretary's judgment. However, one-third of these moneys can become a very strong weapon if used for something other than equitable distribution of these funds to where they need to go. We recognize the need for placing some funds in the hands of the Secretary's Office but, in observing the practices of recent years, we would like to see some formulas which operate as constraints on the use of those moneys.

For example, we would like to see a formula which prohibits a large portion of that money going into profit agencies, contract firms whose sole interest in administering these funds, or whose primary interest in administering these funds, is for the return that they can obtain on their effort rather than on the impact it will make on the needs of youngsters who are in these segregated school situations.

I believe, for example, if a nonprofit organization, such as the council, which is dedicated to certain principles were given the same charge it would be motivated by an entirely different set of factors in the use of those moneys, so I do share your concern.

Mr. PUCINSKI. You are talking about nonprofit and Reverend Stewart also raised the question about the contracts with private educational agencies. He mentioned the private profitmaking agencies. What would be your feeling if perhaps we permitted here a procedure for purchase of services in private schools of a nonreligious nature where you found that you could help overcome racial isolation by moving youngsters into some of the private schools here. If they so desired, if they wanted to enter into a contract with you and wanted to absorb some of the youngsters on a purchase of services basis, what would be your feeling on that?

Reverend STEWART. Well, in Michigan we would lose some important moneys of the State because of our head count and would not be able to do an effective job.

Mr. PUCINSKI. I think you misunderstood. You said head count. The head count would not be affected. What I am saying here is once you get the money as a school district if you feel you can make some contribution to overcoming racial isolation by entering into an agreement with a private school, moving youngsters into a private school if it so desires on a voluntary basis, if we permitted you to purchase on a contractual basis the services from that school, do you have any feelings on that?

Reverend STEWART. Well, I have feelings because I have a commitment to public education. I don't believe that the private school can do a better job than the public school if the public school has the money. I would prefer leaving it with the public school system to work out our needs and problems, and provide the right kind of educational

opportunity. Again, this would be a type of school program as in Cass, where a number of parents might be willing to send their students there because they can see that they are going to have improved educational facilities and opportunities. The public school needs to provide that to its students. If we could use it ourselves within a school district and establish a school maybe on the periphery where you can integrate without too much difficulty and put the resources there, we could do an excellent job of providing the kind of education that is necessary for students of our district. So I would be opposed to private contracting.

Mr. PUCINSKI. I am not suggesting that we do this. I just want to get your thinking on this because you make a strong point here in your testimony about defining more specifically the language permitting contracts with private profitmaking agencies, and I was just wondering about your thoughts on this matter. If the main thrust of this bill is to overcome racial isolation it would seem to me that its provisions ought to be as broad as is humanly possible, giving a school superintendent as much latitude as possible to try to achieve that goal. If moving children into a private school on a contractual basis for the purchases of services from that private school is going to help toward that goal, it would seem to me that a school superintendent should not be prohibited from using that particular option if, in his judgment, that option is going to be of some particular value in achieving the basic thrust of the bill.

Reverend STEWART. I just can't agree there. I just can't agree with you on that. I think that the latitude is within our system.

Mr. PUCINSKI. You feel that the overcoming of racial isolation should be limited only to the public schools? I think that is where you people make your big mistake. I think you people in the public schools make a great mistake in, even at this late date, thinking that the overcoming of racial isolation should be limited to the public schools while at the same time totally and completely recognizing the existence of a very fine and productive private school system in this country that has tried to be compatible, has tried to work with you, has created no particular threat to the public school system. On the contrary, if there is an appreciable increase in enrollment—and I am not talking about the White Citizens Council schools in the South that are popping up to avoid integration, I am not talking about those—but if there is an increase in enrollment in some of the parochial schools, for instance, it is only because of the disenchantment of parents with the public school system. They are willing to pay the additional cost at their own expense of sending their children to private schools simply because they feel in so many instances the children are not getting the kind of education they need to meet the needs of the 20th century in the public school system. You say here today that even if that were possible you would still be opposed to it?

Reverend STEWART. I am not saying that we in the public schools could provide the kinds of offerings that would be equal to what any private school could perform for us or for the students. I don't agree, again, with you that the main reason for parents sending their children to private or parochial schools is because of disenchantment with public education. Historically, there has been an involvement of private and parochial schools. In my childhood, as well as presently, I

have seen where the private and parochial schools have not given the black students an opportunity to enroll in the schools if they were not, No. 1, a part of that religious faith, or because they did not have the income to enroll in a private school or because there was complete racial exclusion.

Mr. PUCINSKI. Where did you say this was happening?

Reverend STEWART. In my childhood, in the city of Chicago.

Mr. PUCINSKI. I don't know how many years ago that was, but it is not happening now.

Reverend STEWART. They are taking in some students but in the city of Detroit today parochial schools are closing down and they are consolidating them, and forcing black students to travel many miles in order to be able to provide a school for them. In the past they excluded us from the schools because we weren't a part of the religious faith, and I can understand that, too, because you are not making a contribution to the faith, that you are unable to be supported by the faith when the members of that congregation or diocese would not be willing to support you on just your tuition basis alone.

Mr. PUCINSKI. This bill has in it a definition of minority group children. On page 13, line 9, it says:

The term "minority group children" means (A) children, aged five to seventeen, inclusive, who are Negro, American Indian, or Spanish-Surnamed American, and, (B) (except for the purposes of section 4), as determined by the Secretary, children of such ages who are from environments where the dominant language is other than English (such as French-speaking and Oriental children) and who, as a result of limited English-speaking ability, are educationally deprived, and (2) the term "Spanish-Surnamed American" includes persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.

Dr. SKELLY. You are on what page?

Mr. PUCINSKI. Page 13, line 9.

Reverend STEWART. Ours starts with paragraph (d), page 12.

Mr. PUCINSKI. Here is a copy of the bill. You are probably reading from a different print. Now, Rev. Stewart, as far as I know, this is the first time that any attempt has been made in law to define a minority group child, and I was wondering what is your reaction to this particular definition.

Reverend STEWART. I agree with this definition. Our council represents these minority children.

Mr. PUCINSKI. Well, now, do you think that this is too narrow or too broad? Does it cover all the children? Does it cover, for instance, all of the youngsters in the city of Detroit that you can conceive of?

Reverend STEWART. Yes. I don't recognize anyone that is excluded.

Mr. PUCINSKI. What would you do, Reverend Stewart, if you had an all-black community and you had some white children in that community? Would they not be considered minority youngsters in that particular environment and entitled to benefits under this act?

Reverend STEWART. No; they wouldn't be considered as minority as you define it here.

Mr. PUCINSKI. That is right. You know, Congress for a very wise reason has tried to stay away from defining minority youngster because we realize the problems and so ESEA is based on economic factors.

Reverend STEWART. Right; but you are speaking of minority as a national body—

Mr. PUCINSKI. Yes.

Reverend STEWART (continuing). And even though you had a given community that was predominantly all black, even the white child or children in that community would not be minority children. They would be a part of the majority of the country and they would be a part of the majority in control of a given community. They would not be disadvantaged necessarily.

Mr. PUCINSKI. If that is the rationale, then this whole bill says that we are going to count, in order to ascertain a State allocation, the minority youngsters in that State, count them twice under a court order, and apply that number on a pro rata basis against the national total to ascertain a State's quota to determine how much money they are entitled to. You have 5 million children that you are speaking for here today in these 21 cities, large urban school systems, which you represent. I am wondering whether or not you people do want to lock yourselves into this kind of a narrow definition of a minority group child, and if in the final analysis you really aren't going to be shortchanging yourselves. I don't know and that is why I am asking you.

Reverend STEWART. I don't think we would be shortchanging ourselves because the inequities of the past have been heaped upon those that we nationally consider as minorities and that the opportunity for mobility is restricted for the nationally considered minority groups of this country. While a white student might be a minority, he is not restricted in movement nor is he denied equal opportunities educationally or jobwise.

Mr. PUCINSKI. What about a Jewish child? He is a minority.

Reverend STEWART. But he is considered, still, as far as I see it, a part of the white society.

Mr. FORD. Do you really believe that?

Dr. SKELLY. Mr. Chairman, may I make a remark which supplements what our president is saying? I think we all agree that the central purpose of this act is to change the direction of the segregation patterns, particularly in those places where it is damaging the education of youngsters. If there can be any legal construction on the confines that are established by this definition and if you are suggesting as a legislator that this is a possibility, we strongly oppose the impact of this kind of interpretation; and if you are indicating that it is possible that this can be used against the purposes of desegregation, of course, we would share with you the concern you are exhibiting.

Mr. FORD. Would the Chairman yield?

Mr. PUCINSKI. Yes.

Mr. FORD. That is precisely what some of us are concerned about. There are several opportunities in this legislation as it is written for it to have a greater impact in exactly the opposite direction of those who have spoken for the principles, and it is interesting to note how you have just characterized it. You said that the object of the act is to change the pattern of segregation. That is not the object of the act at all. What the President said when he told the country what he had in mind was that he wanted to take advantage of what everybody recognized or seemed to be accepting to be true, that you got inferior education when you had segregated schooling, so he wanted to improve the quality of education by bringing down the pattern; so the break-

ing down of the pattern is the way that you try to do it, but the objective is improving education.

With that in mind, to go back to what the chairman is talking about, when you try to do this in the very narrow way that this legislation would seem to do it by designating specific people as "minority group people," regardless of what setting you find them in, then what do you do about a school district such as the Charlotte-Mecklenburg situation in North Carolina where there was, as I understand it, an effort made over a period of time, probably one of the few Southern school districts that had tried to do anything during the fifties, to set up a neighborhood school plan, and at the same time combine the city of Charlotte with the surrounding county of Mecklenburg, thereby bringing the mixture of black-white students in the rural area into the de facto type segregation that is in this city, and it is in Southern cities the same as it is in Northern cities, all together. What they discovered was that as they ran toward one end of the city they ran out of white children to integrate the elementary schools. As they ran out in the other direction of the school district they ran out of black children, so that they got into a situation where the children were remote from the schools, in order to get some sort of balance.

Now, it would appear that a school district that has this kind of a situation could use the money in the school that had more than 50 percent of its students black children or Spanish-surname or whatever other group came under this definition, but they could not use it to try to bring that minority child into the school system by increasing the facilities in the white school, for example, and that is what bothers us.

Desegregation can't be a one-way street where you simply take one child and take him in one direction. You have to go in both directions, and if there is a white school up here in the corner of the community most everybody who has talked to us from the big cities has indicated that they think it is just as desirable to move black students into that white school as to go in the other direction, or move white students into a black school, any way that you do it, so that you get something close to a reasonable balance of the children that are in that school, but this legislation doesn't make it clear, at least to some of us, that you would be able to do that, and that is one of the things that contributes to our suspicion.

Now, I characterized the legislation, unfortunately, on the first day of the hearings as a fraud and a sham. After several days of hearings I have found absolutely nothing to change my mind. I am becoming more strongly convinced that this won't work and that nobody really intended it to work, and that it is a form of reparation that somebody in the administration wants to pay to some southerners for having imposed the Constitution on them, and I am going to keep saying that until somebody who supports this legislation explains to me what specifically they would have school people do with the money. In the absence of any explanation of what school people would be expected to do with the money that would accomplish this improved educational opportunity by the means of changing the patterns of segregation we are left with what the legislation says on its face, and we are not picking at you as representatives of the big cities but trying to get your response in terms of what is before this committee.

That is not a question.

Reverend STEWART. Maybe I am too naive; I thought you could do it. You know, we tried to do this in Detroit, since you are very close to us. We sent students two ways. Not only did we send black students to predominantly white schools but we sent whites to predominantly black schools, and I thought under this bill this also could be done.

Mr. FORD. I think it could be done, except it is not clear whether if you were doing it in that way you would get any credit for it in the passing out of the money under this thing, although we don't know for sure who is going to get the money, anyhow.

Dr. SKELLY. Congressman Ford, first of all, there isn't a thing that you said that I don't totally endorse, and I think you know that Detroit's school system has been one of the school systems that has moved with great vigor in the area of desegregation and with great courage.

Mr. FORD. Incidentally, we have had Dr. Draehler before the committee and we have gone into the specifics of what Detroit has attempted to do in great detail, and I think the record is very clear that one of the unfortunate aspects of this bill is that a city like Detroit with a long history of a board of education and administrators who have been committed to the wisdom of breaking down the patterns of segregation in the school system would not in any way be rewarded for that long history of good faith. They would, in fact, be penalized by the formula for distribution in this bill.

Dr. SKELLY. We are not in disagreement with you but we don't have your skill in terms of anticipating the possible application of the bill in the future. You see, the school systems are starved, as a common fact, in terms of their money to pursue not only the existing programs but programs which are superimposed by desegregation, and if this bill offered any relief in that direction with having built into it the kinds of gimmicks which you suggest are built into it, which may in the long run operate to the detriment of big city school systems, we could not reject the money that might be available.

For example, with respect to the first \$150 million that is being described as being available at the present time, subject to the approval of the appropriations process, we see some assistance in that money if it can be used, for example, for technical assistance to move toward desegregation.

Mr. FORD. Don't let me break your chain of thought, but I call your attention to the debate on this \$150 million in the U.S. Senate and the exchange between Senator Javits, its foremost proponent for the administration, and I believe it was Senator Stennis—

Dr. SKELLY. Yes; it was.

Mr. FORD. Which makes it very clear that it is not the administration's intent to spend one nickel of the \$150 million north of the Mason-Dixon line. I don't know how many of your great city schools are north of that line. Those south of it may get together but we don't know how, and if you read that debate you will see that the legislative intent with respect to that amendment to an appropriation bill has been made very clear.

Dr. SKELLY. We have read the debate and we are aware of the fact that subsequent to the announcement of the bill the following day the Washington Post indicated that the first \$150 million would be spent in 17 States, South, and we recognize that as being a part of the strategy. We are hopeful that the vigilance of Congress will direct

these funds into means where big cities can get handles on them and use them for the purposes of moving toward desegregation.

As it stands now, we recognize the disabilities. We recognize that there is a limited opportunity of getting those funds but we won't discard any dollars that are made available that can relieve the problem we are dealing with.

Mr. FORD. There is another overriding consideration. It seems to me that always on a piece of legislation like this we have a tendency to get bogged down with specific sections and how they might work. I don't want the record to indicate that I am suggesting that it is impossible for this legislation to work.

Wilbur Cohen used to say around here that a bad piece of legislation administered well was far more desirable than a good piece of legislation poorly administered. So it is possible to take even this and proceeding with the utmost good faith, skill, good luck, and God's blessings achieve something, except that there is an awful lot being left for us to take on faith in the face of a track record for the present administration that does not inspire a great deal of confidence in some of us, and I am speaking only for myself as one member of this committee, so I suppose I should admit to being somewhat cynical about what the intent is when a piece of legislation doesn't spell out in great detail a clear-cut intent to move money in a particular direction and to prevent certain types of uses from being made of the money.

The chairman has read into the record previously the proposed guidelines which seem to indicate that in the minds of at least some of the people who conceived this legislation, drafted it, the uses to which it will be put would be almost a direct parallel to the uses now being made of the money in most cities that we provide under title I of the ESEA.

The real big question, however, that has not yet been answered, and the Secretary of HEW has been before this committee with his assistants—the Commissioner of Education was not available and the new one has not been in yet—is no one from the administration denies that the position still is that the \$1.5 billion contemplated in the authorization for the first 2 years will not be new money in the HEW Education budget but will be a reallocation from some place in that budget, and yet no one is prepared to tell us which programs within the HEW budget are going to lose money, that in the face of the fact that we have a clear understanding around this Capitol now that money that is provided for in a formula such as the impact aid and in title I that passes directly to a school district, after we appropriate it without the intervention of any Executive discretion in the form of a grant made after an application cannot be reduced once the appropriating process takes place.

That leaves the administration with one of two courses: They can either come in and suggest a lesser appropriation for one of the ongoing programs or they can attempt to readjust the money as they are going to do with the \$150 million in the first year from those funds that do not go under a formula basis. As a matter of fact, there aren't enough education funds that do not go under a formula basis to meet this figure, and so we are waiting for the other shoe to fall, when is it that we are going to be told what it is we should cut back on in order to do it.

It seems to me that representing your organization that would be a question that you should be screaming for an answer to, where do you intend to get this money if you are not going to add \$1.5 billion to the commitment already made by the Congress and the Administration for education.

Mr. PUCINSKI. If my colleague would yield, though, Dr. Stewart has already stated that in his statement:

However, since we have been asked to testify on this particular bill, we must strongly state our feeling that monies to support this legislation must not be taken from already underfunded domestic programs.

And so I think that your point is certainly well taken on this matter. Dr. Stewart, I was wondering if I may just ask you two more questions and I will yield to my colleagues. There is no question, I believe, in your mind or anyone else's mind that this is the first time that we do have a recognition that there are substantially more funds necessary, that there are great problems involved and they cost a great deal of money to try to overcome racial isolation, to try to work out a more effective plan for integrating these youngsters, and I appreciate your statement here because I think you have given us some excellent suggestions on how to try to rewrite this bill.

My own feeling has been, and continues to be, that as long as we have a proposal to provide \$1.5 billion more for education we ought not to dismiss that proposal but, rather, rewrite it so that it will do the job that we think ought to be done. The first thing that I would like to talk to you about is your objection to double-counting.

I must agree with you, and I wonder if you would elaborate on this, I cannot see where the rationale in the administration is that somehow or other a school district in Macon, Ga., or in Mississippi that is under a court order is necessarily having any more problems in integrating their schools than you do in your peripheral areas that you were talking about.

Now, I imagine that Detroit is like all other cities. In Chicago we have segregated all-black schools because that is the neighborhood pattern. We have segregated all-white schools because that is the neighborhood pattern. But then we have the integrating schools, the middle belt, the tilting schools, and it seems to me that the biggest problem in this country right now is to come in with some massive help to those tilting schools, so that you can shore up those schools, so you can do the things that you are talking about here now in that changing area to arrest the flight of middle-income blacks and middle-income whites from the community and see this community turn in 36 months from an all-white community to an all-black community, and usually poverty stricken because that has been the pattern around the country.

So your argument about double counting does seem to carry, in my judgment, a great deal of weight.

Do you think that we ought to, if we are going to do anything with this formula at all, just have a single standard across the country in schools that are undergoing integration for whatever reason? It may be a court order, it may be a HEW-approved plan, it may be a voluntary plan. It may be in White Plains, N.Y., Berkeley, Calif., Evanston, Ill. Perhaps in your own city there are voluntary plans going on. Why should they be penalized because they are voluntary?

Reverend STEWART. I don't think they should be penalized because they are voluntary. I do agree that money should be thrown into the central cities or those areas that I just mentioned, like in Chicago or Detroit.

My experience in Southern cities, in Birmingham, Ala., and Atlanta, Ga., prior to the great exodus, especially in Atlanta, Ga., and part of Birmingham, was that in many instances in Southern communities blacks and whites living within the same neighborhood but the white students were bused and passed over several black schools, and the whole concept of the neighborhood school came only when they wanted to have the black students stay in the neighborhood rather than go out into the white school. It is my opinion and, of course, I haven't had the opportunity to really make an analysis of many Southern communities, that it is easier and less of a financial burden for many of the Southern school districts to integrate their program without additional funds.

Mr. PUCINSKI. You make an excellent point on page 4 of your statement, where you say:

It is our belief that if the intent of this legislation is, in fact, to assist school systems in the process of desegregation, in eliminating the effects of racial isolation upon children, that its purpose could best be served by extending an extra incentive to those school districts which have voluntarily instituted school desegregation plans. . . .

Perhaps, then, what the rationale of this bill ought to be is to double count those school districts that adopt a voluntary plan; don't wait until you are dragged in screaming and howling by your feet, by some court order, but, rather, as an incentive perhaps those are the ones that ought to be double counted, the school district that says "Well, we are in the 20th century and we are going to try and deal with some of these problems and we are going to try to work out some workable plan, and here is the kind of money we need and here is our plan, and we are going to do it voluntarily."

What would you say if we double counted the voluntary?

Reverend STEWART. In a sense, if I commit myself to double counting of a voluntary system, I would be open for criticism, but I think there ought to be some kind of real assistance or reward for those communities. Under court order the citizenry will accept what must be done, but when it is voluntarily done you have to really come up with a first-class school so that the community will accept what is being done, not because it is under court order but because this is the best possible educational institution in that community. Therefore, I feel that we need extra money.

Mr. PUCINSKI. That is what bothers me about the definition here and I would like to get your thinking and, Dr. Skelly, I would like to get your thinking on this, too, because in this whole bill the distribution of this money is based on the number of minority children that you have, but actually when you integrate a school you have, at least hopefully once more, as many nonminority children as minority children.

I believe your own school superintendent testified to the fact that you have a fighting chance if you keep the ratio at least within 50-50, but if it tilts beyond that then you are going to see a flight of one group or the other group, and the school turns all black very quickly after that, and so the problem that I have with this legislation in its present

form is that we provide money theoretically for minority children to do certain things in the school. We estimate the needs of that school on the basis of minority children. Suppose that you have 10 percent minority children in the school and 90 percent white children. You have to provide a training program, an educational program, for 100 percent of the children in that school if it is going to be meaningful. You have solved nothing if you set up a segregated program of help only to minority children in a school that you are trying to integrate; isn't that correct?

Reverend STEWART. Yes.

Mr. PUCINSKI. It seems to me, then, that this formula in this bill, as long as the administration wants to allocate \$1.5 billion to overcome racial isolation, should perhaps contemplate a school district that is willing to take on, voluntarily or otherwise, the job of integrating its schools, and if it is willing to take that program on it seems to me that we ought to give that school district money based on all the children in that school district, because your ultimate goal is to help all the children. I think that this is the basic weakness of this proposal and that is why I agree with the gentleman from Michigan that in its present form I am not too sure it is going to do what so many people hopefully think it is going to do. Could we get some thinking from you on that?

Dr. SKELLY. Mr. Chairman, I agree entirely with you on that point. We think it is a serious disability. In fact, I would like to read into the record a paragraph simply for emphasis from a statement previously made before this committee by George Fischer of NEA which says pretty strongly what we believe on this particular point. He said:

We feel that the formula as outlined in the bill seems to reward school districts which have resisted integration at every possible point to date. The bill speaks specifically to districts which are under court order.

And again what about assisting those many districts which you have indicated which have acted in good faith without the necessity of court orders of HEW investigations? Apparently they are not to receive any public assistance.

The philosophy of rewarding those who resist is one which troubles us deeply. We recognize that the objective is to assist children who by geographical accidents live in districts where officials are not acting in good faith. We wish that the legislation could be enacted in a manner which would provide for proceedings against the public officials, including school boards, mayors and governors, who in effect thwart the law of the land. We feel that the present laws which permit cutting off of Federal funds resulting in punishing innocent children for the delinquency of adults is moving in the wrong direction.

Mr. PUCINSKI. How would you feel if the formula were to provide some assistance on a predictable basis limited only by the actual appropriation to a school district on the basis of students, minority and otherwise, in that school that are undergoing or are being integrated? If a school system has 200 schools, as you do in Detroit, or the number of schools you have, and if 100 of these schools this year are being integrated and 150 next year, whatever number you have, the distribution formula would be based on the total number of children that you have in that school because that is who you are trying to help. You are trying to help the kids in that particular school, aren't you?

Reverend STEWART. Yes: because you have a number of things you are trying to do. You have to first have teacher training, you have to

have administrative training, you have to have a kind of school-community relations clinic where there will be broad understanding and acceptance of what is happening, but you are asking questions that I thought were the intent of this whole legislation. You are bringing to me things that I didn't know.

Mr. PUCINSKI. Let me tell you how this money is distributed, very quickly, so you know what bothers all of us here, what concerns the members of the committee. First of all, one-third of the money will stay with the Secretary. Two-thirds will be distributed among the States.

Reverend STEWART. Yes.

Mr. PUCINSKI. The two-thirds allocation is based on counting minority children in every State, and then counting again all the children who are under court order. You ascertain a State total and you prorate that State total against the two-thirds available for distribution. Once you establish a State's quota, the Secretary then decides how this money will be distributed within that State and there is no assurance the city of Detroit would get one penny, even though your children are all counted. I would think they would give you some help, but it is entirely conceivable that they would not for whatever the reasons may be, and this is another thing that disturbs us about this bill. It does give the Secretary a tremendous kind of hold over the educational systems in this country. He becomes pretty much an educational czar. He is going to dispense a billion dollars because he has a billion dollars. One-third of it he dispenses in whatever way he feels is best. The two-thirds he dispenses also in whatever way he feels best, but within the State commensurate with that particular State's allocation.

Now—and let there be no mistake as I have said here time and time again—this bill is forever. This is not a piece of legislation for 24 months. All you have to do is look at the impact bill that was passed in 1950, and we have tried now for 20 years to change that formula and it is impossible, and so if anybody is naive enough to think that this bill is a 2-year bill and that is going to be the end of it, he is out of his mind because you are not going to pump a billion dollars into educational plants in this country and then have it phased out 24 months from now. So the whole distribution formula here is so nebulous and so uncertain, and in the first instance, surely most of this will go into 600 school districts in the South under court order, when actually there are 35,000 school districts in America, and yours included, that have 70 percent of the school population in this country, each of them faced with all sorts of problems of integration, teacher training, counseling, all the things that are necessary because each of these is a changing community.

Yet within the framework of this formula in this bill from now until hell freezes over the bulk of the money out of this legislation would be going into these 600 school districts that are under court order.

That is what concerns us on this committee and that is why we have been asking these questions, because we do want to find out how does this help the 21 urban school districts that are represented here today by you with a population of 5 million schoolchildren and how do you think we ought to rewrite this formula?

I am going to tell you this: I think it is a great mistake, as long as you have \$1.5 billion that the administration wants to spend on

education, not to come up with a bill. I think we ought to rewrite this bill in a way that is going to meet your problems and your needs.

Reverend STEWART. I understood, and I guess I was deluded a little bit by Senator Javits' introductory remarks concerning the same bill that is on the Senate side. He first spoke about the school districts under court order. Then he pointed out districts voluntarily desegregating or trying to prevent their schools from becoming racial in fact as the neighborhood changes. So I felt that this bill, when it finally came out and was approved, would include all of this.

Mr. PUCINSKI. See, what will happen here is they have here in this bill section 3 which would provide funds which the Secretary could take either from his one-third that he has here, or he could in order of priorities distribute this to a school district that is voluntarily integrating, but, remember, the key here is the double counting.

Reverend STEWART. The double count.

Mr. PUCINSKI. The key on the distribution of the dollar. The Secretary, at least to the extent of the two-thirds of this appropriation, is controlled by a formula among the States. He will have to give top priority by virtue of double counting to those States that are under court order. Now, the crumbs that will be left, see, can be used for a voluntary school system, or what have you, when, in my judgment, I think the greatest need in this country right now in the South and in the North is in these tilting schools.

If you really want to make a contribution, in my judgment, to this whole subject, this whole problem, you have to address yourself to these tilting schools.

We had a witness here—I believe it was your superintendent—who told us about the flight of middle-income black families out of the big cities, which is just as disastrous as the flight of white families out of that big city because you then leave a poverty stricken population in that city and you really have serious problems. That is the thing that we have here, and that is why I was wondering if you think that perhaps this would be much more equitable if we recognized a school and a problem and tried to come up with a formula that would make it possible for that school to petition, put in a grant, or what have you, to get money for that school.

You as a school administrator look down range and you know in the next 3 years you are going to have a number of schools that are going to become integrated, really, by the movement of people or through your own programs.

This is predictable. You know what you are going to have next year, 2 years from now, 3 years from now. If you come down here and get funds to move into those schools with an educational task force to shore up the quality of education in that school, then I believe you would make a formidable contribution toward overcoming racial isolation and helping all the kinds. Now would that be preferable to the formula that we have here?

Reverend STEWART. As I see it, that is what I was referring to in the very beginning when you said the money would be distributed to the State, that I had some objection toward it going to the State for fear that it would not finally get to the district that needed it or help resolve the problem of that given district. To me it would appear more favorable for it to be the responsibility of the Commissioner of Education and for a draft process to be submitted to show your needs,

and to indicate why a number of dollars are needed to do what you want to do. This would then allow the district to point up its needs, why they need it, and the Commissioner of Education would be in a better position to make a judgment as to the cost factor and what is needed. Another type formula is what I was in favor of.

Mr. PUCINSKI. Mr. Meeds.

Mr. MEEDS. Thank you, Mr. Chairman.

I am sorry I was not here to hear your prepared testimony. I have had an opportunity to read your statement, however, and I find much that I agree with.

I also find much that I agree with that both Mr. Ford and Mr. Pucinski have said. I think this bill is subject to the interpretation that it was written by Martha Mitchell. It is also subject to the interpretation that perhaps they really want to do something worth while. Taking the latter half, let's explore methods which could indeed do something about the problem which is highlighted by the introduction of this bill.

I agree with my colleagues again particularly about the double counting procedure. I think it is very much subject to misuse, and has a tendency to reward those that have been recalcitrant in the past, and are still being so. What kind of a formula could be devised, which would take this year \$150 million and next year hopefully \$500 million, and the following year \$1,500 million, and apply it to the very difficult problem to which the bill addresses itself?

I would like your comments on a couple of ideas that I have as an individual. Ideas which I have discussed with some of my colleagues. First of all, what would be the effect of just this much additional money in title I? Is not title I money going largely now to the schools that we are talking about in this bill, the schools largely in need of aid, and are not the programs, the enhancement of remedial education, compensatory education, the kinds of programs that would indeed do a lot to enhance those schools so that people want to go to them, and not go away from them?

Mr. SKELLY. Mr. Congressman, my feeling would be that, in light of the interpretations I have heard from the chairman and Congressman Ford on the possible interpretations of the current bill as written, I would see far greater flexibility for the big city in using these moneys directly for improving the quality of education and dealing with the basic issues of racial isolation under title I, than I would under the strictures imposed by this act.

Mr. MEEDS. Secondly, and I am particularly struck by No. 3 of your statement, in which you indicate the dialog regarding de jure versus de facto segregation is largely a myth, and that segregation and discrimination, wherever it exists, ought to be rooted out, and methods devised to aid those who are seeking to do so, talking somewhat along the line that Chairman Pucinski was, what would you think of a proposal which was a straight out aid to racially impacted school districts, that is to say a provision or legislation which provided, through the Secretary or through the Office of Education, allocations based on the percentage of minority people within that school district? This then would have a number of salutary effects it seems to me. First of all, it would get to the problem you talk about. It would also deal in school districts where there is de facto segregation, and which are not under any court orders, and which indeed

have not even been touched by the Supreme Court, at least at this time.

Secondly, it would do away with the rewarding only of those school districts which had indeed been recalcitrant. Although they would be rewarded, others would also be rewarded.

Thirdly, it would do away with the question which I consider to be the Southern strategy portion of rewarding those schools districts located in an area of this country which particularly lend themselves to that strategy.

Fourthly, it would place funds in the ghetto schools of our large cities, which need it, it seems to me, as badly as some of the schools that would be addressed by this bill in the South. Could I have your comment on that?

Dr. SKELLY. I would be glad to make a comment.

I would like to introduce Superintendent Davis from Minneapolis, who is here wearing two hats, I believe: One as spokesman for his school district and the other as chairman of the Racial Equality Committee for the Council of the Great City Schools.

Mr. PUCINSKI. I was going to suggest that perhaps you would like to answer Mr. Meeds' question and as soon as he is through we will call on Dr. Davis. We knew you were stuck up there in the airplane. We will get to you in just a moment, Dr. Davis.

Reverend STEWART. Let me respond first to Mr. Meeds' comment. What it will do, of course, if we follow all that you have suggested through the questions you have asked, there would be in some instances where there are middle-class blacks and whites still there, and it would be difficult for the funding to be provided for that particular community.

I think one of the problems we have in many of our major cities, although we are getting funds from the Federal Government to improve educational offerings, is that oftentimes because of new housing available that once a person has moved out of a certain income level, that there are no funds for it, and so we would need funds here in a changing school that would not, I believe, be offered, if I understand your question.

Mr. PUCINSKI. Would you yield, Mr. Meeds?

Mr. MEEDS. Yes.

Mr. PUCINSKI. I think the suggestion that was made by Mr. Meeds though would not in any way hinder you from using these funds. I think what he is proposing, we recognize you as a racially impacted school district, give you the money, and then you go ahead and use it in whatever way you can, to obtain maximum movement, overcoming racial isolationism.

Reverend STEWART. This will expand the impacted aid philosophy then to a larger group?

Mr. MEEDS. Yes; just using the same concept of so much per pupil, once you have reached an impaction level, which, of course, is subject to a lot of argument as to where it is, but the concept is once you have reached a racial impacted level, that there are special problems in the school district which should receive Federal aid, and that aid would be given, and I would hope very much on a kind of general aid concept, perhaps with some guidelines, and then the mechanism for enforcement would be an application of titles IV and VI of the Civil

Rights Act, so that instead of going in and cutting off funds in districts where these funds were being misused, you would go right in there and either with civil or criminal proceedings punish the people who are responsible for fostering segregation or discrimination.

Reverend STEWART. Your formula would still be better, it seems to me, than the formula that we now have as I understand it at the present. Now that I understand what you mean by impacted, I would agree basically with all that you say. I am not skilled enough to fully understand everything that you have presented, but I think I could agree with you.

Dr. SKELLEY. I think it is an ideal formula. I think it would give superintendents and board members in those school systems that are facing these problems which are extremely complex, and which face a whole different range of issues than those who are under court order, and are dealing with a numbers game, a much greater latitude and a much greater effectiveness for the use of those moneys in a way that will deal with the basic issues of the problem.

Mr. MEEDS. It is pointed out in the legislation, for instance, that the intent is to diminish and do away with segregation and discrimination, that this is the basic purpose, and the plans that are submitted or the programs that are carried out within those school districts should direct themselves primarily to that problem. That direction will be different in different school districts. Some need buildings, some need busing, some need other things, but it gets to this insidious what we refer to as de facto segregation as well as discrimination within supposedly now-integrated schools.

I was much struck with the NEA's reports on Louisiana and Mississippi of the outright rank discrimination that is going on within schools and school districts that are supposedly, after court order, desegregated. I came to Congress with the idea that you find desegregation and you cut off the funds from those areas, and you do away with it. I am becoming convinced that maybe that is not the best way to handle it, that you indeed end up, as NEA pointed out, punishing—as Mr. Fischer pointed out—the students and not the real culprits.

The enforcement mechanism ought to be rather than cutting off funds getting right in and getting to the individuals responsible for the practice of discrimination and punishing them either through civil or criminal proceedings.

Reverend STEWART. Prior to my election to the Detroit Board of Education, we had some schools that were integrated but the classrooms were not. Students were bused in and housed in one room, and separated again to return home. They had one corner of the playground they played in.

Mr. MEEDS. That is right.

Reverend STEWART. So there was no integration, really. There was just an integration of the population of that school.

Mr. MEEDS. Yes, and if you think it was bad in Detroit, read NEA's reports, if you haven't, about what they found in two surveys in Mississippi and Louisiana.

Thank you, Mr. Chairman.

Mr. FORD. Mr. Chairman, I may have to leave before Reverend Stewart finishes. I have just two items.

Mr. PUCINSKI. Go ahead.

Mr. FORD. On page 6 of Reverend Steward's prepared statement, item 8 reads:

The responsibility for the implementation of this legislation currently resides with the Secretary of HEW. We feel that this responsibility should be placed with the Commissioner of Education in order to maintain a continuity of education policy and to avoid further proliferation of education programs.

I don't know whether you got together with him or not, but this morning's Washington Post carries a story that says that:

A recommendation that education be removed from the Department of Health, Education and Welfare and elevated to an independent department with Cabinet status was presented to the White House yesterday by Gladys O'Donnell, President of the National Federation of Republican Women.

I may never have another opportunity to have their endorsement, so I would like the record to show that I have a bill already prepared. I am now in the process of circularizing the other members of the committee for cosponsors, to do exactly that. In 1965 several of us on this committee introduced a form of the Elementary and Secondary Education Act, which carried at that time a title VII that would have accomplished this, and because we thought it was too much water to try and carry at one time, the idea was dropped at that time.

It is interesting that in this article it says:

In calling for a Cabinet-level Department of Education, Mrs. O'Donnell noted that education represented over 7 percent of the Gross National Product last year with expenditures of \$65 billion. She said it is doubtful that "we will ever get as much as we should for the dollars we spend" as long as education is entangled within "the vast hodgepodge of HEW."

That seems to agree with the concern expressed in your item No. 8, of having this program administered at the Secretary level rather than at the Commissioner of Education level. I would ask unanimous consent that this article from this morning's Post be included at this point in the record.

Mr. PUCINSKI. There being no objection, it is so ordered.
(The article follows:)

[From the Washington Post, July 8, 1976]

STRIP EDUCATION FUNCTION FROM HEW, GOP WOMEN ASK

(By Marie Smith)

A recommendation that education be removed from the Department of Health, Education and Welfare and elevated to an independent department with Cabinet status was presented to the White House yesterday by Gladys O'Donnell, president of the National Federation of Republican Women.

That was among several recommendations handed to Harry Dent, special counsel to the President. Another called for emergency legislation to reinforce local control of education and to eliminate forced busing to achieve integration.

Mrs. O'Donnell termed the recommendations the voice of the "silent majority" as expressed through a national grass-roots survey sponsored by the NFRW.

Mrs. Gene Miller of Columbus, Ga., national chairman of the NFRW educational advisory committee which conducted the survey, said hundreds of thousands of the questionnaires—she could not provide a total—were distributed throughout the country on a nonpartisan basis asking for opinion on the most important problems in education today.

The foremost problem listed was control of local schools, she said.

Forced busing, federal control and judicial ratios were rejected in favor of retention of neighborhood schools, she said.

In calling for a Cabinet-level Department of Education, Mrs. O'Donnell noted that education represented over 7 per cent of the Gross National Product last year with expenditures of \$85 billion. She said it is doubtful that "we will ever get as much as we should for the dollars we spend" as long as education is entangled within "the vast hodgepodge of HEW."

The survey report included these other recommendations:

That prayer and Bible reading in schools be voluntary.

That sex education be adopted at the option local school boards placed in the hands of competent, qualified, well-balanced teachers in conjunction with home instruction.

That teaching of reading be on a one-to-one basis.

That a system of grading with less emphasis on grades and more stress on opportunity to learn be devised.

Mrs. Miller said copies of the survey report will be sent to members of Congress and to Republican women leaders throughout the country.

Mr. Ford. The other thing is this: Following the appearance here of Mr. Finch and Mr. Veneman, where we touched lightly on some of the things that might be in the guidelines, I have prepared a specific amendment to this bill, in the event that we reach that stage with the bill, and I assume we will. I intended to offer this amendment. I would like to get a copy to the Great Cities organization, and ask you to comment on it, but quickly I would like to skim down through here and ask for the reaction of all three of you, as to whether or not you believe that putting these kinds of restrictions in the legislation would in any way impair the purpose of the legislation to accomplish desegregation, and an improvement in educational quality.

I would amend the bill on page 9, which refers to the plan that would be adopted in the application filed, at the end of line 23, by adding a section that says:

(7) That, in the case of an application by a local educational agency such agency—

And this means as a condition to receiving funds, would have to show—

(A) is not using a freedom of choice plan as a means of desegregation.

(B) has not reduced its per pupil expenditures for elementary and secondary education below such expenditures for the third year preceding the fiscal year during which application is made—

This gives them a 2-year grace—

(C) has not taken any action, such as the use of discriminatory employment policies or the imposition of new teacher qualifications, which has the effect of reducing the number of teachers and administrators it employs who are Negroes, American Indians, or Spanish-surnamed Americans,

(D) has not failed to avail itself fully of Federal assistance for which it is eligible. Including assistance for school lunches and assistance in title I of the Elementary and Secondary Education Act—

I might say parenthetically that I intend this as the person who prepared the original material from which I took it to go directly to the 200 school districts that have said rather than comply with the Civil Rights Act they would refuse to accept funds for those programs up until now.

(E) does not permit segregated activities in elementary and secondary schools including segregated classes or segregation within classrooms—

A condition that Reverend Stewart just described—

(F) has not instituted new procedures in its elementary and secondary schools which have the effect of segregating pupils—

And this is something we picked up from the survey that Mr. Meeds has mentioned—

(G) is not operating under a court order requiring desegregation which was issued within a period more than two fiscal years preceding the fiscal year during which application is made—

That has a very obvious intent of holding them to the life purported to be in this bill of 2 years, saying they can't get the money, and sit on it forever and expect to get more money.

(H) is not in a State which considers payments to private elementary and secondary schools which engage in segregation on account of race or color as deductible from income for purposes of State income tax laws;

(I) has not, within 5 years, chosen sites for construction of school facilities with a view to the perpetuation of segregation;

(J) has not deactivated school facilities used by minority group children in order to avoid the attendance at such schools of other children; and

(K) has not assisted private elementary or secondary schools, which engage in segregation on account of race or color, by loaning, donating, or selling equipment to them.

Do any of those restrictions appear to you to have the effect of standing in your way in going forward with desegregating the schools that are in the districts you are here representing?

Mr. DAVIS. No, sir. You made reference to the maintenance of local expenditure level, and that must have some point of correspondence, because in terms of the fiscal plight of some communities and cities, it might by reason beyond the control of local administrators, the level of local support might fall.

Mr. FORD. Well, we have in mind particularly the situation where a school district has done some of these other things in cooperation with the establishment of so-called academies or private schools, which are promptly stocked by the white children of the people best able to pay property taxes. They then reduce the local tax millage or the local support and the State formula has in one instance been rewritten, so that that school district gets less money for the remaining students than would be there if they were attending school.

Mr. DAVIS. I have no tolerance for that circumstance, as I now understand your statement. Second, would be the way you would establish whether by design or just by lack of knowledge one school system may fail to avail itself of certain Federal funds. The most astute continue to discover that there might be a source of money here, there and elsewhere.

Mr. FORD. That again we would have in mind the specific instance where there was no question of their qualification, but where in the case of the 200, for example, there was a cutoff or a threat of a cutoff, and they just refused to accept the funds because of the condition attached to them, that they comply with title VI of the Civil Rights Act.

Mr. DAVIS. These then that you cite would in no way limit me in accomplishing the goal of the legislation. I think they may well be very desirable.

Mr. FORD. It is my understanding, Mr. Chairman, that you are going to forward these now to the new Secretary of HEW, and ask him for his comment on whether or not they be acceptable to him.

Dr. SKELLY. Mr. Congressman, can the council obtain a copy of the statement that was just read?

Mr. FORD. I will give you this.

Dr. SKELLY. Just in listening I don't think there is a position taken there that is inconsistent with the position paper read by Reverend Stewart. I too had the same reservations on first hearing as Dr. Davis did about the level of effort, but I see the point, at least I see the thrust to where it is going and I am equally at ease now with your explanation.

Reverend STEWART. I just wonder, Congressman Ford, because of your familiarity with it, what about Atlanta, Ga.? As a member district I would not be opposed to your suggestions, and I think New Orleans has made a request for application to the research council at one time. This still might affect one or two of our school districts, because of actions taken in the State, but I doubt that Atlanta would be affected by it. Are you familiar with it?

Mr. FORD. Atlanta could be affected if the real purpose for the Government cutting off their funds last year for their year-round program, for example, was to thwart the efforts of the school district to do this. That is one problem that we face. What do you do about State funds, in the control of a State agency or a government who, in spite of what the local effort might be, Mr. Letts' best efforts in that direction seem to have been stopped. We have never heard, however, that that was connected with the segregation problem.

Reverend STEWART. I don't think there would be opposition from the majority of our cities to your amendments. I can't say that for all of them.

Mr. FORD. When you are examining that perhaps you could check that with your member cities if there is a question and advise the committee. This is an idea that has developed only during these hearings, and we don't want to make a mistake in trying to perfect this thing, and do some further damages. It may be that we will have to amplify that section and make it clear that this is intended to prevent somebody from diverting funds.

We have had experience in a number of programs. The impact aid program we discovered a few years ago, and this had nothing to do with the question of segregation, we discovered that because of the way the formula had been written, it was possible for 16 or 18 States at that time to work out their distribution formulas to school districts, so that a school district that received this money from the Federal Government in effect ended up with no net gain, because what they did was this: If they received construction money from the Federal Government they deducted that from that year's allocation of construction money. The effect it had was to throw all the Federal money that we gave to a particular district, because it had a particular problem, into the pot.

We corrected that in 1966 and phased it out so that they can't do that any longer. It didn't make some of the State capitals very happy. Mr. Meeds was the one primarily responsible, because his State was in the process of doing this over a series of, I believe it was, 20 percent per year, until the local district would end up with nothing from their Federal money.

With that in mind, we have always been a little bit careful since then about putting funds out under any formula where you could play games with the money at the State level, and end up with this really being a supplement to the general State money, rather than something

in addition to the other effort for a specific purpose. We learn each year a little bit more about how complex the structures of financing State schools are.

Mr. PUCINSKI. I am going to ask our colleague from Minnesota, Mr. Quie, to introduce Dr. Davis to the committee.

Mr. QUIE. John Davis, we are pleased to have you here. I was working on another subcommittee until you arrived. I wanted to come here and hear your testimony.

Mr. Davis is an outstanding superintendent of schools in Minneapolis. You don't have any prepared testimony, but I think you might have something to say in the way of testimony before you just answer questions. We would appreciate hearing from you. I know we don't have the problems of minorities in the same percentage in Minneapolis as we have in other parts of the country, but we have problems there as well. You have done a great deal of work and have put a lot of thought into the best way of handling this where de facto segregation develops in a Northern city. We appreciate hearing from you.

STATEMENT OF JOHN DAVIS, SUPERINTENDENT OF SCHOOLS, MINNEAPOLIS, MINN.

Mr. DAVIS. I thank you, Congressman Quie, Mr. Chairman, and members of the committee.

I speak as the superintendent of schools in Minneapolis but as earlier indicated, I am chairman of the Great Cities Committee on Racial Equality which embraces the concerns of segregation, desegregation, and hopefully integration.

Might I acknowledge the privilege I have had of being 10 days on vacation, and unable to get my brief statement typed.

It is good that attention has been given to the pressing problems, and I might add the opportunities for integration by the President in his March statement. Much has been written about the dangers to our society if it continues to move towards separation by economic level, by color, and social class. Schools are one of the effective vehicles for immediately adjusting social balance; perhaps more important, schools are important vehicles for changing attitude and behavior of students and adults. Schools touch the lives of many adults, and should in increasing measure touch their lives by a variety of programs, changing attitude, and behavior away from narrow and bigoted and ill-advised positions with respect to the rights and the privileges of all men. The proposed legislation is aimed at desegregation. It, of course, anticipates an integrated society by which I mean equality of opportunity for all people. The problems of city schools need not be pointed out to you who serve in the Congress. What must be said frequently, however, is that to provide a quality education, an excellent education for all students and adults, there is a need for judicious expenditures of increasing amounts of money.

From the vantage point of a school superintendent, dollars in the amounts needed are most apparently available at the Federal level. Certainly they are not available at the local level, where property tax levels are inflammatory, and in the minds of some confiscatory.

Property is a poor basis for funding a school system, particularly in central city school systems, where income levels of residents con-

tinue to drop, and where social needs increase. State funds appear limited, at least when one deals with State legislators. The problems of people are a national concern, hence continued expansion of Federal assistance is essential.

The issue of desegregation, which as I said before, it is hoped will lead to an integrated society is dependent on much more than the physical movement of people in neighborhoods or in schools. The quality, equal, excellent education opportunity in city schools will be the best means of accomplishing the steps necessary for integration. In local communities and in Minneapolis there is great reluctance to give up the neighborhood school concept, but there is evidence that when unusual, productive, exciting, and frequently much more expensive educational programs are provided, such as talented youth institutes, store front schools, work opportunity centers, compensatory education, teacher aid programs, more and better equipment, the magnet school concept, there is a willingness, indeed even desire to take advantage of these opportunities by the parents of students as well as by the students themselves.

Schools have failed. Many schools have failed, and many parents know that the reasons lie in the absence, not of faculty commitment or devotion, but in the absence of good inservice programs to assist teachers to adopt their teaching and learning programs to the particular and peculiar needs of boys and girls whom we frequently have paid too little attention to, in the absence of supportive guidance, counseling, testing and remedial services, in the absence of mechanical equipment and teaching supplies, in the size of classes, and in dingy and rundown buildings.

To suggest to parents and students and citizens that desegregation, with its presumed inconvenience and uncertainty, can assist students to the accomplishment of educational goals sufficient to insure self-esteem, confident self-sufficiency, and a rigorous commitment to our country's great values without a better educational program, plant, faculty and staff, text materials, et cetera, is to make it much more difficult to accomplish.

The Emergency School Act gives promise. I shall not pass judgment as to whether it is most propitious to produce a special and new law, or to rather strengthen the Civil Rights Act, or title I. Others have spoken to this issue.

I wish today to simply salute the extra effort to improve the opportunities for our students. I am quite certain, however, that a court order should not be the only basis for awarding a double count advantage. Rather, that any school system carefully and methodically moving toward desegregation should be eligible. De jure and de facto segregation are both to be overcome.

I believe that the proposed law should look to actual classroom and curriculum and attitudinal and behavioral changes as indications of success, not just body mix or count.

To this end there should be a very well developed evaluation. James Coleman's suggestions in this regard make good sense to me, although it will be difficult. I would add, however, teachers and principals to the evaluation teams of parents and people indigenous to the neighborhoods where the action is taking place.

It does not bother me, from an intellectual position, to embrace the notion that the Secretary—I would prefer the Commissioner—have the authority to allocate funds to private agencies of one type or another, if that effort is designed to improve the racial-social balance of our communities, and schools, but from a practical point of view I know that those who respond are apt to be those who see educational option, are capable of taking advantage of it, are most motivated, are most demanding, and in a relative sense perhaps, and I say relative sense, are those perhaps least in need of unusual educational opportunity, and the effect of this is to leave the most needy in the public schools. The most difficult educational problems remain in the public schools.

For this reason then I would suggest that a formula be developed that would compensate by insuring a flow of dollars to the public schools in sufficient amount to permit lively competition. There is a need for schoolhouse construction money, and the Massachusetts pattern makes good sense. I was in that State at the time of its adoption and assisted in its preparation.

If the schoolhouse contributes to overcoming racial imbalance, and isolation, and leads presumably and hopefully to integration, any effort to reward suburban-urban cooperation should be encouraged.

Finally, there is a need to insure that the use to which the money is put under the Emergency Act are truly contributory to desegregation, or what I would declare, integration. It is possible, as I read the proposed act, to interpret the feasibility of doing many things which really don't contribute to the basic intent, which is to provide a better racial balance, which in turn produces the capacity or opportunity for understanding, and intelligence which I trust will permit an integrated society of attitude and behavior.

Mr. QUIE. What percentage of the students in Minneapolis are minority students?

Mr. DAVIS. It approximates 12 percent, and has been rising at about 1 percent per year for the last 5 or 6 years.

Mr. QUIE. And what percentage are black?

Mr. DAVIS. Approximately 9-plus percent, nearly 10. The remaining minority group is the American Indian, of whom there are more in the city of Minneapolis than in all the reservations in the State of Minnesota.

Mr. QUIE. And the increase of 1 percentage point a year, is this divided between the Indians and the blacks or is it mostly one group?

Mr. DAVIS. I could find that statistic. I think it is about equal in growth. I have that and I shall produce that statistic in a moment.

(The information follows:)

CERTIFICATED PERSONNEL—SIGHT COUNTS

Group	1963		1964		1965		1966		1967		1968		1969	
	No.	Pct.	No.	Pct.	No.	Pct.	No.	Pct.	No.	Pct.	No.	Pct.	No.	Pct.
American														
Indians.....	1	0.03	2	0.06	2	0.06	2	0.06	3	0.08	5	0.14	9	0.24
Black Americans..	74	2.41	78	2.50	80	2.40	103	2.90	115	3.17	142	3.90	166	4.45
Total														
"Minority".....	75	2.44	80	2.56	82	2.46	105	2.96	118	3.26	147	4.03	175	4.69
Total Cert. Pers..	3,069		3,119		3,328		3,551		3,623		3,645		3,728	

Mr. DAVIS. In each case, I calculated the ratio to the nearest hundredth of a percent. As you know, there is a rounding off process involved at whatever point I decide to use in showing percents. This is illustrated in the table.

In 1967, the percents for American Indians and for Black Americans would add to a total of 3.25 percent; however, the percent for the group rounds to 3.26 percent. In 1968, addition would yield 4.04 percent; but the total yields 4.03 percent.

From 1964 to 1965, the number of Black Americans increased by 2 from 78 to 80; but the total certificated staff increased at a faster rate, so the percent for Black Americans decreased from 2.50 to 2.40.

Mr. QUIE. I understand before I came in that Congressman Meeds asked the question of one of the other gentlemen, whether it would not be advisable to distribute this money as a racial impact bill based on the number of minority children or students in the school. I don't know what the reaction was from the witnesses to that.

Mr. MEEDS. It was good.

Mr. QUIE. Was it very enthusiastic?

Mr. PUCINSKI. Mr. Skelly says it is the best formula that we could have.

Mr. QUIE. What would your reaction be to that?

Mr. DAVIS. I was not here at the time that question was posed. I, off the top of my head think of no problem in that regard. My concern would be that the utilization of those funds make substantial contribution toward integration.

Mr. QUIE. That is my problem, because there are many Northern school systems with de facto segregation who are as segregated as are the de jure segregated schools. Just because they have minority students in their school system, without doing anything to integrate, I can't see any reason for giving them money. I would like to see this expanded beyond the Federal court order and following an HEW plan to include anyone who is making significant progress or attempting to make significant progress in integration. I favor the submission of a plan as to how they are attempting to do it and funding all of them, whether they are de facto or de jure. I would like to see results rather than just giving them some money because they have some black or Indian students.

Mr. FORD. Would you yield there?

Mr. QUIE. Yes.

Mr. FORD. I don't think that the intention of the kind of formula that we were talking about would be to give them the money and say here is some money, and we hope you have a good use for it. I would still carry with it the legislative direction, and also whatever guidelines were necessary to implement that to be used for the purpose of doing those things that would lead toward the integration.

Mr. Davis has repeated what Dr. Drachler said the other day about this concept of magnet schools. He pointed out that one of the real problems they have in a city is that as soon as they start changing the makeup of the student body in a particular school there is a fear not only amongst whites but amongst blacks as well that the quality of that program in the school is going to suffer because of the increased student body, and the new students coming from a school that doesn't have the reading levels and other things happening, and that you could use this money, in other words, to make that an exceptional

school, and it would actually lead to the impression that your child was better off staying in the school with the additional programs than fleeing to another school that was struggling like most of them are.

Mr. DAVIS. Might I comment on this. The example in Minneapolis at the moment is the creation of a magnet school at our central high school. It is a school without great opportunity, and with a population which has learning difficulty and so on. The magnet school has now been oversubscribed, by students from 10 of the junior high schools, who will begin their ninth grade. We have put \$100,000 in additional money into this operation to really create change, change in curriculum, change in material, change in attitude of faculty.

Mr. PUCINSKI. Would you yield?

In connection with that, do you have a permissive transfer system in your city, where a youngster can go to any school in the city, if he feels that that will give him a better education than the education he is getting in his neighborhood high school?

Mr. DAVIS. I cannot give you an unqualified yes to that, Mr. Congressman, but any student who finds that the curriculum offerings in the school he attends are inappropriate can request, and to my knowledge is always granted transfer. This is not to say it is open enrollment. However, in addition, the board of education, by an action 3 years ago make it possible for any student whose move from one school to another contributes to a better racial balance, to have that permission, and in addition to receive the full and complete cost of whatever transportation might be involved.

Mr. QUIE. That was the suggestion made by other witnesses too, that you permit this in the wake of freedom of choice but only if it improves the racial balance in both the school that the student is leaving and the school that he chooses to attend.

Mr. DAVIS. And I might add that there is some question hovering over us as to whether this is in itself discriminatory, for we could deny for other than education purpose a black person the right to move from a school or a white person to move from a school except as his transfer contributes toward a better racial balance. We have not yet been challenged.

Mr. QUIE. It has also been stated by some that they would prefer to have this program administered on the State level. I tend, as you know, John, to strongly favor State administration of education programs, but this one I believe is of national significance, where we are attempting to achieve a national goal. We have seen reluctance on the part of State and local people to bring about integration of the schools. I feel very strongly that this should be federally administered. This is totally Federal money. How do you feel about that matter?

Mr. DAVIS. Mr. Congressman, I share with you the eventual desire to have the State departments of education strong, vibrant, fully committed and totally understanding if that is possible, and I think perhaps it is. In Minnesota we are fortunate, in that there is an understanding of the central city by the State department of education. I do not think this would be true nationally. I am not adverse to having the Federal relationship established directly with the cities and with some rural communities, if they are desirous of making change toward integration.

(Discussion off the record.)

Mr. QUIE. I don't see how in foreign languages that there would be any reasons why we would expect State or local communities to realize the needs. I would say that about the majority of my colleagues too. We haven't been able to advance area studies in the International Education Act either, but in these two areas I will prefer the Federal level.

Mr. MEEDS. Will you yield?

Mr. QUIE. Yes, I yield.

Mr. MEEDS. The racial impact concept lends itself particularly well to a school district—Federal Government relationship, does it not?

Mr. DAVIS. Yes, sir, I think it does. I might, if I may, make a comment that the city of Minneapolis has in 5 years increased the number of its students who come from families on aid to dependent children from somewhere around 5,000 to 6,000 to now 14,000 eligible students. This is a staggering statistic in my judgment, and again is appropriate perhaps for Federal surveillance, as a welfare problem.

Mr. FORD. Could I ask one question there?

Mr. QUIE. I yield.

Mr. FORD. I don't think anybody has commented in the hearings on this: As a practical matter how do you go about identifying the people that you count under this bill? Has anybody talked about that?

Mr. QUIE. No, nobody has.

Mr. FORD. What do you do, send a questionnaire and ask for the racial background?

Mr. DAVIS. In our city we make a sight count. There are rather complete directions sent to each faculty member who makes a home-room count.

Mr. FORD. I am not trying to be facetious, but what do you do? Do you count a child with both Indian parents as a category A child, and a child with one Indian parent as a category B child, or is he counted the same?

Mr. DAVIS. We haven't refined it. We have three classifications that work for us.

Mr. FORD. Just hearing you tick those off it just suddenly came to me that somebody at some stage is going to have to figure this out.

Mr. QUIE. Just look at the children. If they are dark skinned they are probably considered black.

Mr. FORD. They got in trouble with Roman Pucinski last year you will remember, it was this year, when they sent a paper around to the bureaucrats and said, "We don't want you to count how many black people you have working in your department, but quietly observe them, and if they look like they should be classified as nonwhite, give us a count." Roman tore them up for that.

Mr. DAVIS. You raised a good point though.

Mr. FORD. I think Patsy was a little upset about that too.

Mr. PUCINSKI. I was wondering if we could get some expression from you, because Mr. Ford does raise a very important point. HEW, when they were before us, were really not able to give us an answer. The best they could do was to give us about 10 percent of the schools in the country that have white children and black children but they couldn't give any count on Spanish-surnamed kids, Orientals. It is a serious question. I am wondering if you have any suggestions on how will we count? How will you identify minority youngsters, and what

sort of machinery do you think we ought to set up? Obviously in the bill we have a definition of a minority group child.

Mr. QUIE. But you realize that all we are doing in the bill is distributing two-thirds of the money to the States so that the States get an idea what they are going to receive, but they don't receive it based on a count at all. It is a project proposal. If they can prove their need it really doesn't make an awful lot of difference how many black children, Indian children, or Spanish-surnamed children there are in the school.

Mr. PUCINSKI. The point that Mr. Ford makes is how does a State ascertain the number of minority children in that State. Now Mr. Davis says we have a sight count. I presume to some extent the Census Bureau may be able to help us, except where you have overlapping school districts, but in a State I imagine the Census Bureau could give us some help in this direction. The Census Bureau did not identify Spanish surnames.

Mr. FORD. If you will yield, we have had the experience of colleges and universities receiving a survey from the Office of Education a few years ago, in which they said flatly they refused to go through an exercise of trying to count how many and of what race they had.

Mr. PUCINSKI. Do you have any suggestions, gentlemen? You know this is a very serious problem. Mr. Ford has raised a very valid question.

Reverend STEWART. We have a sight count also. I could give you an example of a problem. I could be considered, if I lived in Minneapolis, part of an Indian sight count. If I lived in south San Francisco or Dallas I could be considered part of the Spanish-surnamed count, not surname count, but a sight count. I have got a French first name. If I lived in a predominantly black community I would be considered black, and I am black, according to whatever the racial tag is. A count is difficult to ascertain and get an accurate figure. We do have in Detroit a computerization. We do have a sight count as well as a survey count to be able to determine those of Spanish descent or Oriental. Other than going out and referring back to the old way of getting a count, by having that person designate their ethnic background, we have no other choice but the sight count, or one of surname.

Mr. QUIE. Since we don't count students for the amount of money they will be entitled to under this bill, as in the Federal impact aid legislation, I don't think it is as important here. My mother had two first cousins who are both darker than you, and they are 100-percent Norwegian background. Our family doctor once said that the Norsemen cruised further than the south of France.

Reverend STEWART. I have a brother on the Chicago Police Force and they have this rule of integrated cars, and so they had to put him with a black police officer, and he raised a ruckus that he was not now in an integrated car, that he was supposed to have been placed with a white police officer. The sight count placed him in integration that was kind of a reverse situation. This is a problem that I don't know how you are going to resolve.

Mr. Meeds mentioned the impacted integration-type minority. I think this is why the count was mentioned.

Mr. QUIE. It would be important if you received an entitlement based on the number of minority children in your school district. I surely wouldn't like that concept at all. I think that you have to prove

that you are integrating. It may be more expensive for those who have 8 percent in their school district than another school that has 30 percent. It just depends on the circumstances of what they are trying to overcome. For one that had de facto segregation for a long time, well ingrained in the community, it may be more difficult to shift the schools and to arrange this new integrated education than it would be with one that had happened more recently. I think that is the reason why we will have to have this on a project grant basis.

Mr. PUCINSKI. I believe that we ought to get this very clear, because I think we are talking about two things. Mr. Quie is correct that under this bill we would count the minority children in a State. We would then count them again if they attend a school district in a court order. We would add up the total in that State and apply that total against the national total to ascertain a pro rata share of that State's allotment from the two-thirds that is set aside from the appropriation, and he is actually right that there is no assurance that the money will follow the child in that State, but the bill does provide, and we are going to have to really address ourselves to this problem, the bill says:

For the purpose of this section the term adjusted number of minority group children for any State means the number equal to the sum of the number of minority group children enrolled in public schools in local education agencies in such State which are carrying out a plan of desegregation.

You still have to ascertain somewhere in this bill how do we count minority children in that State. Do we do it by sight count or do we take the census figure? The only problem with the census figure is that by 1976 or 1977 it becomes obsolete. This is the trouble with the poverty program. In 1969 we are dealing with 1960 figures, and in the absence of a 5-year count, with a shifting population, when you consider that one out of five families in America moves every year, surely it is a great disadvantage to use census figures.

I was wondering if you gentlemen have any suggestions on how can we count? We have identified the minority group child in this bill, but we haven't said in this bill how you count them. Who counts them? Does the local school principal count them? Does the county school superintendent count them? Does the State director of public education count them, to transmit the State figure to the HEW?

We haven't spelled out in this bill what the machinery is, sight count, surname count or what.

Dr. SKELLY. Mr. Chairman, I am holding in my hand a document which was given to us at the time that the Commissioner made the preliminary release on the desegregation proposal, and attached to what was indicated as document B, on the last page is a chart entitled "Allocation Under Alternative Funding Levels By State."

Apparently there are statistics in the hands of the Office of Education upon which these distributions have already been made and formulas executed. If this document has not been made available to you—

Mr. PUCINSKI. It is in the record, and I might say that so far as I know, those are nothing more than very raw estimates.

Mr. QUIE. And that is the way it is going to end up, raw estimates.

Mr. PUCINSKI. I presume, based on the 1960 census, and this is why I have been attracted, and I said at the opening of these hearings, I would prefer to move in the direction of a racially impacted formula

where you as the school superintendent would submit to the Commissioner of Education your count of minority children, to see, A, if you qualify for whatever is the cut-off point that you set up.

We would then have to decide whether we want to give you funds for just those children, and I would like my colleague from Minnesota to hear this, because the problem that I have with this bill is that we provide funds only for minority children, but we are really providing educational improvement hopefully for all the children in that school. I don't really see how you are going to have—

Mr. QUIE. Not necessarily.

Mr. PUCINSKI. Yes you are. Would you yield right there?

I am just trying to see how you are going to set up an effective program in a school that has 30 percent minority children, and say, "Well, we are going to have programs only for those minority children." You are in effect setting up another segregated system in that school. It seems to me that if you are going to have high-density counseling you ought to have high-density counseling for all the children in that school. If you are going to have remedial reading you ought to have it for all of the children in that school. If you are going to have smaller classrooms you should have it for all the children in that school.

To me the incongruous part of this legislation is that we say we are going to provide money for minority children, but actually you as the school principal are going to have to provide those same services for all the children in that school. Otherwise you are going to have another segregated school system within the framework of this bill. I would like to get your views on that and then I would like to get Mr. Quie's views on it.

Mr. QUIE. Let me give my comment first, Mr. Chairman.

From the testimony we have found very few people who even make the claim that there has been a discernible educational improvement by integration, but what has been claimed by witnesses every day is that there is a tremendous necessity in this country for integration, the removal of the racial isolation that exists. Even if there was no educational improvement, as we think there is but it is hard to identify, it is still necessary and important to us.

As you look at the purposes of the bill, the first one is to eliminate racial segregation and discrimination. The second one is to eliminate and reduce and prevent racial isolation. Then you come down to the third one overcoming the educational disadvantages of racial isolation, but it doesn't say that there will be an educational improvement.

Mr. PUCINSKI. Let's read this correctly, if my colleague will permit, as long as he has cited these things:

The purpose of this act is to provide financial assistance—

(a) to aid local educational agencies throughout the Nation to meet the special needs incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools.

It doesn't say, "Meet the needs for minority children."

Mr. QUIE. You only have the problem if there are minority children.

Mr. PUCINSKI. Just a second. It says, "Meet the needs incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools." For anyone

to suggest that this means that we are supposed to provide special educational benefits only to the minority children in that school, you are setting up another and perhaps more insidious kind of a segregation in that school.

Mr. QUIE. There is no purpose to do that.

Mr. PUCINSKI. Secondly, it says encourage the voluntary elimination reduction or racial isolation, and so on "in schools."

The point I am trying to find out here in this formula, and I would like to ask you gentlemen, because you are superintendents, if we allocate a amount of dollars based on a number of 200 children in a school of a thousand youngsters who happen to be minority children, and you have to provide educational improvements for the whole 1,000 children, if it is going to have any meaning, if you are going to really grapple with this problem, then what we have really done is given you money for 200 children but said to you, you have got to dilute it over a thousand, and that is why it seems to me—

Mr. QUIE. I think you are way off base.

Mr. PUCINSKI. It seems to me if you really want to do something about integration, if you really want to help, what you want to do is identify a school as a school with a racial impact problem. If that school then has a thousand children, you ought to provide Federal aid for a thousand children in that school, to up-grade the quality of that whole school, so that every child, minority and otherwise, benefits together, and you stabilize the community and you achieve the ultimate goal of eradicating racial isolation. I would like to get your views on that as educators.

Mr. QUIE. I have a luncheon I have to go to. Before I do, could I ask unanimous consent that the information that I asked Superintendent Davis about as to the number of minority children goes in the record at the point where he answered the question.

Reverend STEWART. Mr. Chairman, I don't think that we agreed with this bill in our statements or in our comments. I think that you are asking us to assist in providing a better formula.

It is true that you need additional services, additional funds in order to adequately prepare a school, if you have a 10 percent minority population of students move into that school that you have to prepare the school, you need additional funds to make the adjustment and provide for the educational opportunities, but I think to say because you are adding 10 percent of the student population that you need totally the funds for the other 90 percent for the total school, I think it depends upon what needs are set up in a proposal to provide the kinds of services to make this the kind of school that you want to make it.

From what I hear you say, you are saying that funding should be provided for the whole 1,000.

Mr. PUCINSKI. We did that in—

Dr. SKELLY. That is exactly the point.

Mr. PUCINSKI. We have 80 percent of the youngsters in the school getting title I assistance, that the whole school gets it even though the other 20 percent do not qualify.

Dr. SKELLY. Congressman, may I pick up that point?

First of all, I have to deny the charge that what you heard here today as read by the president of our council, and the comments that were made by myself and the statement read by Superintendent Davis

in any way supports some of the serious disabilities in the act to which we are reacting. On the contrary, I feel that our comments, and they are in the record to be reviewed, clearly disagree with some of the basic assumptions which this bill proceeds upon.

Now, your last reference to this introductory statement to the bill I defer to your judgment in terms of reading it as a legislator, because you are apparently taking the interpretation that it can take a school and divide within that school the money which is designed to assist the intent of the act.

I confess, I read this and come up with the same interpretation that has been given to ESEA, which takes a school and says if that school has a certain number of disadvantaged youngsters who comply with the formula of income, that this school in toto is treated as a class A school or a class B school.

Now if there is a difference in the way we read this again it is not that we come with any support for what may be as you interpret it a very divisive kind of interpretation, but I submit that in general the testimony submitted here has been very consistent with the position that has been submitted by Dr. Drachler and a number of other superintendents which points to the serious disabilities of this bill and which provide some positive statements as to how we disagree with the intent behind this bill.

Mr. PUCINSKI. Of course your testimony and the statement stands best when you say:

The Council of the Great City Schools supports what we feel is the intent of H.R. 17846, and is gratified to see national attention so focused on this subject of desegregation. We must also express some reservation.

Now, "some reservation." I could take your statement here, and if I had to go to the floor, I am sure that the supporters of the bill in its present form would take this statement to the floor and say, "Look here, the Great City School Council supports this legislation." That is my point. Now let me ask you this question:

Let's assume that we have a school of a thousand youngsters, a high school, Cass High School in your city, and you have, let's say, 300 minority youngsters. Now this bill says:

Financial assistance under section 5 shall be available for programs or projects involving activities designed to carry out the purposes of this act, including the provision of additional professional or other staff members, the training and retraining of staff for such schools;

(b) Remedial and other services to meet the special needs of children in schools which are affected by a plan described in clause (1) or (2) of section 5 (a) or are racially isolated, including special services for gifted and talented children in such schools;

(c) Comprehensive guidance, counseling, and other personal services for pupils.

And so on.

Now, is it your intention and your interpretation that whatever money is made available to that school on the basis of the 300 children in that school that money shall be used to do things only to the 300 children in that school?

Dr. SKELLY. Are you directing the question to me?

Mr. PUCINSKI. To any one of you.

Mr. DAVIS. I should like to say that that is not my interpretation—

Mr. PUCINSKI. Fine.

Mr. DAVIS (continuing). And I hope that I did not indicate that it was, at any time in my testimony.

Mr. PUCINSKI. Now, I would hope that that would be the way it would be interpreted. I would hate that we are setting up another segregated system in that school by saying that because you are a minority youngster you can get high-density counseling, but if you are not a minority youngster in that school you can't get high-density counseling even though you may need it more than that minority youngster. That minority youngster may be from a perfectly good middle-income black family and may be way ahead of the white kids in that school, or he may be from an oriental family which has a culture going back thousands of years and may be way ahead of the whole school, so what I am trying to find out from you gentlemen now, and this is the guidance we need here, is if we provide money on the basis of 300 children but we make these services available to 1,000 children in that school, minority or otherwise, what happens to the programs that you want to institute if you only have funds for 300 children?

That is why I suggested that we apply the ESEA formula here, that you apply the ESEA formula, that if you have a certain tilt, and you will have to tell me what that tilt is, if you have a school that is being integrated and you are going to come in there with additional funds to upgrade the quality of that school, to indeed make integration an effective device at all levels, then it seems to me you ought to have a formula that says, all right, there are 1,000 children in this school. We are going to provide funds to that school for 1,000 children, minority and otherwise, because this is a school undergoing integration and we want to upgrade the quality of this whole school in order to stabilize this community, the youngsters, and everything else, and to help all the youngsters advance.

Now, I have asked you that question only because I want to know whether you could do these things if the funding was only for the 300 minority children in that school.

Mr. DAVIS. I would say it depends on what the amount of the funding is, and that this is the issue which the Congress must wrestle with because we are so used to limping along with inadequate funds and making them stretch.

Now, it is possible that the author of the bill might take issue with you on whether or not x dollars instead of x plus y , which is what I would prefer, distributed among 1,000 students accomplishes integration or whether it accomplishes simply, and very importantly, a higher level of education for all students. But I don't think we are at cross-purposes here. Certainly, I am not at cross-purposes with you. But it seems to me it is a formula for getting more money into local communities.

Mr. PUCINSKI. Perhaps then what we ought to do is maybe approach this problem by forgetting the number of students. Perhaps if we were to go to the racially impacted school district concept we would establish the qualifications of the school district because you would have to have some sort of cutoff point whether you have 2 percent minority group, 5 percent, 10 percent, 12 percent, or whatever you have as you are not going to have 20,000 school districts participating in the program, because they have two or three youngsters with a minority

background. Once a school district qualifies and you have measured and you counted all of the children in that district to find out what money is the school district entitled to, the amount of money, then perhaps the way to approach this is to let the school superintendent ascertain how best he can use this money in an integrating school system without any particular reference to each school or the number of children in each school.

If, as Mr. Stewart said, you need a new high school in a changing community that is going to cost \$4 million and, in your good judgment and the school board's judgment, you need that particular school, and you only have \$4 million for that particular year and you will have to make a judgment, perhaps you can serve the greatest number of youngsters best by using all \$4 million on building a new school. I think that is one of the problems we have with these Federal programs. That is why I am trying to get some guidance from you gentlemen. We pass these programs over here and they look so good on paper, but then you go down to the hustings and you talk to the school principal and you say, "How is this working out?"

"Working out, what? We don't see it." It gets lost down the way. The trickle-down thing is just amazing.

What I am trying to do is avoid that kind of a situation in this bill and for that reason Mr. Meeds, Mr. Ford, even Mr. Quie recognize that the formula in this bill has to undergo major surgery. Now, what we are asking you as professional educators is, give us some help on what formula do you think can best work for you people.

Mr. Davis. The formula, Mr. Chairman, with the largest amount of money. You may tie it to the number of minority youngsters, or you may tie it to the reading levels or socioeconomic or to the number on aid for dependent families. There are a number of ways, or, as a matter of fact, it could come as general aid, and with the proviso that a well-designed plan for improving integration be an inherent aspect of it.

I would like to simply state that I would have you come and talk with principals in Minneapolis to discover whether or not the trickle-down theory has evaporated before it got to the local schools because we have some outstanding examples of where the ESEA money in concentrated education centers has really enhanced educational possibility and there is some indication that test scores are improving in those schools. But I know what you are saying, and I share your concerns, but it is an issue of the amount of money.

Mr. PUCINSKI. Gentlemen, I am going to take advantage of your kind of invitation in the closing paragraph of your statement. You said:

The Council of the Great City Schools stands ready to offer any possible assistance to this subcommittee in its efforts to alleviate the effects of racial isolation in this country.

You have heard the questions that have been raised here. Perhaps it is unfair on our part to hit you with these questions when you may very well not be prepared to answer them on behalf of your council, or perhaps even in your own judgment, without thinking them through. You have heard the questions this morning. You know what is troubling the committee. There is no question that we are all agreed, as I think Mr. Stewart said and you, Mr. Davis, I think said, that we

do have a situation where we have finally gotten the administration to recognize that there is a problem involved in integrating schools, vast problems, financial problems.

We have a money bill before this committee now to try and deal with that problem. It is quite obvious that this bill needs considerable surgery. I would take advantage of your kind invitation and extend to you now an invitation from the committee to supply us with a supplemental statement, if you wish, on some of the questions that we have raised here, what is the most effective way of helping you in this problem.

That is what we are here for and it does us no good to pass a bill if it is not going to do the job.

We have an impact aid bill on the books since 1950, which everybody, the President of the United States, the Secretary of HEW, the members of this committee, the Members of Congress, denounce as a totally indefensible formula for distribution of Federal aid, and yet, by golly, you can't shoot it down.

I have an impact reform bill on which I have held extensive hearings before this committee, and I know darned well I do not have enough votes either in the committee or on the floor to pass it.

I don't want this bill to be another bill that is going to be on the books and not do the job it should. I think we have a magnificent opportunity here. The President has said "I want to spend \$1.5 billion helping these schools meet the problems that they have encountered in trying to eliminate racial isolation." Well, it is my job as the chairman of this subcommittee and as a Member of the Congress to come up with the best possible bill to do that job, and that is why we have kind of thrown the gauntlet to you. You are on the firing line. You have to tell us what you need.

Mr. DAVIS. I won't take your time now, but I am sure that we can produce with alacrity a proposal for the flow of Federal dollars toward the problem of desegregating our schools—

Mr. PUCINSKI. Beautiful.

Mr. DAVIS (continuing). Which will be productive.

Mr. PUCINSKI. Fine. Your statement today is a good beginning. So if we may ask you, please, as quickly as possible to forward to us some of your reactions to the questions that have been raised by Mr. Ford, Mr. Meeds and myself, you would be a big help to us.

After all, you do represent 5 million youngsters that are going to be affected by this bill and I would like us to be able to come out of this committee with a bill that is really going to do the job. I think you know there is a great deal of talk about accountability. We have been talking about educators and accountability, but I don't mind applying the same rule to the Congress. We have to account for the kind of legislation we move out here and what is it going to do. Will it get hung up in a lot of bureaucratic redtape or will it really help you meet the problem. So, if you will be good enough to assist us we will appreciate that.

Dr. SKELLY. We welcome the opportunity.

Mr. DAVIS. Yes, sir.

Mr. PUCINSKI. You are very kind to spend the whole morning with us. As you can see, we have a real can of worms here because there are so many conflicting problems. We are going to need not only the

help of school directors but the help of the good Lord, and most everybody else, to put together a good bill.

Thank you very much. We will insert the materials which Dr. Davis requested to be submitted for the record at the end of today's testimony.

Reverend STEWART. Thank you.

Mr. PUCINSKI. The committee will stand in recess until further notice.

(The material referred to follows:)

HUMAN RELATIONS GUIDELINES FOR MINNEAPOLIS PUBLIC EDUCATION IN THE 1970's

STATEMENT OF EDUCATIONAL PRINCIPLE

The Minneapolis Board of Education is fully committed to provide quality education for all students. Because learning is a profoundly individual experience, the Minneapolis Board of Education renews its deep commitment to the individual learner and to the concept of continuous, progressive, sound educational experiences which permit mastery of basic skills, understanding of others, and enhance individual dignity, worth and uniquenesses.

In 1967, the Minneapolis Board of Education adopted Human Relations Guidelines and with community and faculty support instituted new programs, but new plans and greater effort must be made if there is to be a decade of excellence in Minneapolis public education. There is tragic evidence to support the fact that American and Minneapolis society is moving toward separate societies—one Black and Indian, one white; one wealthy, one poor. This is not to ignore the strides that have been made in this community in better human relations.

In America it is an inherent right to learn and to be able to benefit from public education. However, American and Minneapolis society still too often reflects political and social arrangements that restrict the realization that all men are created equal under the law, have equal rights, and are to be afforded equal and just treatment.

Racial and economic segregation and isolation in Minneapolis schools and society is harmful. In our schools, it can be interpreted as a denial of equal educational opportunity.

Lack of interracial contacts lead to fear, ignorance, prejudice and racism with the result that learners may develop an inaccurate view of life as they prepare to live, work, and participate effectively in a multi-racial community, state, nation and world. Public schools have the moral and educational obligation to deal deliberately and directly with the opportunities and problems of race, for the quality of our humanity is a key ingredient of good education. To forego opportunities to educate students for a multi-racial world would be to fail them. Implicit in this position is the assumption that public education has the responsibility to prepare citizens capable of intelligence in action.

The educational needs of learners will be the major consideration as the school district moves toward the goal of quality integrated education for all. We cannot wait for housing patterns to change drastically for that delay would mean that many more students than are currently denied, and will be for some years to come, would be deprived of quality integrated educational experiences.

It is fortunate that today there are minority group learners in all Minneapolis public schools. This is a great achievement in our total school community effort to deepen and broaden our human relationships and understandings.

In this decade of excellence in Minneapolis public education each school will be affected. Each child will be provided educational experiences to develop his own potential fully within the district's resources available.

STATEMENT OF DEFINITION—AN EDUCATIONAL GOAL FOR THE 1970's

An educational goal of the Minneapolis public schools for the next decade is quality integrated education for all students. A quality integrated school is one in which there is a student racial composition that approximates the racial composition of the total student population in the Minneapolis public schools and also a school well-equipped and well-staffed, where there is a climate of mutual trust and respect among the student body, the faculty and the school community, and where a significant majority of the students perform at or above acceptable minimum reading and computation performance levels.

The Minneapolis public school system is fully committed to improving the quality of education for all learners but exceptional effort including appropriate educational resources will be directed to any school when a school is classified as educationally unrepresentative in that:

A. A significant proportion of the student population is below acceptable reading and computation performance levels established by city and national norms; or,

B. Any school whose majority group enrollment percentage exceeds the majority group enrollment percentage of the district or any school whose minority group enrollment percentage exceeds two times the minority group enrollment of the district as determined by the Minneapolis public schools sight count each year.

For the purpose of definition minority group refers to United States Health, Education and Welfare terms and includes Black Americans, Indian Americans, Oriental Americans, and Spanish-Surnamed Americans. Majority group means Caucasian Americans.

GUIDELINES FOR EDUCATIONAL PROGRAM COMPONENTS

The following components—Organization and Procedures to Extend Learning Opportunities, Curriculum Development, Personnel Practices, Faculty and Staff Development, and Supportive Measures—will be considered and utilized where appropriate in the 1970's as the Minneapolis Public Schools directs its efforts toward the goal of quality integrated education.

ORGANIZATION AND PROCEDURES TO EXTEND LEARNING OPPORTUNITIES

Urban Transfer Program

Urban transfer of individual students of majority group and minority group will be permitted upon request by the parents or guardians to participate in the Urban Transfer Program where such transfers will improve the racial composition in both the sending and receiving schools, and will not result in overcrowding in the receiving school. Receiving schools shall be allocated supportive staff to assist students and faculty. The receiving school shall automatically upon transfer become the new home attendance area of the transferee and he shall continue through the secondary school. Transportation cost shall be furnished when needed.

Pilot Pairing Programs

The school year 1970-1971 shall be a planning year for a variety of pilot programs to be instituted for the school year 1971-1972. The School District supports, encourages and will facilitate pilot pairing programs between existing schools so that some schools may be used to house primary age students while others will house upper elementary age students. Provisions for transportation and supportive staff will be provided in the planning for these pilot pairing programs.

New Buildings, Additions and Capital Improvements

1. New buildings and additions will be planned and built to draw a multi-racial population including students from other attendance areas.

2. To the extent possible, other solutions for overcrowding will be implemented other than the use of portables. Effective September, 1970 useable classrooms in other schools will be used to relieve overcrowding schools. Students transported into the receiving school will be assigned into the regular classroom, not kept isolated in separate room(s). Crowding at the receiving schools will not be permitted.

Educational Centers and Learning Laboratories

Consideration will be given to the development of educational centers to serve upper elementary and middle school age students. These centers will provide opportunities for a variety of enriching experiences in such areas as art, foreign languages, music, creative dramatics, science and the performing arts. Students from many school attendance areas will attend at the same time. Similarly, learning laboratories will be established for high school students providing opportunities for varied experiences in such areas as computer technology, occupational training, performing arts, governmental agencies, and humanitarian services.

The Quarter System

Consideration will be given to organizing the high schools on the quarter system to allow students easier entry and exit as well as to make better use of Learning Laboratories, and other rich educational resources of the city.

Early Childhood Education

Voluntary pilot early childhood education programs will be designed and ready for implementation for Fall, 1971.

Magnet Schools and Magnet-Type Programs

A magnet-type program will be implemented in at least one high school by Fall, 1970, drawing students from surrounding junior high districts. Consideration will be given to the establishment of one magnet elementary program in at least one elementary school, to magnet vocational programs throughout the city, and to other magnet-type educational programs. Participation in these programs will be voluntary, designed to improve the racial distribution of students and provide a greater number of educational options.

Basic Skills Improvement

The 1971 and future budgets will reflect a high priority for reading and the basic skills of writing, speaking and mathematics. Curriculum consultants in collaboration with the Department of Elementary and Secondary Education and faculty will provide leadership in the establishment of city-wide norms for reading, computational and communication skills. Intervention programs will be instituted in any school when a significant proportion of the student population is below acceptable levels.

Administrative Decentralization into Pyramids City-Wide

The further administrative decentralization of the Minneapolis Public Schools into pyramids of authority will facilitate delivery of services to children and improve communication with parents and citizens. Fiscal control and policy determination shall remain the responsibility of the Minneapolis Board of Education.

Specialized Programs

1. City-wide observances and programs will be developed to celebrate American Indian Week, Black History Week, and National Brotherhood Week. In this connection and as an extension of our effort to develop understanding and appreciation it would be appropriate to commemorate the names of Americans who as representatives of other racial and ethnic groups have served humanity.

2. Cooperative educational programs shall be established among schools to allow students, faculties and parents from various groups to work together in such creative learning situations as multi-racial retreats, music, and art festivals and interschool dialogues.

Schools' Boundaries

Schools' boundaries will continue to be reviewed annually. Consideration for altering boundaries will include safety factors, distance, transportation factors, building capacities, integration and enrollments.

School Building Size

All new elementary schools will be built to house between 750-900 students and secondary schools shall be organized on the house plan for 700-1000 students—not to exceed a maximum of 3,000. Buildings must be flexible, warm and friendly. In special situations secondary and possibly elementary students may be housed in unusual spaces; new apartment or business buildings, older type open loft areas. In these latter situations students, faculty and community should be permitted to construct, paint, decorate and arrange the spaces where learning can take place.

CURRICULUM DEVELOPMENT

Curriculum is the heart of a sound program for quality education and is designed in part to prepare all students for life in a multi-racial community, nation and world.

1. A comprehensive K-12 social studies program shall be required of all students, focusing on the awareness of the American experience including all racial/ethnic groups. Such a program will be developed by social studies curriculum consultants in collaboration with the faculty and shall be ready for implementation by Fall, 1973.

2. Minority and ethnic contributions shall continue to be a regular part of the curriculum, K-12. Minority history shall continue to be offered as a special elective in high schools.

3. Supplemental micro-units on minority and ethnic cultures shall be developed, tested, and implemented into the ongoing programs. The responsibility for development and implementation of such materials shall rest with the appropriate curriculum consultants working in collaboration with the Department of Intergroup Education.

4. Consideration shall be given to the establishment of Afro-American and Indian-American Cultural Centers. Attention shall also be directed to establishing such centers in existing school facilities.

5. Effective September, 1970 the Task Force on Minority Cultures under the direction of the Department of Intergroup Education, will focus its efforts on staff development and teaching efforts in racially isolated predominantly Caucasian-area schools throughout the system.

6. The principal and faculty of each school in the system will be encouraged to improve curriculum, implement new organizational patterns and respond to the particular and peculiar needs of children in the interest of more effective learning experiences. The advantages of the nongraded school, team or collaborative teaching, more individualized instruction, and more independent study shall be encouraged.

7. Educational materials will be periodically reviewed so that distortions, derogatory statements, and untruths will be dealt with. Minority group faculty will be represented on all evaluation committees reviewing any materials. The recommendations from such committees shall be coordinated through the Department of Intergroup Education.

8. Learning materials selection procedures shall be subject to the critical review of representative faculty groups, and suppliers will be periodically reappraised of the Minneapolis Public Schools position regarding the necessity of honest and fair treatment of all groups.

PERSONNEL PRACTICES

1. Intensified efforts to increase the number of competent and qualified minority group administrators, teaching faculty and staff, and civil service supportive personnel shall be continued.

2. New minority group teachers and administrative personnel will be assigned to schools throughout the system so that the faculty as well as the student population better reflects the racial composition of the total school district's student population.

3. Recruitment and placement shall be continuous to insure a cadre of teaching faculty and staff who are sensitive, competent and committed to the needs of the inner-city child.

4. Special attention shall be given to the recruitment of experienced and successful inner-city teachers.

5. Continued efforts will be made to encourage teacher training institutions, the State Department of Education and the Civil Service Commission to assist minority group persons to qualify for certification and placement at all levels within the Minneapolis Public Schools.

6. Faculty in peripheral schools who have taught several years in succession will continue to be encouraged to exchange with teachers in inner-city schools.

7. A reserve teacher cadre of experienced and specially trained supportive personnel shall be assigned to inner-city schools. In addition to regular substitute duties, these substitutes shall free regular teachers for in-service training, curriculum planning and increased parent contacts.

FACULTY AND STAFF DEVELOPMENT

1. Through the Professional Growth Program, appropriate courses in human relations, minority history and cultures, and other related subjects will be offered to all certificated members of the Minneapolis Public Schools throughout the year.

2. Orientation and in-service training with special emphasis on human relations will be mandatory for all teachers new to the Minneapolis Public Schools.

3. The Superintendent of Schools will recommend a regular city-wide weekly released time program for faculty and staff to be implemented September, 1970. Faculties and staff will then have additional opportunities to work on more effective educational programming. As part of this program all school personnel will

participate in appropriate human relations activities under the direction of the Department of Staff Development.

4. The Department of Staff Development will coordinate the programs throughout the system so that human relations programs are designed to meet the needs of each school.

SUPPORTIVE MEASURES

Research and Evaluation

The Department of Research in collaboration with the appropriate consultants and faculty shall be charged with establishing research and assessment procedures for existing pilot programs and future programs related to integrated education. Periodic reports shall be made to the Superintendent of Schools. The research findings and experiences of other communities will also be utilized in planning educational programs. Since integration is the qualitative feeling and expression of mutual trust and respect by learners for one another, research and testing will be done to ascertain students' effective as well as cognitive learnings.

Public Information: Annual Sight Counts

Yearly sight counts will be conducted of all schools' student populations including vocational programs as well as of all employees of the Minneapolis Public Schools. This information will be collected by the Information Services Center and submitted to H.E.W., the State Department of Education, and the Minneapolis community.

The Student

All efforts by the Minneapolis Public Schools to implement these Guidelines have the ultimate goal of improving the educational program for students but additional recommendations for students include:

1. Continued attention will be given in support of student activities designed to enhance students' rights, responsibilities, and conduct.
2. Efforts will be extended to permit students to share in the planning and purposing for their education as well as to have a voice in determining school policy.
3. Non-school organizations requesting school participation of Minneapolis Public Schools students shall provide the administration with a written statement of assurance that participating students will not be discriminated against because of race, color, creed, or national origins.
4. Recruitment of students and interviews with students for purposes of college, vocational trades, apprenticeship programs, employment and scholarship programs will be on a non-discriminatory basis. All activities will be open to eligible students irrespective of race, ethnic origin, or religion. Particular consideration shall be given to recruitment and interviewing of students where such involvement is determined by the school as offering equal educational opportunities.
5. School clubs and other student-school related activities shall not bar membership to students because of race, color, creed or religion.

The State of Minnesota

The Minneapolis Board of Education appreciates recent State efforts to improve the quality of urban public education. There are a variety of additional ways in which the State could become a partner in the common cause with cities as they move toward integrated education, such as:

1. Additional State aids for students coming to schools in first grade with reading handicaps;
2. Providing transportation and tuition aids for urban and interdistrict transfer programs;
3. Removing the building construction bond limitation;
4. General revision of the State aid formula;
5. Construction aid for new buildings or additions which are planned to house a multi-racial, multi-economic level student population;
6. Providing additional equipment and learning materials for inner-city schools;
7. Supporting Minneapolis' nationwide efforts to recruit minority group employees;
8. Determining that human relations experiences be a requirement for State certification and that such training be a prerequisite to obtaining an education degree from State institutions of higher education; and,
9. Financial support for early childhood education programs.

The Minneapolis Community

1. Community understanding and support is essential if this is to be a decade of educational excellence for learning in the Minneapolis Public Schools. The administration and teachers will increase their efforts to communicate plans and programs by use of the news media, speakers, information materials, our new radio station (KBEM) and other effective ways.
2. To the extent possible the implementation of major new programs will be preceded by presentation, discussion, and solicitation of concerns from students, faculty, parents and other citizens.
3. Area/regional or pyramid advisory committees will be used as components of a city-wide schools community communication network. Major responsibility for coordination with local school communities rests with each principal.
4. The School Building Planning Department shall keep the Superintendent of Schools alerted to developments in city housing patterns and will arrange periodic sessions among representatives from the Housing and Redevelopment Authority, City Planning Department, other housing and real estate groups and officials of the Minneapolis Public Schools.
5. The Minneapolis Board of Education fully supports all efforts of city, public and private groups to insure open housing patterns and will designate a member of the Personnel Department to assist school employees in securing adequate housing.
6. The Minneapolis Public Schools welcomes communications from public and non-public schools and other educational institutions in the area to promote efforts to provide quality integrated education.

IMPLEMENTATION

The school administration will begin the development of a Minneapolis comprehensive plan based upon these Guidelines with clearly stated educational goals, order of priorities, and delineated program components.

A legislative program will be based in part on these Guidelines for submission to the 1971 Minnesota Legislature.

Implementation of a quality educational program is in large part contingent upon the availability of adequate Federal, State and local funding. Support from the private sector becomes increasingly important and appropriate.

The Minneapolis Board of Education recognizes the limitations it faces with insufficient funds and will do all in its power to secure sufficient funds to recruit and retain competent teachers, administrators and supportive personnel upon which a quality education is dependent. The need for more equipment, sufficient supplies and materials for classroom instruction is acknowledged.

The United States Office of Education will be contacted requesting technical assistance and financial support in helping to implement these Guidelines.

The Research Council of the Great City Schools will be requested to provide technical and financial assistance for the planning of a quality education program.

The Council of Big City Boards of Education will be contacted requesting assistance, consultation and support in helping to implement these Guidelines.

SUMMARY

The challenge of the 70's is a great opportunity for people of Minneapolis and various school-community agencies to respond and contribute to the improvement of the human condition in the city. The schools will continue to work with the total community toward the goal of bringing to every student in the Minneapolis Public Schools quality education.

COMMENTS

Please send your comments, suggestions and recommendations to the Department of Intergroup Education, 807 Northeast Broadway, Minneapolis, Minnesota 55413. They will be given careful consideration and, wherever possible, incorporated into the final document. These proposed Guidelines will be discussed throughout the community, and revisions will be made accordingly before formal presentation to the Board of Education for final approval in the Fall of 1970.

(Whereupon, at 12:35 p.m., the subcommittee adjourned, subject to the call of the Chair.)

EMERGENCY SCHOOL AID ACT OF 1970

THURSDAY, JULY 16, 1970

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The general subcommittee met at 10:10 a.m., pursuant to recess, in room 2175, Rayburn House Office Building, Hon. Roman C. Pucinski (chairman of the subcommittee) presiding.

Present: Representatives Pucinski, Perkins, Meeds, Hathaway, Bell, and Hansen.

Staff members present: John F. Jennings, counsel; Alexandra Kisla, clerk; and Charles W. Radcliffe, minority counsel for education.

Mr. PUCINSKI. The subcommittee will come to order.

We are very pleased to have with us this morning our very distinguished colleague, Congressman Preyer from North Carolina, who is here this morning to introduce a panel of witnesses who will be testifying on H.R. 17846, the Emergency School Aid Act, and his own bill, H.R. 16484.

We are most pleased to have Mr. Preyer with us this morning. We are well aware of his deep interest in education and particularly the problems that have developed in recent years in his own community and other communities around the country.

Congressman Preyer, we are privileged to have you here this morning to present your panel of witnesses. We are most anxious to hear from the grassroots the extent of the problems that you are confronted with, some of suggestions you have for resolving these problems, and how you feel this legislation can be of assistance in addressing ourselves to some of these problems.

I was mentioning earlier that the conferees yesterday agreed on \$75 million. As you know, the administration had sought \$150 million from other authorizations as an immediate step, a stopgap measure, funds to be available before the 1st of September.

The conferees yesterday agreed to \$75 million. Legislation before us would provide a half a billion dollars in fiscal 1971 and \$1 billion in fiscal 1972.

So without any further ado I would like to call upon Congressman Preyer to introduce his panel to the committee.

STATEMENT OF HON. RICHARDSON PREYER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. PREYER. Thank you, Chairman Pucinski. I want to express my appreciation for the opportunity to appear before this distinguished committee on behalf of H.R. 16484.

I would like to indicate the order of appearance, and I believe we can get through all of our testimony in an hour. I plan to lead off with a statement concerning the bill, in the absence of Professor Bickel, who originally planned to do that.

Dr. Craig Phillips on my left is superintendent of public instruction in our schools in North Carolina, will then testify.

He is accompanied here by his title IV staff from North Carolina.

Dr. Phillips is highly respected as an educator in the country. He is also recently a TV star, having appeared on the Advocates relating to school questions.

Our final witness will be Dr. Brank Proffitt, superintendent of schools in Burlington, N.C., and he is accompanied by Louis Allen, the attorney for the school board in Burlington.

To take up my statement, Mr. Chairman, the first question I think we would ask about a bill of this sort is should Congress legislate in this field, or leave it up to the Supreme Court?

Should Congress speak now on the subject of a national school desegregation policy? Almost everyone will agree that there is no one clear national policy on desegregation of our schools, and that in the confusion different areas of the country are pursuing different policies.

The lower Federal courts have given conflicting interpretations of what the Constitution requires. The Supreme Court has remained silent, so no one knows which lower court interpretation is correct. HEW is free to follow one or another course, and freely does so.

The law on school desegregation is in the process of being formed. We are discussing in this country the question of what the law ought to become. (We are not arguing the question of whether the law should be enforced or whether it should be obeyed; the answer to both these questions is clearly yes.) Until the Supreme Court lays down with finality what the law is, we are all entitled to participate in this process of determining what the law should be.

The President has made his contribution in his statement of March 24, 1970. Congress, speaking as the representative of the people, should now make its contribution.

The bill that Mr. Galifianakis and I have introduced is offered for this purpose, and I should have said that Mr. Galifianakis has asked that we allow a statement by him to be introduced into the record.

This subcommittee is dealing with wage and price guidelines today, and it was crucial that he be there this morning.

Mr. PUCINSKI. Congressman Galifianakis' statement will appear in the record at the end of today's testimony. At this point in the record I would like to insert H.R. 16484 and a short summary of the bill.

(The bill referred to follows:)

91st CONGRESS
2D SESSION

H. R. 16484

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1970

Mr. PREYER of North Carolina (for himself and Mr. GALIFIANAKIS) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To enforce the guarantees of the fourteenth amendment with respect to the desegregation of public elementary and secondary schools.

Whereas the fourteenth amendment forbids the segregation of children in the public schools solely on the basis of race; and

Whereas the Congress has the authority and the duty to enforce the fourteenth amendment by appropriate legislation; and

Whereas section 5 of that amendment is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the fourteenth amendment: Now, therefore,

I

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "National School De-
4 segregation Act of 1970".

5 SECTION 1. (a) The definitions of the terms "public
6 school" and "school board" contained in section 401, sub-
7 sections (c) and (d) of the Civil Rights Act of 1964, shall
8 be applicable to this Act.

9 (b) Segregation is the separation of children of differ-
10 ent races in the public schools pursuant to provisions of
11 applicable law, or by action of persons exercising adminis-
12 trative authority over the public schools, where such action
13 is intended to achieve the separation of children solely on
14 the basis of race, and has that effect.

15 SEC. 2. (a) Any student in any public school shall have
16 the right at the beginning of any school year to transfer
17 from a school to which he has been assigned or would in
18 the regular course be assigned, in which his race is in a
19 majority, to a school in which his race is in a minority:
20 *Provided*, That the exercise of such right may be postponed
21 for a reasonable period of time while the most rapid feasible
22 effective measures are taken to alleviate conditions of over-
23 crowding in the school to which transfer is requested: *And*
24 *provided further*, That the school to which transfer is re-
25 quested offers education in the grade equivalent to that from
26 which the student transfers.

1 (b) Transportation which may be required to effectuate the right of transfer under this section shall be provided at public expense.

2
3 (c) Any person or persons alleging that the right established in subsections (a) and (b) of this section has been denied to him or her individually or to a class of which he or she is a member, or the Attorney General, if he has reasonable cause to believe that any person or class of persons have been denied such right, may bring a civil action in the appropriate district court of the United States for equitable relief, including an application for a permanent or temporary injunction, or other order.

4
5 (d) In any action commenced under this section, the court shall allow the moving party or parties, other than the United States, a reasonable attorney's fee as part of the costs, if such party or parties prevail in the action.

6
7 SEC. 3. Where there are students of a particular race, color, or national origin concentrated in certain schools or classes, school boards shall insure that these students are not denied equal educational opportunities by practices which are less favorable for educational advancement than the practices at schools or classes attended primarily by students of any other race, color, or national origin. Examples of disparities between such schools and classes which may constitute a denial of equal educational opportunities include—

1 (A) comparative overcrowding of classes, facilities,
2 and activities;

3 (B) assignment of fewer or less qualified teachers
4 and other professional staff;

5 (C) provision of less adequate curriculums and
6 extra curricular activities or less adequate opportunities
7 to take advantage of the available activities and services;

8 (D) provision of less adequate student services
9 (guidance and counseling, job placement, vocational
10 training, medical services, remedial work);

11 (E) assigning heavier teaching and other profes-
12 sional assignments to school staff;

13 (F) maintenance of higher pupil-teacher ratios or
14 lower per pupil expenditures;

15 (G) provision of facilities (classrooms, libraries,
16 laboratories, cafeterias, athletic, and extracurricular
17 facilities), instructional equipment and supplies, and
18 textbooks in a comparatively insufficient quantity;

19 (H) provision of buildings, facilities, instructional
20 equipment and supplies, and textbooks which, compara-
21 tively, are poorly maintained, outdated, temporary, or
22 otherwise inadequate.

23 SEC. 4. (a) All persons exercising administrative au-
24 thority under the laws of a State or of the United States over
25 public schools have the affirmative duty to eliminate segre-

1 gation or any other discrimination based solely on race in
2 public schools subject to their authority, and to correct the
3 present effects of past segregation or other discrimination
4 based solely on race.

5 (b) A public school is organized and administered in
6 compliance with the Constitution and laws of the United
7 States when all persons exercising administrative authority
8 over it—

9 (1) have in good faith discharged their affirmative
10 duty under subsection (a), provided that the question
11 of good faith shall be treated as a question of fact by
12 courts of the United States adjudicating suits brought
13 under the Constitution or laws of the United States, and
14 by duly authorized officers of the United States imple-
15 menting title VI of the Civil Rights Act of 1964, and
16 shall be decided by them, having regard to the criteria
17 set forth in this Act; and

18 (2) have insured that the school system or systems,
19 subject to their authority are unitary school systems, as
20 defined in section 5 of this Act.

21 SEC. 5. For the purposes of this Act—

22 (a) The term “unitary school system” means one in
23 which—

24 (1) the requirements of section 2, subsections (a)
25 and (b), and of section 3 of this Act have been met;

1 (2) school activities are open to all pupils and fac-
2 ulty and staff, without segregation or any other discrimi-
3 nation based solely on race;

4 (3) subject to the provisions of section 2 of this
5 Act, each child attends the school nearest its place of
6 residence, or the ratio of racial minority to racial majority
7 pupil population in each school is within 50 per centum
8 to 150 per centum of the percentage representing the
9 proportion which the number of students of a minority
10 race bears to the entire pupil enrollment in a system ad-
11 ministered by a school board, where the geographical
12 boundaries of the system are themselves not determined
13 on the basis of racial considerations of any sort;

14 *Provided, however,* That variances from a policy of assigning
15 each child to the school nearest to his place of residence may
16 be made—

17 (A) to the extent necessitated by variations in the
18 availability of programs suited to the needs of the child,
19 school capacity, traffic conditions, and other considera-
20 tions of ease of access;

21 (B) pursuant to measures put into effect by a
22 school board or other persons exercising authority over
23 public schools under the laws of a State, the District of
24 Columbia, or a territory of the United States, where such
25 measures are intended to achieve better racial balance in
26 the school population, and have that effect; and

(C) pursuant to measures put into effect by a school board or other persons exercising authority over public schools under the laws of a State or of the United States, where such measures are intended to prevent the resegregation of a school, and have that effect.

(b) Variances provided for in paragraph (3) (A) of this section shall be lawful only if they result in the assignment of children to public schools or within such schools without regard to their race. Variances provided for in paragraphs (3) (B) and (3) (C) shall be lawful only if they form part of policies pursued in good faith to achieve better racial balance or to prevent resegregation. The question of good faith shall be treated as a question of fact by courts of the United States in the course of adjudicating suits brought under the Constitution or laws of the United States, and by duly authorized officers of the United States implementing title VI of the Civil Rights Act of 1964: *Provided, however,* That school boards or other persons exercising authority over public schools who shall put into effect variances intended to prevent resegregation shall have the burden of proof in showing their good faith intention to do so.

SEC. 6. (a) Any person or persons alleging, or the Attorney General if he has reasonable cause to believe, that any policy or measure, adopted by a school board or other person or persons exercising administrative authority over a school

1 or schools in a system which is otherwise a unitary one, was
2 intended to achieve the separation of children solely on the
3 basis of race, and has had that effect, may bring a civil action
4 in the appropriate United States district court for equitable
5 relief, including an application for a permanent or temporary
6 injunction, or other order. The court shall rescind such policy
7 or measure, and shall order affirmative action to be taken to
8 cure present effects still directly attributable as having been
9 caused by such policy or measure.

10 (b) In any action commenced under this section, the
11 court shall allow the moving party, other than the United
12 States, a reasonable attorney's fee as part of the costs, if
13 such party or parties prevail in the action.

14 (c) Any policy or measure found by an officer of the
15 United States duly authorized to implement title VI of the
16 Civil Rights Act of 1964, to give rise to a cause of action
17 under this section, shall be found by him to be a violation of
18 said title VI, even though suit has not been brought in a
19 court of the United States under this section. The violation
20 shall be deemed to have terminated upon application by the
21 school board, or other person responsible, of the remedy that
22 a court would apply under subsection (a) of this section.

H.R. 16484—NATIONAL SCHOOL DESEGREGATION ACT OF 1970

Section 1.—Defines "segregation" as de jure segregation.

Section 2.—Would give any student the right to transfer to another school if his transfer would further integration. This section would also authorize civil actions in Federal courts to enforce this right.

Section 3.—Would require school boards to provide equal educational opportunities to students in schools with racial, color, or national origin concentrations. This section lists examples which might evidence denial of equal opportunities.

Section 4.—Would place upon all persons exercising administrative authority under State or Federal laws over public schools an affirmative duty to eliminate segregation or any other discrimination based solely on race, and to correct the present effects of past racial segregation or discrimination.

Section 5.—Contains a definition of "unitary school systems."

Section 6.—Would authorize civil actions in Federal courts to force school districts to become unitary school districts as defined in Section 5.

Mr. PREYER. This bill then is not offered to undo any existing law. It is not offered to turn back the clock. The question before the country today is, what is the wisest course to pursue of the various alternatives open to us? Our bill represents some of the best thinking available in the country on that question.

It was drafted by Alexander Bickel, Kent professor of constitutional law at Yale University, after consultation with many people. It also represents the commonsense of our people.

Before discussing what the law ought to be, let's look at what the law is. The *Brown* case in 1954 clearly stated that official segregation must go. That much was clear. About 2 years ago the law reached a turning point. At that time, practically all official segregation was abolished, pursuant to the *Brown* decision.

The legal structure that embodied it was destroyed and the idea repudiated. Clearly, there is no question of the United States, or any section of it, condoning these old racial policies.

But the abolition of official segregation did not automatically lead to integration. What should be our policy in these circumstances? How far do we go in forcing integration?

In pushing beyond the abolition of official segregation to increase integration in schools, it is becoming clear that in many areas we are doing severe damage to our educational system and creating profound disruptions in our society.

There is need for a clear and wise national policy on desegregation.

One proposed policy is to go to mathematical racial balance. For example, if a school district contains 60 percent whites and 40 percent blacks, each school in the district should contain that ratio of white and black pupils.

What is wrong with this system?

First, it requires massive cross busing with all of the attendant educational and social disruptions. This isn't something that is done once and people then get used to; it occurs anew each school year. It is very difficult to stabilize a school system with such a system which requires an annual rearrangement of all of the pupils.

Furthermore it is very difficult to see how this system of mathematical balance could possibly work in our large cities. I suggest that it is both unwanted and unworkable.

Second, this system is unfair because the law presently permits those who can afford it to flee to private or suburban schools.

This not only puts the entire burden of integration on the family which is too poor to flee, it often results in less integration. What results is resegregation rather than integration. For example, in Atlanta, which after a number of years of strenuous efforts to integrate the schools actually ended up with less integration as a result of whites fleeing to the suburbs.

The third thing wrong with mathematical racial balance is that some blacks want the choice of not being assimilated in a school system run by whites (so long as they are free to go to white schools if they choose). Many blacks do not feel this way, but why should all blacks be forced to attend school systems run by whites if it is against the wishes of some of them?

Fourth, no educational benefits automatically result from mixing schools on a mathematical racial balance. We are beginning to learn some things about the educational results of integration (although our knowledge in this field is definitely ambiguous and uncertain at the present time). For one thing, Dr. Coleman and Dr. Pettigrew and others have told us that there is no educational benefit resulting from mixing low income groups of different races: The educational benefit comes from mixing low-income groups with middle-income groups of either race.

Mixing of low-income groups only is generally what happens in our larger cities where racial balance is attempted. Yet we know the best educational results usually are obtained where there is a predominant middle class milieu. Because of the socioeconomic level of blacks in many areas, this usually translates into a majority of white children for the best educational results. Thus in a rural population where the ratio is 60 blacks to 40 whites, for example, the best educational result occurs where the whites are made the majority in integrated schools as far as the number of whites can be made to go around, which means that there will be some remaining schools that are all black. A mathematical formula in this example which would make all schools 60 percent black and 40 percent white means every school in the system suffers educationally.

The mathematical formula is not the answer. A system must be devised which is flexible enough to tailor different situations to achieve the best educational results, and which rests on some form of group voluntarism, rather than forcing all into the same pattern.

This is what I believe our bill does. Just what does it do?

First, it sets a national policy on school desegregation that would not only clear up the present confusion on just what is our policy, but it would also eliminate the morally indefensible situation of one policy for one section of the country and another policy for another section.

Second, it declares that the aim of the law remains the disestablishment of segregation, but not the achievement of racial balance by special zoning, school pairing or bussing schemes.

Third, it creates a national right in any public school pupil to transfer from the school in which his race is in the majority to one in which his race is in a minority. Transportation, if needed, would be provided at public expense.

Fourth, it commits the Federal Government to the equalization of educational opportunities and facilities, and it sets criteria for deter-

mining when educational opportunities and facilities are in fact equal. (Similar teacher-student ratio, student services, per pupil expenditures, etc.)

Fifth, without disturbing the authority of the Federal courts and HEW to measure the good faith of a desegregation performance, the bill would define the end result which in a term used by the Supreme Court but left by it undefined, is called a unitary school system.

The bill says that a unitary school system is achieved either by a genuine neighborhood zoning of school attendance areas, that is, each child may attend the school nearest where he lives, so long as this is an honest system which does not go in for any gerrymandering of school districts lines, or, by mixing the races in the schools in a ratio that within a substantial permissible range, bears a relation to the proportion of one race to the other in the total school population in a district.

Voluntary efforts by school boards to achieve better racial balance would, of course, be permitted.

Exceptions would be permitted when authorized by Federal courts to forestall resegregation of the schools thus preventing the hardening of the lines of residential segregation.

North or South, once a school system has reached a unitary state Federal courts and HEW would retain jurisdiction to pursue and cure any measure designed to bring about any forced separation of children in the schools solely on the basis of race. In other words, the courts, while not forcing integration will make certain that there is no backsliding on desegregation.

The neighborhood school concept means there may be some all white or all black schools arising out of residential housing patterns. This leads some people to fear that the effect of the bill be to "freeze" some blacks into what would amount to permanently segregated schools though the segregation arose from residential housing patterns and not official action.

There are several considerations here however, which will tend to work against any such freeze. For one thing, the "majority-minority transfer" provision in the bill prevents anyone from being "locked-in" in such a school against his wishes.

Also, any all black facility must meet the standards of equal educational opportunity. Furthermore the bill here meshes with the administration's Emergency School Aid Act of 1970, an act which I support strongly.

The act provides extra resources to aid schools which are making a good faith effort to overcome conditions of racial imbalance. Presumably these funds would not be available to an all white or an all black school.

Thus school systems are encouraged to eliminate such all white or all black schools. It is using the carrot rather than the stick. Also, the innovative new educational measures mentioned in the President's statement of March 24 are useful here. These new approaches would provide for a portion of a child's educational activities to be shared in various ways with children from other schools. Breaking down racial isolation is a critically important goal of our society. There are alternative and better ways of achieving it other than massive busing.

"Segregationists," says Prof. Charles Hamilton, a distinguished black intellectual, "must be fought at every turn. But in our determination to defeat them let us not devise plans that are dysfunctional in other serious ways. The principle is a free and open society, and we can pursue several realistic routes to its achievement." I believe this bill carries out that principle.

Congress should speak now and not wait for the Supreme Court. What the Court will do cannot be predicted, and the Court could, in any case, scarcely do it before spring or early summer.

The Congress shares with the Court the authority and responsibility to enforce the 14th amendment.

A statutory declaration by Congress of what the law of school desegregation now means and does not mean would be at least as beneficial as an attempt by the Court to clear up the uncertainty.

As Alexander Bickel has said:

The question of the desirability and possibility of racial dispersal is enormously complex. It involves a judgment of the proper priorities in the allocation of material, political and other resources. Whatever else may be said about it, it is surely beyond the capacity of courts to solve effectively.

It may be beyond the wisdom of Congress to solve, but it is the kind of problem involving broad interests, that requires us to try.

I would now like to present Dr. Phillips and Dr. Proffitt, who will testify to the nature of our problems in North Carolina, if that is agreeable with the committee.

Mr. PUCINSKI. Thank you very much.

STATEMENT OF A PANEL COMPOSED OF DR. CRAIG PHILLIPS, SUPERINTENDENT, NORTH CAROLINA SCHOOLS, AND DR. BRANK PROFFITT, SUPERINTENDENT, BURLINGTON, N.C., SCHOOLS; ACCOMPANIED BY LOUIS ALLEN, ATTORNEY FOR BURLINGTON, N.C., SCHOOLS

Dr. PHILLIPS. Thank you, Mr. Chairman, Congressman Preyer.

Mr. Chairman, I too, appreciate the opportunity to appear before this subcommittee in testimony on the need for some new legislation in defining the unitary school system. I would like to take the privilege, if I might, in recognizing very briefly four members of our staff who have accompanied me today, our title IV human relations staff. Mr. Robert Strother, Mr. Flood, Mr. Causby, and Mr. Bullock, who are really our interpreters, our stimulators, or firemen, the people who are our lead team in the State of North Carolina to help local school systems in their compliance problems, and in the broader sense their human relations problems.

They too, will be those who give direction to new resources for desegregated schools in our State. They are available for questions if so desired.

I wish I could match the eloquence of Congressman Preyer and Professor Bickel, particularly Professor Bickel's fine statement in the *New Republic* on March 8, because I do feel a strong concurrence with his ideas concerning this need.

Mr. PUCINSKI. Mr. Bidell's article which appeared in the *New Republic* has been placed in this hearing record at the end of Mr. Bickel's testimony.

Dr. PHILLIPS. Mr. Chairman and members of the committee, certainly the problem of school desegregation is as complex as any issue confronting the people of this Nation. It is currently an issue filled with dispute and debate.

Most conversation concerned with desegregation usually turns to speculation—speculation on what the Department of Health, Education, and Welfare might or might not accept, what the administration may or may not do, what course the Justice Department may or may not take, and how the various courts are likely to rule.

It seems inconceivable that the process of desegregation, now 16 years old, is still clouded with speculation and confusion.

In my opinion the President of the United States accurately stated the current situation in his March 24 statement, "Few public issues are so emotionally charged as that of school desegregation, few so wrapped in confusion and clouded with misunderstanding. None is more important to our national unity and progress."

Yet confusion within the administrative structure still leaves little real direction from the Chief Executive's Office and his representatives.

This lack of direction is often also reflected in the courts. Chief Justice Warren Burger has indicated that someone should present a case on which his Court could settle many of the basic issues on desegregation that are presently unsettled. Following the school desegregation case in Memphis, Mr. Burger referred to the uncertainty of the law.

U.S. Circuit Judge J. Braxton Craven, Jr., was quoted in the press recently as follows:

The truth about it is that the court is wise enough to know that it does not know precisely what ought to be done and what must be required.

The courts have repeatedly said to us that all considerations—public opinion, public support, financing, disruption, and so forth—must yield to the establishment of a unitary school system which, according to Chief Justice Burger, the Supreme Court has not satisfactorily defined.

Judge Craven agreed with Chief Justice Burger that the High Court's definition of a unitary school system was "cryptic" and difficult to apply to any given situation.

This lack of definition of a unitary system is the very heart of the existing continual confusion in our State. There is no way to estimate the number of hours that school officials, teachers, attorneys, patrons, and students have invested in trying to establish an "undefined" system.

The greatest need then, it seems to me, in arriving at the goal of equality in public education is positive leadership on the part of the professional and the layman.

This leadership cannot truly emerge and be effective unless there are clearly defined goals of desegregation. Presently these goals are far from clear. We desperately need direction, clarification, and leadership—not the threats of blanket suits, fixed deadlines and fund cutoffs.

Some of the very basic questions that we have sought to have clarified remain difficult to explain. Some examples of these questions which have come out of our last 12 to 15 months of working with local school systems across our State such as this:

How do we reconcile the seeming inconsistency between the two basic philosophies? HEW's pursuit of racial balance and the administration's stated philosophy of nongerrymandered geographical zoning?

Do HEW and the Justice Department define a unitary school system uniformly?

Are there circumstances that justify all black or an all white school. If so what are the specific circumstances?

Can a situation exist in which de jure segregation has been eliminated but de facto racial separation remains resulting from housing patterns in a certain section of a school district?

In determining compliance status, what priorities do such factors as educational feasibility and community acceptance carry?

What are the legal requirements a board must meet in the phenomenon of resegregation?

These are the kinds of questions which we, through our staff and through every resource we could find, have been trying to answer for school systems across our State.

There are many school districts in our State which could serve as examples of the results of this existing confusion. I will cite just one such example.

The Salisbury city schools are not, nor have they ever been out of compliance. Here is a brief outline of a chain of events they have experienced and are experiencing now. This is a matter of specific record. It may, I think, paint the picture of some of the confusion we have over lack of definition.

On March 24, 1969, Salisbury officials received a letter from HEW approving their plan of desegregation. This letter said in part:

The Monroe and Lincoln Elementary Schools will continue to house all Negro student bodies because of the racial density of the residential areas which they serve.

These are walk in schools and all students residing in each of the attendance zones shall attend their respective school.

The letter further states:

This plan as formally adopted by the school board and implemented as detailed in your letter, will accomplish the purpose of title VI of the Civil Rights Act of 1964.

The school system received another letter from HEW dated May 28, 1969. This letter said:

The steps you have taken show foresight in making the reorganization as smooth as possible and one in which the entire community, black and white, can take part. It also appears that you and your staff are making a particular effort to provide opportunities for dialogue, reaction, and recommendations from the Negro community in the development of the specific steps in the implementation of the reorganization plan.

Six months later, without prior warning on November 28, 1969, the Salisbury school officials received another letter from HEW stating that they had reviewed the Salisbury case.

It stated:

As a result of this review it appears that the continuation of all Negro character of these two schools for another school year cannot be permitted. Please let us have a plan within 15 days of receipt of this letter to eliminate the all Negro character of these two schools. Failure to do so will leave us no choice except to refer your file to Washington with the recommendation that administrative proceedings be initiated.

Salisbury officials, along with our title IV staff, questioned this action on the grounds that they had received notification in writing saying they were in compliance. They received an answer to this inquiry dated December 31, 1969. This letter said in part:

Recent decisions by the Supreme Court make it quite clear that all vestiges of the dual school system must be eliminated at the earliest possible date.

The school system then submitted a plan which eliminated the two all Negro elementary schools. It further established a racial balance in each school now in the system and provided a staff in each school that approximated the racial ratio of the total staff.

This plan was approved by HEW in a letter dated February 12, 1970. This letter stated;

The foregoing plan will achieve a unitary, nonracial system and its implementation will continue the administrative unit in compliance with title VI of the Civil Rights Act of 1964.

Now, that maybe should have been the end of the story but a segment of the Salisbury community was opposed to this plan and had communicated its opposition to HEW.

HEW has repeatedly stated that public sentiment is not a factor in consideration of these matters. Yet HEW in its letter of approval appeased this local sentiment by inserting in the letter of approval:

Our action in accepting this plan does not signify that this office is necessarily sanctioning the means you have adopted to achieve a unitary structure in your district.

Encouraged by this statement in the approval letter, this same segment of the Salisbury community has since initiated suit in Federal court against the school board. Salisbury therefore, its schools, its board of education, and Salisbury as a community, though really never out of compliance continues to invest time and resources and more and more of its emotions on school desegregation.

This example is cited not as a criticism of either HEW or the concerned patrons involved, but simply serves as an illustration that both are victims of the existing confusion.

The basic need to define legally a unitary system must be met in our opinion. It is time for Congress to say what it believes in the school desegregation issue. Congress, not the overworked Federal courts, not HEW, nor the Justice Department—but Congress, owes it to the Nation to select what it believes the most responsive answers to the problems of integration of our public schools.

In so doing, the Congress can provide a uniform national policy on this most crucial matter for this country.

I hope that Congress can define, in terms citizens can understand, the kind of system we should all be striving to attain.

Such an understanding can serve to unite the Congress, the courts, and governmental agencies at the National, State and local levels and will restore badly needed confidence and I would repeat that, badly needed confidence, in public education and respect for the Congress which gave positive leadership and direction in this critical area at this crucial time.

Some key elements that should be included in such legislation are:

1. It must define in specific terms a unitary school system.
2. It must acknowledge affirmative duty.

3. It must provide majority to minority transfer with transportation provided—thus preventing locked in possibilities.
4. It must state the mandate to eliminate segregated schools.
5. Unique circumstances of each school system must be considered, but in a uniform and predictable manner.
6. It must establish a procedure for handling questions of good faith.

This kind of positive legislation is absolutely essential, in my opinion, to the resolution of this vital issue that affects, so strongly, virtually every family in this Nation—every community across the country, and every segment of our American society.

I appreciate this opportunity to make this statement, Mr. Chairman.

Mr. PUCINSKI. Thank you very much, Mr. Phillips.

Mr. Preyer, do you want to introduce your next witness?

Mr. PREYER. Would you care to ask questions now?

If not, we will present Dr. Proffitt. Dr. Proffitt has a statement. He is our final witness.

Mr. PUCINSKI. Why don't we go ahead and have his statement and then we will ask questions?

Dr. PROFFITT. Mr. Chairman, members of the committee, ladies and gentlemen, on behalf of my school system and the community of Burlington, I thank you for this opportunity to appear as a part of this hearing. I commend you on your interest in education and on your concern for effective Federal participation in the educational process.

It is not my purpose here today, either as a concerned citizen or as a practicing school administrator, to advocate turning back the clock in the field of school desegregation.

I do not pretend that it is sufficient merely to wipe off the books the statutes which created de jure segregation where it has existed, and then continue to operate schools the same way as before.

I do not believe that the adoption of a freedom of choice assignment policy, while the school system continues to operate largely as it has before, meets the constitutional and statutory requirements to desegregate.

In other words, I do not come here today in the name of tokenism. For 7 years, I have worked in my present position to achieve a unitary school system. During that time I have had the support of public-spirited school board members who have unanimously responded to the need for progress in this area with intelligent concern and responsible action.

My central staff, principals, teachers, and other personnel in the school system have taken responsible, positive attitudes toward the necessary changes as we have moved from a segregated to a unitary pattern of organization and operation.

The citizens of Burlington have, by and large, behaved sensibly and responsibly during this period of major social change. At the secondary level, where integration involves great change in student relationships, students themselves have worked out many of the problems concerning student organizations and activities.

During this 7-year period we have moved from a segregated operation to a unitary school system based on honest geographic attendance areas.

We have racial balance in faculty assignments and in student assignments at the junior and senior high school levels, and elementary pupils are assigned to the school serving the attendance area in which they reside.

The HEW Office of Civil Rights still questions the so-called racial identifiability of one elementary school out of 10 in our system, but a hearing examiner has found us to be in compliance with the requirements of the Civil Rights Act of 1964 and its implementing regulations.

The real issue facing Burlington now is the same one facing urban school systems with sizable racial minorities in all parts of this country, North and South; namely, is racial balance legally required in the desegregation of a school district?

The President, in a comprehensive policy statement on March 24, 1970, said:

De facto segregation, which exists in many areas both North and South, is undesirable but is not generally held to violate the Constitution. Thus, residential housing patterns may result in the continued existence of some all Negro schools even in a system which fully meets Constitutional standards.

He further took great pains in his statement to stress the need for desegregation plans to be adapted to local circumstances.

The trouble comes in the various and sometimes contradictory interpretations which are placed on constitutional and statutory requirements by the HEW Office of Civil Rights and the several courts which have ruled in civil rights cases.

The President's statement seemed clear enough, but it has unfortunately done little to settle many of the difficult questions confronting school boards and administrators as they try in good faith, to achieve a unitary system which without destroying public support and without creating the kind of conditions which will inevitably lead to resegregation.

In Burlington, if we should accede to the proposals from the HEW Office for Civil Rights, and pair or group elementary schools as has been suggested to us, we would be collaborating in a predictably vain and abortive undertaking.

Where we have one largely Negro school now, we would immediately have three predominantly Negro schools. Data is abundant concerning what happens when such schemes as this are put into operation.

Resegregation is not merely a possibility—it is a certainty. A headline on an article in the National Observer on Monday, January 26, 1970, tells the story: "Doubts Grow About Integration as Northern Whites Quit Schools."

Alexander M. Bickel, Chancellor Kent, professor of law and legal history at Yale, raised a question to which a negative answer seems obvious, in an article in the New Republic, February 7, 1970, issue:

What is the use of a process of racial integration in the schools that very often produces, in absolute numbers, more black and white children attending segregated schools than before the process was put into motion?

Professor Bickel goes on to say:

The credible disestablishment of a legally enforced system of segregation is essential but it ought to be possible to achieve it without driving school systems past the tipping point of resegregation * * *

Resegregation is not exclusively a southern phenomenon. It happens as readily in the border and northern urban communities, and in much the same way, as it occurs in the South.

In an Associated Press story carried in the Greensboro Daily News last Friday, July 10, 1970, there was a reference made to it in relation to the appeal of a decision by the U.S. circuit court in Cincinnati:

The Cincinnati school board, opposing the appeal, told the court Thursday that schools that were only 15 to 30 percent Negro at the time the suit was filed have since become all black. The reason, said board attorneys, is simply the "free mobility of families," a factor over which the board has no control.

Perhaps there are a few communities, which have a majority of the population made up of highly educated, politically and ideologically liberal persons, where resegregation would not be a problem.

The fact remains, however, that it is an almost universal problem in most urban communities throughout the country. Senator Ribicoff was right when he recognized segregation as a national problem.

In terms of the theoretical values of integration, perhaps it would be good if people would accept the school assignment plans developed by those individuals referred to by the press as experts.

Then all the racial balance problems could be solved by computers, and printouts could be handed to school boards and administrators for implementation.

The plain fact is that this is not the way it is. As Professor Bickel said in the February 7, 1970, article:

If whites are sent to constitute a minority in a school that is largely black, or if blacks are sent to constitute something near half the population of a school that was formerly white or nearly all white, the whites flee, and the school becomes all or nearly all black, resegregation sets in, blacks simply changing places with whites . . . It is reckless to ask whether this should happen.

In discussion of this question, a school administrator always runs into the objection that he is catering to public opinion. Professor Bickel deals with this in his recently published book, "The Supreme Court and the Idea of Progress." He quotes from a Supreme Court ruling and then makes a pertinent comment:

"We are frankly told in the Brief", noted the Supreme Court in the Jackson, Tenn., case mentioned earlier, "That without the transfer option (which the court forbade) . . . white students will flee the school system all together." The Court's answer, in the language of *Brown v. Board of Education*, itself, was that "It should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them." But their intended effect may have to yield to reality, whether their theoretical vitality is allowed to or not.

Where the resegregation phenomenon is real it works against the goal of effectiveness which is essential for any plan of desegregation to be defensible.

In Burlington the pairing or grouping proposal advocated by the HEW Office for Civil Rights would lead to resegregation in three elementary attendance areas covering a fourth of the total land area in the school district.

The total land area is, by planimeter calculation, 19.83 square miles. The three attendance areas involved measure 4.99 square miles, or 25.16 percent of the total.

Taking into account that Burlington has other parts of town where black neighborhoods have developed over the years, it is not difficult to see the course which resegregation might take.

Injudicious action taken by the school board, either voluntarily or because of coercion, could lead to the same ultimate result as has happened in the District of Columbia and some other cities where the school system has become largely all black.

The President's statement was a useful attempt to achieve needed coherence in an area of governmental activity where confusion has too often been the rule. The courts have tried to come to grips with practical questions which arise as school systems seek to achieve a unitary status, but the case-by-case approach often adds to the confusion and generally fails to furnish a dependable set of criteria which school boards and administrators can use in making long-range judgments.

From a layman's point of view, it appears to me that many of the questions which need to be dealt with now are more normative than legalistic. If this is a valid assessment, then the Congress is probably more suited to provide reasonable and workable solutions than either the courts or HEW officials. There are undoubtedly still many cases, in the country as a whole, where clear violations of the law have to be handled by enforcement agencies and the courts.

But the time has come to deal with unsettled questions related to long-range public policy in the field of school desegregation. It is in this area that the Congress could exercise its own leadership now as a followup to the Civil Rights Act of 1964.

The elected representatives of the people can judge better than courts or enforcement agencies what further definition of objectives and resolution of conflicting philosophies are needed now. The problem is national, and the Congress should develop some criteria which are workable and applicable anywhere in knowing when a unitary status has been legally achieved by a school system.

The Congress can best judge the relationship between ends and means, particularly where there must be a judgment made as to when the end no longer justifies the means. Certainly this cannot be left up to the personal philosophy of each judge or Federal enforcement official. It is already apparent that there are substantive disagreements among judges, between departments of Government, and among officials within the same department.

The Congress can significantly serve the public interest and greatly relieve the problems of school boards and school administrators by setting forth a coherent national desegregation policy.

As the distinguished columnist for the Washington Post, Joseph Kraft, stated in his article of Sunday, March 1, 1970:

*** It is not beyond the wit of man to frame a national school policy that meets virtually all cases.

The matter is not simple, and the political difficulties are many and serious. However, the need for a national policy is so great, the damage to public education from continued confusion, disruption, and loss of citizen support so apparent, that party or factional politics should be set aside in the long-term interest of the country as a whole.

This same reasoning should apply in resolving differences in na-

tional policy as it evolves from judicial interpretation of the Constitution and as it is spelled out by legislative action by the Congress.

As a concerned citizen, it appears to me that the courts now need, and would likely accept as a proper exercise of Congress constitutional powers, a coherent policy from the Congress which at once tries to be fair to minority interests but also takes into account what can reasonably be done—or, stated another way, what can be done with lasting, beneficial results.

It has been my experience that a school man from the South is often suspect when he makes suggestions on this subject. Be that as it may, let me say as earnestly as I can that my interest here is not only that of a school superintendent from North Carolina but as an American who thinks public education is vital in the lives of our people.

In that frame of reference, I do not believe that racial balance, in a literal, arithmetic sense, either will or can be brought about in this country without turning the coercive power of the Federal Government into a repressive force characteristic of a police state and destructive of your form of government.

If this is undertaken nationally, desegregation will be a massive failure, untold damage will be done to public education, and the kind of hard core segregation which is now in many of our central cities will be accelerated rather than contained or decreased.

It is probably feasible to get racial balance in pupil assignments in very small school districts with few schools and in rural districts which have a more or less even distribution of minority children in terms of residential patterns.

Also, as I mentioned before, there may be a few communities where the ideological and other demographic factors will permit school boards and superintendents to use the school system for large-scale experiments in social change.

Reasonable racial balance in faculty assignments is feasible. A much greater degree of racial balance is feasible in secondary schools in many communities, where several elementary schools feed one high school. Special programs may help to achieve greater racial balance where financing and sound educational considerations make them worthwhile.

But the end, in all cases should be sound education rather than racial balance per se. Racial balances pursued for its own sake, when it is unnatural and artificial in the circumstances, will undermine citizen support which is a sine qua non for public education in the long run.

The public school, especially that level of school for young children, has traditionally been looked on by parents as an extension of the home into the community. To point out that there are inner-city areas where this is not true does not detract in the least from the desirability of this closeness between home and school, certainly through the elementary level. This country will pay a high price for any public policy which generally has the effect of driving a wedge between home and school. The school has a very definite place in preserving whatever sense of neighborhood and community is possible in a fast-changing world.

While sensing strongly the needs of our central cities and subscribing to efforts of our Government to deal with their problems, I

believe it is fallacious to adopt national policies which in net effect, may create in our rural and smaller urban communities the same dislocations, alienations, and loss of a sense of neighborhoods which are found in much of the central cities.

We need to move to restore some sense of stability to our schools, including our universities. Otherwise, the efforts of governing boards, administrators, educational personnel generally may be dissipated in just trying to keep these institutions operational.

Both public school systems and private and public universities are, in many cases, in serious financial trouble.

The confusion, disruption, and instability which now seem constantly to plague these institutions are undermining public confidence in them and the financial support which they must have to operate effectively. Even if public confidence were not essential to financial support, it would still be necessary in order for these institutions to be effective since, to fulfill their roles, they must be able to reach people in meaningful ways.

In general, the best method of organizing public schools is to keep the schools as close to the people as possible. This means essentially neighborhood schools at the elementary level, gradually going to larger and more comprehensive schools at the secondary level and beyond.

Therefore, the best basis for public assignment, in general, is honest geographic zoning or attendance areas related to places of residence, without regard to race. Neither this nor any other method of organizing a school system and assigning pupils to schools should be used to avoid desegregation or to deny equality of educational opportunity to any child because of his race.

But this approach, except in the most unusual situations of extreme circumstances, when honestly followed, will ultimately be fairer to more people, better retain the confidence of the public generally, and provide higher quality educational benefits in relation to available resources than any other approach that can be made.

Congressman Preyer and those who have worked with him in drafting the bill which he has introduced have done a serious, comprehensive, and, I truly believe, highly significant piece of work. No bill is going to fit everyone's notion of what ought to be or satisfy people with widely divergent ideological slants.

Here again the public interest should be the controlling consideration, and Congressman Preyer's bill will further the public interest if it is passed by the Congress and becomes public policy. It is concerned with insuring fairness, equality of educational opportunity to the extent possible in all kinds of situations, and maximum desegregation consistent with sound educational practice.

Perhaps as good a final word as any is in Mr. Kraft's article of March 1, 1970, if I may be permitted to quote from it again. Writing about an early draft of Congressman Preyer's bill, Mr. Kraft said:

For at a very minimum the draft achieves several important purposes. It provides momentum for completing the desegregation of the South. It sets standards which militate against wildly impractical rulings such as that handed down in Los Angeles the other day. It meets Senator Stennis' demand for a uniform national policy. And it sweeps away the confusion that has up to now profited only mischievous men.

Dr. PROFFITT. Thank you very much.

Mr. PUCINSKI. Thank you very much, Congressman Preyer, Dr.

Phillips, and Dr. Proffitt, for your excellent statements this morning. I think you have certainly put your finger on one very serious problem in this country, and that is the scandalous behavior of the Supreme Court itself, but its decision to take a vacation for the whole summer when we have school districts all over this country desperately trying to adjust themselves and address themselves to a problem, school districts in the North are dealing with de facto segregation and school districts in the South are dealing with de jure segregation.

I called upon the Supreme Court to address itself to this question before it took off on a 3-month vacation. No other American in this country takes that kind of a vacation, and yet here the third branch of the Government of the United States decides in 1970 to close down shop and go off fishing while school districts all over this country are desperately trying to deal with this problem, and we in the Congress are dealing with this problem.

So I must agree with you. It seems to me that the Chief Justice himself, Justice Burger, called for a decision by the Court on this very urgent question that you have raised here this morning, and I am amazed and surprised that in the wake of the Chief Justice's own call for a clarification that he would perpetuate this archaic custom.

For the Supreme Court which is fully air conditioned, to take off and shut down shop for one-fourth of the year when there are these very critical decisions that have to be dealt with, I must say that I think the American people ought to be outraged by that kind of a practice by the court.

There is no reason in the world why the Court should not be addressing itself to this problem so that we could then legislate a good deal more wisely in this area.

One of the problems that we have, Dr. Phillips, and Dr. Proffitt, you have suggested that we ought not wait for the Court, but you know that under our Constitution, the President proposes, the Congress disposes, and then the Supreme Court reviews as to whether or not what we did here is constitutional and so there is urgently needed some guidance for the Supreme Court and yet these fellows go off fishing until the end of September.

I must say that that kind of conduct in 1970 is totally indefensible in my judgment.

But you talk about the neighborhood school system. As I see it, we have a kind of a strange situation in Southern communities. The courts are telling you there to go back to the neighborhood school system, in effect, by striking down de jure segregation.

In the Northern cities, where we do have a neighborhood school system, which has led to de-facto segregation, that practice is being severely challenged and criticized so I am wondering how can we resolve this dilemma even if we did have the definitions as suggested by you gentlemen in the unitary school system, do you think that that in itself would do the job?

Whoever wants to, can answer that.

Mr. PREYER. Mr. Chairman, if you are referring to the Northern situation, I take it that is what your question is addressed to, this bill basically addresses itself to the de jure school system.

It, in effect, says that we are not wise enough yet to know how to break up a de facto school system. I think what the bill would do would

be to stabilize the educational situation so that other elements could work to break down the de facto school system.

I mentioned several points in this connection. It provides a majority-minority transfer at public expense. This would allow primarily blacks to transfer out of all black schools. It provides for equal facilities and equal educational opportunities. It would allow the Emergency Aid Act of 1970 to operate in a stabilized situation to break down these racial patterns.

It would allow the innovative approaches to education to begin to work, which would involve mixing of students away from their particular school. It would allow these other activities to work. If the alternative to breaking down the de facto system is massive cross bussing, I don't believe this would work.

Mr. PUCINSKI. As you mentioned in your own statements, some of the courts have condoned the existence of segregated schools within an acceptable court approved program.

I believe you have some in North Carolina. I believe we have some in and I believe the Fifth Circuit Court permitted some totally segregated schools in Florida, and you make a point that under certain circumstances we may have a totally segregated, either white or black or nonwhite school.

As I see the main thrust of your legislation, it is that it would define by law a neighborhood school system which would be available to youngsters in that particular neighborhood but would permit a free transfer of any youngster who wanted to go to that school system and felt he could get a better education there.

Is that more or less the main thrust of the proposal contained in your legislation, H.R. 16484?

Mr. PREYER. It would allow the free transfer of a student who is a member of the majority race in the school to transfer out to a school in which his race would be in the minority.

It is not a freedom of choice bill. It would allow the black student, for example, in the all black school in the instance you gave to transfer—and would pay for his transfer at public expense, to make it a reality—into a white school.

It would allow a white in an all white school to transfer into an integrated school, if that is what he wants. It would not allow a white to transfer to whatever school he felt like going to, if he was in a predominantly white school. It would not be traditional freedom of choice.

Mr. PUCINSKI. Congressman Preyer, you have mentioned that you support, in addition to your own legislation, 17846, the Emergency School Aid Act.

I was wondering if Dr. Phillips and Dr. Proffitt would care to also comment on the legislation that is before the committee at this point, and as I said earlier, in my remarks this morning, the conferees on the education appropriations bill have agreed yesterday to a \$75 million downpayment on this emergency school aid act.

Would you care to comment on that legislation and how it would effect your own situation?

Dr. PHILLIPS. I would like to very much, Mr. Chairman. I would first like to tie it to Congressman's Preyer's statement that he just

finished, to the degree that continuing the community school—I use community school rather than neighborhood schools, because I see the zoning as including two or three schools, which may be paired, and these are some of the things we have done—but where an all black school might continue to exist under this kind of legislation it seems to me that one of the strong provisions of House Resolution 17846 is geared to the effort to do something about the confrontation of black and white youngsters in the ongoing program, and then it does call for innovative interracial educational programs or projects, which I think is put in here for that purpose, to provide funds for a second kind of way of moving toward the integration of young students in a real and meaningful way.

As far as the bill itself is concerned and the resources that hopefully will accrue from it, I think it is terribly important to our State that we have such resources.

We have some concern about the fact that these resources are now projected to be made available directly to the local school systems which in effect is a bypass of the State agency in our State. With a high percentage of funding that comes from the State level, our agency is a very vital part of that total school system.

Our title IV staff, which I introduced to you earlier, are the most knowledgeable people in our State right now in terms of the kinds of things that need to be done in workshops on human relations approaches in the compliance steps. These funds would be of tremendous value to us.

We would like to have some input from the standpoint of the State agency in some kind of program statewide. But in terms of the resources available in this immediate bill and in the long-range call for the \$1½ billion, as I understand it, we think we can make very fine use, particularly in the whole area of inservice education, with those who work with children.

Also, inservice education with parents and the lay community at large, with respect to changing attitudes and understandings, which really is the base for the change in attitude we are looking for and we would like to see much more input from the State agencies themselves.

Mr. PUCINSKI. Dr. Proffitt?

Dr. PROFFITT. The funds are needed, and I am not familiar enough with the bill itself or with the specific proposal being considered to know how the specifics of the thing might work out in our case, but integration is a complex matter.

It is not merely the mixing of students in classrooms. There is much more to it than that, and it now involves substantive change in people and in the way they relate themselves to each other, and we need the kind of help which we can't have enough of, as far as I am concerned, in bringing about this human change that characterizes integration.

I would say this, that money of this sort would be a great deal more valuable to school systems if we could deal with some of the instability that we talked about earlier here, if we could get more stability within the school system so that we could plan longer range and know where pupils are going to be and who their teachers are going to be and this kind of a thing, the money would produce a great deal more effective results, and a better return on the money.

Dr. PHILLIPS. Could I again make one other comment, Mr. Chairman, and it does not relate directly to this bill, except that there have been implications coming out.

Our knowledge at this moment is that there are some advisory committees being created out of the Vice President's committee on desegregation in the individual States without the knowledge of the State board of education and the State school officials, and there is a movement afoot as it seems to be, to create State agency or advisory committees outside the framework of the present structure.

It is of concern to us that we are finding one more group of people being set up, ostensibly to make some distribution of these resources. As the State superintendent in North Carolina, without any feelings about the people who are being chosen, I am concerned because we get this news by somebody calling and saying, "I was called from the White House and asked if I would serve on a committee."

There is concern to us that there be cohesion so that we can make maximum use.

Mr. PUCINSKI. We are very privileged to have our chairman of the full committee, Mr. Perkins. I wonder if I could call on our chairman now.

Mr. Perkins?

Chairman PERKINS. Let me thank the distinguished subcommittee chairman. I put in an appearance for one purpose only, and that was to compliment the distinguished colleague from North Carolina, Congressman Preyer, who has worked diligently all through the years in desegregation, trying to arrive at some sensible solution to the problem.

I do want to state that no Member in the Congress is more concerned about the problem than Congressman Preyer, and no Member has made a greater contribution in trying to solve the problem, in my judgment.

It is a great pleasure for me to come here, and I pay tribute to Congressman Preyer publicly for his great efforts and his desegregation proposals.

I know that we have a difficult task confronting this distinguished committee, but I am thankful that we have at long last tackled the problem. I feel confident that as a result of these hearings that the committee will report a bill at an early date, and that the full committee will take action.

The type of action that we should take is what disturbs me, and what disturbs every other member of this committee. But we are going to do our best and I am most grateful to you gentlemen for coming from the great State of North Carolina and putting in your appearances.

Mr. PUCINSKI. Thank you very much, Congressman Preyer.

Mr. PREYER. Thank you, Mr. Chairman.

Thank you, sir, I appreciate your comments very much. We do want to work with the committee any way we can, and any information we have or can furnish to you at any time, I know all of us here from North Carolina would be glad to do it.

Mr. PUCINSKI. Thank you, Mr. Chairman.

Mr. Bell?

Mr. BELL. Thank you, Mr. Chairman.

It is a great pleasure to welcome all of you here, and we all appreciate the outstanding work you have been doing, Congressman Preyer, here in the House.

I have not had much of a chance, Congressman Preyer, to read your bill, so I would like to ask you a rather quick question regarding it. What is the basic difference between this proposal and the administration's proposal relative to emergency school aid?

As I understand it, it is the right of movement by the students themselves to one school or the other of their choice. That is one of the differences I recognize.

What else?

Mr. PREYER. Mr. Bell, I believe there would be a considerable difference between this and the emergency school aid act, in that the emergency school aid act is pinpointed to provide funds for those schools which are seeking to overcome racial imbalance.

This bill seeks to set up a definition of what is a unitary system, and it seeks to cover every school. The two acts would mesh together, but there would presumably be schools under your overall unitary school systems which might not qualify for emergency school aid act.

This bill in the first reading may be misleading in that you get the impression from reading it, reading the majority and the minority rule, that it is a freedom of choice bill. It is not a freedom of choice bill.

It says basically there are two ways you can have a unitary school system. One is by following a neighborhood school plan or, two, by a racial balance alternative.

You can select either one you want. The reason for the racial balance alternative is that that may well be the best system in rural areas or small towns with relatively small black populations.

Mr. BELL. What do you mean by racial balance?

Mr. PREYER. Well, this is a system that says if you had the races mixed in certain permissible ranges in every school in your district, then that qualifies as a unitary system.

That is one alternative and that could probably be used by smaller towns in which there is a relatively low number of blacks. That system would work out better in that you put them in equal proportion in all of your schools and you will get the best educational result.

The neighborhood school system, the other alternative would be the most likely one to be used. It says you can go to the school nearest where you live, and it in effect says you must go to that school.

If you don't like that school because there are too many people that you don't care to go to school with, this is too bad.

You do not have absolute freedom of choice out of it. Now, if you are a member of the majority race in that school and this is tailored primarily to the all black school, then you can transfer then from the all black school to a school in which your race is in a minority—in other words, to a white school, and you could transfer from the white school to an integrated school. It works that way.

In other words, the freedom of choice provision here is the provision which only is available to provide more integration, not less.

Mr. BELL. In essence then, you can transfer to a school where your race is in the minority, but you cannot transfer to one in which your race is in a majority.

Mr. PREYER. That is correct.

Mr. BELL. Wouldn't it be likely Congressman Preyer, that the people who are in the majority would stay where they are the majority, that the people of either race would stay where they are, that you would not get much transfer, except a sporadic and slight movement of people?

Isn't that the way it would happen as a practical matter?

Mr. PREYER. Perhaps the school people could say more about that.

Mr. BELL. Perhaps I should ask one of the other gentlemen.

Dr. PHILLIPS. I think the answer is, "Yes," it would be most likely that the vast majority of the minority would stay where they are.

Mr. BELL. What you are really doing, then, is continuing a segregated school system.

Dr. PHILLIPS. Not if you follow the complete definition of the unitary school system. As I interpreted need here, particularly in our State, we are talking about a small number of our major systems that do have these large concentrations of segregated housing and are part of the de facto situation, and this bill, as I interpret it in simple terms—

Mr. BELL. Before you go ahead, are you saying that the segregation problems in most of your schools are de facto and not de jure?

Dr. PHILLIPS. Ours have all left the de jure situation at this point, and the ones remaining all black are de facto in terms of the housing pattern there, and the majority of our administrative units, across the State have moved to complete compliance.

Let me take an example. In the Charlotte-Mecklenburg community, which is prominent in the national scene, right now, it is a fact that the district court has ruled for a mandatory balance, 71 to 29 percent youngsters, black to white, in every school in the system.

There are approximately nine elementary schools that were serving these segregated housing areas in Charlotte. The major issue is whether it is necessary that a balance be maintained in each of these schools.

In effect this bill is an effort to define the unitary concept for that particular system and all others like it, and it does say that under these circumstances that community could continue to maintain, as long as that geographic pattern is there, some all black and some all whites schools.

That leads right into the other bill where provisions are made for resources to get at the problem from another vantage point, in terms of the interracial relationships and faculty integration and all these kinds of things.

But the simple decision here, it seems to me, is between whether it is possible to continue all black schools as the Burlington situation has, as one example, or whether the law of the land and the rule of the legislation is that there be a mandated balance in every school.

Mr. BELL. As I understand the present legal situation, the Supreme Court has made no decision on de facto segregation. What you have is de jure segregation where there is a deliberate attempt to segregate schools in violation of the Constitution.

As to de facto segregation you are not now in violation of the Constitution, although this question may soon go before the Court.

The purpose of the administration's bill is to solve the problem of the Southern school districts; they are concentrating their finances in the area of easing the mechanical movement of ending de jure segregation in the South. The Northern schools are primarily de facto.

Mr. ALLEN. Mr. Bell, could I make a comment on that? The Presidential statement of March 24 makes clear that the President's understanding is that de facto segregation may remain when de jure is eliminated.

He makes it clear that this is a problem in urban areas in particular, and it is a problem that the urban areas share, North and South, so once the vestiges of a de jure system have been eliminated according to the President's analysis, which we feel is a good one, then you have de facto segregation, whether it be North or South.

Now, this is an urban problem, primarily, and the rural eastern North Carolina communities don't have this problem, but Charlotte has it, Burlington has it, and Cincinnati, Ohio, has it.

The lower courts are somewhat in confusion as to how to distinguish between de facto and de jure segregation. Sometimes they make decisions without referring to that distinction.

But where the segregated pattern results from housing patterns, and these are housing patterns which HUD is frequently a cosponsor, we have a housing development and a new one, being placed right in the middle of a segregated housing pattern in our community, and this not at all unusual.

We find one department of the Government increasing segregated concentration and another one is saying that you ought to decrease it by moving the children out.

This problem relates to Charlotte and it relates to Cincinnati. When you have an urban concentration of 30 square miles, as you have in Chicago, that same problem on perhaps a smaller scale persists in Atlanta, and the Department of Health, Education, and Welfare has approved Atlanta school patterns leaving some 13 to 15 all black schools because there is no practical way to get them out.

You could not desegregate the District of Columbia schools without running schoolbuses across the Twin Bridges in Arlington and back every morning and every afternoon.

So as you have white flight out of the urban areas into the white, more affluent suburbs, you have the problem of how do you integrate a community that has become all black, and that is the thrust of Dr. Proffitt's testimony as to resegregation.

It is an urban problem. It is a problem North and South, and it is a problem that remains after all vestiges of discrimination are gone.

The courts—good faith is no longer at issue, the courts find that regardless of good faith, the segregated housing pattern remains, and what will we do about it?

Justice Burger has said we must decide this. District courts are in hopeless confusion on it, as are the circuit courts.

The court in Cincinnati and the court in Charlotte is dealing with it. The State court in Los Angeles is dealing with it. They say they must have balance in Los Angeles, and the people there say, how in heaven's name do we have it, when we have 30 square miles of blacks?

Mr. BELL. I understand what in effect you are saying, but may I embark on another variation of the question? Is your school system financed through the method of normal taxation on homeowners?

Mr. ALLEN. In part. The local tax, and more than any other States in the Union we are financed through State financing.

Mr. BELL. But your primary source is still the homeowners' taxes?

Dr. PHILLIPS. No, sir.

We are about 68 percent State dollar and about 15 and 15 local and Federal, and the major operations come from the State income tax and State sales taxes.

Mr. BELL. In that case, Doctor, you are developing de facto segregation down there?

Is the State giving an adequate proportion of its funds to the schools which are in the de facto areas? Are those school systems adequately funded compared to the so-called affluent areas?

Dr. PHILLIPS. In North Carolina, we have an equalized distribution based on average daily attendance, and that says yes to your question.

There are equal proportions of State dollars available to each youngster across the State.

Mr. BELL. You are saying that the educational system is equal in those so-called de facto segregated areas?

Dr. PHILLIPS. We are saying that we have a great deal of work to do as is reflected in some of the kinds of activities that are proposed in the new bill and some of the activities that we have taken at the State level with our Federal and State resources to improve the educational quality of every school.

We have a tremendous task to do.

Mr. BELL. I assume that you have the same problems on that score as we do in the northern areas.

Dr. PHILLIPS. Yes.

Dr. PROFFITT. Let me speak with respect to one school system, the Burlington school system. HEW in their relationship to us have never questioned this thing of equality between the one elementary school now that they are telling us about and the other elementary schools in the district.

They have never found any indication, or never spoken of any discrimination against that school in any way in biddings or in allocation of funds, or in personnel.

Mr. BELL. I am not inferring that, but I do think we have to recognize that you have them in the South, and we have them in the North.

The weaker schools get less money and poorer teachers.

Mr. ALLEN. Mr. Preyer's bill is addressed to that point.

Mr. BELL. I know that it does, but in practicality, the question is whether it will work; I know the big problem in this area.

Thank you, Mr. Chairman.

Mr. PUCINSKI. Mr. Meeds.

Mr. MEEDS. Thank you, Mr. Chairman.

At the outset, I would like to commend my colleague, Mr. Preyer, who I think has taken a very big step here and who has shown substantial ingenuity in addressing himself to a problem that has confronted us all, and I look upon this legislation as having good possibilities.

I would like to ask some questions so I can be sure in my own mind on some points.

I understand that this bill addresses itself, one, to desegregation and two, to preventing resegregation and three, to preventing and ruling out discrimination in desegregated school districts.

I understand that this bill addresses itself, one, to desegregation and two, to preventing resegregation and three, to preventing and ruling out discrimination in desegregated school districts.

Are those the three primary thrusts of the legislation?

Mr. PREYER. Yes. The bill does address itself to those three questions, and I think it would be fair to say they are the three main thrusts of the bill.

It does begin by—it begins and ends—by addressing itself to the question of desegregation and insisting that that is the mandate of this country, and giving the courts the authority to make sure there is not backsliding on that crucial point.

Mr. MEEDS. On the question of resegregation, it is my understanding that the provisions of this bill are that a student who is in a majority can, without question transfer to a school where he would be in a minority.

Mr. PREYER. Yes; that is correct.

Mr. MEEDS. But the reverse is not true.

Mr. PREYER. Yes; that is true.

Mr. MEEDS. So, this in effect addresses itself to the question of resegregation. It prevents the outflow of, say, white students from a white school to another white school when there is an inflow of black students. Is that correct?

Mr. PREYER. Yes; it would have that effect.

Mr. MEEDS. And the costs of transportation for black students to transfer into a white school will be borne at public expense under the provisions of this bill.

Mr. PREYER. Yes; that is correct.

Mr. MEEDS. It is your full intention in sponsoring this law; is it not—this bill—rather, that there shall be an absolute right to transfer?

Mr. PREYER. Yes; that is the intention.

Mr. MEEDS. What would you say is a reasonable time here, as I understand it.

Mr. PREYER. The bill as originally drafted did not have the provisions in there. These were added after consultation with school people who raised the point of "Shouldn't there be provisions in there relating to school capacity and that sort of thing?"

They are not put in there as escape devices. In fact, if that was a real concern, as I say, the original bill did not have them in there. The intention was to make that an absolute right.

Mr. MEEDS. Of course, it is difficult to say what is reasonable under all circumstances, but in getting the whole thrust of the bill it appears to me that you are clearly dedicated to working out the question of desegregation and that a reasonable time wouldn't be very long, only long enough to make sure that there are adequate facilities and staff within that school district.

Is that correct?

Mr. PREYER. Yes; I think that is correct. I don't believe a man like Dr. Bickel would be interested in drafting this bill unless he thought that was so.

Mr. MEEDS. So that I have no question in my mind, now, if I may use an illustration, if we have a neighborhood primary school in one section of Burlington and a neighborhood primary school in another

section of Burlington, both being different neighborhoods and the first one had, just for the purposes of easing figuring here, 100 black students in it, and the second one had 100 white students in it, under this legislation it would be possible for 49 of the black students in the first school to transfer to the second school, and impossible for 49 of the white students in the second school to transfer to another school where they would be in the majority.

Is that correct?

Mr. PREYER. In your example, I am not clear where the majority was.

Mr. MEEDS. In the first illustration, there were 100 in, let's call it school A. There are 100 black students. In school B, there are 100 white students.

Mr. PREYER. How many students altogether?

Mr. MEEDS. For the sake of easy figuring, that is it. So that under this legislation, it would be possible for 49 of the black students to transfer into B school. Is that correct?

Mr. PREYER. Under this legislation, if that were an all black school, it would be possible, the right to be available for all of the students in that school to transfer to a school in which their race was in a minority.

Mr. MEEDS. Then it would be possible for 99 of them to transfer.

Mr. PREYER. Yes. As a practical matter, this provision is already in effect in Burlington, but it doesn't work out that way, that 99 would transfer.

Mr. MEEDS. Why doesn't it work out that way?

Mr. PREYER. I would say the basic reason is that most people prefer to attend their neighborhood school with their friends and where the culture is similar. People who usually transfer are the students who have a lot of initiative and energy, and he wants to move out and test himself.

Mr. MEEDS. Is this plan in effect in Burlington today?

Mr. PREYER. Yes, it is.

Mr. MEEDS. Is it being utilized?

Dr. PROFFITT. We have the absolute right of transfer, without any conditions whatsoever. We have only one majority black school left in the school district. If a black child in that school wants to transfer to a more integrated school or a majority white school, no questions will be asked.

Mr. MEEDS. Does he receive his transportation to do so?

Dr. PROFFITT. If he is eligible under the general rules for transporting.

Mr. MEEDS. What are those general rules, so many miles away?

Dr. PROFFITT. One and a half miles between the school. If this involves his traveling more than one and a half miles, and that is the same rule for all transportation, then we will furnish the transportation.

Now, we don't transport any children to any school except under this same rule.

Now, we have, as to whether it works, we have had several—I couldn't give you a figure—but we have had several requests during the past year to transfer under this rule and the requests have been honored.

The majority of the pupils have not requested to transfer.

Mr. MEEDS. How long has this system been in effect in Burlington?

Dr. PROFFITT. A couple of years, I guess.

Mr. MEEDS. Then you would say it hasn't been a substantial factor in desegregation at this time, is that correct?

Dr. PROFFITT. Would you repeat that?

Mr. MEEDS. You are telling me that this bill is in effect in Burlington today, and now you are getting me scared. You are saying this bill is in effect today in Burlington and has been for 2 years, and yet you have only had a few requests for transfers. Is that right?

Dr. PROFFITT. This takes into account that all of our schools are desegregated. That is, the majority of Negro pupils in the city of Burlington are in fully integrated schools. At the secondary level, that is, in the junior and senior high schools, we have almost a perfect arithmetic balance.

The only question that arises in our case is about one elementary school out of 10 elementary schools, and the other nine have Negro pupils in them as high as 30-odd percent of the enrollment in some of them.

So, we are talking about one school now, and I am saying out of that one school that we have had some requests for transfer. It is the only school that this rule would apply to, and it is an attempt to, if you want, to look at it that way, to give every possible opportunity to these children.

Mr. PREYER. Mr. Meeds, I wonder if I could add one thing to what Mr. Proffitt has said.

In my city of Greensboro we have a provision similar to that. I can get some figures on that for you, and I have to offer these tentatively, but I know in the white, predominantly white high school in the residential area where I live, there are several hundred black students, most of whom, I think, come in under this provision. So that I think it is more than just a token gesture.

I believe Dr. Phillips wanted to comment on that.

Mr. MEEDS. I just want to ask one more question quickly.

We have another witness, and we won't take too much time.

Do the students in Burlington today, or their parents, have a cause of action in any Federal court, with the exception of what might be provided under the Civil Rights Act—that is to say, under State or local law—any right of action if they are denied this transfer that you say is their right?

Mr. ALLEN. They would have a right of action under Federal law, we believe, and over the 9 years we have operated under a system that is in the process of becoming a unitary system and has become a unitary system, there has been no action or threat of action against the Burlington City schools.

In other words, they have had the right under Federal law because this is a plan that has been filed with the Department of Health, Education, and Welfare, and which we are obligated to implement, and which we have implemented, and there has been no complaint that we haven't implemented it, and we have never been threatened with suit or had suits brought against us.

Our only problem has been with the administrative agency, which is a bit confused as to what the law requires, and I think somewhat admittedly so.

Mr. MEEDS. Thank you very much.

Mr. PUCINSKI. Mr. Hathaway?

Mr. HATHAWAY. Thank you, Mr. Chairman.

I understand we have another witness and the time is growing short, but I would like to compliment our colleague, Mr. Preyer, for the very thoughtful statement which he has made and for bringing before this committee two very interesting and informative witnesses. I have not as yet had an opportunity to study Mr. Preyer's bill in the detail I would like to, so I am not in a position as to whether or not I would agree with it, but I can see from reading it that he has put in a lot of effort and made a great contribution, which I am sure this committee will take into consideration when it goes into executive session.

The only shortcoming that I can see is the voluntary aspect of the bill, and perhaps you would like to comment on that. I am not so sure it is going to work out. Perhaps we will get the integration that I think is needed for the welfare of this country by this means.

Mr. PREYER. I think, to reply to that, the bill is very clear that both HEW and the Federal courts are kept involved by this bill in preventing any sort of backsliding on desegregation, and the covert efforts to do under the table, to avoid the goal of desegregation.

Under the standards laid down for the unitary school system here, it defines the basic system as a neighborhood school system or in the alternative, a racial balance system which sets up a broad framework and then does allow considerable free play for communities within that system.

But I think the whole spirit of the bill is that the efforts of communities to work out their problems must always be in the direction of an integrated school system, rather than away from it.

I am afraid it would take too much time to analyze the bill in detail, but I think that is the spirit of the bill.

Mr. HATHAWAY. Thank you.

Mr. PUCINSKI. Thank you very much, gentlemen, for your very fine testimony here this morning. I think you have certainly given us a clear insight into some of the problems, and I am sure the committee will want to be looking into this legislation, and we want to thank our colleague, Mr. Preyer, for spending the morning with us here on this very important subject. Thank you so much.

Mr. PREYER. Thank you, Mr. Chairman. We appreciate your courtesy and your interest.

I have received a statement from Mr. Galifianakis, our colleague, which I will submit for the record. I received it since the hearing began.

Mr. PUCINSKI. It will be put in the record at this point.

(The statement of Congressman Galifianakis follows:)

STATEMENT OF HON. NICK GALIFIANAKIS, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF NORTH CAROLINA

Mr. Chairman, members of the Committee, I appreciate the opportunity to testify on behalf of H.R. 16484 and H.R. 16491.

I am pleased that Dr. Craig Phillips, Superintendent of Public Instruction for the state of North Carolina, is also here today, and I am sure that the Committee will gain from listening to his views. Dr. Phillips is a dedicated, conscientious educator who understands all of the ramifications of school problems, and North Carolina is fortunate to have him.

Rather than take up your time by analyzing the mechanics of these proposals—and I admit that they have flaws which the Committee would have to eliminate before they could be reported to the floor—I want to take a few minutes this morning to explain the purposes of these bills to you, and to acquaint you with my motives in sponsoring them.

First, these bills reflect my belief that local school districts in the United States must be under local control.

The National Education Association, at its 1960 convention, endorsed this principle as it pertains to self-determination of school districts in large metropolitan areas.

The N.E.A. recognized, and I concur, that unless the parents of the school-children served by a local system have a voice on their school board, that unless local schools serve the needs and aspirations of the communities where they are located, then the educational system in the United States is less than perfect.

The government here in Washington is irresponsible enough to the claims of the individual citizen without making it the fountainhead of our educational system as well.

These two bills seek local control and self-determination—lawful self-determination. They seek it like the N.E.A., and they seek it like the proposals of other advocates who see the necessity to reverse the trend of centralization in government and to return the power of decision-making to our communities.

Second, Mr. Chairman, these bills reflect my belief that no child should be denied entrance to a public school because of his race.

We have been fortunate, by and large, in North Carolina. Our citizens largely have been reasonable about the problems occasioned by school desegregation. In the majority of cases, I believe they understand and are committed to breaking down the systems which place race as an obstacle in the path of children.

But North Carolinians also feel that discrimination can cut both ways. It is one thing to remedy past discrimination, to equalize education in the schools, to infuse Federal aid into disadvantaged school districts so that those children may receive the additional training they need to correct the effects of injustice.

But it is something entirely different to force a child to ride a bus in order to achieve a racial balance throughout a school system.

I submit that it is no different to force a black child to ride across a city on a bus to a white school than it is to force that black child to attend his original school because of his race. In either case, if the designated school is not the choice of the child and his parents, the result is the same: the child is being confined to a particular school because he happens to be black.

So that is the second intent of these bills. They are designed to insure that no child is denied access to a school because of his race, but they are also intended to make it the policy of the Congress that the use of forced busing to achieve racial balance in the schools is undesirable. To me, the advocates of forced busing, as well-intentioned as they may be, are using the same hand of oppression that held down black children for generations.

There is a third intent in these bills, the intent of setting rational priorities in the public school system.

Surely none of us, after witnessing the difficulties which both large and small school districts are having in paying the cost of forced busing, should question the expense that court desegregation orders entail.

I feel that the courts have not only acted unwisely in this area, but they have also trespassed on the powers of the Congress by decreeing, in effect, that school desegregation by forced busing shall be the first priority of individual school districts.

This is the word of the Federal courts to the public schools: "If you do not desegregate your schools entirely, if you do not bus schoolchildren across attendance zones to achieve a racial quota in every school, then you will face severe Federal action."

Mr. Chairman, the Congress has never approved that word. The Congress has never said that forced busing to achieve racial balance should take precedence over the other education programs it has passed. As a matter of fact, the House of Representatives on a number of occasions has said the contrary.

Suppose a school district is placed under one of these busing orders and tries to find the money to comply. Is the school system, in order to finance forced busing, then to reduce its share of matching funds for programs under the Elementary and Secondary Education Act? Is it to lay off teachers and special aides whose talents are needed for the particular schoolchildren that the system serves? Is it to postpone a needed teacher pay raise?

I think the courts have no business setting such educational priorities. It is for the Congress to decide whether a bus ride is more important than other aspects of education.

Yes, Mr. Chairman, the courts should make sure that no child is denied admittance to a school because of his race. Yes, if a school district uses levers of discrimination against children, it should pay the penalty.

But no, other constitutional programs, programs which are needed for the sound education of all children, should not be eviscerated because a Federal court has decided that there must be uniform racial balance in the schools. I don't think a bus ride is that beneficial, either for education or for integration.

That is the intent of the bills you are considering today: to reaffirm the principles of local control and self-determination in the schools; to insure that no child shall be denied access to a school because of his race; to make sure that other educational programs are not weakened because of the expense of complying with force busing; and to insure that the right hand of oppression is not replaced by the left.

There is a high cost of defeat in the fight against discrimination. Mr. Chairman, but if we are not careful, there may be a high cost of victory as well.

At this time, with the Federal courts disagreeing among themselves over the extent and thrust of school desegregation, I feel that the Congress must speak authoritatively on this question, and to speak in clear language which the courts can understand and follow.

The time for ambiguity in Federal school desegregation law is over. The time for unequal enforcement of the guarantees of the Fourteenth Amendment is past.

The concept behind these two bills is a new one for the Congress, and it is a concept which merits serious consideration. In these two bills, we have tried to reach a definition of a unitary school system that can provide a framework for a rational policy of education.

It is a definition which should come from the Congress, not in a fragmented way from the Federal courts, subject to the vagaries of interpretation and nuance. It should also come from the Congress because the Congress is closer to the people, and a Federal court decree is the antithesis of self-determination.

Finally, Mr. Chairman, I sponsored these bills because I feel that they are realistic proposals which will not automatically offend any faction.

We could have introduced bills which flatly forbade the use of Federal funds in supporting of busing—the House has passed such bills—but there are enough of those proposals before the Congress already. And it is very difficult to argue against a genuine, legal "freedom-of-choice" plan, but those bills have a high death rate as well.

Instead, we sponsored what we regard as moderate bills. We believe that in school desegregation as in all other areas of legislation, there must be compromise. We know that if we do not concede certain points in order to gain others, the situation will remain as untenable as it is today.

And we knew that it is essential that the Congress come to grips with the problems entailed that the Congress come to grips with the problems entailed in forced busing, so that we may get on with the business of educating our children—all of them—without racial barriers. For if we do not devote all of our resources to educating our children so that they may live meaningful, productive lives, all the bus rides in the world will make little difference.

Mr. PREYER. Also, I want to submit a column by Mr. Joseph Kraft on the Burlington School System.

Mr. PUCINSKI. It will be received.

(The newspaper article referred to follows:)

(From the Washington Post, Mar. 1, 1970)

A NATIONAL SCHOOL POLICY? BICKEL INTEGRATION PLAN SEEN AS A GUIDE TO CLEARING UP RACIAL CONFUSION

(By Joseph Kraft)

— Miasmic confusion about schools gives selfish men a chance to turn back the clock on fair race relations all over the country. But the confusion could be ended if the Congress enacted a national policy on school desegregation.

So it's a matter of the first importance that a proposed draft of just such a policy is now being circulated backstage by one of the most impressive newcomers

to reach the Congress in years—Rep. Richardson Preyer, a former Federal judge from Greensboro, N.C. The more so as the author of the draft is Prof. Alexander Bickel of Yale, a central figure in the school debate whose new book, "The Supreme Court and the Idea of Progress," features a penetrating critique of the original 1954 desegregation decision.

Signs of the confusion the Bickel proposals would dispel are everywhere. In Washington and many other cities, desegregation in schools has caused whites to flee to the suburbs, thus producing resegregation. In Los Angeles a judge trying to stick to the letter of the law has promulgated a sweeping desegregation decision that cannot possibly be applied. In Burlington, N.C., a school board trying to conform with federal policy has literally not been able to discover how to be in compliance.

Finding those who would exploit the confusion is not much more difficult. Six Southern states have passed, or are about to pass, laws based on a New York statute which would have the effect of outlawing compliance with court orders to integrate schools by busing. Virtually every Northern city has racial hard-liners on its school board—the local equivalent of Mrs. Louise Day Hicks in Boston.

Then there is the amendment to the education bill put through the Senate by John Stennis of Mississippi. That amendment supports the principle of a uniform desegregation policy in such loose terms that it could be used to put a stopper on all further moves towards integration in the South.

But active as the obfuscators may be in thickening confusion, it is not beyond the wit of man to frame a national school policy that meets virtually all cases. And the Bickel proposals are at least a demonstration of what is possible.

The point of departure is the 14th Amendment and the 1954 Supreme Court decision in the Brown case. As basic national policy there is reaffirmed the commitment to a mixed society. State action to divide the country into white and black communities is rejected. So are tricky devices to the same end such as gerrymandering districts. A good-faith effort to achieve desegregation is everywhere required. The draft says:

"All persons exercising administrative authority under the laws of a state over its public schools have the affirmative duty to take prompt and effective action to eliminate segregation or any other discrimination based on race, color, or national origin and to correct the effects of past segregation or other discrimination."

Within that general framework, standards of fairness are defined in three special cases. First, there are the ghetto schools of major cities and other areas where desegregation is not apt to take place before residential restructuring. Here the draft spells out special measures to assure equality of education. Unusually bad facilities, teachers, curriculum, teaching loads and student-teacher ratios are all specifically cited as denials of equal opportunity. It would be very easy to add to the draft a provision entitling the ghetto schools to special federal monetary support in the form of aid to impacted areas.

Second, there are schools in many large and most smaller cities where ghetto conditions have not yet become a dominant fact of life. Here, the Bickel draft gives school authorities the right, subject to court approval, to design strategies that move gradually toward integration in order to "prevent the resegregation of a school."

Third, there are the remaining 300 or so Southern school districts, largely rural, that have not yet desegregated. Here the draft expresses a preference for neighborhood school systems, which would mean substantial integration. It also allows for some exceptions on condition that there are genuine opportunities for students to change schools. The draft stipulates that the test of genuine opportunity is some substantial percentage of a racial mixture in all schools.

These proposals, of course, are still tentative in form. Refinement is undoubtedly necessary. For example, nothing is said about faculty desegregation. But it is not surprising that Rep. Preyer has already had signs of interest in the Bickel draft from a number of key figures in both parties in both the House and the Senate.

For at a very minimum the draft achieves several important purposes. It provides momentum for completing the desegregation of the South. It sets standards which militate against wildly impractical rulings such as that handed down in Los Angeles the other day. It meets Sen. Stennis' demand for a uniform national policy. And it sweeps away the confusion that has up to now profited only mischievous men.

**STATEMENT OF HON. JAMES F. KELLY, ASSISTANT SECRETARY,
COMPTROLLER; ACCOMPANIED BY CHARLES B. SAUNDERS, JR.,
DEPUTY ASSISTANT SECRETARY FOR LEGISLATION, DEPART-
MENT OF HEALTH, EDUCATION, AND WELFARE**

Mr. PUCINSKI. Our next witness is Mr. James Kelly, Comptroller, Department of Health, Education, and Welfare.

Mr. Kelly is accompanied by Mr. Charles Saunders, Deputy Assistant Secretary for Legislation.

Mr. Kelly, I have read your statement, and so have the other members of the committee. Your statement will go into the record at this point in its entirety.

(Mr. Kelly's prepared statement follows:)

**STATEMENT OF HONORABLE JAMES F. KELLY, ASSISTANT SECRETARY, COMPTROLLER,
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

Mr. Chairman, Members of the Committee, I am pleased to appear before the Subcommittee in support and clarification of the Administration's request for enactment of H.R. 17846 designed to assist in the desegregation of public education. My purpose in being here today is to clarify for the Subcommittee the financial relationship of the authorization being requested for this purpose and its relationship to the budget for the Department of Health, Education, and Welfare currently under consideration by the Congress.

At the time the budget was presented in February, this program had not been adequately developed and formulated to appear at a specific legislative proposal with a pricetag, and thus cannot be considered to have been a part of the President's budget for fiscal year 1971 except to the extent that the large contingency item contained in the President's budget is designed to cover unspecified and unanticipated programs and costs.

Subsequently, the President did indicate his determination to request a billion and a half dollars for desegregation in the fiscal years 1971 and 1972, \$500 million in 1971, and \$1 billion in 1972. As you know, he submitted a message on May 21 proposing legislation to achieve this. He submitted a budget amendment on May 25 requesting \$150 million in order to initiate the program as rapidly as possible under existing authorities and indicated his intent to request the remaining \$350 million in fiscal year 1971 following the passage of the requested legislation. The \$150 million was initially requested as a supplemental appropriation for fiscal year 1970. It was subsequently converted to a budget amendment for fiscal year 1971 which is now pending before the Congress. The budget request for the remaining \$350 million will be forthcoming immediately following enactment of the authorizing legislation.

This request for \$500 million in obligational authority to carry out the desegregation program is in addition to the budget request and forecast presented by the President in February for fiscal year 1971 for the Department of Health, Education, and Welfare. No actions have been taken or are contemplated to arrange for this \$500 million to be offset by other programs or activities in the Department of Health, Education, and Welfare.

The only area that might be identified in reviewing each of the increases and decreases that have occurred since last February in appropriations, obligations, or outlays relates to the Family Assistance Program. I would like, however, to take this opportunity to explain the situation with respect to 1971 costs of the Family Assistance Plan. The February budget contained a request for an appropriation of \$600 million, with the estimate that \$500 million of this would be disbursed, that is, constitute an outlay in the fiscal year 1971. In order for a program of this magnitude to occur in the fiscal year 1971, it would be necessary for the Congress to endorse the public policy proposed in the Administration's proposal. It would also be necessary that there be sufficient lead time to plan and initiate this large and complicated program early enough to expend large sums in this fiscal year. The current outlook would indicate that there will not be sufficient time for Congressional action and preparatory lead time to make it

possible to incur costs of this magnitude. Accordingly, the May forecast of the Bureau of the Budget reduced the outlay estimate for 1971 for the Family Assistance Plan by \$400 million. This in no way constitutes an administrative decision to delay the Family Assistance Program in order to make possible budgetary provision for the desegregation program but is, rather, an independent and a separate occurrence unrelated to the desegregation program.

Thus, Mr. Chairman, I feel secure saying to you that the enactment and financing of the resegregation program will not be at the expense or the sacrifice or the deferment of any Health, Education, and Welfare program proposed by the President in his February 1971 budget message.

In terms of the whole Federal budget, I am, of course, not in a position to testify in any degree of detail or authority. As noted above, Mr. Mayo, then Director of the Budget Bureau, on May 19, released a review of 1970 and 1971 receipts and expenditures as forecasts at that time as compared with the January 1970 budget requests and forecasts. The May forecast reflected the prediction that total outlays would rise \$4.8 billion above those predicted in the February budget message. Included in this forecast of increased expenditures was \$150 million for outlays for the desegregation program.

This revised forecast assumed Congressional action on the requested supplemental or budget amendment; Congressional enactment of the desegregation legislation now under consideration by this Committee; and appropriations of \$350 additional million for the fiscal year 1971 to carry it out. The forecast also assumed that this aggregate of \$500 million would be put to use as rapidly as administratively feasible in order to achieve the purpose of the desegregation legislation. It estimated that all of the funds would be obligated in the fiscal year 1971, and that the lag between disbursements and obligations would be consistent with past experience in launching new HEW programs. It estimated on the basis of these assumptions that \$150 million of the aggregate \$500 million would be disbursed in the fiscal year 1971 and the remainder in the fiscal year 1972.

Mr. Chairman and Members of the Committee, I hope that this clarifies the financing background of this program, and constitutes the kind of assurance that the Committee was seeking in order that it could fully endorse the Administration's proposal in this important area.

Mr. PUCINSKI. As you know, the principal reason for inviting you before the committee today was an attempt by the committee to ascertain where the funds are going to come from to implement the President's Emergency School Aid Act of 1970.

It had been my hope that the Bureau of the Budget, the new Director, Mr. Weinberger, would have been here with us, but I am informed that there is a policy, which I am not aware of, apparently, that the Bureau of the Budget people do not testify before committees. But I am assured that you are here testifying in their behalf, and in behalf of HEW. Is that correct?

Mr. KELLY. That is correct, Mr. Chairman.

Mr. PUCINSKI. So that any commitments you transmit to the committee today, of course, are going to be full faith commitments by the administration itself.

Mr. KELLY. That is correct.

Mr. PUCINSKI. You say on page 2 in your statement in discussing the \$150 million which the administration has initially requested as a downpayment on the President's Emergency School Aid Act, that that was originally going to be requested as a supplemental appropriation, and then you subsequently referred to a budget amendment for fiscal 1971. You go on to say that the budget request for the remaining \$30 million will be forthcoming immediately following enactment of the authorizing legislation.

I assume this means the Executive has in mind a supplemental appropriation request to implement this, and in view of the fact that the conferees yesterday reduced the \$150 million to \$75 million, am I correct in assuming that that supplemental request, assuming that the authorization provides a full \$500 million, the supplemental request would be for \$425 million for fiscal 1971?

Mr. KELLY. I think that is a reasonable conclusion, Mr. Chairman. I would only modify it to the extent of saying that the \$150 million request had the unusual character of being requested in advance of your having acted on the authorization because of the urgency of the problem, and we relied upon existing authorization, both OEO legislation and HEW.

It is risky, but I would take the risk of saying that I can understand the action of the conferees in arriving at the \$75 million. It was not a lack of sympathy or support for the problem, but rather, that the passage of time had made it more difficult to use \$100 million prior to the opening of schools in September, which was the thrust of this request, and they decreased it because that appeared to them to be all that could be reasonably used.

I think the President is committed to the concept of having \$500 million in the initial year of the program, and that in deliberating on how much will be requested in the supplemental, following passage of the Emergency School Aid Act, you would have to take into consideration the passage of time. So that if it then appeared that it was too late to use the whole \$500 million, that could change the estimate, not because there was a lack of commitment, but only that there was a recalculation as to how much could be used.

So that if the bill were to pass immediately, I think there is no question that the President would submit a request to this Congress for \$425 million in supplemental funds.

If it were not enacted until a later date, you may then have to recalculate only in terms of how much you could reasonably use before the end of the fiscal year.

Mr. BELL. May I ask a question here?

Would that amount be used just in the following year?

Mr. KELLY. Yes, the balance of the total amount in the bill.

Mr. BELL. The total amount still remains the same?

Mr. KELLY. If the bill were presented in the terms of the total \$1.5 billion, then whatever portion not used in the first year would be used in the subsequent year.

Mr. SAUNDERS. The administration's commitment to use the full \$1.5 billion over a 2-year period is very clear. The President's statement of May 21 specifically says that \$500 million will be spent in fiscal 1971. It is this administration's firm intention to spend these funds, \$500 million for fiscal 1971 and \$1 billion in fiscal 1972, in the years in which they are appropriated.

Mr. PUCINSKI. Mr. Secretary, as you know, I have some very serious doubts that the \$150 million originally requested, and now the \$75 million approved in conference, can indeed be spent in the manner in which you propose to spend it.

With all due respect to the urgency of the situation, there are some fixed allocation formulas in the authorizations from which you are drawing this money, and we have asked the General Accounting Office for a decision on that.

But having said, that, it only fortifies my own determination to try and move as expeditiously as possible with this enabling legislation so that we can eliminate whatever legal doubts there might be on the downpayment procedure that you have followed in conference.

It is extremely important, I think, for at least from my side of the committee, for the members to know where this money is going to come from. Because we fully appreciate the fact that there are urgent needs involved in trying to bring about this desegregation, and we have had some very impressive testimony by those who are faced with the immediate problem of September 1, and it was very persuasive testimony, and convincing testimony.

But the committee has asked me to bring you before the committee because we are concerned on where is this \$1.5 billion going to come from.

You say that, in your statement, that the President does not anticipate in 1971 to divert any of this money from HEW programs. You say this request for \$500 million in obligational authority to carry out the desegregation program is in addition to the budget requests and forecasts presented by the President in February 1971, for HEW, and that no actions have been taken, and that none are contemplated, to arrange for this \$500 million to be offset by other programs or activities in the Department of HEW.

There has been some concern that the \$500 million might come from model cities. Can you tell us whether or not it is contemplated that this money could come from model cities?

Mr. KELLY. It is my understanding that it will not, Mr. Chairman. When the President authorized the release on May 19 of the revised forecast of the expenditures and receipts of the Federal Government for the fiscal years 1970 and 1971, he did not reflect a decrease in his request for new obligational authority for Model Cities; but he did include a forecast of the amount of money which would be disbursed for desegregation programs.

So, after having totaled up all the receipts and expenditures of the Federal Government, he reflected this as an increased cost over his February budget estimate.

Mr. PUCINSKI. And we can be reasonably assured that it will not come from title I or any other titles of ESEA?

Mr. KELLY. The one thing that I can assure you, because it is within HEW, is that there will be no offsetting decrease in the programs in the Department of Health, Education, and Welfare.

Mr. PUCINSKI. In your statement on page 2 you say, "fiscal 1971." Can we assume authoritatively that it will not come from HEW funds in 1972, when you are going to be asking for \$1 billion for this purpose?

Mr. KELLY. Well, that question is much more difficult to answer, and not in terms of any attempt to evade the issue that you are raising. There is no 1972 budget yet, so that it is hard for anybody to say to you what the 1972 budget would have been without the billion dollars, and what the 1972 budget will be with the billion dollars.

At the end of January of next year, the President will present his budget plan for the fiscal year 1972 to the Congress, and he has told the Congress that if you will give him the authorizing legislation that he will request \$1 billion to carry this out in fiscal year 1972.

All of the rest of the budget of the Department of Health, Education, and Welfare is now in the formulation stage, and it has a long way to go before the Presidential decisions will be made.

Mr. PUCINSKI. I certainly appreciate your dilemma, and I certainly appreciate your candor in saying that you really can't look downrange quite that far with any clarity. But the problem we have is that we are aware of the enormous domestic needs in education, in health, in pollution, in model cities, crime in the streets, and all these other things.

So the request by the administration for a billion and a half dollars authorization obviously has to address itself to the question of where the money is going to come from.

I don't want to put words in your statement, obviously, because you are doing very well on your own, but would it be safer to presume that this billion dollars would come out of such things as perhaps defense, or foreign aid, or space, or some of the nonsocial welfare domestic programs? Is this a fair conclusion by our committee?

Mr. KELLY. Well, let me just say that I think in putting together a budget, or even in modifying the budget in midyear, it is next to impossible to say that some one item was offset by some other item. It is a total composition of all of the programs and services in the Federal Government, and no one action is clearly a reaction to a change in another one.

I think it is very clear that the President and the Congress in reaching their decisions on which programs to finance at what level in the fiscal year 1972, as well as in the fiscal year 1971, are faced with the serious problem that you have on the one hand, the great unmet needs that you refer to, and on the other hand you have the forecast of declining revenues, and increasing expenditures in uncontrollable programs, because of cost rises; and that you will have to make very difficult choices in how you maintain this fine balance between financial stability and carrying out these important domestic services.

I think I can say to you on behalf of Secretary Richardson that he will strive to not only have the \$1 billion included in the President's budget for 1972, but to do so without having any diminution of the programs of the Department of Health, Education, and Welfare. However, you are going to have to await the development of a total 1972 budget before you can really see what that picture looks like.

Mr. PUCINSKI. That is a problem, sir, that I think we have here. You say in your statement that as far as \$500 million is concerned, you intend to disburse it in fiscal 1971, and the remainder in 1972.

But the problem that we have here before the committee is the 1972 authorization. We have seen some figures, and I have seen some figures, indicating that there is an anticipated deficit of some \$3 or \$4 billion in 1972; there is an anticipated deficit of \$7, \$8, or \$9 billion, and I also saw figures for 1971.

So the problem here is ascertaining and being assured that we go ahead and authorize a billion dollars for this very urgent program, and there is no question that this program is going to be needed. I am convinced of that.

Are we going to be shortchanging programs like title I, and are we going to be shortchanging ESEA programs? Are we going to be shortchanging other ongoing programs, particularly vocational education and some of those?

I think it would be much easier for us to get this legislation through the committee and through the Congress if we did have some assurance that an effort will be made to not redirect HEW plans into this 1972 \$1 billion authorization.

Mr. KELLY. I think the way you have stated the question, Mr. Chairman, that it is easy to give you that assurance. Your request for assurance was whether every effort would be made to permit the advent of this program but not causing a diminution in other HEW programs. The Secretary will make every effort to do that. I avoided saying it would not occur, because next year, you may see in the budget a figure that is lower than you would like to see for that particular program, and if you saw that you may infer that it was lower because you put in the billion dollars for desegregation.

I don't think anybody can tell you yet what the 1972 budget is going to be, and I don't know whether or not each of the programs will be the same, larger, or smaller; but I think every effort will be made to reach those decisions in such a way that they will not constitute a quid pro quo, so that there not be a reduction in Health, Education, and Welfare programs because you enacted this desegregation legislation.

Mr. PRZYNSKI. I am not quite sure I understood your statement about the family assistance plan and how that relates to this program. You mention it on page 3. I am not quite sure what point you are making.

Mr. KELLY. My only reason for mentioning it was that in the May 19 reexamination of the budget forecast, the one decrease reflected in this forecast from that which was predicted in February was in the family assistance program. I had indicated that the \$500 million was an add-on and not offset by a decrease. There was one item in our budget that was decreased, but it was not decreased because of this desegregation request. It was decreased because of a change in circumstances in that you can't launch the program as rapidly as planned. I wanted to give a full disclosure to you that there was a decrease, but it was not occasioned by this desegregation item. It occurred without regard to this item.

Mr. BELL. I was just going to ask that question, Mr. Chairman.

What you really mean Mr. Kelly, is that you were able to find an offset to do this very necessary program, but that the family assistance program won't come into the budget this year.

Mr. KELLY. Yes; and the two are not interrelated with each other. They both occur during the same fiscal period.

Mr. BELL. Mr. Kelly, you were here earlier and heard the program offered by Congressman Preyer discussed. Essentially, it is my belief that his bill will not change the situation very much, that a segregated system would continue under his proposal. Do you have a similar concept?

Mr. KELLY. Mr. Bell, I came into the room so late that I did not hear the whole presentation.

Mr. BELL. Let me go on to another matter, then.

As I understand it, the main premise of the administration's bill is the need to cure the problem of segregation in the South, de jure segregation. The problem is so complicated that the Southern areas need Federal help.

Is this the general outline and philosophy behind the bill?

Mr. KELLY. I think I would go a step further and say that any school district that has had a substantial pattern of segregation and is taking steps to modify that pattern is facing a very difficult and trying problem. This involves the reeducation of all the people involved in the system, and requires a great deal of planning and thought to resolve these problems, and to assure that you really achieve both the objectives of desegregation and the quality of education.

This problem is more acute in the South, but it is a problem which faces the whole Nation, and the thrust of this program is directed at the totality of that problem of desegregation.

Mr. BELL. Previously the witnesses have been asked whether or not this could have been accomplished under title I of the Elementary and Secondary Education Act; I have maintained that it could not be because the thrust of that act is not homed in on the problem of segregation per se, but merely gives it a glancing blow as it goes through. This bill specifically homes in on the particular problem of de jure segregation in the South.

Mr. KELLY. Desegregation should cover all of the areas of the community.

Mr. BELL. So it would be very difficult, possibly more costly for us to cure this problem under title I of the Elementary and Secondary Education Act. Is this a fair assumption?

Mr. KELLY. Well, I guess my own personal preference is to say that if you initiate a new program, that you are better off to create a special category to do it. I think all of us are a little ambivalent about that. After you have created a category and have begun to attack the problem, then I think there is a greater merit to try to consolidate the programs. But at the time of launching a new program, which has as its objective the area or problem in need of resolution, I think a separate category at the time of launching is most likely to achieve that objective. After you have launched that program and have begun to move in on the problem and have learned how to resolve it, to then consolidate and merge the many categorical programs.

Mr. BELL. Mr. Kelly, many of the witnesses that have come before this committee have testified that the Southern problem is becoming de facto and less de jure; people are tending to move out of the de jure areas and form their own area somewhere else. This is particularly true of the larger cities in the South.

So you are having much the same problem as we have in the Northern cities, de facto segregation.

Under those circumstances your area of attack in solving the segregation problem in the South is becoming more limited; as the years go by these problems become more de facto.

How can you solve that problem, other than by a Supreme Court decision on de facto segregation?

Mr. KELLY. I would like to ask Mr. Saunders to comment, but I would like to comment also.

If we had a program that addressed itself to this early enough, perhaps we might have retarded some of the flight to the suburbs. I wonder if some of the flight to the suburbs really is not related to a dissatisfaction with the capability of dealing with desegregation and providing an adequate educational program under circumstances that were most conducive to good relationships in the community. And should we further delay? Shouldn't we move in so that in the elimination of the de jure system that we do not achieve it by moving to de facto; but that we try and do it in such a way to avoid the need to create housing segregation or flight to the suburbs in order to deal with it.

Mr. BELL. Other than making those schools involved more effective, with better teachers, with more money, in general with better teaching systems, is there another answer?

Mr. KELLY. Well, I think that there are a lot of illustrations where desegregation has occurred, carefully planned and with appropriate indoctrination of students and parents, and school administrators, so that it came off in a very happy set of circumstances, with no conflict and with no feeling that people wanted to leave. In those places where the emotions have been aroused because that kind of preparation and planning has not occurred, it has brought dissatisfaction which has caused people to try to change their housing pattern in order that they will live in a different set of circumstances.

So I think there is a real attempt to avoid de facto desegregation in this kind of effort.

Would you like to comment on that?

Mr. SAUNDERS. I don't think I can add much to Mr. Kelly's statement, except to say that it is our clear impression that educational leaders throughout the country are very much aware of the need to move on, to deal with the problem of racial isolation.

Mr. BELL. The only way you are going to cure racial imbalance is to improve the schools. Isn't that basically it?

Mr. SAUNDERS. This puts them in a position so that they do have additional resources to provide the additional staff support and the additional training and the additional programs that will help smooth the way in getting over this bridge.

Mr. BELL. The approval of \$1.5 billion for this project would improve the teaching facilities, thereby providing an attraction in the changeover that would make it less desirable on the part of people to move out?

Let's take a school in the South that is 51 percent black, or maybe 40 percent but moving up in that direction. What would your bill do to make this change more attractive to some people who have lingering feelings about being together in the same school with people of a different race?

Mr. SAUNDERS. I think teacher training, for example, is a very essential part of this. Just making teachers and administrators sensitive to the problems they and the students face is helpful, and puts them in a better position to deal with them.

I think it is important to note, too, that the bill would only provide for additional costs. There would have to be a showing on the part of the district that in order to meet its problems attendant to desegregation, it needs to do things which are over and above what its present program calls for.

Now in some cases—

Mr. BELL. Once you get the money you need to do something.

Mr. SAUNDERS. Yes. In some cases it may very well be that a district could not justify additional costs for desegregation. If desegregation drastically reduces, for example, the amount of busing which is needed, or brings about economies by virtue of moving to a single system instead of a dual school system, then the district would be unable to show that it was eligible for these funds unless it could show that it was increasing its present level of expenditures to provide special programs to deal with their own problems, and these are unique problems which must be dealt with differently in each situation.

So it would be up to each community to develop its own voluntary way of doing it, and to make a showing that in order to move toward desegregation, it was important to provide additional services and additional help over and above what it is doing now as part of its regular educational program.

Mr. BELL. Combined with this is the recent statement of the administration that schools organized privately would not be tax exempt. That would be some help, too, I imagine.

Mr. PUCINSKI. When do you plan to publish the final guidelines on this? As soon as the President signs the bill?

Mr. SAUNDERS. As soon as the bill becomes law. We have been working to try to speed up the process.

Mr. PUCINSKI. You have to publish those for 30 days before they become effective.

Mr. SAUNDERS. Yes. We have been meeting with school people in the districts, and we hope to be in a position so that they will have plans in and ready to go within that 30-day period so that there won't be a timelag, or that it will be reduced as much as possible.

Mr. KELLY. It is not a standard wait of 30 days. Eligible agencies will have submitted project applications and these will be in the process of review.

Mr. PUCINSKI. But what is the basis of your requirement that they have to do something more than the court has ordered them to do?

I understand this legislation is designed to help school districts meet the requirements imposed upon them either by the court or by HEW-approved plans.

If I understood your answer to Mr. Bell correctly, you are going beyond that and putting on some additional trimmings on there.

Mr. SAUNDERS. It is not a matter of going beyond the court. It is a matter of showing that in order to do an effective job to carry out the mandate of the court, or in the case of a de facto situation, to simply develop an effective desegregation plan, that you have to provide additional services.

Mr. KELLY. It does not go beyond the court. The school district must spend more money than they had been spending.

In other words, if it didn't cost them more money to carry out their plan, they would not get aid. The aid would be given on the basis that they are going to spend more money than they were spending in order to carry out that plan.

Mr. PUCINSKI. Does a school district have to accept Federal assistance?

Mr. SAUNDERS. No. This is entirely a voluntary plan.

Mr. PUCINSKI. Do you have any machinery that would permit you to move in and take over the activities of a school district that opted against any Federal aid?

Mr. KELLY. No, sir.

Mr. PUCINSKI. Mr. Secretary, I want to take this opportunity to thank you for your many, many years of very faithful service and assistance to this committee. The name of Assistant Secretary James E. Kelly has been known to us for many, many years and I understand you are retiring very shortly and going to new challenges. I must say that I am sure, as you look back over the last quarter century of very faithful service to your Government you must find a great deal of pride in knowing that you have been an integral part and architect of some of the greatest social reforms in the history of any country, and I am sure that as you reflect back over those years—we have had rough times trying to get this legislation through the Congress and through the funding process—I am sure that you deserve not only the commendation of the whole Congress on both sides of the aisle for your faithful service, but I think you also deserve a satisfaction that you have played a key role, and it has been a key role, in putting together a social program that has brought this country to a higher standard of living for its citizens than any other country in the world.

I am sure that you will be leaving Government service with a sense of deep satisfaction, which you have really earned, and I am sure that if the whole committee was here now they would join me in wishing you Godspeed in your retirement and your new assignment, wishing you a great deal of luck and success in your new assignment, and to assure your new employers that they are really getting a gem of a fellow.

You have been most helpful to this committee. I have seen you under great stress. I have seen you sparring with some of the best on this committee, and I think you and I know the kind of needling that a witness sometimes has to take, and I have always marveled at your aplomb and your coolness under great stress, but most important, the fact that you have always been so thoroughly and completely prepared when you came before the committee.

I think that we all owe you a debt of gratitude; and I am sure I speak for Chairman Perkins and every member of the committee in commending you and thanking you for your many, many years of faithful service to your Government. The people of this country have been most fortunate to have a man like you make the sacrifice that you have, and it has been a sacrifice, because I know that you could have left Government service much earlier and made much more money than you made as a faithful Government employee.

So that I am sure that I speak for the whole committee in wishing you the very best in your retirement and success in your new assignment.

Mr. KELLY. Mr. Chairman, I can't express adequately my appreciation for those kind words. It really has been a fabulous experience. I really wish everybody could have the same opportunity to see the Government at work. They would learn a lot.

Mr. BELL. Mr. Chairman, may I also subscribe to everything you have just said; I could not have placed it as articulately as you phrased it.

I agree with your last statement, Mr. Kelly. I at times wonder how people can come up with some of the conclusions they come up with without having seen the Government in action.

I want to again stress that I agree with everything the chairman said.

Mr. PUCINSKI. Thank you very much, Mr. Kelly and Mr. Saunders. The committee will stand in recess until the call of the Chair.

(Whereupon, at 12:30 p.m. the committee was recessed subject to call.)

EMERGENCY SCHOOL AID ACT OF 1970

WEDNESDAY, SEPTEMBER 23, 1970

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION
OF THE COMMITTEE ON EDUCATION AND LABOR,

Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 2261 Rayburn House Office Building, Hon. Roman C. Pucinski (chairman of the subcommittee) presiding.

Present: Representatives Pucinski, Ford, Bell, Quie, Dellenback, and Ruth.

Also present: Representative Edith Green.

Staff members present: John F. Jennings, counsel; Alexandra Kiska, clerk; and Charles Radcliffe, minority counsel for education.

Mr. Pucinski. The committee will come to order. Mr. Commissioner, the General Subcommittee on Education is today resuming hearings on H.R. 17846, the Emergency School Aid Act of 1970.

As you know, on May 25, when President Nixon submitted this bill to Congress he also requested an immediate appropriation under existing authorizations to aid desegregating school districts.

On June 25, Senator Javits, the ranking Republican on the Labor and Public Welfare Committee, offered this appropriation request to the Senate as an amendment to the Office of Education Appropriation bill. At that time Senator Javits stated on the Senate floor:

We would like to see what they do with this money and how they use it before we get into a big scale operation and even before we finalize the authorizing bill on which we are holding hearings.

Our hearing today is undertaken in the spirit of that statement.

We welcome you as Acting Commissioner of Education and Mr. Jerry Brader, Director of the Division of Equal Educational Opportunity and we are hopeful that you will be able to give the committee some idea of how that money is being spent.

We're hopeful that you will also give us some idea of how this money can help meet the problems which have occurred in many of the schools in the South since school reopened for the fall term.

I am also hopeful that you will give us some idea of what are the problems. It occurs to me that we have had very little information about what is actually happening since school reopened this fall.

We have had some isolated insurances where the press has given coverage to certain specific cases, but I have not seen where, anywhere, and if I am wrong, I would like to be corrected, I have not seen an overall broad appraisal of the situation.

I have talked to individual Members of the Congress and they tell me that in many communities the situation is very chaotic and that

there have been some very serious problems created by the transition, but I would appreciate it if as we move along, you would give us some idea of the extent of the problem and I think that would give us a better idea of the need for H.R. 17846.

So I welcome you here before the committee this morning and Mr. Brader also.

Mr. Bell, before the Commissioner begins do you have any comments?

Mr. Bell. No; I have no comments except to welcome Mr. Bell before the committee. I know that he will perform in the same effective manner as he has in the past.

Mr. PRECISKE. Gentlemen, why don't you proceed in any way that you wish and I see you have a prepared statement. Mr. Bell, perhaps you would like to start with that and then we will take it from there.

STATEMENT OF TERREL H. BELL, ACTING COMMISSIONER OF EDUCATION, U.S. OFFICE OF EDUCATION; ACCOMPANIED BY JERRY BRADER, DIRECTOR OF THE DIVISION OF EQUAL EDUCATIONAL OPPORTUNITIES, AND J. STANLEY POTTINGER, DIRECTOR, OFFICE OF CIVIL RIGHTS

Commissioner Bell. Since it is, Mr. Chairman, and members of the committee, a very brief statement, I think maybe I could save our time by reading it quite quickly and making some ad lib comments.

I do appreciate the opportunity to appear before you today to discuss the emergency school desegregation assistance program. As of September 18, 301 projects have been funded, for a total of \$17,213,696.51.

This fall more school districts will have changed from a dual to a unitary school system than at any other time in our history. Over 700 school districts will enter the terminal phase of their desegregation process.

This has generally been accomplished smoothly and without incident, although I should ad lib that there have been some problems, and in the discussion we can get into this. This is an event in which all of us, but particularly the South, should be proud.

Yet the successful transition from a dual to a unitary system is not without problems. It was in anticipation of these problems, and of the need to assure a successful transition with quality education, that President Nixon proposed a \$150 million emergency program to meet the needs incident to desegregation of the many school districts under court order or voluntary desegregation plans.

Congress appropriated \$75 million for emergency school desegregation assistance. The bill became law on August 18, 1970. Two days later, Office of Education personnel held their first conference with State and local school officials.

And within 10 days, the first grant had been made to a school district, to assist it with meeting the extra costs incurred in the desegregation process.

The emergency school assistance was appropriated pursuant to six existing legislative authorities:

Part D of the Education Professions Development Act;

The Cooperative Research Act;

Title IV of the Civil Rights Act of 1964;

Section 807 of the Elementary and Secondary Education Act of 1965;

Section 402 of the Elementary and Secondary Education Amendments of 1967; and

Title II of the Economic Opportunity Act of 1964.

The total effort is being administered by the Office of Education upon delegation from the Secretary of Health, Education, and Welfare and the Office of Economic Opportunity.

One set of regulations has been developed for the program, and only one application and review process is now involved.

Funds under the emergency program may be used for teacher training, the development and acquisition of new instructional materials, community information and support programs, guidance services, special-remedial services, and, in some instances, minor repair and remodeling.

I am submitting for the record a table which gives a State-by-State breakdown of allotments, based on the number of minority students in eligible school districts in each State as compared to the number of minority students in all eligible districts.

For the purposes of these preliminary allocations, we have construed eligibility requirements to assure that funds are set aside for districts where the nature of the court or administrative orders is not now known to the Department. We shall examine these districts for actual eligibility on an individual basis, as they apply.

Under the emergency school-assistance program, school districts are eligible only if they are under a final order or voluntary plan to desegregate which meets the requirements of title VI of the Civil Rights Act.

The terminal phase of desegregation must commence this fall or must have commenced during the past 2 academic years. I am providing for the record a list of potentially eligible districts under the program.

Recognizing the emergency nature of the situation and the need to provide assistance in the critical opening weeks of school, we have mobilized Office of Education personnel in Washington and in our regional offices to expedite the approval and funding of projects.

In the last month some 50 conferences have been conducted throughout the country to inform school officials of this program and to provide expertise in actual developing project proposals.

These conferences were hosted by the chief State school officer in each State. Conferences for the Northern and Western States, which will be completed tomorrow are being held somewhat later than those for the Southern States pursuant to the requests of those chief State school officers.

We are submitting for the record a list of all the conferences, including their dates and locations.

Since \$75 million is not adequate to meet the needs of all eligible districts of which there may be about 1,200, we take into consideration

the following factors to assure that funds will be concentrated on the neediest districts:

The quality of the proposal;

A district's percentage of minority students and the number of students being reassigned to different schools within the school system; and

The date at which the district has commenced the terminal phase of its plan.

In less than 4 weeks we have been able to fund some 361 projects for a total of \$17,213,090.51 which amounts to about 22 percent of the program funds.

With these funds we have been able to serve school districts with more than 2,235,500 students and about 24 percent of the total minority students in eligible districts. More than 45 percent of the students in funded districts are being reassigned.

Based upon the rate of progress in making grants in the last 40 days, our program funds will be substantially expended by October 15. I might add, out of context of my presentation, that after taking time to gain our momentum, we do feel that approximately 60 percent of our funds will be allocated before the end of the month of September.

By program activity, the most money has been expended on curriculum development and teacher training. These two activities account for about 40 percent of the expenditures and substantial amounts have been expended for guidance and remedial programs (20 percent), community information and support programs (10 percent) and comprehensive planning (20 percent).

I am submitting for the record a breakdown of funding levels by activity, with some examples of the kinds of projects funded under these various categories.

Generally speaking, most applications request funding for about four to six of the seven types of eligible activities.

This is a good indication that comprehensive desegregation projects are being developed and funded.

Of the first application funds, all have been from the Southern and border States. As noted previously chief State school officers in the Northern and Western States have requested that technical assistance conferences not be held until the middle of this month.

Funds have been allocated to Northern and Western States and will be held until each potentially eligible district has had an opportunity to develop a proposal and submit its court order or voluntary plan for review.

Of the \$73 million appropriated for this program, \$7.5 million has been set aside for nonprofit organizations other than school districts.

These organizations are eligible to receive funds for projects which assist in the implementation of one or more eligible desegregation plans. Thus applications may be for programs which are multidistrict or statewide as well as those which relate to one district's desegregation plan.

Emphasis will be placed on those groups which have demonstrated interest and involvement in the problems of desegregation and quality education.

We have been developing a grants manual for this 10 percent program and guidelines for model projects which will be available this week.

Technical assistance conferences will then be held within the next few weeks for eligible organizations. The projects which will be stressed include community information, parental involvement, student and youth programs, and remedial activities.

By placing some emphasis on multidistrict projects we feel that useful models will be developed.

I hope that this statement gives you an idea that the program is working. We are responding quickly and effectively to the needs of desegregating school districts.

We are gaining invaluable experience which will make our administration of the larger program, which we hope Congress will pass soon, even better.

I might just comment, Mr. Chairman, that based on my experience as a local school superintendent, I know that when you change the bus route or attendance area for an area of a school system, you can count on the board room being filled with concerned parents, and you generate a considerable amount of controversy. So when we look at the change and busing and reorganization that have been involved in this effort, especially in the South, it has presented for a number of the local school boards and the school administrators a problem of considerable proportions and I frankly anticipated, based on my own experience, and knowing that the emotional issue of race was also involved in this, more chaos and difficulty than we have had.

This is our formal prepared statement. We would be, of course, pleased to respond to questions. We have submitted for the record seven attachments to our statement.

(The documents referred to follows:)

ATTACHMENT NO. 1.—EMERGENCY SCHOOL ASSISTANCE STATE ALLOCATION

	Number of districts	Number of minority students	Total allocation	10 percent for nonlocal educational agencies	90 percent for local educational agencies
Region I: Rhode Island	1	2,767	149,291	14,929	75,462
Region II:					
New Jersey	22	12,505	456,972	45,697	211,275
New York	10	19,852	728,236	72,824	337,412
Total	23	32,357	1,185,268	118,527	548,687
Region III:					
Maryland	6	24,117	904,612	90,461	414,151
Pennsylvania	13	57,534	2,038,632	203,863	934,769
Tennessee	11	278,283	1,219,265	121,927	557,338
West Virginia	2	887	2,115	212	973
Total	22	310,801	4,166,624	416,663	1,897,251
Region IV:					
Alabama	114	127,914	5,461,120	546,112	2,464,898
Florida	40	191,865	8,508,632	850,863	3,807,069
Georgia	26	106,628	2,395,482	239,548	1,075,934
South Carolina	11	17,117	111,111	11,111	49,900
North Carolina	13	221,117	1,600,871	160,087	719,784
South Carolina	13	111,117	2,000,720	200,072	900,648
Virginia	11	171,511	1,600,871	160,087	719,784
Total	231	738,142	24,139,263	2,413,926	10,777,724
Region V:					
Illinois	1	2,185	52,500	5,250	23,250
Indiana	1	527	11,717	1,172	525
Ohio	1	272,000	272,000	27,200	122,800
Total	3	274,712	44,217	44,100	19,575
Region VI:					
Arkansas	29	105,117	2,104,083	210,408	953,675
Louisiana	45	228,765	7,017,875	701,787	3,116,088
Oklahoma	22	14,117	298,466	29,847	134,619
Texas	174	453,748	8,918,750	891,875	4,026,875
Total	380	911,817	18,419,169	1,841,915	8,177,234
Region VII: Missouri	14	7,269	150,584	15,058	67,526
Region VIII: Colorado	1	34,722	719,298	71,930	323,368
Region IX: California	8	25,903	536,604	53,660	242,944
Total	1,318	3,466,934	71,350,000	7,135,000	31,385,000
Virgin Islands	1	11,445	50,000	5,000	22,500
Grand total	1,319	3,478,379	71,400,000	7,140,000	31,407,500

ATTACHMENT NO. 2.—LIST OF ELIGIBLE DISTRICT BY STATES

ALABAMA 10

Alexander City
 Andalusia City
 Anniston City
 Athens City
 Attalla City
 Auburn City
 Autauga County
 Baldwin County
 Barbour County
 Bessemer City
 Bibb County
 Birmingham City
 Brewton City
 Bullock County
 Butler County
 Calhoun County

Chambers County
 Cherokee County
 Chilton County
 Choctaw County
 Clarke County
 Clay County
 Cleburne County
 Coffee County
 Colbert County
 Conecuh County
 Coosa County
 Covington County
 Crenshaw County
 Cullman City
 Dale County
 Dallas County

Marshall County
Mobile—City and County
Monroe County
Montgomery—City and County
Mountain Brook City
Morgan County
Muscle Shoals City
Opelika City
Ozark City
Perry County
Phoenix City
~~Pike County~~
Prichard City
Randolph County
Rainsville City
Russell County
Salem City
Seale City
Shelby County
St. Clair County
Sumner County
Tallapoosa City
Tallahassee City
Tallahassee County
Tallapoosa County
Tavares City
Thomasville City
Tracy City
Turkahoma City
Turkahoma County
Tusculum City
Walker County
Washington County
Wilcox County

ANALYSIS

Crosscott City
Dermott
Dermott City
Desha Central City
Desha Co
Desha-Drew City
Devalls Bluff City
Dewitt City
Dollarway City
Drew Central City
Dumas City
Earle City
Elaine City School District No. 30
Emerson City
El Dorado No. 351 City
Emmet
England City
Eudora City
Fairview City
Fordyce City
Foreman City
Forest City No. 213
Fort Smith City

ARKANSAS—continued

Garland City
 Gould City
 Grady City
 Garden City
 Gay-Perkins
 Hamburg City
 Harmony Grove City
 Hazen City
 Helena-West Helena
 Hermitage City
 Holly Grove City
 Hope City
 Hot Springs No. 134
 Hughes City
 Hubert-West Memphis
 Hummoke City
 Humphrey City
 Huntig City
 Junction City No. 75
 Lakeside City
 Lawson City
 Lawsville City
 Lincoln City
 Little Rock City
 Locksburg City
 Lonsdale City
 Lonsdale City
 Magnolia City
 Malvern City
 Marianna City
 Marion City
 Marshall Town City
 Marshall City
 Matney City
 McGehee City
 McNeil City
 Mineral Springs
 Monticello City
 Mount Holly City
 Nashville City

New Edinburg
 Newport City
 Norphlet City
 North Little Rock
 Okolona
 Osceola City
 Palestine City
 Parkdale City
 Parkin City
 Phillips Co.
 Pine Bluff No. 503
 Plum Bayou City
 Prescott City
 Pulaski Co. Special
 Saratoga City
 Sherrill City
 South Mississippi
 Sparkman City
 Stamps City
 St. Charles
 Star City
 Stephens City
 Strong City
 Stuttgart City
 Taylor City
 Texarkana City No. 141
 Thornton City
 Turrell City
 Tyngton City
 Union County
 Walden City
 Warren City
 Washita City
 Webster City No. 113
 Weston City
 Wilcox County
 Winchester City
 Winthrop City
 Winthrop City
 Winthrop City

CITIES

Hanning United
 Herkley City United
 Hartford
 Ingleswood United

Merred Elementary District
 Monticello
 Pasadena United
 San Mateo Elementary District

COUNTIES

Alachua County
 Baker County
 Bradford County
 Brevard County
 Broward County
 Calhoun County
 Citrus
 Clay County
 Collier County
 Columbia County
 Dade County
 De Soto County
 Dixie County
 Duval County

COUNTIES

Escambia County
 Fager County
 Franklin County
 Gadsden County
 Gilchrist
 Glades County
 Gulf County
 Hamilton County
 Hardee
 Hendry County
 Hernando County
 Highlands County
 Hillsborough County
 Indian River County

Grassroots

Grassroots

Grassroots

Grassroots

Grassroots

Grassroots

GEORGIA—continued

Johnson County
 Jones County
 Lagrange County
 Lamar County
 Lanier County
 Laurens County
 Lee County
 Liberty County
 Lincoln County
 Long County
 Lowndes County
 Macon County
 Madison County
 Marietta City
 Marion County
 McDuffie County
 McIntosh County
 Meriwether County
 Miller County
 Mitchell County
 Monroe County
 Montgomery County
 Morgan County
 Muscogee County
 Newton County
 Oconee County
 Oglethorpe County
 Paulding County
 Peach County
 Pelham City
 Pierce County
 Pike County
 Polk County
 Pulaski County
 Putnam County
 Quitman County
 Randolph County
 Richmond County
 Rockdale County
 Rome City

Schley County
 Stephen County
 Screven County
 Seminole County
 Social Circle
 Spalding County
 Stewart County
 Sumter County
 Talbot County
 Tallahassee County
 Tattnall County
 Taylor County
 Telfair County
 Terrell County
 Thomas County
 Thomaston City
 Thomasville City
 Tift County
 Toombs County
 Trentlen County
 Troup County
 Turner County
 Twiggs County
 Upson County
 Valdosta City
 Vidalia City
 Walker County
 Walton County
 Warren County
 Washington County
 Waycross City
 Wayne County
 Webster County
 West Point City
 Wheeler County
 Wilcox County
 Wilkes County
 Winder City
 Wilkinson County
 Worth County

Carbondale
 Kankakee

Christian County
 Clark County
 Fayette County
 Fulton County

Acadia Parish
 Allen Parish
 Ascension Parish
 Assumption Parish
 Avoyelles Parish
 Beauregard Parish
 Bienville Parish
 Bogalusa City
 Bossier Parish
 Caddo Parish
 Calcasieu Parish
 Caldwell Parish
 Cameron Parish

ILLINOIS

South Holland No. 151

KENTUCKY

Hopkinsville City
 Jefferson County
 Paducah City

LOUISIANA

Catahoula Parish
 Claiborne Parish
 Concordia Parish
 De Soto Parish
 East Baton Rouge Parish
 East Carroll Parish
 East Feliciana Parish
 Evangeline Parish
 Franklin Parish
 Grant Parish
 Iberia Parish
 Iberville Parish
 Jackson Parish

LOUISIANA—continued

Jefferson Davis Parish
 Jefferson Parish
 Lafayette Parish
 Lafourche Parish
 LaSalle Parish
 Lincoln Parish
 Livingston Parish
 Madison Parish
 Monroe City
 Morehouse Parish
 Natchitoches Parish
 Orleans Parish
 Ouachita Parish
 Plaquemines Parish
 Pointe Coupee
 Rapides Parish
 Red River Parish
 Richland Parish
 Sabine Parish
 St. Bernard Parish

St. Charles Parish
 St. Helena Parish
 St. James Parish
 St. John Parish
 St. Landry Parish
 St. Mary Parish
 St. Tammany Parish
 Tensas Parish
 Tangipahoa Parish
 Terrebonne Parish
 Union Parish
 Vermillion Parish
 Washington Parish
 Vernon Parish
 Webster Parish
 West Baton Rouge
 West Carroll Parish
 West Feliciana Parish
 Winn Parish

MARYLAND

Baltimore County
 Dorchester County
 Prince Georges

Somerset County
 Wicomico County
 Worcester County

MICHIGAN

Casopolis

MISSISSIPPI

Aberdeen Municipal Sep
 Alcorn County
 Amite County
 Amory Mun Sep
 Anguilla Line Consolidated
 Attala County
 Baldwin Mun Sep
 Bay St. Louis
 Benton County
 Biloxi Mun Sep
 Bolivar County Cons No. 1
 Bolivar Co Cons. No. 2
 Bolivar Co Cons No. 3
 Bolivar County Cons No. 4
 Bolivar Co Cons No. 5
 Bolivar County No. 6
 Calhoun County
 Brook Haven Mun Sep
 Canton Mun Sep
 Carroll County
 Chickasaw County
 Choctaw County
 Claiborne County
 Clarksdale Mun Sep
 Clay County
 Coahoma County
 Coffeeville Con
 Columbia Mun Sep
 Columbus Mun Sep
 Copiah County
 Corinth Mun Sep
 Covington County
 DeSoto County
 Drew Mun Sep

East Jasper Con
 East Tallahatchie Cons
 Enterprise Cons
 Forrest County
 Forest Mun Sep
 Franklin County
 George County
 Greenwood Mun Sep
 Greenville Mun Sep
 Greene County
 Grenada Mun Sep
 Gulfport Mun Sep
 Hancock County
 Harrison County
 Hattiesburgh Mun Sep
 Hazlehurst Mun Sep
 Hinds County
 Hollandale Cons
 Holly Springs Mun Sep
 Holly Bluff Cons
 Holmes County
 Houston Mun Sep
 Humphreys County
 Itawamba County
 Indianola Mun Sep
 Iuka Sep
 Jackson Mun Sep
 Jackson County
 Jefferson County
 Jones County
 Jefferson Davis County
 Kemper County
 Kosciusko Mun Sep
 Lafayette County

MISSISSIPPI—continued

Lamar County	Pontotoc Mun Sep
Lauderdale County	Picayune Mun Sep
Laurel Mun Sep	Pontotoc County
Lawrence County	Poplarville Spec Mun
Leake County	Prentiss County
Lee County	Quitman County
Leflore County	Quitman Con
Leland Cons	Rankin County
Lincoln County	Richton Mun Sep
Long Beach Sep	Scott Cons
Louisville Mun Sep	Sharkey-Issaquena Cons
Lowndes County	Senatobia Mun Sep
Lumberton Line Cons	South Tippah Cons
Madison County	Simpson County
Marion County	South Panola Cons
Marshall County	Smith County
McComb Mun Sep	South Pike Cons
Meridian Mun Sep	Starkville Mun Sep
Monroe County	Stone County
Montgomery County	Sunflower County
Moss Point Mun Sep	Tate County
Natchez Special Municipal	Tishomingo County
Neshoba County	Tunica County
Nettleton Line Cons	Tupelo Mun Sep
New Albany Mun Sep	Union County
Newton County	Union Sep Mun
Newton Spec Mun	Vicksburg Mun Sep
North Tippah	Walthall County
North Panola Cons	Warren County
North Pike Cons	Water Valley Cons
Noxubee County	Wayne County
Oakland Con	Webster County
Ocean Springs Mun Sep	West Jasper Cons
Okolona Mun Sep	West Point Mun Sep
Okfuskeba County	West Tallahatchie
Oxford Mun Sep	Western Line Cons
Pascagoula	Wilkinson County
Pass Christian Mun Sep	Winona Mun Sep
Pearl River	Yazoo City
Philadelphia Mun Sep	Yazoo County
Perry County	

MISSOURI

Bell City	Monroe City
Caruthersville	New Madrid
Charleston	North Pemiscot
Cooter	Pemiscot County
Fayette	Richland
Haytle	South Pemiscot

NEW JERSEY

Bridgeton	Neptune Township
Buena Vista	Oldmans Township
Dawne Township	Pualsboro
Deerfield	Rahway
Eatontown	Swedesboro
Englewood	Teaneck
Fairfield	Tinton Falls
Greenwich	Union Township
Glassboro	Westhampton
Hammonton	Weymouth Township
Manchester Township	Wildwood
Middletown Township	Winslow
Morristown Public Schools	Woodbray
Mt. Clair	

NEW YORK

Elmira	Nyack
Geneva	Poughkeepsie
Greenburgh	Roslyn
Long Beach	Suffern
Niagara Falls	West Hempstead

NORTH CAROLINA

Alamance County	Kings Mountain City
Albermarle City	Kinston City
Alexander County	Lee County
Anson County	Lenoir County
Asheboro City	Lenoir City
Asheville City	Lexington City
Beaufort County	Lincoln County
Bertie County	Lumberton City
Bladen County	Macon County
Brunswick County	Marion City
Buncombe County	Macon County
Burlington City	Martin County
Camden County	Madison Mayodan
Carteret County	Maxton City
Catawba County	Mecklenburg-Charlotte
Chapel Hill City	Monroe City
Chatham County	Montgomery County
Chowan-Edenton County	Moore County
Cleveland County	Mooresville City
Clinton City	Nash County
Columbus County	New Bern City
Craven County	New Hanover County
Cumberland County	Newton-Conover City
Currituck County	Northampton County
Davidson County	North Wilkesboro City
Davie County	Onslow County
Duplin County	Orange County
Durham City	Pamlico County
Durham County	Pasquotank-Elizabeth County
Eden City	Pender County
Edgecombe County	Perquimans County
Elm City	Person County
Fairmont City	Pitt County
Fayettesville City	Polk County
Forsthye County	Raleigh City
Franklin County	Reidsville City
Franklinton City	Richmond County
Gaston County	Robeson County
Gates County	Rockingham County
Goldsboro City	Rocky Mount City
Governor Morehead	Rowan County
Granville County	Rutherford County
Greene County	Sallsbury City
Greensboro City	Sampson County
Greenville City	Sanford City
Guilford County	Scotland-Laurinburg
Halifax County	Shelby City
Harnett County	St. Pauls City
Hertford County	Stanley County
Hickory City	Statesville City
High Point City	Stokes County
Hoke County	Tarboro City
Hyde County	Thomasville City
Iredell County	Tryon City
Johnston County	Tyrrell County
Jones County	Union County
Kannapolis City	Vance County

NORTH CAROLINA—continued

Wake County
Warren County
Washington City
Washington County
Wayne County
Weldon City

Whiteville City
Wilkes County
Wilson City
Winston-Salem-Forsyth County
Wilson County
Red Springs City

OHIO

Princeton

Toledo

OKLAHOMA

Altus
Ardmore City
Atoka
Beggs
Boynton
Checotah
Chickasha
Clinton
DuBois
Duncan
El Reno

Enid
Frederick
Grant
Guthrie
Hugo County
Idabel
McAlester
Moton-Taft
Muskogee City
Okmulgee
Sapulpa

PENNSYLVANIA

Allquippa
Clairton
Chester City
Coatesville
Farrell Area
Harrisburg

McKeesport Area
Norristown Area
Penn Hills Township
Susquehanna Township
Washington

RHODE ISLAND

Newport

Providence

SOUTH CAROLINA

Abbeville County
Aiken County
Allendale County
Anderson County No. 5
Anderson County No. 3
Anderson County No. 2
Anderson County No. 1
Anderson County No. 4
Bamberg County No. 1
Bamberg County No. 2
Barnwell County No. 19
Barnwell County No. 45
Barnwell County No. 29
Beaufort County No. 1
Berkeley County
Charleston County No. 20
Cherokee County
Chesterfield County
Chester County
Clarendon County No. 3
Clarendon County No. 2
Clarendon County No. 1
Calhoun County No. 1
Calhoun County No. 2
Colleton County
Darlington County
Dillon County No. 3

Dillon County No. 2
Dillon County No. 1
Dorchester County No. 1
Dorchester County No. 2
Dorchester County No. 3
Edgefield County
Fairfield County
Florence County No. 4
Florence County No. 1
Florence County No. 3
Florence County No. 5
Florence County No. 2
Georgetown County
Greenville County
Greenwood County No. 52
Greenwood County No. 50
Greenwood County No. 51
Hampton County No. 1
Hampton County No. 2
Horry County
Jasper County
Kershaw County
Lancaster County No. 1
Laurens County No. 55
Laurens County No. 56
Lee County
Lexington County No. 1

SOUTH CAROLINA—continued

Lexington County No. 3
 Lexington County No. 2
 Lexington County No. 5
 Marion County No. 2
 Marion County No. 4
 Marion County No. 1
 Marion County No. 3
 Marlboro County
 McCormick County
 Newberry County
 Oconee County
 Orangeburg County No. 2
 Orangeburg County No. 3
 Orangeburg County No. 5
 Orangeburg County No. 6
 Orangeburg County No. 7
 Orangeburg County No. 1
 Orangeburg County No. 4
 Orangeburg County No. 8

Pickens County
 Richland County No. 1
 Richland County No. 2
 Saluda County
 Spartanburg County No. 3
 Spartanburg County No. 7
 Spartanburg County No. 6
 Spartanburg County No. 1
 Spartanburg County No. 2
 Spartanburg County No. 4
 Spartanburg County No. 5
 Sumter County No. 2
 Sumter County No. 17
 Union County
 Williamsburg County
 York County No. 2
 York County No. 1
 York County No. 3
 York County No. 4

TENNESSEE

Alamo
 Alcoa City
 Bells
 Brownsville City
 Campbell County
 Chattanooga
 Chester County
 Clarksville-Montgomery County
 Cleveland City
 Covington City Elem
 Crockett County
 Crockett Mills Spe.
 Davidson County
 Dyersburg City
 Dyer County
 Fayette County
 Fayetteville City
 Franklin County
 Franklin Spec
 Friendship City
 Gadson Spe
 Gidson County
 Hardeman County
 Hardin County
 Haywood County
 Hamilton County
 Henderson County
 Henry County
 Hickman County

Humboldt City
 Humphreys County
 Jackson City
 Johnson City
 Knoxville City
 Lake County
 Lauderdale County
 Lebanon City Elem
 Lewis County
 Madison County
 Maury
 McNairy County
 Memphis
 Milan City
 Monroe County
 Mufreesboro City
 Obion
 Paris Spe
 Robertson County
 Rutherford County
 Shelby County
 Sumner County
 Sweetwater
 Tipton County
 Trousdale County
 Union City
 Watertown
 Williamston County
 Wilson County

TEXAS

A & M Cons ISD
 Abilene ISD
 Aldine ISD
 Amarillo ISD
 Anahuac ISD
 Anderson ISD
 ARP ISD
 Athens ISD
 Atlanta ISD
 Austin ISD
 Bastrop ISD
 Bay City ISD
 Beaumont ISD

Bellville ISD
 Big Sandy ISD
 Brenham ISD
 Broadus ISD
 Brownfield ISD
 Brownsboro ISD
 Bryan ISD
 Buffalo ISD
 Burkeville ISD
 Butler ISD
 Calvert ISD
 Cameron ISD
 Carrollton Farmers Br ISD

TEXAS—continued

Carthage ISD	Jacksonville ISD
Center ISD	Jackson ISD
Centerville ISD	Jasper ISD
Chapel Hill ISD	Jeddo ISD
Chester ISD	Jefferson ISD
Clarksville ISD	Joaquin CSD
Cleveland ISD	Karnack ISD
Coldsprings-Oakhurst	Katy ISD
Commerce ISD	Kaufman ISD
Concord ISD	Kilgore ISD
Conroe ISD	Mineola ISD
Corpus Christi ISD	Monahans-Wickett-Pyote ISD
Corrigan-Camden ISD	Montgomery ISD
Corsicana ISD	Mount Haven SCSD
Crockett ISD	Mount Pleasant ISD
Crosby ISD	Nacogdoches ISD
Cuero ISD	Navasota ISD
Cypress-Fairbanks ISD	New Diana ISD
Dalingerfield ISD	Newton ISD
Dallas ISD	Northeast Houston ISD
Dayton ISD	Ore City ISD
Denton ISD	Palestine ISD
Diboll Con ISD	Pampa ISD
Dickinson ISD	Paris ISD
Ector ISD	Pewitt ISD
Edna ISD	Pittsburg ISD
El Campo Con ISD	Silsbee ISD
Elysian Fields ISD	Slaton ISD
Ennis ISD	Smithville ISD
Fairfield ISD	Snook ISD
Ferris ISD	Sonora ISD
Fort Worth	South Park ISD
Fort Bend ISD	Sulphur Springs ISD
Galena Park ISD	Sweetwater ISD
Galveston ISD	Tatum ISD
Garland ISD	Taylor ISD
Garrison ISD	Teague ISD
Georgetown ISD	Temple ISD
Gilmer ISD	Tenaha ISD
Gladewater ISD	Terrell ISD
Goodrich ISD	Texarkana ISD
Goose Creek ISD	Timpson ISD
Grand Prairie ISD	Tomball ISD
Grapeland ISD	Trinity ISD
Greenville ISD	Tyler ISD
Groesbeck ISD	Union Hill ISD
Hallsville ISD	Van Vleet ISD
Hardin-Jefferson ISD	Waco ISD
Harleton ISD	Waller CSD
Hearne ISD	Waskom ISD
Hemphill ISD	Waxahatche ISD
Hempstead ISD	Welmar ISD
Henderson ISD	West Orange Cove ISD
Hitchcock ISD	West Sabine ISD
Hooks ISD	Wharton ISD
Houston ISD	Whitehouse ISD
Huntsville ISD	Wichita Falls ISD
Hurst-Euless-Bedford ISD	Willis ISD
Irving ISD	Wilmer-Hutchins ISD
Italy ISD	Winona ISD
	Woodville ISD

VIRGINIA

Accomack County	Loudoun County
Amelia County	Louisa County
Amherst County	Lunenburg County
Appomattox County	Lynchburg City
Bedford County	Martinsville City
Brunswick County	Mathews County
Buckingham County	Mecklenburg County
Campbell County	Middlesex County
Caroline County	Nansemond County
Charles City County	Nelson County
Charlotte County	New Kent County
Charlottesville City	Newport News City
Chesapeake City	Norfolk City
Chesterfield County	Northhampton County
Cumberland County	Northumberland County
Danville City	Nottoway County
Dinwiddie County	Orange County
Essex County	Petersburg City
Fluvanna County	Pittsylvania County
Franklin City	Portsmouth City
Franklin County	Powhatan County
Fredericksburg City	Prince George County
Galax City	Richmond County
Gloucester County	Richmond City
Goochland County	Roanoke City
Greensville County	Roanoke County
Halifax County	Southampton County
Hampton City	South Boston City
Hanover County	Spotsylvania County
Henrico County	Suffolk City
Henry County	Surry County
Hopewell City	Sussex County
Isle of Wight County	Virginia Beach City
King William County	Westmoreland County
King and Queen County	Williamsburg City

WEST VIRGINIA

Mingo County

ATTACHMENT NO. 3.

LIST OF SUPERINTENDENTS' CONFERENCES AND PROGRAM DEVELOPMENT WORK SHOP SCHEDULES

Coordinators have been instructed to keep regional office (senior program officer) advised of any change to the following list.

ALABAMA

Mr. Robert Morris, Coordinator, Regional Office Tele: 404-520-3076; Mr. Rudolph Hadley, Tele: 404-526-3076; Dr. David Bjork, Mobile Center, Tele: 205-344-3400, ext. 286; Dr. Stafford Clark, Auburn Center, Tele: 205-826-5970. Superintendents' meeting: 10:00 a.m., August 27, 1970, Auditorium, 2nd Floor, State Office Building, Montgomery, Alabama, Tele: 205-269-7421.

Program development workshop sessions: Dates, September 8, 9, 10, 11. Birmingham.—University of South Alabama, Education Service Center, 7525 Madrid Avenue, Birmingham, Alabama, Tele: 205-833-7602.

Auburn.—Auburn University, Haley Center, Room 2207, Auburn, Alabama, Tele: 205-826-4460 or 826-4446.

ALABAMA—continued

Mobile.—University of South Alabama, 2005 Bay Front Road, Brookley Air Force Base, Mobile, Alabama, Tele: 205-433-3511.

Huntsville.—Location will be announced on August 27, 1970, at Superintendents' meeting, Meeting in Montgomery. For details contact Mr. Morris, Tele: 404-526-3076.

ARKANSAS

Mr. Hal Kennamer, coordinator, Regional Office Tele: 214/749-3084; Mr. Jack Hollensed, Tele: 214-749-3084; Dr. A. B. Wetherington, Arkansas Center, Tele: 501-246-4531; Mr. Earl Willis, State Department of Education, Tele: 501-371-1461.

Superintendents' meeting: 9:00 A.M., August 21, 1970, Board Room, State Education Building, Little Rock, Arkansas, Tele: 501-371-1461.

Program development workshop sessions: 9:00 A.M., August 27-28, 1970, Board Room, State Education Building, Little Rock, Arkansas, Tele: 501-371-1461.

FLORIDA

Dr. John Lovegrove, coordinator, Regional Office Tele: 404-526-3076; Mr. Charles Trussell, Tele: 404-526-3076; Dr. Gordon Foster, University Center, Tele: 305-284-3213; Mr. Dan Cunningham, State Department of Education, Tele: 904-699-5131.

Superintendents' meeting: 9:00 A.M., August 26, 1970, Manager Motor Inn, Tampa, Florida, Tele: 813-223-2456.

Program development workshop sessions: August 27, 28, 31; September 1, Manager Motor Inn, Tampa, Florida, Tele: 813-223-2456; Evenings contact Dr. Lovegrove, Tele: 813-223-2456.

GEORGIA

Mr. Jack Simmons, coordinator, Regional Office, Tele: 404-526-3076; Mr. Bobbie Bowen, Tele: 404-526-3076; Dr. Morrill Hall, University Center, Tele: 404-526-1821; Mr. W. Harry, State Department of Education, Tele: 404-688-2390.

Superintendents' meeting: 1:00 p.m., August 21, 1970, FFA Camp, Lake Jackson, Georgia.

Program development workshop sessions: August 31, 1970, 9:00 a.m., Holiday Inn, on U.S. 41, Griffin, Georgia, Tele: 404-277-1516.

September 1, 1970, 9:00 a.m., Holiday Inn, Griffin, Georgia, Tele: 404-227-1516.

September 2, 1970, 10:30 a.m., Holiday Inn, 422 Oglethorpe Blvd., Albany, Georgia, Tele: 912-436-6371.

September 3, 1970, 9:00 a.m., Holiday Inn 422 Oglethorpe Blvd., Albany, Georgia, Tele: 912-436-6371.

September 4, 1970, 9:00 a.m., Holiday Inn, 1725 Memorial Drive, Waycross, Georgia, Tele: 912-283-4490.

September 8, 1970, 1:00 p.m., Holiday Inn, 230 South Main, Statesboro, Georgia, Tele: 912-764-0121.

September 9, 1970, 9:00 a.m., Holiday Inn, Statesboro, Georgia, Tele: 912-764-0121.

September 10 and 11, 1970, 10:00 a.m., State Department of Education, 266 State Office Building, Atlanta, Georgia, Tele: 404-688-2390.

KENTUCKY

Mr. Robert Harvey, Coordinator, Regional office Tele: 215-597-9219; Miss Ellen Lyles, Tele: 404-526-3076; Mr. Shattles, Kentucky State Department of Education, Tele: 502-564-6916.

Superintendents' meeting: 9:00 a.m., August 21, 1970, Education Building, 598 James Robinson Parkway, Nashville, Tennessee, Tele: 615-254-3406.

Program development workshop sessions: August 31, September 1, 2, Executive Building, 209 St. Clair Street, Frankfort, Kentucky, Tele: 502-564-6916; Evenings: Contact Mr. Harvey, Tele: 502-227-2282.

LOUISIANA

Mr. A. T. Miller, Coordinator, Regional Office Tele: 214-749-3084. Mr. Linden Lee, Tele: 244-749-3084; Dr. Glenn Hontz, University Center, Tele: 504-800-5427; Mr. Charles Smith, State Department of Education, Tele: 504-389-5109.

Superintendents' meeting: August 21, 1970, State Education Building, Baton Rouge, Louisiana. Tele: 504-389-5109.

Program development workshop sessions: August 31, 1970, 10:00 a.m., Quachita School Board, Media Center, St. Johns Street, Monroe, Louisiana.

September 1, 1970, 9:00 a.m., Room 321, Student Union, Building, Northwestern State University, Natchitoches, Louisiana.

September 2, 1970, 9:00 a.m., Lafayette School Board, Airport Road, Lafayette, Louisiana.

September 3, 1970, 10:00 a.m., Baton Rouge, Louisiana State Department, Auditorium, 1st Floor.

For further details contact Mr. Linden Lee, Tele: 214-749-3804, 504-389-5109 or Dr. Hontz, 540-800-5427.

MISSISSIPPI

Mr. John Cross, Coordinator, Regional Office Tele: 404-520-3076; Mr. Henry Kemp, Tele: 404-520-3076; Dr. Leonard McCullough, University Center, Tele: 601-325-3917.

Superintendent's meeting: 1:00 PM, August 26, 1970; 9:00 AM, August 27, 1970; Auditorium, 1st Floor, Wookfolk State Office Building, Jackson, Mississippi, Tele: 601-354-6938; Evenings, contact Mr. Cross, Tele: 601-354-2501.

Program development workshop sessions: September 1, 2, 3, The Consultant Center, Mississippi State University, State College, Mississippi, Tele: 601-325-3917.

NORTH CAROLINA

Mr. John Rooks, Coordinator, Regional Office Tele: 215-597-9219; Mr. Frank Carter, Tele: 215-597-9219; Dr. William Gaines, University Center, Tele: 919-832-4823; Mr. Robert Strother, State Department of Education, Tele: 919-829-4007.

Superintendents' meeting: 10:00 AM, August 20, 1970, History and Archives Building, Jones Street, Raleigh, North Carolina.

Program development workshop sessions: August 24-26, 1970, Education Building, Department of Public Instruction, Raleigh, North Carolina, Tele: 919-829-4207; Evenings contact Mr. Rooks, Tele: 919-782-0946.

OKLAHOMA

Mr. Albert Macias, Coordinator, Regional Office Tele: 214-749-3084; Mr. Edward Kelson, Tele: 214-749-3084; Dr. Joe Garrison, University Center, Tele: 405-325-1841; Mr. Van Wright, State Department of Education, Tele: 405-521-3303.

Superintendents' meeting: August 20, 1970, Forum Building, School of Continuing Education, University of Oklahoma, Norman, Oklahoma, Tele: 405-325-1841.

Program development workshop sessions: August 24-26, 1970, Forum Building, School of Continuing Education, University of Oklahoma, Norman, Oklahoma, Tele: 405-325-1841.

SOUTH CAROLINA

Mr. Ernest Bunch, Coordinator, Regional Office Tele: 404-520-3076; Mr. Thomas Grant, Tele: 404-520-3076; Dr. Larry Winecoff, University Center, Tele: 803-777-8150; Mr. Joe Durham, State Department of Education, Tele: 803-758-2157 or 758-2435.

Superintendent's meeting: Meeting was held in Columbia, S.C., on August 12, 1970.

Program development workshop sessions: 9:00 AM, August 25-28, 1970, Wade Hampton Hotel, 1201 Main Street, Columbia, South Carolina, Tele: 803-250-4301.

TENNESSEE

Mr. Robert Harvey, Coordinator, Regional office Tele: 215-597-9219; Miss Ellen Lyles, Tele: 401-526-3076; Dr. Frederick Vendetti, University Center, Tele: 615-974-2217; Mr. Dorn, State Educational Department, Tele: 615-741-2328.

Superintendents' meeting: 9:00 AM, August 21, 1970, Education Building, 598 James Roblison Parkway, Nashville, Tennessee; Tele: 615-254-3400.

Program development workshop sessions: August 31, September 1, 2, 3, Cordell Hull Building, Room 114, Nashville, Tennessee, Tele: 615-741-2328; Evenings: Contact Miss Lyles, Tele: 615-254-1051.

TEXAS

Mr. Tom Kendrick, Coordinator, Regional Office; Tele: 214-749-3081; Mr. Sam Booker, Tele: 214-749-3081; Mr. Pete Williams, University Center, Tele: 512-471-3625; Mr. Leon Graham, State Department of Education, Tele: 512-475-2407; Mr. Gill Conoley, State Department of Education, Tele: 512-475-2407.

Superintendents' meeting: 10:00 AM, August 24, 1970, Terrace Motel, Austin, Texas.

Program development workshop sessions: August 31, September 1, Marlott Motel, Dallas, Texas; September 3, 4, Houston, Texas. Location of the meeting in Houston is to be announced. For further details, contact Mr. Kendrick or Mr. Williams, Tele above.

WEST VIRGINIA, VIRGINIA, MARYLAND

Mr. Edward Cooper, Coordinator, Regional Office Tele: 215-597-9219; Dr. James Bash, University Center, Tele: 703-924-3527; Mr. Roy Blizzard, West Virginia State Department of Education, Tele: 304-345-2101; Mrs. V. Jones, Maryland State Department of Education, Tele: 301-383-3010.

Superintendents' meeting: August 20, 1970, John Marshall Hotel, Roof Garden Room, Richmond, Virginia, Tele: 703-644-4661.

Program development workshop sessions: 9:00 AM, August 25, 26, 27, 1970, John Marshall Hotel, Richmond, Virginia, Tele: 703-644-4661.

Technical assistance available from regional and Washington prior to scheduled conferences.

Meeting to assist eligible school systems in Northern and Western States: September 10, Trenton, N.J.; September 11, Albany, N.Y.; September 14, Chicago, Ill.; September 18, San Francisco, Calif.; September 18, Jefferson City, Mo.

These will be one-day meetings to provide information on regulation and the requirements of the Emergency School Assistance Act: September 21-22, Chicago, Ill.; September 21-22, San Francisco, Calif.; September 24-25, Albany, N.Y.; September 24-25, Trenton, N.J.; September 24-25, Jefferson City, Mo.

These will be two day workshops with consultants and title iv staff available to assist each school system develop its project proposal.

ATTACHMENT NUMBER 4.—FUNDS AWARDED AND REQUESTED UNDER THE EMERGENCY SCHOOL ASSISTANCE PROGRAM BY DISTRICT AND STATE AS OF SEPT. 18, 1970

District	Amount awarded	Amount requested
Alabama:		
Butler County Board of Education	\$77,454.00	\$78,654
Eufaula City Board of Education	29,000.00	29,000
Troy City School Board	28,300.00	57,110
Total, 3 districts	134,754.00	294,764
Arkansas:		
Camden Public School District	43,275.00	152,412
Clarendon School District No. 6	7,527.00	21,848
Crossett School District	13,075.00	54,800
Elaine School District	24,700.00	75,805
Eudora public schools	20,431.00	238,242
Helena-West Helena District No. 2	68,500.00	128,353
Hol Springs School District No. 6	24,250.00	24,250
Lakeside School District No. 1	20,500.00	84,712
Monticello public schools	11,500.00	31,977
Newport School District	11,250.00	47,025
Prescott School District No. 14	10,200.00	155,559
Wynne School District	29,300.00	76,072
Total, 12 districts	284,508.00	1,091,055

ATTACHMENT NUMBER 4.—FUNDS AWARDED AND REQUESTED UNDER THE EMERGENCY SCHOOL ASSISTANCE PROGRAM BY DISTRICT AND STATE AS OF SEPT. 18, 1970 Continued

District	Amount awarded	Amount requested
Florida:		
Alachua County School District	\$125,879.00	\$125,879
Baker County District School Board	17,000.00	17,000
Bay County School Board	31,000.00	86,363
Calhoun County Schools	7,000.00	7,000
Duval County School Board	675,000.00	1,240,237
Escambia County School District	224,895.00	224,895
Flagler County School Board	15,000.00	15,000
Gadsden County public school system	133,300.00	352,700
Gulf County School Board	16,040.00	31,096
Hamilton School Board	32,000.00	32,000
Highland County School Board	32,000.00	32,000
Indian River County School Board	44,000.00	44,000
Jackson County School Board	58,086.00	58,086
Jefferson County School Board	30,000.00	30,000
Lafayette County School Board	3,500.00	3,500
Lake County School Board	113,482.00	113,482
Lee County School Board	72,024.00	76,924
Madison School Board of Education	50,000.00	50,000
Nassau County Board of Public Instruction	25,000.00	25,000
Putnam County school system	58,440.00	58,440
Seminole County School District	80,000.00	80,000
St. Johns County schools	40,725.00	42,000
St. Lucie County School District	139,570.00	139,570
Suwannee County School Board	20,000.00	20,000
Taylor County School Board	25,000.00	25,000
Walton County Board of Public Instruction	12,500.00	12,500
Washington County School District	15,200.00	71,821
Total, 27 districts	2,096,641.00	3,014,493
Georgia:		
Americus City Board of Education	34,000.00	34,000
Appling County Board of Education	18,313.00	18,313
Baldwin County Board of Education	88,965.00	56,925
Berrien County schools	8,748.00	8,748
Ben Hill County Board of Education	4,248.00	7,528
Bibb County Board of Education	270,000.00	270,000
Bleckley County Board of Education	4,200.00	4,200
Brooks County schools	22,351.00	22,351
Bryan County Board of Education	15,000.00	15,000
Bulls County school system	26,000.00	28,500
Calhoun County Board of Education	24,400.00	36,400
Carrollton Board of Education	15,000.00	15,000
Clay County Board of Education	14,494.00	17,000
Clinch County Board of Education	13,040.00	13,040
Cochran City schools	8,442.00	15,000
Columbia County Board of Education	32,000.00	32,000
Cook County Board of Education	24,374.00	24,374
Coweta County school system	90,282.00	90,282
Crawford County Board of Education	19,000.00	22,000
Crisp County school system	65,925.00	65,925
Decatur County Board of Education	80,000.00	80,000
Dodge County Board of Education	25,000.00	25,000
Dougherty County school system	255,000.00	255,000
Early County Board of Education	54,000.00	95,000
Echols County Board of Education	2,450.00	2,450
Fitzgerald City Board of Education	19,090.00	19,090
Glynn County Board of Education	105,000.00	125,000
Grady County Board of Education	38,000.00	38,000
Griffin-Spalding Board of Education	58,100.00	58,100
Hawkinsville City Board of Education	5,000.00	64,500
Heard County Board of Education	6,726.00	6,726
Hogansville City schools	8,500.00	8,500
Jasper County Board of Education	17,000.00	19,000
Jeff Davis County Board of Education	10,004.00	10,004
Jefferson County Board of Education	56,500.00	56,500
LaGrange public schools	39,000.00	39,000
Lanier County Board of Education	16,000.00	16,000
Laurens County school system	23,100.00	23,100
Lee County, Board of Education	21,200.00	20,000
Liberty County school system	31,000.00	31,000
Lincoln County Board of Education	26,500.00	26,500
Lowndes County Board of Education	48,858.00	48,858
McDuffy County Board of Education	44,178.00	53,000
Macon County Board of Education	47,000.00	47,000
Meriwether County Board of Education	50,000.00	50,000
Miller County Board of Education	11,000.00	11,000
Mitchell County Board of Education	39,889.00	40,399
Montgomery County Board of Education	13,000.00	13,000

**ATTACHMENT NUMBER 4.—FUNDS AWARDED AND REQUESTED UNDER THE EMERGENCY SCHOOL ASSISTANCE
PROGRAM BY DISTRICT AND STATE AS OF SEPT. 18, 1970—Continued**

District	Amount awarded	Amount requested
Georgia—Continued		
Newton County Board of Education.....	\$43,000.00	\$43,000
Oglethorpe County Board of Education.....	30,000.00	30,000
Peach County Board of Education.....	45,108.00	45,108
Pelham Board of Education.....	15,500.00	15,500
Pike County Board of Education.....	17,892.00	17,892
Pulnam County Board of Education.....	25,560.00	25,560
Rome Board of Education.....	37,000.00	37,000
Seminole County Board of Education.....	16,650.00	19,650
Stephens County Board of Education.....	12,280.00	22,000
Sumter County Board of Education.....	30,350.00	45,350
Telfair County Board of Education.....	22,622.00	22,622
Thomas County Board of Education.....	36,000.00	36,000
Thomasville City School Board.....	69,000.00	69,000
Tift County Board of Education.....	42,000.00	42,000
Treutlen County Board of Education.....	20,500.00	22,500
Turner County Board of Education.....	27,000.00	27,000
Vidalia City schools.....	23,500.00	26,500
Waycross public schools.....	60,000.00	60,000
Wayne County Board of Education.....	23,000.00	23,000
West Point public schools.....	12,500.00	12,500
Wilcox County Board of Education.....	14,500.00	29,000
Wilkinson County Board of Education.....	22,000.00	18,000
Total, 70 districts.....	2,595,789.00	2,767,495
Kentucky:		
Fulton County Board of Education.....	4,430.00	4,430
Fulton County public schools.....	32,700.00	63,480
Paducah Independent School District.....	14,400.00	16,000
Total, 3 districts.....	51,530.00	83,910
Maryland:		
Dorchester County schools.....	74,500.00	84,000
Prince Georges County schools.....	365,135.00	444,603
Total 2 districts.....	439,635.00	528,603
Mississippi:		
Amory public schools.....	24,836.00	24,836
Attala County School District.....	54,327.00	34,544
Baldwyn Separate School District.....	6,011.00	11,695
Benton County schools.....	34,400.00	37,850
Bolivar County School District No. 1.....	61,625.00	63,625
Brookhaven Municipal Separate School District.....	49,741.00	50,141
Choctaw County school system.....	24,790.00	24,790
Clay County Board of Education.....	11,000.00	11,000
Covington County public schools.....	30,000.00	30,000
DeSoto County School District.....	131,850.00	163,850
Forest Separate School District.....	16,988.00	16,988
Greene County schools.....	13,000.00	13,000
Greenwood Municipal Separate School District.....	91,600.00	120,600
Itawamba County schools.....	5,425.00	5,425
Jackson Municipal Separate School District.....	1,300,000.00	3,700,000
Jefferson County schools.....	51,584.00	51,584
Kosciusko Municipal Separate School System.....	35,500.00	26,000
Laurel Municipal Separate School District.....	50,000.00	50,000
Leake County School Board.....	41,000.00	41,000
Lee County School District.....	19,760.00	19,760
Louisville Municipal Separate School District.....	67,300.00	78,864
Lumberton Line Consolidated School District.....	11,200.00	199,582
McComb Municipal Separate School District.....	39,720.00	39,720
Madison County schools.....	34,480.00	67,250
Marion County schools.....	26,000.00	26,000
Marshall County schools.....	52,100.00	52,100
Nettleton Line Consolidated School District.....	12,600.00	12,600
Newton County Unit schools.....	15,000.00	15,000
Newton Special Municipal Separate School District.....	16,200.00	92,500
Noxbee County schools.....	34,000.00	34,000
Oktibbeha County schools.....	64,000.00	64,000
Pass Christian Municipal Separate School District.....	18,708.00	24,080
Poplarville Special Municipal Separate School District.....	10,000.00	15,000
Rankin County schools.....	90,160.00	90,160
Richmon Municipal Separate School District.....	5,000.00	5,000
Scott County Unit.....	42,450.00	42,450
Smith County schools.....	29,301.00	29,301
Starkville Municipal Separate School District.....	60,556.00	189,926
Tupelo Municipal Separate School District.....	24,000.00	48,200
Union Municipal Separate School District.....	10,250.00	10,250

ATTACHMENT NUMBER 4.—FUNDS AWARDED AND REQUESTED UNDER THE EMERGENCY SCHOOL ASSISTANCE PROGRAM BY DISTRICT AND STATE AS OF SEPT. 18, 1970—Continued

District	Amount awarded	Amount requested
Mississippi—Continued		
Walthall County school system.....	\$50,000.00	\$50,000
Webster County School District.....	25,780.00	29,993
Water Valley Line Consolidated School District.....	29,000.00	20,000
Winona Municipal Separate School District.....	20,500.00	29,000
Yazoo City Municipal Separate School District.....	37,908.00	56,535
Total, 45 districts.....	2,870,648.00	5,818,197
North Carolina:		
Alamance County Board of Education.....	80,010.00	416,644
Beaufort County schools.....	42,000.00	110,979
Brunswick County School Board.....	43,812.00	95,034
Camden County Board of Education.....	20,916.00	24,818
Cleveland County Board of Education.....	48,413.00	124,299
Duplin County Board of Education.....	121,235.00	121,235
Fairmont City schools.....	34,000.00	34,000
Gates County School Board.....	45,632.00	108,032
Greenville City Board of Education.....	64,200.00	95,000
Halifax County School Board.....	205,476.00	205,476
Hertford County School District.....	125,000.00	125,000
Johnston County Board of Education.....	117,450.00	151,400
Martin County Board of Education.....	110,349.00	247,089
Pamlico County Board of Education.....	30,650.00	82,256
Pasquotank-Elizabeth City School Board.....	50,859.00	66,012
Perquimans County Board of Education.....	34,819.00	40,959
Person County Board of Education.....	54,500.00	90,000
Pitt County Board of Education.....	196,464.00	747,695
Red Springs City School Board of Education.....	78,765.00	84,590
Richmond County school system.....	113,040.00	134,588
Scotland-Laurinburg County schools.....	88,368.00	88,368
Statesville City schools.....	24,390.00	144,378
Vance County Board of Education.....	86,953.00	164,415
Wake County Board of Education.....	207,093.00	207,063
Wayne County Board of Education.....	77,465.00	87,133
Whiteville City schools.....	21,413.00	25,133
Total 26 districts.....	2,073,272.00	3,821,575
Oklahoma:		
Beggs public schools.....	9,100.00	85,570
Okmulgee Public School District I-1.....	40,300.00	250,000
Total 2 districts.....	49,400.00	335,570
South Carolina:		
Abbeville County School District No. 60.....	36,800.00	36,800
Aiken County School Board.....	209,000.00	209,000
Allendale County School District.....	36,218.00	41,048
Anderson County School Board No. 1.....	13,000.00	172,637
Anderson County School District No. 2.....	16,108.00	124,534
Bamberg School District No. 1.....	34,770.00	34,770
Bamberg School District No. 2.....	18,230.00	18,230
Beauford County School Board.....	89,250.00	89,250
Berkeley County School District.....	120,000.00	320,900
Charleston County School District.....	441,218.00	584,515
Chester County schools.....	96,959.00	110,501
Darlington County School District.....	134,246.00	157,627
Dillon County School District No. 1.....	25,101.00	57,201
Dillon County School District No. 2.....	75,000.00	75,000
Dillon County School District No. 3.....	11,283.00	15,001
Edgefield County School District.....	50,000.00	266,273
Fairfield County schools.....	59,162.00	199,842
Florence County School District No. 1.....	107,984.00	117,984
Florence County School District No. 2.....	25,261.00	87,392
Florence County School District No. 5.....	7,500.00	49,948
Greenwood School District No. 50.....	60,000.00	60,000
Greenwood School District No. 52.....	8,000.00	36,176
Hampton County School District No. 1.....	38,000.00	46,140
Hampton County School District No. 2.....	31,440.00	25,510
Horry County School District.....	180,145.00	249,483
Kershaw County School District.....	90,684.00	281,854
Lancaster County School Board.....	66,000.00	152,018
Lee County School District.....	74,500.00	74,500
Marion County School Board No. 3.....	23,500.00	55,000
Newberry County public schools.....	77,714.00	77,714
Oconee County School District.....	32,866.00	175,264
Orangeburg School District No. 3.....	66,847.00	400,000
Orangeburg School District No. 4.....	15,173.00	71,075
Orangeburg School District No. 5.....	125,084.00	284,111

ATTACHMENT NUMBER 4.—FUNDS AWARDED AND REQUESTED UNDER THE EMERGENCY SCHOOL ASSISTANCE PROGRAM BY DISTRICT AND STATE AS OF SEPT. 18, 1970—Continued

District	Amount awarded	Amount requested
South Carolina—Continued		
Orangeburg School District No. 6.....	\$19,600.00	\$83,700
Orangeburg School District No. 7.....	25,568.00	39,068
Richland County School District No. 1.....	342,580.00	342,580
Richland County School District No. 2.....	24,283.00	55,516
Saluda County School District No. 1.....	29,600.00	121,900
Sumter School District No. 17.....	116,243.00	439,246
Union County School Board.....	50,300.00	67,888
York County School Board No. 2.....	17,081.00	17,081
York County School District No. 3.....	51,275.00	200,000
York County School District No. 4.....	11,200.00	18,330
Total, 44 districts.....	3,190,753.00	6,142,607
Tennessee:		
Bells City schools.....	1,440.00	10,903
Chester County Board of Education.....	10,700.00	10,700
Hardeman County Board of Education.....	79,000.00	83,000
Humboldt Board of Education.....	23,094.00	25,000
Lake County Board of Education.....	12,000.00	12,000
Lauderdale County Board of Education.....	65,000.00	65,000
Lebanon—10th School District.....	9,281.00	9,281
Madison County Board of Education.....	74,000.00	80,000
Maury City Board of Education.....	1,500.00	16,500
Metropolitan public schools—Davidson County.....	565,400.00	565,400
Milan City Board of Education.....	9,216.00	10,650
Murfreesboro City schools.....	15,480.00	25,850
Robertson County Board of Education.....	24,714.00	32,805
Shelby County Board of Education.....	245,000.00	245,000
Tipton County Board of Education.....	80,108.00	80,108
Trousdale County Board of Education.....	5,000.00	5,000
Union City Board of Education.....	12,500.00	12,500
Total 17 districts.....	1,233,433.00	1,289,697
Texas:		
Burkeville Independent School District.....	12,450.00	11,300
Center Independent School District.....	12,400.00	189,400
Crosby Independent School District.....	30,000.00	30,000
Cypress Fairbanks Independent School District.....	18,800.00	18,800
Linn Independent School District.....	12,400.00	162,000
Galena Park Independent School District.....	29,000.00	56,130
Greenville Independent School District.....	23,000.00	46,291
Groesbeck Independent School District.....	5,996.00	5,996
Hemphill Independent School District.....	9,600.00	6,900
Jasper Independent School District.....	22,800.00	28,000
Kaufman Independent School District.....	7,500.00	53,840
LaMarque Independent School District.....	30,941.00	78,000
Malakoff Independent School District.....	13,100.00	13,086
Marshall Independent School District.....	56,300.00	97,800
Palestine Independent School District.....	40,558.00	40,558
Pittsburg County Line Consolidated Independent School District.....	24,300.00	24,300
Timpson Independent School District.....	7,500.00	7,500
West Orange Cove Consolidated Independent School District.....	28,180.00	44,180
Whitehouse Independent School District.....	5,200.00	5,200
Winona Independent School District.....	9,000.00	7,985
Total, 20 districts.....	399,025.00	927,266
Virginia:		
Accomack County schools.....	55,102.00	61,636
Amelia County schools.....	20,725.00	23,950
Bedford County schools.....	12,279.54	25,000
Buckingham County schools.....	25,051.00	25,050
Charlotte County schools.....	21,600.00	21,600
Fluvanna County schools.....	20,245.00	18,245
Halifax County schools.....	66,470.00	66,470
Hampton City schools.....	97,697.97	115,480
Isle of Wight County schools.....	30,862.00	30,862
Loudon County schools.....	15,250.00	15,250
Louisa County schools.....	57,606.00	53,500
Lynchburg City School District.....	102,110.00	103,610
Mathews County schools.....	12,000.00	12,000
Middlesex County schools.....	23,330.00	33,763
Nansemond County schools.....	80,400.00	120,200
New Kent County schools.....	21,000.00	37,940
Norfolk City schools.....	293,525.00	293,525
Northampton School Board.....	28,000.00	28,000
Northumberland County School District.....	32,814.00	32,814
Nottoway County Schools.....	30,622.00	30,622

ATTACHMENT NUMBER 4.—FUNDS AWARDED AND REQUESTED UNDER THE EMERGENCY SCHOOL ASSISTANCE PROGRAM BY DISTRICT AND STATE AS OF SEPT. 18, 1970—Continued

District	Amount awarded	Amount requested
Virginia—Continued		
Pittsylvania County Schools.....	\$185,000.00	\$217,700
Powhatan County Schools.....	17,000.00	17,000
Prince George County Schools.....	29,051.00	29,051
Richmond City Schools.....	287,143.00	502,648
Roanoke City Public Schools.....	79,905.00	123,482
Southampton County Public Schools.....	60,000.00	70,000
South Boston City Schools.....	7,400.00	7,400
Spotsylvania County Schools.....	2,121.00	185,580
Suffolk City Schools.....	23,000.00	28,000
West Moreland-Colonial Beach Schools.....	23,000.00	28,000
Total, 30 districts.....	1,794,508.51	2,358,378
Grand total, 301 districts.....	17,213,606.51	28,473,611

ATTACHMENT NO. 5.—EMERGENCY SCHOOL ASSISTANCE PROGRAM ACTIVITIES

STATISTICAL REPORT—OCT. SEPTEMBER 18, 1970

Program activity

1. Special community programs.....	\$1,698,760.03
2. Special pupil personnel services.....	3,310,856.20
3. Special curriculum revision.....	3,050,434.80
4. Teacher preparation program.....	4,100,185.52
5. Special student-to-student programs.....	384,520.00
6. Special comprehensive planning.....	3,071,052.74
7. Other.....	970,877.53
Total.....	17,213,606.51

ATTACHMENT NO. 6.—SAMPLES OF EMERGENCY SCHOOL ASSISTANCE ACTIVITIES

1. SPECIAL COMMUNITY PROGRAMS

A. Promoting understanding: Examples

1. Coordinating leadership (linkage agent) to develop interaction between school and community.
2. Expansion of extra-curricular activities to include all students with parent-teacher involvement.
3. Consultant help for PTA groups, student groups, biracial committees.
4. Transportation aides to promote understanding and create security.
5. News media will recognize students for achievements.
6. Employ person to appeal to all community groups to present positive aspects of school program.
7. Information person to coordinate school-community relations, arrange conferences, write articles, and serve as speaker.
8. Consultant advisory to correlate activities between community and school.

B. Community information: Examples

1. Lay-professional laboratory and interaction sessions for problem identification.
2. Student bi-racial committee and community advisory board will establish lines of communication with school administration.
3. Employ school-home counselors to work with racially related events outside school.
4. Information person to write articles for newspapers, speak before groups, work through advisory committee.
5. Community and school meetings to disseminate correct information.

C. Committee support: Examples

1. A series of activities by advisory committee to share with school personnel responsibility for school related events.

2. Community planning teams representative of entire county will be utilized to identify and help plan changes.

3. Advisory groups of older persons whom parents trust and student advisory committee coordinated by information person.

4. Human Relations director to help develop committees to support school activities.

D. School-home visitation program: Examples

1. Parent visit school three (3) times each year. School representative will visit home three (3) times each year.

2. Home-school-community coordinator will help parents develop positive attitudes.

3. Home school coordinators will visit homes to establish positive attitudes.

4. Conduct special parent programs, small group meetings, to be coordinated by information person.

5. Community workers of both races will visit homes to give out "right" information and help develop positive attitudes.

2. SPECIAL PUPIL PERSONNEL SERVICES

A. Special guidance and counseling: Examples

1. Guidance counselors to meet racial problems and bridge gap between school-home; identify academic problems.

2. Counselor-aides to free counselors for desegregation needs.

3. Elementary counselors and clerical help to counselors.

4. Intervention agent to whom pupils can relate outside regular channels to relieve bi-racial tensions.

5. Two social workers to deal with problems created by transfers and great mobility of population.

6. Extra pupil personnel workers to meet interpersonal problems caused by social and cultural differences of students new to schools.

7. Additional guidance personnel for newly clustered school centers.

8. Full-time (Black) counselor for adequate services for minority and other groups.

9. Adult (male) to counsel with students and parents.

10. Recruit and train person having empathy and expertise for human relations problems of desegregation.

B. Remedial and others: Examples

1. Individualized materials; four (4) teacher-aides.

2. Special remedial programs in math and english; teacher, upgrade achievement level of reassigned students.

2. Special remedial programs

3. One (1) master teacher to coordinate language arts program; give individualized instruction where needed.

4. Two (2) extra teachers to give teachers opportunity to give individualized attention—especially to many Indian students.

5. Materials for students with low vocabulary.

6. Clinical-type concentrated effort toward thorough individualized instruction to raise achievement.

7. Two (2) additional teachers to assist anti-social and poorly prepared students to return to regular classes.

8. Teacher-aides to reduce student-teacher ratio because of low student achievement.

9. Supplemental teaching personnel, especially in area of reading to improve deficiencies in 5,000 students.

10. Comprehensive remedial instruction by teacher, student tutorial services.

C. Special consultants: Examples

1. Coordination of services with colleges for psychological help for high incidence of emotional or psychological problems among students.

2. Student referrals at recommendation of interventionist counselors.

3. Contract for psychological evaluations.

3. SPECIAL CURRICULUM REVISION

A. New techniques and materials for background differences: Examples

1. Curriculum revision workshops, involving teachers, students, and parents.
2. Materials suitable for all educational levels.
3. Two (2) professional personnel with expertise in Early Childhood Education and Middle Grade Education.
4. Curriculum and multi-media materials to improve students' self-concepts and develop interracial understanding.
5. Appropriate materials for in-service learning activities.
6. Computer-assisted drill and practice materials in Math and English.
7. Multi-media facilities to provide students with basic skills.
8. New and varied instructional materials to motivate and improve attitudes towards learning.
9. Social studies teaching and materials to include varied ethnic and racial contributions.
10. Instructional materials for varied cultural, ability, and interest levels.
11. Programs for individualized instructions which includes team-teaching, non-graded programs and master teachers.
12. Inservice programs to assist teachers in dealing with children who have inadequate English skills.

B. New techniques and materials for evaluation of student progress: Examples

1. Evaluation for effective procedures in techniques.
2. Use of many techniques that incorporate self evaluation, discovery, peer-to-peer relationship.

C. Demonstration of innovative instructional methods: Examples

1. Through in-service programs, disseminate information to staff—then to students.
2. Develop model programs to meet individual student needs through personnel, materials, equipment and services.
3. Sixty (60) day unit of work with emphasis on problem solving to student felt needs.
4. Increase use of school facilities for parent use.
5. Demonstrate newer techniques, materials, team teaching, flexible scheduling, etc.
6. Use of multi-ethnic, high interest, low vocabulary materials.
7. Curriculum that meets needs of overaged potential dropout, frustrated by problems of desegregation.
8. Model programs in terms of strategies, methods, materials and demonstrations to upgrade teaching methods.
9. Special demonstration projects for introduction of innovative instructional methodology to improve quality of education.

4. TEACHER PREPARATION PROGRAMS

A. Special demonstration projects: Examples

1. Three (3) master teachers in science, math, and language arts to serve attendance zones not served.
2. Continuous reinforcement of identification, sequencing, and pacing materials.
3. In-service programs of continuous nature for teachers with master teachers and explanatory instruction via video tapes, etc.
4. Demonstrate effective models which teachers will adapt for individual needs.
5. A nongraded language arts program in elementary schools.
6. Opportunity for teachers to explain innovative instructional methodologies, new curricula, etc.

B. In-service training: Examples

1. In-service programs for teachers in area of language skills to deter and remedy different ethnic, speech patterns.
2. In-service by master teachers in language arts for teachers involved in special attendance area.
3. Establishment of reading center to provide teachers training in language arts—emphasis on dialects.

4. Consultant to provide expertise for teacher workshops, conferences, and seminars.
5. Workshops for teachers in new situations to upgrade communication methods.
6. Acquaint teachers with home language of students.
7. Program on inter-race communications thru redirection of English language programs and activities to involve communication skills.
8. In-service for teachers to help develop understanding of language difference.

C. Methods for upgrading basic instructional skills: Examples

1. In-service education programs on "techniques of teaching."
2. In-service to familiarize teachers with needs of characteristics of children of other races.
3. In-service courses to assist teachers to understand and appreciate ethnic and cultural differences with emphasis on black history.
4. In-service to upgrade basic instructional skills of teachers who teach majority of opposite race.
5. Provide expertise in basic skills and methods by developing teacher competency and emotional security in working with interracial groups.
6. Release time for teachers to participate in training programs with specialized trainers.
7. Training for teachers in basic K-12 curriculum sequence.
8. Thirty-six (36) weeks of in-service for fifty six (56) teachers.
9. Use of "Models for Curriculum Development."

D. Seminars and Institutes: Examples

1. Special consultants to conduct teacher in-service in human relations minority cultural disadvantaged, etc.
2. Employ persons with experience in areas of desegregation to conduct seminars and workshops.
3. Human relations consultant to help teachers resolve minority and non-minority differences and to develop acceptance.
4. Employ consultants for assistance in solution of problems incidental and compounded by desegregation.
5. Community will participate in activities to create understanding: parent-teacher-student.
6. Opportunities for teachers and administrators to share ideas and experiences with persons who have expertise in group dynamics and solving problems of different cultures.
7. Consultant assistants from schools which have attained success to work with small groups.
8. Expertise in developing a language arts curriculum.

E. Temporary teachers: Examples

1. Substitute teacher to replace teachers involved in in-service programs related to desegregation.
2. Temporary teachers to release teachers to plan and prepare better instructional methods.
3. Temporary teachers for teachers to participate in communication labs, seminars, and workshops.
4. Teacher substitutes to assist so that teachers may visit programs designed to improve language skills.

F. Teacher aides: Examples

1. Aides to relieve teachers of clerical duties in order that they can work with individual students with problems.
2. Aides at elementary level to give teachers time for individual instruction to students.
3. Aides to free teachers to work with students; aides work with small groups under teacher supervision.
4. Aides to help reduce teacher load in elementary schools.
5. Teaching assistants for General Educational Development Program.
6. Aides to work in model programs.
7. Aides to release teachers for individualized instruction.
8. Two (2) full time aides for student supervision.
9. Para-professionals for clerical and housekeeping duties.
10. Aides to help with small groups of slow students, under supervision of teachers.

11. High school student teacher ratio-aides to give teachers more time for individualized instruction.
12. Aides to assist teachers with student needs.
13. Aides to free teachers to work with slow students.
14. Aides for teachers with unusually large classes.

5. STUDENT TO STUDENT PROGRAMS

A. Development of channels of communication of interpersonal relations: Examples

1. Members of other race added to student council.
2. Student recreational area for after school activities and planned programs.
3. Set up American Government Institute for representatives from government agencies to speak to students; students to visit government agencies: Bi-racial committee of participants (20B-20W).
4. Bi-racial committee of students.
5. Programs and activities to develop inter-personal and inter group relationships.
6. Activities for out of school situations to develop bi-racial acceptance, attitudes, etc.
7. Equipment for extra curricular activities for students.

6. SPECIAL COMPREHENSIVE PLANNING AND SUPPORT

A. Additional administrative and clerical personnel: Examples

1. Clerk-typist to assist with records, etc.
2. Four (4) secretaries for ESA program.
3. Coordinator of ESA.
4. Administrative and Clerical Staff for ESA.
5. Part-time Director and secretary.
6. Clerical employee.
7. Director of ESA and clerical.

B. Rescheduling and reassignment: Example

1. Computer Contracted.

C. Transportation routes: Examples

1. Resource persons to work with parents, students, drivers, and principals. Space for remedial program.

D. Supervising physical changes: Examples

1. Transportation of bus students to high school—Driver Contracted Services.
2. Full-time personnel to supervise bus routes.
3. Supervisor of moving—getting materials where students are reassigned.

E. Minor repairing and remodeling: Examples

1. Clerical employee, office supplies, relocation of blackboard, lower water fountains, toilets, shelving, etc.
2. Relocation of blackboards, lower water fountains, toilets, and rebuilding shelving.
3. Sixteen (16) portable units.
4. Remodeling of bandrooms and new restrooms.
5. Moving portable classrooms.
6. Mobile purchase and remodeling.
7. Two demountable equipped classrooms.
8. Two shop classrooms—Rental equipment.
9. Minor repair to middle school.
10. Purchase of buses and materials for pupil transportation.

7. OTHER ACTIVITIES

1. Buses and drivers for field trips.
2. Accounting: Salary, Travel, Contracted Services, Supplies, Reproduction, Admst. Exp., Admst. Sup., Equipmt. Pur.
3. Instructor to work with students on trips to planetarium, museums, etc. Salary, Service Contracted.

4. Part time person for weekend supervision of recreation, equipment & supplies : Salary ; Supplies ; Equipment.
5. Professional or technical expertise for Court Ordered Comprehensive Study of School System : Contracted Services.
6. Chairs and equipment in cafeteria and auditorium.

ATTACHMENT NO. 7

301 projects have been funded to date involving activities listed below :

- 25 projects involved all seven activities.
- 63 projects involved all six activities.
- 75 projects involved all five activities.
- 49 projects involved all four activities.
- 70 projects involved all three activities.
- 61 projects involved all two activities.
- 57 projects involved all one activities.

Mr. PUCINSKI. Thank you very much, Commissioner.

Mr. Brader, do you have anything to add ?

Mr. BRADER. No, sir ; thank you.

Mr. PUCINSKI. Dr. Bell, can you tell us of any instances or can you cite any instances or examples for the record where you feel that this Federal aid has actually played a significant role in either reducing or curtailing or preventing any turmoil in the transition or is it too early to tell ?

Commissioner BELL. I think I might refer that question to Mr. Brader. He has been working with the projects. He is familiar with the districts on a more detailed basis.

Mr. BRADER. Congressman, I might just preface my statement by making note of the fact that I have been working with this particular program for a little over 3 years. The frequency and magnitudes of the type of problems that have occurred have been in a declining state for some time, some period of time.

We think it is especially true and we strongly believe here that the influx of program activities under the ESSEA program in several instances have been substantially minimized, the turmoil, problems, and again the general frustrations and attitudes that go with the transition process.

I think it is considerably too early to give hard, statistical correlations. We have the capacity to do this within this particular act. We do have, at this point, anecdotal types of responses from superintendents and boards of education that have responded voluntarily to us to the position that because they were able to go either on radio or television or before their local communities and make statements of the effect that they did have a grant, they would be implementing it shortly, that this has had a great calming effect upon getting more children into school and in their estimation would substantially reduce the turmoil that has been associated with the desegregation process.

Mr. PUCINSKI. Has the changeover in most of these school districts increased or decreased the amount of busing of youngsters ?

Mr. BRADER. Most of them have decreased, Congressman.

Mr. PUCINSKI. This is because these youngsters are being assigned to schools closer to their school district than existed before, is that it ?

Mr. BRADER. I think there might be several reasons, Congressman. If the school district was operating a dual system, it would follow that generally a dual transportation operation was in existence.

And the net student miles transported as a result of implementing

desegregation plans would be substantially reduced in the majority of the districts.

Mr. PUCINSKI. Are we using any Federal funds under this particular act for busing of youngsters?

Mr. BRADER. Some districts have made application and have been granted funds for transportation practices where a specific court order has required that district to so implement such a plan.

Commissioner BELL. To be specific, the notes I have indicate that we have granted \$751,000, thus far, in the area of transportation out of the amount that we reported.

Mr. PUCINSKI. How do you get around the Federal prohibition against the use of Federal funds for busing to overcome racial imbalance?

Mr. BRADER. Congressman, to our knowledge, there are no court orders requiring mathematical racial balance, but as a result of a district implementing a specific desegregation plan, if that is a cost that is incurred clearly as a result of implementing such a plan, then that is the emergency need that the Federal Government could be responsive to.

Mr. PUCINSKI. Well, where you have a legislative act which puts a prohibition against use of Federal funds for a specific purpose, and then you have a court order that goes the other way, are you giving precedence to the court order and what happens to the legislative edict in this matter?

Does that go out of the window? Now, we specifically have prohibitions in the appropriations bill, if my memory serves me right.

These amendments specifically prohibit the use of Federal funds for busing, and Senator Javits made it very clear in the general debate on this particular bill and in the bill before the committee, I believe Mr. Quie has made it very clear, that this program would be administered in accordance with the law.

I am just wondering what has happened to legislative intent in this government?

Doesn't the act of the legislature have any significance any more?

Commissioner BELL. The premise that we have been operating on is that prohibition was against busing to obtain balance in de facto segregation and not to eliminate de jure segregation. On this basis to carry out court orders, this would be permissible. The provision against busing to overcome racial imbalance applies only to de facto segregation.

Mr. PUCINSKI. But I respectfully submit that I don't think it is quite correct because, if my memory serves me right, wasn't it the Stennis amendment adopted by the Senate that required an equal application of this both as to de jure and de facto and wasn't that what the big fight was all about in the other body?

I am just puzzled as to how your agency can arbitrarily apply these assumptions. Now there is nothing in the prohibition in the appropriations act which distinguishes between de facto and de jure.

At least I am not aware of that language and I am not aware of any debate at the time the last language was adopted, that would establish some legislative intent.

I am trying to figure out, for the purposes of further consideration of the bill before us, what is going to happen to the legislation that

we write if the agency can go off in its own directions and literally ignore the mandates or limitations prescribed by the Congress.

Commissioner BELL. We don't believe, Mr. Chairman, that we have done this. To help us in this explanation, if I may, I would like to call on Mr. J. Stanley Pottinger, who is director of the Office of Civil Rights for HEW.

He is knowledgeable on this and has been scribbling me some notes here. Rather than my passing them on second hand, I will call on him.

Mr. PUCINSKI. May I make one point clear, Mr. Bell?

What I am trying to find out is what is the correlation between the legislative process and the implementation of what we legislators do because I must tell you that one of the apprehensions that I have, speaking now only for myself, is that I see time and time again the legislature, and Mr. Dellenback and Mr. Ruth and Mr. Quie and those of us on my side carefully working out a provision in law, spending many hours in discussion of that provision, and finally, working out language that is acceptable to all, only to see this completely wiped away, and no place is this better found than in your implementation of the rules for this bill.

We clearly and definitely put into law a provision that all rules and regulations must be published in the Federal Register for at least 30 days before they become applicable.

And you people, by administrative edict, just wiped away that provision and said, well, it does not apply to this particular instance.

Now I don't know of any provision in law that excluded this \$75 million from that 30-day publication. The educators of this country have a right to examine what you intend to do with an act of Congress.

The Members of Congress have that right. That is the only way that we have of challenging as to whether or not you are carrying out the legislative intent and yet you, in your department, said the 30-day provision does not apply and I hope that the gentleman will address himself to that question, too.

That is why I am asking these questions.

Mr. RUTH. Mr. Chairman, before you go on, I think I have to make a statement here.

I can hardly believe my ears that the distinguished chairman is using the Stennis amendment to further his own belief. You are definitely against the Stennis amendment.

Mr. PUCINSKI. Mr. Ruth, I will speak for myself, and you speak for yourself.

Mr. RUTH. I am speaking for the record. You are on record as being against the Stennis amendment, so let's keep the record straight.

Mr. PUCINSKI. I think before you came in, since you have not been here to hear the whole discussion, the question that was asked of the witness was whether or not any money under this act is being used to bus youngsters to overcome racial imbalance, and Dr. Bell said about \$750,000 is used to bus youngsters.

We were discussing where is the authority for such use of funds, when the law is very clear, and has been approved by overwhelming majority of the Congress that Federal funds cannot be used for the purpose, and I am merely trying to find out how the administration implements the acts of Congress.

Mr. RUTH. Let me finish, since this is my baby, now.

Well, I was responding to you, and you took most of the time. I would like to go ahead.

Mr. PUCINSKI. I am not testifying. I am asking questions.

Mr. RUTH. You implied that I got here late, and I didn't have to be here yesterday to hear the gentleman say that funds have to be in the—

There is no point in my being here unless I bring out the fact that you are against the Stennis amendment.

Mr. PUCINSKI. Will you let me answer for myself?

Mr. RUTH. I would like to finish my statement. You are going to have to get the habit of letting the members of the committee finish their statements before you butt in.

Mr. PUCINSKI. But I don't have to make a statement for you. I don't know how you know how I stand on the Stennis amendment. I don't think you have any right to say for the record how I feel about the Stennis amendment. If you want to ask me, I will tell you, but I don't think you should tell me about it.

Mr. RUTH. Evidently the distinguished chairman's memory is not very long, and we were both present on the floor during that discussion. There were days when Edith Green and Earl Ruth were the only people in there who were talking for the Stennis amendment.

I don't think we ought to lead the witnesses and utilize things you are definitely opposed to because it is to your advantage.

Mr. PUCINSKI. May we proceed with the question of the witness in regular order?

Mr. RUTH. If we will not badger the witness.

Mr. PUCINSKI. I will not badger him.

Commissioner BELL. I would like to call on Stan Pottinger to give a response to the question.

Mr. POTTINGER. Mr. Chairman, I think it is fair to say that we, in our respective offices, share your concern that we not misinterpret negligently or intentionally the legislative mandate which gives us our jurisdiction to operate in this program.

I would like to say that, in specific answer to your question concerning the provisions both of the Stennis amendment and those other provisions which in the 1964 Civil Rights Act or the Appropriations Act refer to transportation to overcome racial imbalance, these provisions were interpreted by the Congress, itself, when those laws were passed, as well as by the courts, to refer only to transportation which overcomes a racial imbalance in a de facto segregated district.

That is to say, Mr. Chairman, that where the 14th amendment to the U.S. Constitution requires a desegregation process to ensue, and that is what we call a de jure segregated district, the provisions of the bills that you have referred to here have not been designed to either circumvent or controvene constitutional requirements.

For that reason, where a U.S. Federal Court enters an order pursuant to the 14th amendment, which court order does have some transportation provisions involved in it, there is no conflict between that order and the provisions of the legislation to which you have referred.

If, on the other hand, this department were to use funds to require the transportation of students to overcome racial imbalance, let us say, in a district which has not been determined to have been segregated

according to official action, then it would indeed raise a question as to whether we had gone beyond the congressional mandate.

That has not been done. I know of no instance where that has been done, and as Mr. Brader testified a moment ago, the racial imbalance provisions which you are referring to, and which he was referring to in discussing the funds for court order districts, simply do not present a conflict.

The Stennis amendment, if I may answer the second part of your question on racial imbalance, was not adopted by the Senate. It is not an operating procedure. So we don't believe, because it was not enacted, that it presents any conflict with our administration of the program.

Mr. PUCINSKI. Now, during the floor debate on this supplemental appropriation, Senator Byrd of West Virginia notified the Senate that HEW assured him that these funds were to be used 77 percent for special educational personnel and student programs, 10 percent for community participation programs, 12 percent for equipment and minor remodeling, and less than 1 percent for Federal administration and Federal technical assistance.

Are you abiding by this assurance? And I understand from your reports that you have been hiring clerical personnel. I am not aware that in this bill there is any such provision.

Are you following this assurance that Senator Byrd pledged in the Senate? Has 77 percent of the \$17 million that you have expended so far been for special educational personnel and student programs?

In looking over exhibit 6, I would have to speculate that this is not being followed, and if it is not, I wonder why.

Again, I underscore, so my good friend Mr. Ruth will understand, that when I am asking the questions, it is not a matter of trying to embarrass anybody, but I want to see how is the intent of the Congress being carried out.

Here we have assurance on the floor in the other body that 77 percent will be used for special educational personnel and student programs. I presume this means counselors, teacher training, and all of these programs, but the \$17 million that you spent so far, I don't believe is distributed within this kind of a format, and I would like to know why.

Commissioner BELL. We have generally wanted to be responsive to the local situation, and to the pleas from the local districts as to where their emergency needs were, what problems they needed additional money for that were generated by the result of the desegregation that would help them to meet the emergency situation.

And I need to underline that word "emergency" as we talk about this particular program. So we have generally wanted to be responsive to their needs.

In our presentation here, I have not made a calculation of these percentages.

Mr. Brader, maybe you could respond to the percentage items, since you are closer to the actual program.

Mr. BRADER. Mr. Chairman, if I remember correctly, in response to the question of the Senator from West Virginia, of the six existing authorities under which the emergency school assistance program was operating, it was estimated at that time that the bulk of the project

activities would be in those six authorities, and in a proportion or in a ratio to the anticipated dollars from each of the authorities that would be the total amount of dollars available for the program activity.

Now, in referring again to exhibit 6, by program activity, and the seven authorized activities that are included within the regulation, and therefore cited under six authorities, our responsiveness to individual district need, based upon their best prediction of what the projects were need to accomplish certain specific goals and objectives, we have tried to respond categorically by these seven areas of activities.

Mr. PUCINSKI. In line with what you are saying, Senator Javits told the other body that money would be used strictly in accordance with the authorization legislation. Your regulations require that an applicant school district must distribute its teachers and staff so as to achieve the same ratio of minority teachers and staff in each school as the ratio of minority teachers and staff in the entire district.

In line with what you just said, in line with what Senator Javits said on the floor of the Senate, where is the authority under these six laws to require this kind of distribution of teachers?

Mr. BRADER. Sir, we did not require this as a distribution of teachers; it is not a program requirement of the district. The Office of Education is not imposing upon the district a mathematical ratio.

We do find that in the court orders that these districts are implementing and operating under at this current time have these provisos in it.

Mr. PUCINSKI. But you do require that distribution as a condition for receiving funds. It's in section 181.6(a) (4) (vi).

Then we go back to what I asked at the outset: What happens to the legislative process when a court order occurs? Does the third branch of Government, which is a coequal branch of Government, that court has no more power and no less power than either the executive or the legislative.

Now, all I am trying to find here, in appraising the legislation before my committee, is what is the value of the legislative government, the legislative branch, writing bills and writing laws, when they can be swept aside and become totally meaningless in the wake of a court order?

I appreciate the dilemma that you are in, but the problem is that I don't know of any regulation anywhere within the six bills that you are relying on that gives you the authority to distribute those teachers on that basis.

You say, "Well, we have a court order." So we as Members of the Legislature have a right to ask, "What takes precedence, the court order, or the law passed by the Congress?"

I want an answer from you.

Commissioner BELL. This matter, of course, refers to the well-known *Singleton* case. A standard requirement currently imposed by the Federal courts requires this kind of a faculty balance. So we have felt that the schools receiving educational assistance should be giving assurance that they are complying with the court's rulings that interpret the law.

Mr. PUCINSKI. Mr. Commissioner, would not the procedure be, then, for the Secretary to come before the Congress and say, "Gentlemen, we have a court order instructing us to do thus-and-so, and we would

like you to change these laws to conform, if in your judgment you feel you ought to conform"?

The problem that I have is the growing tendency of government by administrative edict, government by judicial edict, and I am here now talking about the integrity of the legislative branch of Government.

For instance, the appropriation act states that no school district which engages or has unlawfully engaged in gift, sale, or lease of property to schools which discriminated can receive funds for desegregation.

Your regulations state that no applicant who has engaged in such activities can receive funds. You have deleted the word "unlawfully," and now you are saying in effect that if a school district had engaged in this practice previously, now has discontinued this practice, now wants to comply and wants to take advantage of this act, you in effect are saying they cannot comply and cannot participate in perpetuity.

Where is there any such authorization to cut these schools off?

Commissioner BELL. Mr. Pottinger, will you respond?

Mr. POTTINGER. Mr. Chairman, our interpretation under the regulation is not in conflict with the amendment or the legislation. Indeed, to follow the course which you have just outlined raises a constitutional question as to whether or not we would be defining an arbitrary classification, and we would be precluded from doing that, even if we so chose to do it.

We should be clear on the record here, I think. Let me be specific in an example.

The transfer of school property for fair value through a bid to the public, where the property is in excess or in surplus to the school's needs over the past 2 years, and it is not, therefore, in other words, an unlawful transfer of property, our department is not contending pursuant to the regulations or any other authority that that district is ineligible for funding.

Mr. PUCINSKI. Well, of course, that is not what these regulations say, and this again is what disturbs me.

Let me ask you, because I want to turn it over to my colleagues as quickly as possible, a final question.

I have earlier referred to the assurance Senator Byrd had given the Senate on distribution of the funds: 77 percent for special education of personnel and students, 10 percent for community participation programs, 12 percent for equipment and minor remodeling.

Now, in Jackson, Miss., my understanding is that you have allowed \$300,000 of a \$1,300,000 grant for air conditioning and remodeling the building.

Commissioner BELL. No, sir; we disapproved that.

Mr. PUCINSKI. \$300,000 was not approved? How much was approved?

Commissioner BELL. Their original application was for \$3.1 million, and we approved \$1.3 million. We cut those items out of these.

Mr. PUCINSKI. Totally?

Mr. BRADER. Yes, sir.

Mr. PUCINSKI. \$300,000 for air conditioning was cut out?

Mr. BRADER. That is correct.

Mr. PUCINSKI. We have an approved application from your office. That has been changed?

Mr. BRADER. Yes, sir; it was.

Mr. PUCINSKI. Subsequent to the time that you sent the report to us, you have changed that. Is that it?

Mr. BRADER. The air conditioning is not an activity in that approved project.

Mr. PUCINSKI. In the one that we have?

Commissioner BELL. It is listed in their application, but in our list of approved items and activities, we deleted this, and also carpeting that was in there.

Mr. PUCINSKI. Let me turn to my colleagues.

Mr. Bell.

Mr. BELL. Thank you, Mr. Chairman.

Mr. Bell, relative to your statement and some of the data that accompanies it, I cannot understand how these school districts were chosen.

Connecticut is not even on the list, and yet has districts under court order to desegregate, as does Los Angeles. Los Angeles is not among the California districts listed.

I was wondering how you came to the decision not to include these districts.

Commissioner BELL. I will ask Mr. Pöttinger to respond to this.

Mr. POTTINGER. Congressman, because of the emergency nature of this appropriation, as distinguished from the President's more comprehensive proposal for legislation to deal with a wide variety of educational and desegregation problems, it was agreed, and I think you will find in the legislative history of this appropriation, that a district should be eligible under this emergency measure only if it has entered its terminal phase of desegregation by the opening of school this year.

That is I think, and I hope you will agree, appropriate to meet the emergency nature of this appropriation.

The Los Angeles system, to the best of our knowledge, upon reviewing that court order, is not in the terminal phase at the opening of 1970. It is in a desegregation process which is to take place over a period of months in the future. It may be eligible, let me stress, it may very well be eligible for funding under the President's comprehensive program which is before the Congress.

Mr. BELL. In other words, the full amount of funding for the Emergency Education Act would probably cover most of the areas like Los Angeles?

Mr. POTTINGER. In its present form, there is no doubt that it would cover that.

Mr. QUIE. Will you yield?

Mr. BELL. Yes.

Mr. QUIE. The bill that was introduced only included the district that was under a Federal court order, and not a State order?

Mr. POTTINGER. No, sir.

Commissioner BELL. According to the Javits-Case-Mondale amendment, these others were.

Mr. QUIE. It is not even under the introduced legislation?

I am not talking about the appropriation.

Mr. PUCINSKI. The question is applied to the \$75 million they are operating under now?

Mr. QUIE. Under the legislation that we have before us, the authorization legislation.

Mr. POTTINGER. Mr. Quie, the legislation in its present form, unless there have been markups that I am unaware of, contain three categories. The first covers the de jure districts desegregating pursuant to court order or necessity under title VI of the Civil Rights Act of 1964. But the other two categories would cover—

Mr. QUIE. They would be eligible under the other two categories, but not under a court order?

Mr. POTTINGER. But that is a categorical distinction, not one that excludes them from the bill.

Commissioner BELL. I think it is important that we assure Congressman Bell that we are still examining Northern school districts, and we have some funds allocated that we think will meet these needs. We estimate that possibly 65 districts in 10 non-Southern States may qualify. We have identified four districts that we think would be highly likely to qualify: South Holland, Ill.; Pasadena, Calif.; Penn Hills, Pa.; and Union Township, N.J.

So I would like to assure you that we are looking beyond the South as we administer these funds.

Mr. BELL. Of course, there are some other areas as you are well aware, in Los Angeles proper—the Watts area, and so forth.

Commissioner BELL. Right.

Mr. BELL. That is all, Mr. Chairman.

Mr. PUCINSKI. Mr. Quie.

Mr. QUIE. The question was raised by Mr. Pucinski, if there is a Federal court order that appears to be contrary to the law, it seems to me he had a suggestion that you not abide by the court order until you come to the Congress again.

That certainly would not function very well, it seems to me, because that would give the Congress the authority to prevent any court order from going into effect until it took subsequent action, and that is contrary to the separation of powers; is it not?

Commissioner BELL. Yes, sir; that is my understanding, but I thought the point that the chairman was making was that we had an obligation to advise and in effect to touch base more effectively than we have been. I would concede that we do have the obligation to keep you informed.

But as I understand the responsibilities of the courts, we would be, of course, obligated to honor court orders, because they interpret the law.

Mr. DELLENBACK. Would you yield, Mr. Quie?

Mr. QUIE. Yes.

Mr. DELLENBACK. Looking at this not from the standpoint of the past, but from the standpoint of the future and thinking as a lawyer on this, wouldn't it be a fundamental difference between an appropriation and authorization, if you will?

Let's assume that you found an authorization to be in contradiction or contravention of a court decision declaring something that is in the authorization bill unconstitutional. I concede that you then might find yourself in a position that you would have to go with the court order, under the circumstances.

I would see a fundamental distinction between the situation where the court ordered you to do something, and over here you found an

appropriation bill or an appropriation funding an authorization bill which merely said you cannot use any of these moneys for a given purpose.

I am not alking about busing, although it applies to the busing situation.

What would you then say, if you found a court order ordering a certain thing to be done in a school district, and over here you found an authorization bill and funded within an appropriation bill which said you cannot use any moneys appropriated under this bill for such a purpose that might be ordered by the court? What would you do then?

Mr. PORTINGER. Congressman Dellenback, I am not speaking now for the Department, when I answer you, but I think that my own interpretation of the answer necessary to your question would be that the provision in the appropriation would govern, and those funds, unless we were mandated by the court to use them, again putting this into another position, would not be spent.

But the important point that needs to be added to my answer is that I know of no instance in this program where that kind of a problem has arisen. It has not arisen with busing provisions, and I don't know of any other instance presented by other persons or by this distinguished panel to indicate that such a dilemma has arisen in other areas.

Mr. DELLENBACK. I think that is another question which you have added on, but the picture is clear, then—and I think this is pertinent to the chairman's earlier question, as well as Mr. Quie's questioning in this regard—that in such a situation as the one I outlined, you would not spend those moneys merely because the court had ordered a certain course of conduct, if the Congress in authorizing and appropriating had made absolutely clear that moneys so authorized and so appropriated were not to be used for such purposes.

I think it is important that the record show that, and then we can move from there to any possible applications or failures.

Mr. PORTINGER. I think that is a helpful clarification, Mr. Dellenback.

Mr. QUIE. I won't ask any more questions, but just commend you on moving speedily to make \$75 million available to the school districts. One of the things that has bothered me at times before is that it has taken so long to get a program into operation. I am glad you made plans ahead of time to put the program into effect because it was of utmost importance that these school districts know before the school year began what they would have to work with.

Therefore, I think it will be much more successful than some of the other funding ventures we have entered from the Federal level.

Mr. BELL. Mr. Chairman, I would like to add my agreement to what Mr. Quie said, and I am in full agreement that you are to be commended for that move, because I think it was a necessary one, and I congratulate you.

Commissioner BELL. I will comment, sir, that the Office of Education right now is laboring under the handicap of an acting Commissioner, as we all know, so this is an added difficulty that they are coping with right now.

Mr. QUIE. Not because his name is Bell, though.

Mr. DELLENBACK. I was going to add that you are not saying that the Acting Commissioner is a handicap. You are saying that the fact that there is an Acting Commissioner instead of a Commissioner, irrespective of the persons involved.

Commissioner BELL. Yes, sir. I opened the possibility of both of those.

I have even been referred to as the "wobbly" Acting Commissioner in jest around the place.

Mr. PUCINSKI. Mr. Dellenback.

Mr. DELLENBACK. Thank you very much, Mr. Chairman.

I think it is important, Mr. Chairman, that the question that I asked when Mr. Quie was following the principal line of questioning, which has been replied to by the witness, be understood by the committee, because I think your opening line of questioning was very relevant and very sound.

Mr. PUCINSKI. Will you yield?

Mr. DELLENBACK. Of course.

Mr. PUCINSKI. The people of this country, and this Congress, sooner or later will have to address itself to the fundamental question as to whether or not the legislative process means anything.

Mr. DELLENBACK. Mr. Chairman, this my very point, that I was not sure that you had understood my question and the answer.

Let me recapitulate, because I think it is relevant and extremely relevant to the very line of questioning you opened.

Your questions were good questions. I think that the basic fundamental constitutional question of whether or not, if the Congress lays down a certain proviso, must that be followed by the administrative department, is a valid question.

But it branches off into subquestions. The first branch is: If the proviso laid down by the Congress be later interpreted by the courts as being unconstitutional, then must the administrative department, under those circumstances, follow the congressional mandate, or the court's interpretation of the congressional mandate?

And under our system, the picture is clear that the administrative department must follow the court's determination of what is or is not constitutional.

But the second branch to it is: if we have a situation where the court has ordered a certain thing, and the Congress, in following its proper role of authorizing and appropriating, has said any moneys we authorize and appropriate are not to be used for purposes that the court may order, then I think the executive department, under those circumstances, has no authority whatsoever to controvene the authorization or to use those moneys for an improper purpose.

You see the line of distinction between those two. I fear, Mr. Chairman, that if I interpreted your remark just made, you are lumping those two into some other category and saying under those circumstances that congressional mandate must pertain in both situations, when it cannot in the first.

As long as we see the distinction between those two, we can then go on and ask the witnesses in situations before us under this act, which of those two situations obtain.

I will yield.

Mr. PUCINSKI. I have no quarrel with what you are saying. What I

am saying, though, is if we were to follow that logic, we have made every judge in this country a commissioner of education, even under the broadest function, that court has a right to say that what they are doing there is illegal.

And I want to make one thing clear so the record is absolutely clear. I have no quarrel with the gentlemen before us. I would have said the same thing 2 years ago, and I did say the same thing 3 and 4 years ago, when another administration was in power. So I am not trying to follow this line of reasoning because there happens to be a Republican administration. I have been more critical of the Democratic administration on this score.

I say the function of the administrative branch, being faced with court orders, is to come before the Congress and say, "Gentlemen, the courts have struck down certain provisions, they have ordered this kind of activity. Now you legislate and give us the machinery and give us the tools and appropriations to carry out the mandates of those courts."

I do not believe these courts have any right to write legislation.

Mr. BELL. But in this case they are not specifically writing legislation. They are interpreting a law that we have passed, and the administrative agency is following the court order.

Mr. PUCINSKI. We will discuss this among ourselves. We have good witnesses.

Mr. DELLENBACK. Mr. Chairman, I think it is important that the distinction which I strove to make clear a few minutes ago be understood by this committee.

Mr. PUCINSKI. Right. I thought you did it well.

Mr. DELLENBACK. We cannot go back again as if there had been no such distinction made and go on with our questioning as if that were the case.

We will talk of this later, if you will, but I think it is important that it be understood that those of us in the Congress do accept this line of distinction. From the days of Chief Justice Marshall, it has been understood that it is the Supreme Court's responsibility to make certain adjudications relative to constitutionality and lack thereof, and it is not the Congress nor is it the President's authority.

Mr. PUCINSKI. On that point, if you will yield, once that Supreme Court, the coequal branch of Government, once that Supreme Court has made a determination that a certain act of Congress is unconstitutional, it in effect remands that act back to the Congress and back to the Executive to correct whatever constitutional defects there are.

But the Supreme Court has no right to substitute its judgment and its formula and its policies and its views and its legislation on the people of this country. That is the point I am making.

They remand that case back to the legislative branch and say, "Here, your bill is defective. Correct it," and that is done day in and day out.

Mr. DELLENBACK. Mr. Chairman, you are again, if you will, unless I misunderstand you, obfuscating two different situations which I was alluding to earlier. They are not the same situation, and no amount of words that we may lay down from this side of this desk is going to make them the same situation. We can pontificate all we would like, creating a "Never-never land" that just plain does not exist, and it is not going to make it exist.

Now, if you will, back to my questioning of the witness.

In this situation, have you, in administering the authorization laws which we have funded with appropriations, in any of this expenditure of \$17 million, and moving toward \$75 million, used any of the funds which we have appropriated through the congressional procedure for purposes which have not been authorized by the authorization bill so funded?

Commissioner BELL. Sir, to our knowledge and belief, and using our general counsel for advice, the answer to that is that we have not.

Mr. DELLENBACK. So when the court has ordered certain things, and you have authorized the expenditure of money, or you have administratively released funds to be used for those purposes, there has been no instance in any of the \$17 million expended so far where you have permitted those funds to be used in contravention of congressional intent?

Commissioner BELL. That is right, sir.

Mr. DELLENBACK. I think, then, if we come up with instances where we think that is the case, I think it is our obligation then to take them to you and say, "Does this not contravene what you have told us on this morning's testimony?"

Let me go back now to the question of the percentages that one of the Members of the other body allegedly made reference to in the floor debate in the Senate, as to how these \$75 million would be spent.

Do I assume that the percentages were to apply to the total \$75 million, and not to any one grant thereunder, or any one stage of proceedings?

Commissioner BELL. It is my understanding that this would not apply. For example, the first grant we made was to Jackson, Miss., but we would not be bound by these percentages in that particular instance.

Mr. DELLENBACK. But it would be your intention by the time the total \$75 million were released to be roughly in these percentages, so far as areas of expenditure is concerned. Is that correct?

Commissioner BELL. Yes, sir; we have interpreted that as a guideline.

Mr. DELLENBACK. I think it is important, because I cannot conceive that any Member of the House, or any Member of the Senate, in saying these things about the percentages of expenditures, particularly in the broad categories that were alluded to earlier, would be expecting that every grant, no matter what its size, and no matter what its time, and before you have even got your full administrative procedure to gear up to operate, would have to follow those percentages.

But I understand you, then, as saying that is your expectation that by the time the \$75 million is released that you will be expecting to be roughly in the percentages that were alluded to earlier as to areas of expenditures.

Commissioner BELL. Yes, these expenditures that relate to the funding categories from which the appropriation was made.

Mr. DELLENBACK. I will ask one more brief line of questioning, because I must confess as a Member of the Congress I am concerned about this particular one.

So far as regulations that you have made implementing these laws that we are dealing with this morning, have you placed in effect regu-

lations that were instantaneously effective without following procedures set up in other congressional enactments as to time that must elapse before those regulations become effective?

Commissioner BELL. This issue was one that caused me considerable concern, knowing the critical nature of the problem in the South, knowing the legislative history of this act, knowing the deliberations that had taken place in both the Senate and the House. There was some speculation as to whether the Office of Education could, in the lateness of passing the act, relate and be responsive to the situation.

I was concerned about whether we would be delayed by 30-day publication of the regulation. The very purpose of the appropriation was to provide emergency assistance, as we interpreted congressional intent, in the very early days, and before school opened. Knowing this, I asked our counsel if we could proceed prior to the publication of the 30 days, and our general counsel issued an opinion indicating that we could proceed.

And we can provide you, for the record, this opinion.

(The document referred to follows:)

MEMORANDUM ON APPLICABILITY OF PUCLINSKI AMENDMENT TO THE EMERGENCY SCHOOL ASSISTANCE PROGRAM

The Pucinski Amendment (20 USC 1232(b)) provides as follows:

"No standard, rule, regulation, or requirement of general applicability prescribed for the administration of any [program administered by the Commissioner of Education] may take effect until 30 days after it is published in the Federal Register."

The Pucinski Amendment was added to H.R. 15037 (the Higher Education Amendments of 1968) during consideration of that bill on the floor of the House on July 25, 1968.* The Amendment as originally formulated provided not only that rules, regulations, and requirements of general applicability could not take effect until 30 days after publication in the Federal Register, but also that interested parties were to be given an opportunity to participate in the formulation of such rules, regulations, and requirements. The second of those aspects of the provision was deleted in conference without explanation (see H. Rept. 1919, 90th Congress, 2nd Session and 114 Cong. Rec. 7517 (daily ed., July 25, 1968)).

The pertinent legislative history shows that the Amendment had its genesis in dissatisfaction among certain Congressmen with "guidelines" (principally in the Civil Rights area) that had been issued by administrators and that established principles that those Congressmen believed to run contrary to the intent of the Congress as expressed in the substantive statutes of which the guidelines were reputedly interpretive. For example, Mrs. Green of Oregon, speaking in support of the Pucinski Amendment, offered the following comment:

"Mr. Chairman, I believe that we have all seen many instances, especially two within the last few weeks, where guidelines and criteria have been established that have the force of law, *yet they do not follow the Congressional intent.*" (113 Cong. Rec. 7517 (daily ed., July 25, 1968))

The Pucinski Amendment, unlike the rule-making procedure prescribed by the former § 4 of the Administrative Procedure Act (5 USC 553), permits by its terms no flexibility whatsoever in application of the 30-day period before which the rule may become effective. The APA provision, adopted with a realistic eye to genuine emergency situations, provides that the required publication of the rule must be made not less than 30 days before its effective date, except, *inter alia*, where the agency provides otherwise "for good cause found and published with the rule" (5 USC 553 (d) (3)). The Pucinski Amendment, on the other hand, takes no cognizance of the public emergency context within which rules may occasionally need to be formulated, no matter how real that emergency may be.

*The provision was re-enacted in the form quoted above as § 421(b) of the General Education Provisions Act on April 11, 1970.

It is against this background that one must consider the applicability of the Pucinski Amendment to the Emergency School Assistance Program, which is being carried out under an appropriation contained in the Office of Education Appropriation Act, 1971 (enacted August 18, 1970).

The immediacy of the problem to which it is addressed is fundamental to the entire concept of the Emergency School Assistance Program. In making the Administration's request for \$150 million for this Program, Under Secretary Veneman testified on May 27 before the Senate Subcommittee on Supplementals and Deficiencies. The following excerpts from the hearings before that Subcommittee illustrate the extent to which the very purpose of the appropriation was subject to the ability of the Government to make it available to assist desegregating school districts before the regular school session was substantially underway this fall:

"Senator BYRD. You state that all of the \$150 million requested will be granted on behalf of school districts that have just recently desegregated or that will be desegregated for the first time next fall, and that all of the funds will be granted between *now* and *that time*. How can you spend \$150 million effectively in such a short period?"

* * * * *

Mr. CARDWELL. . . . We are still faced with the problem of having the money available *this summer*. We chose this route [asking for the funds in a supplemental appropriation bill rather than in the FY 1971 appropriation] because it seemed to us that this was going to be the first opportunity for an appropriation act to make the money available."

* * * * *

"Mr. Veneman: . . . I think that we should point out that this is separable from the new legislation. We anticipate passage of the Administration's Emergency School Assistance Act but in the event it did not go through this would not be wasted money because this money would be focused on *those school districts which are having trouble this summer*." (Emphasis added; Senate Hearings on the 1970 Supplemental Appropriations Act; pp. 737, 740, and 749)

After the Emergency School Assistance appropriation had been deleted from the 1970 Supplemental Appropriation Act and added to the 1971 Office of Education appropriation bill in the Senate, the conferees on the differing House and Senate versions agreed upon an appropriation of \$75 million for the purpose. On July 10 that conference report was debated on the floor of the House. Mr. Flood, the Manager of the bill in the House, spoke as follows with respect to the Emergency School Assistance appropriation:

"The other major item which we considered in conference was the President's request for \$150 million for emergency assistance to school districts which are being desegregated this fall. The Senate bill included the full \$150 million requested by the President. That item had not been considered by the House."

"After considerable negotiations . . . we agreed upon one-half of the President's request. . . . *None of us believes it would be possible to spend the full \$150 million wisely and effectively in the time remaining before the school opening in September*, even though we endorse the President's desire to help the schools."

* * * * *

"Mr. Flood: . . . Let me read this language so that there will be no mistake as to the attitude of the managers on the part of the House:

"*As far as the House managers are concerned, we are anxious that these funds be made available to qualified local educational agencies as quickly as possible in order to be of assistance when schools open in the fall of 1970.*" (Emphasis added; 116 Cong. Rec. 6835 (daily ed., July 16, 1970))

On July 18, 1970, during debate in the Senate before the vote to override the President's veto of the appropriations bill, Senator Magnuson, who had been the Manager of the bill on the part of the Senate, made the following statement:

"Mr. MAGNUSON. The President asked for \$150 million. Nevertheless, the two Houses—mainly, in conference—decided that we could make a good start for \$75 million and the rest of it would be provided after legislation is enacted. But \$75 million was cut out of this bill, *because the need was justified under the premise that it must be spent and implemented by September 30—less than a month and a half from now*.

* * * * *

"Mr. MAGNUSON. . . . The Senator from New Hampshire and I suggested that in the beginning—that the entire amount be put in the supplemental bill and not in this bill, because we were well on our way toward beginning to mark up this bill. *The money was all to have been spent by September 30, 1970, and \$75 million would be sufficient to cover the necessary amount.*" (Emphasis added; 116 Cong. Rec. 13039 (daily ed., August 1, 1970))

These quotations make clear that it was the understanding and desire of the Congress in enacting the Emergency School Assistance Appropriation that the \$75 million be substantially used before the opening of the school year. The 30-day waiting period under the Pucinski Amendment, if that provision were determined to be applicable to the Program, would indisputably have delayed implementation of the Emergency program well beyond the opening of the 1970-71 school year, since the appropriation Act did not become law until August 18. Thus, the question is presented whether the Pucinski Amendment, designed to obviate the imposition of rules that frustrate the will of Congress, would itself be applied so as to frustrate that will.

The Emergency School Assistance appropriation rests upon authorizing legislation contained in six different statutes. Several of those statutes (e.g., the Dropout Prevention Program, § 807 of the Elementary and Secondary Act of 1965) had regulations extant at the time the emergency appropriation was enacted that did not, because of criteria formulated in a different context, permit of the operation of a program such as that formulated in the context of Emergency Assistance. Several of the statutes (e.g., § 225 (b) of the Economic Opportunity Act of 1964, dealing with the allotment of funds) clearly require the formulation of standards of general applicability in the administration of programs carried out under their provisions. Faced with this situation, the administrator of the Emergency School Assistance Program would seem to have the following alternatives, all to some extent seeming to require a conflict with the will of Congress as expressed in the formulation of an applicable legislative provision:

(1) To follow the rigid time delay of the Pucinski Amendment and thereby disregard the intention expressed by the Congress in enacting the Emergency School Assistance appropriation that the money substantially be made available prior to the opening of the school year;

(2) To revoke existing regulations under the substantive statutes upon which the emergency program was based and operate that program wholly on an *ad hoc* basis, thereby contravening provisions of the substantive statutes which require formulation of standards of general applicability; or

(3) To act on the premise that the Congress, in creating the legislative history surrounding enactment of the Emergency School Assistance appropriation, had intended, in effect, a *pro tanto* amendment of the rigid procedural requirements for delay imposed by the previously enacted Pucinski Amendment.

While each of these alternatives raises the specter of the administrator defying the will of the Congress in carrying out a program, the Congress seems to have given him, at least to some extent, mutually contradictory directions. In that context, there would seem to be adequate legal support for following the last of these alternatives; that is, for construing the appropriation Act as effecting a *pro tanto* amendment to the Pucinski provision with respect to rules formulated for implementation of the Emergency School Assistance Program.

Had the Congress, in enacting the Emergency School Assistance appropriation, provided expressly that funds under the Act (which did not become law until August 18) were to be available for expenditure only through September 1, presumably no one would argue that the Pucinski Amendment was applicable to rules formulated for utilizing that appropriation, since that would be to argue that the Congress had enacted a nullity. We believe that the same result may be reached here where the very nature of the appropriation—which was made under the heading of "Emergency School Assistance"—as well as its unambiguous legislative history show clearly that the funds were to be available for expenditure before the opening of the school year.

Commissioner BELL. Based on this, and in consultation with the Secretary, we then exercised the judgment that we should proceed to make the grants, and not wait for the 30-day publication.

Mr. DELLENBACK. This was on the ground, then, I would assume, from a legal standpoint, that the passage of this legislation and making of this appropriation carried with it an implied waiver of the

otherwise applicable requirement relative to time lag before a regulation became effective.

Commissioner BELL. That is the general interpretation of HEW General Counsel. They cited other statutes where provision was made for waiver of this 30-day circumstance in an emergency situation, and indicated that in the opinion of the Counsel this was apparently legislative intent.

Mr. DELLENBACK. I think, Mr. Chairman, it might be in order for us to have a copy of that, if we don't, so we may have it in our files, because I think we are here involved in an extremely important issue that goes way beyond this act. I think in this type of situation, if there is no express provision for waiver present in the applicable law, it might be that Congress ought to be thinking in terms of writing into statute some provisions, so that we would be clear that in an emergency situation there would be proper and clearly spelled out procedure that you follow to take care of it.

Evidently we have a copy already in the file.

Commissioner BELL. We will furnish it for the record if we don't have it.

Mr. DELLENBACK. Thank you very much, Mr. Chairman.

Mr. PUCINSKI. Mr. Ruth.

Mr. RUTH. Yes.

I would like to say first, it is my feeling that the Supreme Court has made law, rather than interpret law, with regard to the 1964 Civil Rights Act.

Second, it is my feeling that your possession and use of \$75 million is not in opposition to the court order, but to help the communities comply with the court orders.

My statement and question is really that it was brought out that somebody should be concerned with the intent of the legislation, and, if you will recall, Hubert Humphrey introduced this legislation in the Senate, and he was pointedly asked if this legislation would result in increased busing and racial balance, and Hubert Humphrey denied that was the purpose of the legislation at the time it was introduced in the Senate.

My question is: What influence does this have on your action?

Commissioner BELL. I will ask Mr. Brader to respond to that.

Mr. BRADER. Mr. Ruth, as you pointed out in your opening comments, we have tried to be responsive to those districts that have desegregated or are in the process of desegregating either through a plan that they have negotiated with title VI or in response to a Federal court order, as previously noted.

And it is our belief that in our responsiveness to the districts' requests, that the scope and varieties of activities that they would project in their proposal design will assist that community, the boys and girls in school and in the total community, in achieving with a minimal disruption this transition process.

I could not speculate on the projected provisos that may come some time later. But as previously noted, and as we recognize, the needs are in these communities that are facing these desegregation activities now, and in reference to this, and the emergency nature of their needs, we have tried to be responsive in this role.

Mr. RUTH. Thank you very much.

Commissioner BELL. Maybe Mr. Pottinger could add to that.

Mr. POTTINGER. May I make the brief point for the record, in the event that it is not completely clear, that none of the dollars in this emergency program are spent to require anyone to do anything. There is no compulsion of any nature whatsoever in this program. It is a purely voluntary program.

If a district chooses to submit an application to the Office of Education to participate in the program, to draw the project in its own town, with its own people, to help achieve an objective which they themselves believe to be appropriate, then they make application, and under the regulations and law provided by the Congress, it is judged.

There is no compulsion in this program at all.

Mr. RUTH. I also have the feeling with reference to the billion and a half dollar bill, which we are trying to mark up at the present time, that the purpose of this money was to help those areas which are really having serious trouble desegregating their schools, and, of course, I don't feel that it necessarily has to be in the South or a de jure school.

But I also have the feeling that as soon as we talk about a billion and a half dollars, there is a lot of pressure to make this a general education bill, and to get away from the actual purpose of the bill.

Could you comment on that?

Mr. BRADEN. Congressman, the bill as introduced, 17846 and the Senate version of it, would clearly indicate a specific intent and purpose, and that is for the first time in the history of this Government, the Government is trying to be in a position to be responsive to the recognized need of local districts, and their willingness to take steps to eliminate racial discrimination and racial segregation and racial isolation of boys and girls within their respective communities.

The bill would, in our estimation, as we have previously testified, and others, and certainly many of the distinguished witnesses who have been before this committee have indicated that it would provide for a wide variety of activities of recognized educational value that would contribute to improving the educational lot of many boys and girls throughout this Nation, and for this reason we believe very strongly that the need is there, and as expressed by the many, many witnesses, and educational data that we have available to us, that would suggest very strongly that this need is of some magnitude, and is necessary.

Mr. RUTH. What would be your attitude if this bill, through amendments, began to help education generally, rather than those areas which specifically need it for desegregation?

I will repeat: If the bill, through amendments, changed its original concept and began to help education in general, rather than specifically those areas which needed it for help in desegregation?

I am pointing out a fact.

Mr. BRADEN. Mr. Ruth, I would respond initially this way, that equality of educational opportunity is indeed a national goal, and the language, as I understand, in the current structure of the bill, would provide the local district the opportunity, the vehicle and the means by which they could take very positive steps to eliminate and therefore target funds in on specialized activities to reduce the racial isolation that does indeed exist within their respective schools.

Mr. RUTH. My point is: if the bill took that direction, not for the purpose for which it was drawn, would you oppose the bill?

Commissioner BELL. This would be a matter, I think, of Department policy, and I don't think we would be in a position to comment on that at this time.

Obviously, if it were a bill that was giving aid to districts that plainly did not have any racial problem, then it broadens the question beyond that that we have been addressing ourselves to, and for my part, and for my particular position right now, I don't believe I could speak for the Department on this.

Mr. Pottinger, do you have any information on the Department?

Mr. POTTINGER. No. Needless to say, we want to listen carefully to proposals, but I don't believe I am personally in a position to comment on that.

Mr. RUTH. No more questions.

Mr. BELL. The central purpose of this bill is to concentrate a relatively limited amount of money in the areas with the greatest need. You don't have all the money in the world that you would need to do the job completely, let's face it. So with a limited amount of money, you must concentrate your resources.

It is not the purpose to try to cover every school district in the Nation that has some integration problem, because you cannot do it. The effort and the main thrust of it is to cover the areas where the need is the greatest.

Commissioner BELL. The bill that we are now administering, or the appropriation with the limited money, especially has to be focused and targeted, and maybe the broader bill could be broadened and still focus on and cope with the race problem, the desegregation problems, many of them in many of the big cities of the North and the Midwest and the West.

Mr. BELL. This is a \$1,500 million bill. Do you have any estimate in your own mind of what the needs would be, in the way of money, to cover every district that has some kind of desegregation problem? Do you have a concept of what size the bill would have to be to cover every district?

Mr. BRADER. Congressman Bell, I think I would respond only in testimony that was given earlier with respect to Mr. Finch and Mr. Veneman, and the Department's initial response to it, that we know extensively and statistically the vast numbers of children throughout the Nation that categories 2 and 3 of the bill would address themselves to, that it is our best prediction of the varieties of needs, and as Mr. Veneman and Dr. Anrig testified previously, that the wide variety of activities school districts find themselves facing when they begin to eliminate and take steps to reduce racial isolation, it is our best prediction and best projection that these monetary needs would approach the magnitude of the \$1.5 billion requested.

I will recapitulate and say our best estimate is that the needs would run extensively.

Mr. BELL. In other words, the point that I am trying to get at is that we must recognize that to make any kind of an impact, we cannot scatter our shots over the Nation. We have got to concentrate in the areas where the need is, to make any impact at all, with that amount of money. Is that correct?

Mr. BRADER. That is correct.

Commissioner BELL. Even if we could say with authority, and say convincingly, that the billion and a half dollars solved the problem, if it tended to a significant degree to ameliorate the great problem in the country of inequality of opportunity, I would, for my personal view, emphasize that it would be good legislation.

Mr. BELL. And to ameliorate it, you must concentrate in areas of greatest need?

Commissioner BELL. That is right, sir.

Mr. PUCINSKI. Commissioner, in reply, though, if we follow up your answer to Mr. Bell, then what you are really saying to some 20,000 school districts in this country is: Don't do anything voluntarily, wait for a court order, or wait for the Civil Rights Division of the Justice Department and someone to move in and then you can give all of this Federal aid, because we have said before, what about Berkeley, Calif., what about Evansville, Ill., what about White Plains, N.Y., that have voluntarily integrated their school systems, and have experienced every one of the difficulties?

Mr. QUIE. There is money for every one of them.

Mr. BELL. The point I am trying to make—

Mr. PUCINSKI. May I get an answer?

Mr. BELL. I did not give this line of questioning up, and I think what you are really talking about is the voluntary plan situation; both voluntary and court ordered areas are always important. Right?

Commissioner BELL. That is right.

Mr. BELL. So what you are talking about is the areas of greatest need, both voluntary and court ordered areas?

Commissioner BELL. Right. And to put emphasis, sir, on court order is to do what the chairman implied, and that is to reward recalcitrants.

Mr. PUCINSKI. That is exactly what you are doing.

Mr. BELL. Mr. Chairman, I still have the floor.

Mr. PUCINSKI. You are rewarding every one of the recalcitrants.

Commissioner BELL. If the bill were drawn in such a way that many districts that I know of, many large city school systems that have agonized over this problem and seriously want to do something about it, and have taken some action but have not solved it, but have begun to solve it, if they could get some help and encouragement from Congress, I would emphasize that this would be good legislation, in my opinion.

Mr. BELL. I yield to Mr. Quie.

Mr. QUIE. I think we have to recognize that we have agreed to drop the double counting, and double counting could be rewarding recalcitrants, but we have agreed to drop that.

I think what Mr. Bell and Mr. Ruth have been trying to emphasize here is the fact that this is money that is now available for school districts under court order, and others, to solve tough problems. Many times the local community has been reluctant to go along because they have not been able to put up the additional cash.

If it was diluted so it would be used for other purposes than the added cost of integrating your schools, then that would prevent \$1,500 billion from being used for the purpose we intended here.

So I know in your answer to Mr. Ruth you wanted to be careful, that you would not want to deny any change this committee might want to put additional titles on there for any other purpose.

Do you agree the best thing we could do would be to provide this \$1.5 billion for those added costs for integrating schools and give it to those with the greatest need?

Commissioner BELL. Yes, and if we want to ameliorate the racial isolation problem, I caution against broadening too much.

I realize that is a relative term. I caution against broadening so much that it does not focus in on the problem. If the intent is this kind of legislation, I caution that we not get away from this intent.

Mr. PORTINGER. May I add with regard to that statement and Congressman Ruth's question, if I understood correctly, the suggestion that the \$1.5 billion program might be expanded to other educational purposes would so fundamentally alter the present proposal that we would request an opportunity to respond through a supplemental submission to the record.

The purpose of the proposed Emergency School Aid Act is to assist school districts to overcome the financial barriers to quality integrated education. The duration of the Act is limited to two years for this reason. Therefore, the Administration would not support any effort to modify its proposal for the purpose of providing support on a more general basis.

Mr. PUCINSKI. That is exactly the question I am getting at. Mr. Quie touched on it, and all of us touched on it. I am trying to find out here some perspective, precisely how this money is being used, what are the criteria, what are the qualifications.

You, for instance, funded \$75,000 I believe to Dillon, S.C., for an instructional material center. Now, they get title I money. They get title III money. I am trying to find out how much money are we going to pour into these districts at the expense of the rest of the country.

Dillon, S.C., I am sure gets a very appreciable amount of title I money. If they needed an instructional material center, why was it not developed with those funds, instead of the \$75 million, or the \$1½ billion?

Now, in Hampton, S.C., you funded \$20,000 for a meeting room and a staff office and material resource center. Why is that not being funded out of title I, if indeed that is needed?

And what is happening to title I money in these school districts that are now getting this additional bonus for being under a court order?

These are the fundamental questions, Mr. Commissioner, that I think have to be answered before we can move forward with this legislation.

Commissioner BELL. One of the things about title I is, of course, that it is more broadly based than the program we are talking about here. Right now it is about an equivalent annual amount of money to that authorized by H.R. 17846.

But the fundamental question that we have asked ourselves in making all of these grants was: Would this application for a grant be responsive to a situation that emerged because of desegregation, and will it help to remediate the situation, and help them on pretty much of an emergency basis?

So the question comes up: why fund an instructional material center, and I think we had to go into the intent of the superintendent of schools and the local school board as they come before our staff and defend their request. It would hinge on what would be in the material center. Would it provide the kinds of materials that would make

richer curricular offer available to the youngsters, and broader resources available for teachers to utilize in meeting a span of differences, especially in the South, when you bring racially segregated school systems together?

Now, to talk more specifically to these examples that the chairman has raised, Mr. Brader, maybe you could respond in a little more detail. But this, Mr. Chairman, is what we have tried to be guided by.

Mr. BRADER. I would add, Mr. Chairman, to the Commissioner's comments. Normally, for example, in title I, these are State planned operations that are approved in generally February or March of the year prior to the school opening. Many of these school districts that we are being responsive to have had, as a result of legal action, and since their State plans were filed, and their projected utilization of title I funds per se, have had resulting court orders that have brought about total desegregation.

This is merely a tangent type of reaction to the intent and purpose of title I. By the same token, I would think, as we have viewed the projects, and as they come in, that to go back and tell a district, "Well, you have ample title I funds to do this," would be redirecting congressional intent in the projected purpose of title I itself, that inasmuch as there are populations and there are specific type of activities and practices for which title I would be utilized, then to tell a district to reorient or redirect would be inappropriate in our response to it.

Mr. PUCINSKI. Well, Commissioner, let's take a look at Jackson County, Fla. They requested \$58,000 for portable classrooms, and no funds for teacher training or any of the 77 percent that we were assured would go primarily for upgrading the teacher personnel.

You awarded Jackson County, Fla., the full \$58,000 for that purpose, and there is no evidence that any of that money is going to be used for upgrading the skill of teachers to meet the problem.

How do you reconcile that?

Mr. BRADER. If I might respond, Mr. Chairman, Jackson County, Fla., we have operating in the State of Florida under our normal and regular title IV program the consultant centers that are available for assistance to desegregating school districts.

We have a rather extensive project through this center, the University of Miami center, in assisting Jackson County along with other counties in a teacher in-service programs.

Mr. PUCINSKI. Under title IV of the Civil Rights Act?

Mr. BRADER. Yes, sir.

Mr. PUCINSKI. Why do we need this bill then? Why don't we increase title IV?

Mr. BRADER. Because, Mr. Chairman, the scope of authorized activities within title IV of the Civil Rights Act are so limited that one cannot again address the broad types of problems that desegregating districts find themselves facing.

My point, if I might add one further statement, is that it would be superfluous for us to add additional moneys for Jackson County, Fla., for an activity for which they are already well underway.

Mr. PUCINSKI. What about Newton, Miss., which requested funds for mobile classrooms and nothing else, \$16,000, and that was approved. What is the situation over there?

Commissioner BELL. In these cases, and as we deal with individual districts, we try to cope with their needs. We try to take into account how they are focusing other funds, and it varies from one district to another.

This is one of the values of our having the discretion that we have in making these grants. We can tailor to the needs of the districts, and in some instances there are single problems that some of the districts want to focus on.

But by utilizing the total authorization and looking at the grants that we make to all of the districts and all of the States, we are still following these broader guidelines, but there will be cases in individual districts where you will see a program that is focusing in on a single situation.

We try to examine that on the basis of the problem we are facing, and exercise the best judgment we can that it is a sincere and conscientious effort to the focusing on the problem according to the intent of the appropriation.

Mr. PUCINSKI. Elaine, Ark., requested \$33,000 to purchase air conditioners, clocks, bells, desks, chairs, and so forth. How much of that was awarded?

Mr. BRADER. I would have to look at the budget sheet on that project to give you an answer. I am not familiar with that specific project.

Mr. PUCINSKI. I have 620 schools in Chicago who would love to have air conditioners.

Mr. BRADER. Air conditioners are not an authorized expenditure.

Mr. PUCINSKI. That is what we are trying to find out, how this money is being spent.

Mr. QUIN in defending the \$1½ billion, the main bill, here, has said many times that he does not want this bill to be a compensatory education bill, and also to be a major construction bill.

The main thrust of this bill, according to the testimony in the Senate when the \$75 million was approved, was that 77 percent of the \$75 million would be spent on special educational personnel and student programs to try to bridge whatever problem they have, but it does seem to me in examining \$17 million that you have spent so far that you are a long ways from that target.

Commissioner BELL. You see, if you look at our report again, 40 percent of this \$17 million has been spent on curriculum development and teacher training. I would admit that you can find isolated instances in there where we made a grant in one particular area, but we have done that after there has been justification. I don't believe that you will find places where we have made grants for air conditioning.

And as we have dealt with local school districts, we might show you the scars for defending that particular one, because we have had a lot of appeals for air-conditioning, and I have had some school people in the South that tell me, Mr. Ruth, that we don't realize how difficult it is down there in the fall to open a school, but that notwithstanding, we have not approved air-conditioning grants.

Mr. PUCINSKI. Is it even more difficult this year than it was last year, or 5 years or 10 years ago, when there was no Federal problem?

Commissioner BELL. Yes, and that has been our rationale that this could not be an emergency need this year.

Mr. QUIE. Or any time. You said "this year." It cannot be any time.

Commissioner BELL. Yes, any time. I would not want to imply by saying "this year."

Mr. QUIE. When you put blacks and whites together, you don't need more air-conditioning than when they were separate.

Commissioner BELL. If you take the money that we have expended for curricular development, for teacher training, and 20 percent for guidance programs, and take the general percentages of that first item there, I would submit that even with this amount here that we are broadly approaching those guidelines of percentages according to how we interpret them.

I would like to assure you, Mr. Chairman, that we are conscientiously trying to see that that happens, but we are doing it on an overall, multi-State, some of the districts basis. We think it would be unreasonable in each grant application to say, "Now, this percent must be here, and this percent must be here." The superintendent would say, "Yes, but, Mr. Commissioner, that does not meet any needs," and if we said, "Well, on a district-by-district basis, nevertheless, you must go this way," we felt we would be in a somewhat unreasonable position.

I do recognize the guidelines.

Mr. PUCINSKI. Mr. Ruth.

Mr. RUTH. I feel that I have to state something that you gentlemen evidently are not aware of.

It has been suggested on this committee that the school areas under court order really are not entitled to any of this money and it should be withheld because of their behavior.

I am not saying that this is in general agreement, but it has been suggested on this committee that the money should go in the school areas first that have de facto segregation, and that got into this problem without the benefit of a law that says you must have black schools and must have white schools, and also that the money should possibly go to schools that have no problems as a reward for the way in which they have conducted their schools.

So I cannot keep from continuing to emphasize that we must discuss the purpose of the bill. That is not in the form of a question, but I do need you to elaborate and strengthen the meaning of the purpose of the bill.

Commissioner BELL. You see, it is hard for me to conceive of a school district that has not a multirace situation, especially a large school district and large urban school district, North, South, East, or West.

Well, they say back in a time we started to desegregate, and therefore we don't have any problems, and, therefore, you cannot qualify for any of this money under the broader bill.

I think it is a matter of degree. I would concede that those that started early, like Berkeley, Calif., will not have as much of a problem, but I think that if the Berkeley superintendent of schools were here, he would indicate that he still has problems that need to be remediated to some extent.

So I think it is a matter of degree and extent that we need to concern ourselves about.

I would still argue, sir, that if the money is to solve this great problem, this great issue in our country, that we still ought to focus the money where the problem is, and put the emphasis there. If we can do that at the same time, and not slam the door on the other one—maybe a lesser amount of money would help them—maybe we can get the kind of compromise that gets the bill through, and will still meet the purposes of the act and will still focus on the greatest need with the greatest amount of money, without making it too broad.

Mr. PUCINSKI. One final question on that line.

Mr. Commissioner, in your statement you said, "This fall more school districts will have changed from dual to a unitary school system * * *."

What is your definition of a unitary school system?

Commissioner BELL. Our definition of unitary school system is one that does not operate two separate school systems, one system in building and curriculum which says all of the black students attend here, and all of the whites attend here.

Mr. FORD. Will the chairman yield?

Mr. PUCINSKI. Yes.

Mr. FORD. Under your definition how do you classify a district that has been under previous guidelines that permitted a portion of the district to be desegregated by so many grades at a time?

Mr. POTTINGER. I am sorry.

Mr. FORD. Prior to the Green amendment (which said that guidelines cannot be applied differently in the North and the South), guidelines were deliberately written to permit the South to comply without actually having accomplished desegregation in all of the grades of a school. The guidelines said if you reached this point by a certain time, you would arbitrarily be considered to be compliance with title VI.

How do you classify that situation, when discussing heretofore dual school systems? Are you talking about the whole school district, or what?

Mr. POTTINGER. In answer to your question, prior to the *Green v. New Kent Co.* decision, there was no Supreme Court definition of a unitary system.

At that time, the court did say that there was a constitutional necessity of those systems that were dual by law to operate not black schools, not white schools, but just schools. That is a general definition, and it did allow the Office of Civil Rights at that time to take steps even then to require the elimination of dual systems over 1 to 2 years.

The issue of timing as to when the desegregation process had to be accomplished was not reached until the *Alexander v. Holmes* decision of October 1969.

It is for that reason that some years ago there may have been two or three steps available in eliminating the dual system, while today, under constitutional decisions, that is no longer permissible.

Mr. PUCINSKI. Under your definition of unitary school system as used in your statement here today, conceivably, then, as long as you don't have a dual school system as such, conceivably you could have segregated all-white or all-black schools within unitary school systems. Is that correct?

Mr. POTTINGER. That is possible. Unless a more particular definition of unitary system is reached, it is possible that a system can be in compliance with today's constitutional standards and still have, within the unitary system, one or more racially identifiable schools, whether black or white.

Mr. PUCINSKI. Mr. Commissioner, it occurs to me that the Congress has never attempted to identify or define the unitary school system. I am not aware of any legislative act or any provision in law. So, in effect, the Congress has forfeited that responsibility to the courts.

Would you have any objection if we tried to incorporate into the bill before us some definition, acceptable definition of unitary school system, to give these school districts across the country some guidance on how they can comply?

What would be your reaction to that?

Commissioner BELL. It is a difficult, maybe a needed, task, and I understand that the Supreme Court will get into this question this bill in ruling on cases before it.

Mr. PUCINSKI. Yes; I agree with you, it is not easy, but it does seem to me that Congress, somewhere along the line, ought to define unitary school system or neighborhood school system, or whatever it is they want to define. There is no such language in any act.

Are you aware of any language in the act?

Commissioner BELL. No; and I guess our response is more of an operational definition that we have been going by.

Mr. PUCINSKI. I want to clear up one more point, because we have had inquiries before the committee.

Mr. Pottinger, perhaps you would like to elaborate on this question of a school district which has unlawfully engaged in gift, sale, or lease of property to schools that discriminate cannot receive funds.

Some of the members have asked this committee whether that means that they can never receive funds, they can never purge themselves of that practice.

What is the Department's position on that particular matter?

This is the Mondale amendment in the Senate. What is your interpretation? Can these school districts purge themselves of that practice and qualify for funds, or what is the situation?

Mr. POTTINGER. I believe the answer is, and if I am incorrect we will supplement it for the record, if there was unlawful transfer, and by definition that means that the district knew that there was this sufficient intent to do an unlawful act at the time of transfer, that under this amendment as it reads, the district would be ineligible for this emergency funding.

However, if the district engaged in a transfer of property, which at the time of the transfer was not unlawful, but which is now and in the future regarded as impermissible under these regulations, that district would be eligible.

That is to say, the issue was raised on the Senate floor as to whether or not the original amendment, which simply provided that there shall be no transfer, whether lawful or unlawful, was discussed by the Senate, and my understanding is that the point that you raise was raised then, so a modification of the amendment was made to say that prior to the effectiveness of this appropriation, only unlawful transfers would make the district ineligible.

Mr. PUCINSKI. Forever?

Mr. POTTINGER. I believe that is an open question.

This goes directly to Congressman Dellenback's point about appropriations. If the appropriations act says that the Congress deems it appropriate that a district that was engaging in an unlawful act shall not be eligible under this emergency program, I believe if that is the interpretation, we are bound by it.

(The document referred to follows:)

The Office of Education Appropriation Act, 1971 (P.L. 91-380) contains a proviso: That no part of the funds contained herein shall be used to (a) assist a local educational agency which engages, or has unlawfully engaged, in the gift, lease or sale of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin; * * *

The word "unlawfully" was added after considerable Senate debate as to the unfairness of disqualifying local educational agencies on the basis of past transactions. Limiting the proviso's retrospective application to "unlawful" transactions satisfies the objections that to do otherwise would be inequitable and would also constitute impermissible legislation in an appropriations bill.

Senator Mondale, author of the original proviso, cited the cases of *Poindexter v. Louisiana Financial System Commission*, 206 F. Supp. 680, aff'd 393 U.S. 17 (1968) and *Brown v. South Carolina*, 200 F. Supp. 100, aff'd 393 U.S. 22 (1968), for the proposition that the ban on past transactions was not new legislation but rather a restatement of Fourteenth Amendment principles. Both *Poindexter* and *Brown*, on Fourteenth Amendment grounds, forbade State tuition grants to students attending private segregated schools. The court in *Poindexter* found that the purpose of the grants was "to give state aid to private discrimination," and cited its earlier order forbidding the defendants, on the same grounds, from "providing directly or indirectly any financial or other material support to any private school or any student attending a private school." Id. at 688. The court also noted with approval the holding in *Lee v. Macon*, 231 F. Supp. 743, that such tuition payments "would be unconstitutional where they are designed to further or have the effect of furthering * * * segregation in the public schools." 200 F. Supp. at 692.

The implementing regulation, for the purpose of providing guidance to potential applicants, substitutes for the word "unlawfully" a detailed explanation of what will be considered unlawful in the light of the Fourteenth Amendment, the Senate debate, the Act itself, and *Poindexter*, *Brown*, and other court decisions. (45 CFR 181.6(a) (4) (iv)).

Past transfers of property or services are disqualifying if made "directly or indirectly, to any nonpublic school or school system which, at the time of such transaction, practiced discrimination on the basis of race, color, or national origin, where such gift, lease, or sale was for the purpose of, or had the effect of, encouraging, facilitating, supporting, or otherwise assisting the operation of such school or school system as an alternative available to nonminority group students seeking to avoid desegregated public schools."

The regulation thus neither expands nor diminishes, but merely defines, the conduct termed "unlawful" in the statute.

Mr. PUCINSKI. What about the \$1,300,000 that you gave to Jackson, Miss., 3 days after they transferred 800 books to a private academy? Was that not considered to be an unlawful transfer?

Mr. POTTINGER. What happened in the book transfer was not transfer of the district's property. It was transfer of books belonging to the State, pursuant to State order, not the applicant district.

The applicant district, in order to resolve that issue on the basis of facts, and not even require the necessity of a legal interpretation, retrieved the books and took them back to the State, so the issue never arose as to whether or not it was an illegal transfer, nor could it have, in the position of the general counsel's office, because the books did not belong to the district.

Mr. PUCINSKI. But there was nothing on the part of the State requiring this transfer.

Mr. POTTINGER. Yes, there was.

Mr. PUCINSKI. The State required it?

Mr. POTTINGER. Yes; very clearly.

Commissioner BELL. This is a State statute dating back to 1940 in the State of Mississippi. They have a State textbook board, and the Mississippi State law says that the State textbook board shall furnish textbooks to both private and public schools. In executing this, they gave the Jackson school district a directive to transfer these books to the Woodland Hills Academy, and when we called their attention to it, incidentally, this was before school opened, so the students in the private academy never used the books, they went back and retrieved the books and turned them in to the State textbook board.

Mr. PUCINSKI. Finally, take a city like Chicago, which is now trying to work out a voluntary plan with the Department for desegregating its faculty. Once that plan is approved, if it is approved, would a city like Chicago qualify for funds in the \$75 million?

Commissioner BELL. I would think not, sir, because it would be a desegregated faculty, and not desegregated student body.

I would like some further comment on that.

Mr. POTTINGER. I think that is correct.

Mr. PUCINSKI. You are requiring the distribution of teachers and staff.

Commissioner BELL. That is right, sir.

Mr. PUCINSKI. In the Southern communities, to qualify for this \$75 million, a school district must distribute its teachers to each school on the ratio of minority to nonminority teachers in the whole system. If you require that in the South, and they then qualify for Federal funds, I don't understand why you would say that Chicago, which has to do the same thing, under the approval of the department, does not also qualify.

Mr. POTTINGER. First, Chicago would not qualify because it does not have a terminal faculty desegregation plan. It has not desegregated its faculty at opening of this year, and that is a provision not disputed by anyone.

Mr. PUCINSKI. Under the \$75 million rule, you have to have a plan that was terminal at the opening of the school?

Mr. POTTINGER. That is correct.

There is a question as to whether or not the district could be eligible unless it has a student or comprehensive desegregation plan.

My understanding is it would not have been eligible at that point unless it had a terminal phase desegregation plan for pupils, as well.

Mr. PUCINSKI. Suppose we take that same situation, and we have a school, Roosevelt High School in Chicago, we have permissive transfer plan in Chicago for youngsters who feel they don't get the quality of education they want and feel that they would not get in the neighborhood school, they may transfer to any high school in the city if they wish, if there are vacancies. So most of the schools now are desegregated.

If you have at the high school level this kind of an integration plan, and you have an integrated faculty, commensurate and consistent with the plan worked out and approved by the Department, would not the city of Chicago then qualify for its high school funds under your \$75 million?

You say we have a cutoff date of September 1, or whenever.

I am not aware that there is anything anywhere in the law that sets up that kind of a cutoff date. Where is it in the laws that you are operating under, that a school that completes an integration plan on December 1, has to wait until next September to qualify for funds?

I would think that the moment that school qualifies, either under court order or under approved plan, they would then qualify for funds, but under your policy here, if they were not terminal on September 1, when school opened, they are dead for the rest of that school year, or that year, are they not?

Where is the authority in law for that kind of an arbitrary cutoff date?

Mr. PORTINER. I think, Mr. Chairman, it would be appropriate for us to give you that answer in a supplementary memorandum from the office of the general counsel.

The regulations do provide for it. It is my understanding that the regulations were to give meaning to the emergency nature of the legislation and congressional intent and that is the reason for the terminal phase opening 1970 year provision.

I think it would be appropriate to hear from the office of the general counsel.

(The document referred to follows:)

SUPPLEMENTARY MEMORANDUM

The Office of Education Appropriation Act, 1971 (P.L. 91-380) appropriated \$75 million for "assistance to *desegregated* local educational agencies." Senator Byrd of West Virginia noted at the outset of Under Secretary Veneman's testimony on May 27, 1970, that the bill was "for immediate assistance to school districts which must *desegregate* by the fall of 1970." Hearing record, p. 733. The draft criteria for eligibility first presented to the Senate Subcommittee on Deficiencies and Supplementals of the Committee on Appropriations (Id. p. 740, *et seq.*), which furnished the basis for the Senate's understanding and consideration of the appropriation measure, limited participation to local educational agencies "implementing a court ordered or HEW approved plan of *desegregation* for September 1970 or which have implemented a plan of *desegregation* during the school year 1968-69 or 1969-70." The regulations' "terminal phase" requirement, and their definition of "terminal phase" (45 CFR § 181.1(g)), rest on the authority of *Alexander v. Holmes County*, 396 U.S. 10 (1969), in which the Supreme Court ruled on October 20, 1969, that "Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools."

Furthermore, the legislative history of the Appropriation Act indicates a clear Congressional intent that the funds appropriated for the emergency program be spent prior to, or shortly after, the opening of the school year. The immediacy of the problem to which the Emergency School Aid Program is addressed—the special needs of school districts that are now undergoing, or have recently undergone total desegregation—was emphasized in Under Secretary Veneman's May 27 testimony. The Senate-House conference committee reduced the amount appropriated from \$150 million to \$75 million on the premise that the money was to be spent before or shortly after the opening of school. See 116 Cong. Rec. 6835 (daily ed., July 16, 1970) and 116 Cong. Rec. 13639 (daily ed. August 18, 1970). Even if some interpretation of "desegregation," other than with reference to a terminal plan for this fall, were legally justifiable, the needs of terminal districts, as a matter of sound administrative judgment, would have priority in an emergency program with limited funds.

Mr. PUCINSKI. Then you will not spend the \$75 million that you have got.

Commissioner BELL. Yes, sir; we will.

Mr. BELL. I believe your memorandum said you should have that spent by October 15.

Commissioner BELL. We will reallocate and spend the money. We have so many demands that we will do that.

Mr. PORTINGER. Mr. Chairman, may I add one quick point?

May I simply add, it is because of the situations like Chicago that we are very eager to have the support of the committee for the President's \$1.5 billion bill, which will cover the situations that you have outlined.

Commissioner BELL. Hopefully, the language will be broad enough so that this will be done.

Mr. FORD. On June 8, the only spokesmen appearing for the administration before this committee on this legislation were here and I asked them a series of questions as to whether or not they would object to specific amendments I would promise to make to this bill. These amendments are, in effect, conditions precedent that I would have a school district meet in order to be eligible.

They were given a copy of the specific proposals, and at that time indicated they would respond for the record.

On July 10, at my request, the chairman of this committee directed a letter to Secretary Richardson:

I am enclosing a copy of Mr. Ford's amendment. Since the President urged Congress to move expeditiously on this bill, we would appreciate receiving recommendations from the administration on this bill as soon as possible.

This is the end of the statement, and although yesterday the White House was telling me that they are deadly serious about the urgency of getting this legislation passed, we still don't have an answer.

Not only has your Department and the Secretary chosen not to respond to me as an individual member of the committee, but you have chosen not to respond to a written request from the chairman sent as a result of the action of this committee.

Mr. PUCINSKI. Did not something arrive this morning?

Commissioner BELL. Mr. Ford, it was indicated that the response was on the way.

That does not explain the long delay in making the response. I will speak for myself, that I feel the Office of Education, and the Department especially, with the very difficult decisions that this committee has to make, ought to be very responsive to every question.

By way of explanation, I would indicate that there was, on June 8, following that on the 10th, our Commissioner resigned, and then we had a new Secretary.

Maybe this sounds like alibis, and possibly it is, but some of these things have been involved in this. But that notwithstanding, I think that we should be more responsive.

Mr. FORD. The Secretary that got this request did not leave the administration—rather, we understood that he went directly to the White House, where he would be heard more often. If, in fact, this is a bill that the administration is serious about, it seems like there would have been even more urgency once he got up to the other end of the street and was able to tell the President, in person, that his important piece of legislation was languishing here.

I have to tell you honestly that even after talking with a White House spokesman yesterday, I am not convinced that you people really want this legislation.

Commissioner BELL. I can only speak for the Office of Education as the very temporary Acting Commissioner, but we are anxious to have the legislation, and want to be as responsive as we can.

Mr. FORD. It is your view that the administration does want us to pass this legislation?

Commissioner BELL. Yes, sir.

Mr. PUCINSKI. We are going to recess for 6 minutes, Commissioner. We have to go down for a quorum. If you will be good enough to relax for a moment, we will be right back. (Brief recess.)

Mr. PUCINSKI. The committee will resume.

As you can see, we have another interested member of our full committee, the gentlelady from Oregon, Mrs. Green, joining us, and we are always pleased when Mrs. Green is with us. We would like to extend to her all of the courtesy of the committee.

Will the gentleman yield?

Mr. FORD. Yes.

Mr. PUCINSKI. We will be happy to yield to the gentlelady, because we know she has questions on the bill.

We have been talking to the Commissioner this morning on how the \$75 million that has been appropriated is being spent to get some idea of what we can expect in the event that the bill is approved by the Congress.

Mrs. GREEN. Thank you very much, Mr. Chairman.

I would welcome the opportunity to ask a couple of questions along the line of our discussion the other day.

Mr. Bell, I have asked for a list of the interns for the summer. Do you know whether that has been prepared yet?

Commissioner BELL. No; I do not, but we will respond to that.

How long ago, Mrs. Green, did you ask for it?

Mrs. GREEN. I don't know. It was some time last week.

Could you tell us what the work of the interns has been in the Office of Education?

Commissioner BELL. These interns have been involved in twofold activity. Some work experience with the Department, which is part of the HEW intern program, and, then, an opportunity to become acquainted with what is a Federal agency in our work, and to have a dialog with us on the significance of our work during the summer that they spend with us.

So it is a work get acquainted with government program.

Mrs. GREEN. Would you be more specific? What specific jobs have they been doing in the Office of Education?

Commissioner BELL. It depends on the intern's background. Some have been involved with some of the specialists in their regular work activities, helping, for example, in the DPEA Bureau with some of them as they plan and execute some of the conferences that they have carried out in their summer activities.

In other instances, it has been more of a lesser responsibility. If their qualifications are such, it has been more on a clerical basis.

Mrs. GREEN. Let me ask a specific question, if I may, and if you do not know, I would trust that you would not respond, but find out.

My information is that summer interns that have not finished their graduate work have been specifically assigned to the task of writing

the guidelines for the billion-and-a-half-dollar request by the President for desegregation, a bill that has not passed the Congress.

Commissioner BELL. I have no knowledge.

Mr. PUCINSKI. Do you know they are not?

Commissioner BELL. I should say that I have no knowledge of that. I have no knowledge relating to the guidelines.

Maybe Mr. Brader could respond. He is substantially involved in this program, the guideline writing and the discussion of this program.

Mr. BRADER. To my knowledge, they have not.

Mrs. GREEN. Both of you are responding to your knowledge that they have not, but neither of you can respond that they have not in fact?

Commissioner BELL. I think we would need to check that, to be very definite that they have had no involvement, no clerical role, or anything else. I think we would need to check that out and then respond for the record in writing.

Mrs. GREEN. Mr. Chairman, it seems to me that this is something that goes to the heart of government.

I have been told by one of the interns that he has, indeed, been instructed to work on guidelines for this bill, and when the question was put that this bill has not passed the Congress, the response was, "We have been instructed to draw up the guidelines the way the administration wants the bill, the way they have sent it up, regardless of what the Congress does."

Now, if this is the procedure that is used, then I suggest that the whole congressional system ought to somehow be reformed. It matters little what the Congress does, as long as they decide that the bill they send up is the one that is to be enacted, and guidelines and legislation.

Mr. BELL. Is this just one intern, or is this a common statement voiced by interns? Is this just one intern's comment?

Mrs. GREEN. This is one intern, and I suggest that maybe the way to do it—

Mr. BELL. Maybe the way to find out is to get his name.

Mrs. GREEN. I have his name, but I would suggest that the chairman would want to discuss with the chairman of the full committee a subpoena, because I do think this goes to the heart of the problem.

Mr. BELL. It might go to the heart of the problem and it is something that we should investigate. However, I wanted to distinguish whether this is some comment that someone made casually, or whether it is something specific we can nail down; then we would have something. But I hate to hear charges tossed around that are unsubstantiated comments from some intern. It reminds me of the Operation Water Moccasin in Cuba, where some 13-year-old child was quoted about something that happened. I would like to have something specific.

Mrs. GREEN. The reason I bring it to the attention of the committee is for the exact purpose which you cite.

Mr. PUCINSKI. I believe the record of the subcommittee will show that if there is any doubt as to the validity of the statement made by the gentlelady, that I would have to resolve it in her favor, because we have seen, time and time again, guidelines come down the pike that have no relevancy to the acts passed by the Congress, and nothing is greater proof than the bill before us now.

I am aware of the memorandum put out by the Department. We passed an amendment, which I sponsored, that no standards, rule, regulation, requirement, or general applicability prescribed for administration of any program under the administration of the Commissioner of Education may go into effect until 30 days after published in the Federal Register.

I don't know how to make that language any clearer. I don't know how we could have made this any clearer, that the Members of Congress and all interested parties shall have 30 days to examine and comment on their rules and regulations and, as prescribed by the Commissioner, to implement that \$75 million appropriation or any other bill. Yet the gentlelady will be interested to know the administration set down the guidelines and sent out the guidelines and they are operating and then said, well, this amendment does not apply to the \$75 million.

And I am equally certain that regardless of what we do now in the mark up of this bill, the guidelines already are undoubtedly being circulated in the department, are being prepared, and the information that the gentlelady has, I am sure, would be borne out if we want to go into it deep enough.

What is your comment on that?

Commissioner BELL. Mr. Chairman, I would like to comment on that. Of course, you know I am the Acting Commissioner and there temporarily.

Mr. PUCINSKI. And you have been an excellent witness. I want to tell you that.

Commissioner BELL. Thank you, sir. I have not instructed nor has any work been started on the guidelines for this major bill. The Office of Education is not engaged in writing guidelines for this particular legislation that is under consideration. If I may finish, sir.

Mr. FORD. Before you go any further, I think you should know the record of this committee already contains the testimony of a person who said he participated with your people in drawing up the guidelines and he did discuss them with this committee at some length.

Commissioner BELL. You see, the administrative officer in our organization that is responsible for the program is Mr. Brader and I think he ought to talk to it first.

Mr. FORD. We have had significant discussion of the guidelines. The name of the witness was Dr. Coleman.

Mr. BRADER. These were regulations in reference to the \$75 million emergency school assistance programs. We are not involved and would not preempt the passage of this legislation until such a final document is read before we would begin the task.

Mr. PUCINSKI. Mr. Brader, we have, and they are a part of this record, had the guidelines for this 75 million long before the Senate passed it, long before the House passed it, long before it came out of the conference.

The pattern was set. The mold was cast in your department within—when you were proceeding on the assumption that there would be \$150 million because that is what the administration had requested and, then, in the conference committee they cut it down to 75 million. So I don't know why you would want to vehemently deny the fact that

it is a habit and custom in HEW to say that the Congress is a necessary evil included in the Constitution. We will do it our way.

Mr. BELL. Mr. Chairman, will you yield?

Mr. PUCINSKI. Yes.

Mr. BELL. After all, there is nothing that says that an organization, such as this Department, can't do some preliminary work on a program before it is in operation. The only thing I was taking issue with Mrs. Green about was the idea that some unqualified child was doing the guideline writing.

That is a different matter, but I don't see anything improper about doing a little study on a program in advance.

You have to do a certain amount of this in order to be prepared for legislation that might pass. I don't know how many bits of legislation where thought and study of possible guidelines was made before the legislation was passed.

Mrs. GREEN. Will my colleague yield?

Mr. BELL. I yield to Mr. Quie.

Mr. QUIE. I recall the time when the gentleman from Illinois requested that we have guidelines before we passed the legislation. They better do some studying before we pass legislation.

Mrs. GREEN. Would my colleague yield?

Mr. PUCINSKI. Yes.

Mrs. GREEN. I don't think I said that. I don't know what your term is on childlike, I did not make that statement.

Mr. BELL. I thought that was the implication of your statement.

Mrs. GREEN. My statement was that interns were drawing up the guidelines before the bill was passed.

Mr. BELL. Would you say they were unqualified?

Mrs. GREEN. I would not say an intern was not a qualified person. I would say he had no experience in education legislation.

Mr. BELL. Is it your allegation that an intern is qualified or is not qualified to do this type of work?

Mrs. GREEN. My question is whether some summer intern ought to be assigned to the task of writing guidelines.

Mr. BELL. Because he is not qualified?

Mrs. GREEN. No; that is not what I am saying. Whether interns who are here for the summer without prior experience in congressionally passed legislation ought to be the ones to be drawing guidelines before the bill has been passed and under instructions to draw them up according to the administration's desires rather than the congressional action that is taken, and if I might make the suggestion. Mr. Chairman, I would be curious if there are interns in the rooms this morning, and if so, I would be interested in what their assignments might be or have been.

Are there interns from the Office of Education in the room?

Mr. PUCINSKI. Has the intern program terminated?

Aren't they back in school for the most part?

Mrs. GREEN. Isn't it true that some of the interns are being hired as consultants for the year, this year that they are continuing their work in school?

That is not true or that you do not know?

Commissioner BELL. It is not true.

Mrs. GREEN. I have the names of some people that I would like to submit to be called.

Mr. PUCINSKI. Very good.

Mr. POTTINGER. May I respond briefly to try to assure the committee and Mrs. Green in particular that the guidelines for the \$75 million program and whatever guidelines are drawn under the one and a half billion dollars bill, will not be drawn primarily or single-handedly by any one intern or group of interns.

They have not been. They will not be. And I hope that if there is any way that we can clarify that matter on the record, that we will be provided an opportunity to do so.

Mrs. GREEN. Could I get an understanding? You said that they would not be drawn by any one intern exclusively or any group of interns?

Mr. POTTINGER. That is correct.

Mrs. GREEN. Do you by that very statement suggest that interns are indeed working on them?

Mr. POTTINGER. No, I do not. I know of no intern working on any guidelines. Frankly, I did not know until you said or alleged that it was the case that there were any guidelines written under the new bill.

I have not seen them as director of the Office of Civil Rights. I don't believe Mr. Brader has seen them. However, is this—whoever is drawing them up, if they are drawing them, are not drawing them with the direction of the Department as a single operation.

Mr. BRADER. If I might, Mrs. Green, amplify on that. With specific reference to \$75 million regulation, I can unequivocally state that there were no interns involved in that process. To my knowledge, there does not even exist a draft copy to date of any conceived or projected regulations that would be accompanying the H.R. 17846 and certainly not of my staff, the Division of Equal Educational Opportunities have not been involved in this.

Mrs. GREEN. Thank you.

Mr. POTTINGER. May I ask whether we can indeed have the name of the person involved so we can pursue the matter? I think it is of critical importance and apparently is of the highest interest to the committee.

Mrs. GREEN. We will give the name to the chairman and I would suggest that the procedure would be to invite him up and perhaps with a subpoena.

Mr. POTTINGER. May we look for that?

Very good.

Mr. PUCINSKI. Yes. Now, Commissioner, in further discussion of the expenditures of the \$75 million, the Eudora, Ark., school district had requested funds to set up a vocational education training curriculum for minority youngsters.

In their application they said:

At the present time the courses offered are designed to either prepare students for college or general education. Only about twenty percent of minority students that graduated go out to college or vocational technical schools.

The addition of vocational curriculum will prepare students for occupation after graduation from high school. It is also felt that these courses will be of such appeal to these students they will stay in school and take vocational subjects rather than dropping out.

Now why aren't State vocational education funds being used for this program rather than trying to use this particular money for this purpose ?

Commissioner BELL. They are available and I am sure local funds are also available. It is a question to what extent and if there is enough to meet the needs and if the board of education and superintendent of schools wants to put a new and increased emphasis upon vocational education as an outgrowth of their efforts to desegregate and more effectively meet the needs of these students.

Mr. PUCINSKI. We have now in this case here, and this really gets to the heart of this bill. This is where I am troubled with this bill. I want to pass this bill. I want to pass some legislation that will help these schools.

I must tell you in all honesty that I am troubled with the sort of arbitrary distribution of funds without any real standards. Now here in Eudora, Ark., they have State funds. We wrote in the Vocational Education Act a 15-percent set-aside for the disadvantaged, so if these are potential dropouts it is safe to assume that they probably come out of disadvantaged families or communities, so they would have a priority under the Vocational Education Act of 15 percent set-aside of the State basic grant for the vocational education in that State.

They have title I money. They have title III money. On top of all of this, the administration says, because they are under court order or voluntary plan, we will send another windfall to that school district.

I say to myself, what do my citizens say about all of this when they don't have any of these things? How much money are we expected to pour into these communities and what are the criteria?

Here we have talked about conference rooms. We have talked about curriculum centers. We have talked about various other things. I think the weakness in this legislation in its present form is that we really have not set up a fixed formula to help those schools that need it.

The Department assured the Senate that 77 percent of the funds would be used for personnel and yet we find in the allocations made here that that is being ignored. This is what troubles me with this legislation that we wish you gentlemen would put in proper perspective.

Mr. BRADER. Mr. Chairman, if I might respond specifically to the notations as to the Eudora request. Their original request was for \$230,000; a grant subsequently made of \$20,420. While I am not specifically knowledgeable of the budget line items, the ability to provide, as requested in their project outlay extensive funds for vocational programs would indeed, be inadequate, you correctly point out, and provided for by other vocational funds available to that district from State sources and therefore was not approved in their request of the \$20,431 that ultimately went to the district.

Mr. PUCINSKI. Commissioner, I want to commend you and congratulate you sincerely and honestly. You have been an excellent witness. You have been very frank and candid and you have answered the questions and I have the highest respect for you and your associates here this morning.

But the one thing that disturbs me about this legislation that I would like to get your comment on—

Mr. QUIE. Are you leaving the question of vocational education?

Mr. PUCINSKI. Yes.

Mr. QUIE. The thing that has been bothering me is that you come with some allocation of funds. I don't want any of this money going for compensatory education, anything that they would be doing in a segregated school, but there are some added expenses when you integrated the schools.

You come up with vocational educational money. And I wondered why you agreed to it. And they said that they did not agree to it.

Mr. PUCINSKI. They did not say that. They did not know what that 20,000 was approved on.

Mr. BRADER. I would have to look at the budget item. But in the list of projects, 110 projects we sent up yesterday, that where the proposal is designed and the narrative that went with the proposal, in examining the budget of that project, only those applicable items and those items approved have been funded, and while they may talk and describe areas of needs or wants, the corrected budget page will properly reflect the amount of dollars awarded to the individual school district.

Mr. QUIE. It does not necessarily say what is being expended.

Mr. BRADER. No, sir; but with estimate of 20,431, the ability to provide extensive vocational education is not possible.

Mr. QUIE. I think you ought to be able to tell us what this money is being spent for. Let's get to the question again that the chairman has been raising all along. Is this money going to be made available for types of educational projects that would be necessary for all white schools to have and not necessarily just the added costs of integrating the school?

Just because they are integrating the schools, does that mean there is going to be money available for just about anything except air-conditioning?

Mr. BRADER. Congressman, I would again refer to, as previously noted, attachment 6 of the types and varieties of activities that school districts have deemed as being vital to the transition process.

Mr. QUIE. Yes; I know those types of projects but within those types of projects, you still could I think allocate money which would be clearly compensatory education and has nothing to do with integration even within those types of projects. I want to know what the policy of the Department is going to be and has been on the \$75 million.

Mr. BRADER. Clearly, we would not be in a posture to fund overlapping activities for which there were funds or in other titles specifically directed to that.

Mr. QUIE. What if there was not enough money in other titles and they are still overlapping activities?

Mr. BRADER. If the districts can demonstrate there is a need and it is imperative for orderly transition process, I think we should consider it.

Mr. QUIE. If it is needed to provide for orderly process of desegregation.

Commissioner BELL. And if educational expenditures have emerged directly related to this and if in our judgment this will tend to remediate this on an immediate basis for this particular year, then this would be the kind of logic that we would apply in making a decision.

It could be in some circumstances that a school, particularly a small high school, may have almost a totally academic curriculum. It could be, after consolidation and after desegregation, that the educators in analyzing the needs of the students and studying the prognosis of what their after-high-school needs will be, will want to adapt the curriculum in such a way immediately and for that particular year so they will be meeting the needs of the youngsters on an immediate basis. If they could justify to us and satisfy our inquiry, it could be that we would approve a project in the area of vocational education.

We would ask some prior questions, and we would try to assume what their own resources are that are available. We would try to determine that this added expenditure was clearly related to the fact that the desegregation process had taken place. They have a different student body with different curriculum requirements than they had before that needed to be almost immediately remedied and changed to meet the needs that were there.

Mr. QUIE. This is what I had expected. Everything has to go back to the fact that we now have a different student body, both blacks and whites, and therefore you have a different situation. You have additional costs and as long as it goes back to that, I think you are justified but if they just happen to have needs and they happen to be integrated and therefore like everyone that is all black or all white, then I would disagree with you.

Mr. PUCINSKI. Following that logic, the problem is this. We give Eudora, Ark., school district, \$50,000.

They hire some extra teachers for that year. They qualify for the terminal date and everything else. What are you going to do next year and the year after?

I have said to you time and again that the basic fault with this legislation is that in 1970 or 1971, it is going to freeze an X number of school districts in America that are going to really crank up with that, and from now until hell freezes over the rest of the country is going to be supporting the school district.

How can you say to the school district, "You integrated your schools and you hired teachers and spent additional \$40,000 or \$100,000 but we are going to cut you off"?

Mr. Commissioner, you just try to cut off some funds around here. I have been trying to get an impact bill through and I have asked my colleagues to drop one-half the national average. The President wants it very desperately as you know. You want it very desperately and they say, "Nuts to you. We are not giving up a penny."

So this is the main trouble with this bill. It sets up \$1½ billion the next 2 years and from now until perpetuity, that \$1½ billion will go to the school districts.

Commissioner BELL. In regard to the \$75 million, we would caution the superintendent that this is once-only money.

Mr. PUCINSKI. If it is "once only" money, Mr. Commissioner, you have been a school superintendent and you were a good one, if you were told by an agency of the Government, State, or Federal, "We are going to give you \$75,000 for once-only money." You go over there and hire those teachers, would you hire them if you knew that 12 months from now you would have to get that money from local or State resources because your Federal grant is going to end?

Commissioner BELL. I won't, sir, unless I hired them on a contingency basis.

Mr. PUCINSKI. What respectable teacher would take that job on that basis?

Commissioner BELL. This would be a problem but it may be in some circumstances that you may be able to employ someone who might take a job just for the year or you may be able to get someone who is noncertified who might come and offer tutorial service on a transitory basis.

But this is one of the concerns that has to focus on this bill. They can't commit themselves to an appetite from this money that can't be taken care of afterward. We have emphasized and the key word we have stressed is the emergency nature of the bill.

We say on the \$75 million, that this has got to relate to our emergency needs that we are going to take care of on an emergency basis right now.

Mr. PUCINSKI. I would like you to know that has been the very thing that has held this legislation up because we have a real serious problem of trying to find a formula that is not going to lock in this program forever to the disadvantage of other communities as they come in to the program.

I have not heard anyone propose this for me. You say it is a one-shot operation but we know from long experience there is no such thing as a one shot operation around here. Look what is happening in the research programs.

We give the school district \$100,000 for research projects and they keep finding all sorts of ways because nobody wants to give it up. Once they tool up and they go to the senators and see congressmen and raise all kinds of fuss and because nobody wants to give up a dollar.

Once they plan and once they budget and program a Federal dollar into their system, they do everything conceivable and possible to make sure that they never lose that.

Mr. QUIE. Will the gentleman yield?

Mr. PUCINSKI. Yes, of course.

Mr. QUIE. As I have told you, many times, we have had title III of ESEA on the books for sometime and it contains a 3-year limit on funding individual projects. Schools know it beforehand and a lot of them yell about it when the 3 years expire.

I know that is a problem where we start a program and it might continue. But I want to make certain by the formula that we adopt that we don't remove the emergency nature of it, that we don't remove the statement from the commissioner, "this is a 1-year program," and say now you have got it for as long as you can show a need.

I think that this is now an emergency bill, that school superintendents will have a tough decision to make and some of them won't ask for the money because it is only 1 year but some of them will, as the acting Commissioner said, ask for the money because the one shot deal will be helpful and I think some others will hope they can convince their local taxpayers that it is worthwhile and pick up the money from local sources.

Some of the title III programs did terminate with Federal funds for 3 years but people locally liked it so well that they picked it up.

Commissioner BELL. As former chief State school officer 6 months

ago, I have had experience in terminating school districts under title III with understanding that they had 3 year grants. I have also had the experience, Mr. Chairman, of their pressing very hard and saying, "look, this program, it is great" and you just can't terminate them.

So I acknowledge and concede the point that it is difficult to get a program going especially over a 3-year period and terminate it, but I would emphasize that it is being done in education with the Federal programs and is being done I think in almost every State by State departments of education as they manage title III of ESEA.

Mr. PUCINSKI. I will have to submit with all due respect to my colleague from Minnesota, title III is really not an appropriate one, an example for the simple reason that title III by itself, by its very nature is defined by law as an experimental project.

You go into it knowing that it is experimental. But let me ask you this, Mr. Commissioner, you have, for instance, title I. Let's look at title I. Let's take a look at title I. You have been trying and I believe your predecessor under great pressure from Congress has been trying to move title I money into the areas of greatest need and you know the kind of resistance that you have met all along the way and you really have not been able to budget into the areas of greatest needs because of the resistance that you have gotten from State superintendents and various others because title I is an ongoing program.

Look at impact. Have you ever tried to modify an impact program? Twenty years we have been living with this thing and we can't touch it. Every Member of Congress says it is the worst program passed by Congress but try to get a vote against it. So I don't think title III is appropriate. I say to you that once you crank in under this bill programs to a local school district that school superintendent will bite, scream, yell and do everything because he is not going to give up a penny.

Mr. FORD. I think there is one difference. The problem is that none of this money is going to the States where congressmen do vote for Federal aid.

Mr. PUCINSKI. Now let's take some good looks. Do you have a question?

Mr. FORD. Yes. On page 4 of your testimony, Mr. Commissioner, at the very bottom, you mentioned seven and a half million that has been set aside for nonprofit organizations other than school districts. I looked at your rules and regulations published in the Federal Register. Section 181.3B, indicates that where the Commissioner finds it would more effectively carry out the purpose of the program, he may make a grant to any private agency or institution, and contract with any public or private agency or organization to assist in the implementation of one or more desegregation plans described in paragraph A of this section.

What kind of agencies are you going to fund and what kind of activities will they be performing outside of the public school system?

Commissioner BELL. These would be community groups we hope that would be broadly representative of different interests in the community that could help in rallying community support for the desegregation process and to bring about understanding and more tolerance and more commitment to desegregation.

Maybe Mr. Brader, you could talk about some examples here that would be more specific and do a better job.

Mr. FORD. You use the word implementing as distinguished from planning or advising, I interpret the word implementing to mean to actually execute the programs that you will be financing, and I would like to know what kind of a private agency outside of the public school system would be carrying on a desegregation program financed by this money?

Commissioner BELL. Maybe Mr. Brader could respond.

Mr. BRADER. Congressman, as Dr. Bell pointed out, local groups, parent groups, and an interested agency within that would design projects that would support specifically and track specifically with a school district's desegregation plan to again rally the assistance, the support of the community in its difficult transition period. It is conceived as types of activities that would both complement and support desegregation plans which would be such activities as community relations, information type of programs.

Mr. FORD. Is this a duplication of the Agnew committee? I thought that was what the Vice President and his committee were doing, all of the things that you have just described?

I understood that has been going on for a year in between other things that are happening.

Mr. BRADER. It is my understanding that certainly the available work of this committee more addresses itself to a statewide operation and we are talking here about specific school districts.

Mr. FORD. How do you visualize, under the legislation before us or under the program that you are now carrying on pursuant to these guidelines, that determinations will be made as to which local area you ought to go into with Federal money, to try what sounds like a form of propagandizing. This money would go for a worthy cause; but you must realize that the minute that outside money gets into a community for this reason, it is like poison. I just question the advisability of making identification this way and deliberately saying we are again going to go into certain communities with what some will consider propaganda. We are going to make a conscious decision from Washington which ones they should be because the community itself is neither intelligent enough or motivated enough by the proper ethics to proceed on its own and we are there going to put this money in effect to educate the community.

This puts a dimension in this legislation that is precisely what the proponents of the Whitten amendments and Fountain amendments are going to jump on and they will tear us to pieces when we go to the floor with this legislation.

Mr. BRADER. Congressman, inasmuch as this regulation has not been even drafted for the pending legislation, we as program people would be preempting legislative intent into postulation and for utilization of such activities if they are viewed as valuable.

We submit to you that we believe these types of activities do complement and support the problems experienced by a community, the

school, parents and residents broadly within that specific community that are involved in desegregation processes.

Mr. FORD. Let me use for example an area with which I am very familiar. I am sure you know I don't represent Detroit but I know you have heard of the recent unhappy experience we have had there. Because a majority of the board, four out of seven members, voted in favor of massive desegregation programs to be implemented this fall, they were recalled by overwhelming majority of the voters. This included a substantial number of votes in the black community as well as the white community.

So they threw the school board members out.

I am not talking about my concern that this legislation does not try to give that kind of school district the raw courage. Rather I am thinking that if in the circumstances in Detroit you had any group that was financed with Federal money attempting to tell citizens or to inform citizens about this program, you would take that group from the beginning because of the taint of this Federal money to the point where nobody would believe them.

The only successful way is that being attempted with prominent leaders, labor, business, and a cross section of the community trying to reason with the populace.

But the minute it were known that there was a staff paid for with Federal dollars and that you were setting up something, credibility would diminish. This is one of the problems with community action under the poverty program—that when finally face to face with the fact you are on the Federal payroll, how can we believe you?

That is what happens when you are out in the neighborhood and out in the neighborhood means talking with the banker.

So I question at this point whether you might want to give some consideration before we do go further with this legislation, as to weighing the potential gain in having this kind of a holdback for these purposes against the potential disadvantages.

And surely this issue will be raised when the bill gets out to the floor.

Commissioner BELL. This is a very good question and we felt and I particularly felt that after studying the testimony of a number of distinguished witnesses that came before the committee that there was sufficient emphasis on this particular item that it ought to be a component of our bill. I should say in all candor, based on my own experiences as a school administrator, I am not overly enthused about widely and extensive use of advisory committees.

I think they do have a place to play in some functions and in some circumstances. I felt in this particular situation, since the community in most of the Southern States, is deeply involved. In conversation coming up every day is this segregation coming up to hit them this fall. I felt in this particular situation, if we could get some action going in the community where some of the prestigious respected people could be advocates, that it might be useful to us.

Now I should say that we have not funded any of these yet and so we are talking about this in a theoretical mold. I think we ought to appraise this very carefully and based on a small bill and on a small

basis, I think we may learn quite a bit about that, about what this ought to be in a larger bill.

Mr. FORD. May I suggest one other caveat to you?

If you will look at the records of this committee over the past 6 years, probably nothing has stirred any more emotion than Federal money going into molding community attitudes. Whenever community action groups got involved in a program that could be identified as informing the area, or voter registration, or how to petition your city council, or similar areas it caused an explosion. Every Congressman that had one of those blossom in his district has had it ate politicians to talk with. On a bipartisan basis we have been trying to deal very gingerly with these factors for several years so as to avoid problems.

It has been troublesome. I would hope you won't go back into that sort of thing with this legislation.

Mr. QUINN. I think what the gentleman from Michigan says is well taken. The only advantage to having this provision in here, is that it would scare some Southern people into action for fear that NAACP might come in with a proposal.

I like the idea of having a parental committee working with the local public school systems so they make sure they stay on target and I don't think anybody has any objection here using the school system but I think what you say is right.

Mr. FORD. I think such Federal efforts are automatically tainted South of where we are sitting. I also think that we are reaching the stage now where Federal Government taints in the North as it does in the South.

Mr. PUCINSKI. Commissioner, you said that the \$75 million that you now have will have been released by October 15 or will be allocated to various school districts by October 15. Do you feel that this initial \$75 million will take care of the most pressing emergency needs in those schools now under court order?

Commissioner BELL. I think that based on the experience we have had thus far, that we could say with some degree of confidence that it will have helped considerably. In the absence of it, I think we could say that the task would have been more difficult.

Now, we are having to be quite discriminating with all \$75 million and, therefore, there are going to be some needs that won't be met. We have the difficult job of saying "I am sorry, but on a priority basis we can't fund this particular problem." So what I am trying to say and being too wordy about it, sir, is that I think we will be meeting the most critical needs, the very highly critical needs. There will be other noteworthy needs that will be left untouched because of the limitation of the money.

Mr. FORD. As to your attachment No. 1 (the figures that show allocation), how much of that figure is based on some objective standard such as population or other statistics, and how much is based on subjective determinations by the agency that there is more emergency in one area than in another? Were you able to sit down and make this allocation across the board, or is this just a cumulative result of a number of individual allocations?

Commissioner BELL. The problem we wrestled with here, and then I would like to call on Mr. Brader, the problem we wrestled with was this sort of thing. It is like starting out on a journey and not knowing

how far it is. One of the questions we still don't know is what Northern districts are going to qualify. But because of this, we felt we needed to have a priority basis. We felt that the fact that the money was on a grant basis and not on a formula basis implied that the Congress intended for us to use our best judgment in focusing on the highest needs. But in doing that, as a Federal agency, we must do it with equity and justice and we must have a rational basis for defending that. The superintendents of schools that are competing for this money insist on that. Maybe if Mr. Brader could take a moment to talk about the criteria that we have been using in exercising what I would try to typify as discipline, professional judgment and trying to be sincerely as fair and equitable as we can in managing the dollar grants.

If, Mr. Brader, you could respond to that, I think it would help to give you an explanation of it.

Mr. BRADER. The State allocation was based upon two primary considerations: one, the provision of the Economic Opportunity Act that requires that funds within one of the six authorities under which we are operating shall not exceed 12½ percent of the total program funds available to any of the several States, to any one State if the several States apply; second, the derivation of the State allocation was arrived at by taking the total number of minority children in the respective States in which there are eligible school districts within those States, eligibility being determined by either court order or voluntary plan under the categories.

Then making that allocation that would bear the same ratio of that number of minority students within an eligible State to the total number of minority students in all of the States.

Mr. FORD. All of the States that you are considering?

Commissioner BELL. That we estimated would qualify.

Mr. FORD. How many States?

Mr. BRADER. Twenty-five, sir. Based on approximately 1,320 school districts, which were the best figures we had available at that time. And this allocation was made on the 24th day of August.

Mr. FORD. That is the point at which there was a decision made on a subjective basis that 25 of the 50 States were the ones that in fact had an emergency within the meaning of this act. When you decided to make the allocation on the proportion that each State had to the total of all of the students involved, you picked 25 States as the ones having an emergency. That required some kind of arbitrary decision by somebody.

Mr. BRADER. We were trying to be responsive as we understood it to the amendment that was offered that those potentially eligible districts having either the court order or voluntary plan or a statute of a court of competent jurisdiction, to our knowledge within these 25 States at that time the allocation was made. We knew of these 1,320 potentially eligible districts that would qualify under the appropriations language.

Mr. FORD. Would you have included in your consideration a school district like Detroit?

Mr. BRADER. No, sir, we did not because at this time, as we viewed the language, those districts, as Mr. Pottinger testified to earlier, those districts had a terminal plan for student and faculty that would be considered under this emergency appropriations.

Mr. PUCINSKI. You said you are going to have this \$75 million allocated by October 15. Commissioner, when do you plan to release educational funds, title I, impact, and all of the others?

What is holding that up?

Commissioner BELL. We are still waiting, sir, for the HEW controller and the Office of Management and Budget to give us our allocations.

Mr. FORD. That should be easy. Those two programs go under formula and there can be no question in anybody's mind about the intent of Congress with regard to those two programs and the distribution of the fund.

You have a computer down there that should be able to tell you in a very few minutes how to allocate the funds.

Mr. PUCINSKI. I can't understand why they put the heat on the Congress to get these appropriations out and they say, "Don't put us in the posture you had us in last year," and so we go ahead and get these appropriations out and go to the President and then they get hung up in the agency.

Commissioner BELL. I am quite confident that we will get the allocations.

I am confident that this will be forthcoming.

Mr. FORD. Mr. Chairman, is it our clear understanding now that the only thing that is holding up the funds is the mechanical activity of actually computing the eligibility and amounts of money or is there something else?

Commissioner BELL. Sir, from the point where I sit in the structure of HEW and the Government, I think maybe I ought to defer a response to that question except to say that I am waiting for the allocations, so I can make them. In the meantime, we are proceeding on the basis of the continuing resolution authorization that we have. I am trying to be as responsive as I can to that to get this to the school districts. I don't want to leave the impression that they are without any money and a hundred percent of their money. It is the allocation of this difference here.

Mr. PUCINSKI. Due to the fact that the economic picture looks rather disturbing, is there any possibility that the administration may hold back or curtail those allocations?

Commissioner BELL. Mr. Chairman, I don't know. I am not privy to this policy level of deliberation.

Mr. PUCINSKI. We are talking about the fact that you went ahead with this program without posting the guidelines as provided by the amendment because of the emergency nature of the bill. At least that is your position and you took advice of your counsel. But you have also, as I understood it, released guidelines on the formula written in the ESEA, and I am not aware that has been published in the Federal Register yet.

Commissioner BELL. No, we haven't released the guidelines yet.

Mr. PUCINSKI. And will there be a 30-day review period for that?

Commissioner BELL. Yes.

Mr. PUCINSKI. And parental involvement, where in the act that you had to have parental involvement, that is also going to go the route of the Federal Register?

Commissioner BELL. That is right. As we deliberate on the comparability situation, we have been trying to confer with school districts, and get something that we can all live with that will follow the intent of Congress and, for that reason, we have had some action and some tentative thinking out on this to get their feedback.

But there won't be any actions put into effect on these until they are published in the Register for a 30-day period.

Mr. FORD. Prior to the education funding battle that took place at the end of 1969, there were several lawsuits instituted across the country because of the previous delay in distributing funds that the chairman asked you about. That led to a legal opinion by the Comptroller General, concurred in by the Attorney General, which concluded that the administration could not withhold the funds in those programs because the formulas made the distribution mandatory without the intervention of any Executive discretion. Those lawsuits apparently have fallen into limbo on the theory that that question was settled by everyone's acknowledgment that distribution of formula funds was mandatory.

What are we looking forward to? Is it possible that we in the Congress are going to be faced with the embarrassment of school districts starting law suits again to get the money that we appropriated?

After all of this battle and after all of this difficulty for us and the administration, it certainly doesn't seem to me that it is going to further the cause of public support for Federal aid to education if school districts once again have to resort to the courts to get somebody to give them the money that Congress has appropriated.

Very frankly, all of us have already taken the heat and are taking it currently from the Chamber of Commerce and everybody else for being big spenders and adding money to your program. The very least that we ought to expect out of you is that you are going to do something to spend that money on children.

Mr. BELL. Mr. Chairman, I think we are getting far afield here. We are talking about other areas and I think the witness has replied that he couldn't answer some of these questions because it is a matter he would have to look up because it is something he is not directly working on right now.

Mr. PUCINSKI. It is a rare occasion for us to have the distinguished Commissioner here.

Mr. FORD. Mr. Chairman, this has been my only chance to talk to the administration on this matter.

Mr. BELL. I have been here 10 years in which I had no opportunity at all.

Commissioner BELL. I would like to say to Congressman Ford that I would welcome a telephone call from you during the very temporary time that I will remain in office, sir.

Mr. PUCINSKI. Mr. Commissioner, there is one question I would like to ask you. You have already talked about the advisability, or at least you have no objection, if we try to wrestle with the whole structure of unitary school systems. I don't know whether this can be done or not but perhaps we ought to try. It seems to me that this main bill that we have before us can make a significant contribution in this country if we can come up with a formula to help the tilting school. In my judgment, the biggest single problem in American education today is the tilting

school, the school that is segregated all white, becomes integrated, and then for various reasons tilts segregated all black in a period of 36 months. It would seem to me that we ought to put a very high priority in helping those schools which are becoming tilting schools either by neighborhood patterns or by voluntary transfer of students.

I have in mind a school in Chicago that is now in an all-white community but has permissive transfer plan and it has about 25 percent nonwhites in that school now. We see every month more and more white youngsters transferring out of that school to either private schools or other facilities. We see more and more nonwhite students taking advantage of the vacancies in that school and transferring in that school and perhaps in 36 months this could be a segregated all nonwhite school in an all-white community.

We have solved nothing if we don't come along with some sort of a program to arrest the flight of these white youngsters to help maintain some acceptable balance in that school.

Would you believe that this committee ought to try and put a priority, or at least a formula here, without a court order and without a necessarily HEW approval, where a local school district wants to apply for Federal funds to bring in all of the things that you are now making possible in this bill into a tilting school, won't we then make a significant contribution to bringing about integration of schools instead of resegregation because it seems to me the biggest problem we have in America today is resegregation of schools. That is already happening in the South and North. What would be your view on that situation?

Commissioner BELL. I have heard from a number of educators and I have heard the superintendent of the Chicago schools talk about this particular problem. I know it is a serious one and I think that we ought to be in a position if we have the kind of flexibility and discretion to focus in on this particular problem where it can be identified and justified as a tilting school, to use your term.

I know that many able educators are expressing considerable concern about this particular problem.

Mr. PUCINSKI. Perhaps we can get Mr. Brader or Mr. Pottinger to work with our subcommittee and see whether or not we can come up with some language in the form of amendments to the bill before us that would provide that category because I really do believe that as I look down into the next 60 months in American education, I believe this is the big problem, and if we can incorporate that into this bill, I think the chances of getting this bill through Congress would be substantially enhanced.

Mr. POTTINGER. Mr. Chairman, may I suggest, without having done a careful review of the latest form of the bill, that I think categories 2 and 3 would be compatible and indeed envision dealing with exactly the problem that you have stated here.

Mr. PUCINSKI. There would have to be HEW-approved plans but we would not have to require a court order.

Mr. POTTINGER. That is correct.

Mr. PUCINSKI. I think what we want to do is encourage schools to voluntarily proceed without a court order.

Mr. BRADER. I would add to the statement and agree, Mr. Chairman, that the more fundamental question of why the school is tipping and in the introduction of many of these activities convince the neighborhood, area, students, and the community involved that indeed here are a list of viable educational activities that do contribute to and will substantially provide for better education for the boys and girls in that particular school.

Commissioner BELL. And if an expression of this committee's concern for it were in your committee report, this is a source that we look at for trying to interpret legislative intent and we would try to be responsive to that.

Mr. PUCINSKI. Commissioner Bell, Mr. Brader, and Mr. Pottinger, you have been very helpful to us today. I think we have a clearer picture of what the capabilities are, and I think that we have been able to clear up some differences here from the legislative standpoint which I hope you will implement in your directives. But we hope to move as expeditiously as possible on the marking up of this bill.

Mr. BELL. Is the chairman planning a markup on Tuesday morning?

Mr. PUCINSKI. I would hope to be able to start in that direction by Tuesday. We are fighting against time here, but I think you have cleared up a lot of questions here.

Commissioner BELL. Thank you. It has been a real privilege to appear before you and we have enjoyed the experience, sir. We appreciate your conscientious concern.

Mr. PUCINSKI. I might say for the record, Commissioner, that if the Secretary had not submitted the name he did to the President, I think you would have made an excellent choice. You have done a good job here and I have heard a lot of people in educational circles speak very highly of your qualifications and capabilities, and speaking for myself had you been the nominee I would have been very pleased, although I have no quarrel with the nominee that the President selected.

Mr. BELL. Mr. Chairman—I also want to add my word of congratulations to you and your group, Mr. Bell, for doing an excellent job here this morning, and I know you will continue to do an outstanding job.

Mr. PUCINSKI. Very good.

The committee will stand adjourned subject to the call of the Chair.

(Whereupon, at 1:15 p.m., the subcommittee recessed, subject to call of the Chair.)

APPENDIX A

STATEMENT BY THE PRESIDENT ON ELEMENTARY AND SECONDARY SCHOOL DESEGREGATION, MARCH 24, 1970

My purpose in this statement is to set forth in detail this Administration's policies on the subject of desegregation of America's elementary and secondary schools.

Few public issues are so emotionally charged as that of school desegregation, few so wrapped in confusion and clouded with misunderstanding. None is more important to our national unity and progress.

This issue is not partisan. It is not sectional. It is an American issue, of direct and immediate concern to every citizen.

I hope that this statement will reduce the prevailing confusion and will help place public discussion of the issue on a more rational and realistic level in all parts of the nation. It is time to strip away the hypocrisy, the prejudice and the ignorance that too long have characterized discussion of this issue.

My specific objectives in this statement are:

To reaffirm my personal belief that the 1954 decision of the Supreme Court in *Brown v. Board of Education* was right in both Constitutional and human terms.

To assess our progress in the 16 years since *Brown* and to point the way to continuing progress.

To clarify the present state of the law, as developed by the courts and the Congress, and the Administration policies guided by it.

To discuss some of the difficulties encountered by courts and communities as desegregation has accelerated in recent years, and to suggest approaches that can mitigate such problems as we complete the process of compliance with *Brown*.

To place the question of school desegregation in its larger context, as part of America's historic commitment to the achievement of a free and open society.

Anxiety over this issue has been fed by many sources.

On the one hand, some have interpreted various Administration statements and actions as a backing away from the principle of *Brown*—and have therefore feared that the painstaking work of a decade and a half might be undermined. We are not backing away. The Constitutional mandate will be enforced.

On the other hand, several recent decisions by lower courts have raised widespread fears that the nation might face a massive disruption of public education: that wholesale compulsory busing may be ordered and the neighborhood school virtually doomed. A comprehensive review of school desegregation cases indicates that these latter are untypical decisions, and that the prevailing trend of judicial opinion is by no means so extreme.

Certain changes are needed in the nation's approach to school desegregation. It would be remarkable if sixteen years of hard, often tempestuous experience had not taught us something about how better to manage the task with a decent regard for the legitimate interests of all concerned—and especially the children. Drawing on this experience, I am confident the remaining problems can be overcome.

WHAT THE LAW REQUIRES

In order to determine what ought to be done, it is important first to be as clear as possible about what *must* be done.

We are dealing fundamentally with inalienable human rights, some of them constitutionally protected. The final arbiter of Constitutional questions is the United States Supreme Court.

The President's Responsibility

There are a number of questions involved in the school controversy on which the Supreme Court has not yet spoken definitely. Where it has spoken, its decrees are the law. Where it has not spoken, where Congress has not acted, and

where differing lower courts have left the issue in doubt, my responsibilities as Chief Executive make it necessary that I determine, on the basis of my best judgment, what must be done.

In reaching that determination, I have sought to ascertain the prevailing judicial view as developed in decisions by the Supreme Court and the various Circuit Courts of Appeals. In this statement I list a number of principles derived from that prevailing judicial view. I accept those principles and shall be guided by them. The Departments and agencies of the Government will adhere to them.

A few recent cases in the lower courts have gone beyond those generally accepted principles. Unless affirmed by the Supreme Court, I will not consider them as precedents to guide Administration policy elsewhere.

What the Supreme Court Has Said

To determine the present state of the law, we must first remind ourselves of the recent history of Supreme Court rulings in this area.

This begins with the *Brown* case in 1954, when the Court laid down the principle that deliberate segregation of students by race in the public schools was unconstitutional. In that historic ruling, the court gave legal sanction to two fundamental truths—that separation by law establishes schools that are inherently unequal, and that a promise of equality before the law cannot be squared with use of the law to establish two classes of people, one black and one white.

The Court requested further argument, however, and propounded the following questions, among others:

"Assuming it is decided that segregation in public schools violates the Fourteenth Amendment

"a. would a decree necessarily follow providing that, within the limits set by normal geographic school districting, Negro children should forthwith be admitted to schools of their choice, or

"b. may this Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?"

In its second *Brown* decision the following year, the Court addressed itself to these questions of manner and timing of compliance. Its ruling included these principles:

Local school problems vary; school authorities have the primary responsibility for solving these problems; courts must consider whether these authorities are acting in good faith.

The courts should be guided by principles of equity, which traditionally are "characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs."

Compliance must be achieved "with all deliberate speed," including "a prompt and reasonable start" toward achieving full compliance "at the earliest practicable date."

In 1964, the Supreme Court spoke again: "The time for mere 'deliberate speed' has run out, and that phrase can no longer justify denying these . . . children their constitutional rights."

At the same time, Congress also added to the impetus of desegregation by passing the Civil Rights Act of 1964, an Act that as a private citizen I endorsed and supported.

Although the Supreme Court in the *Brown* cases concerned itself primarily, if not exclusively, with pupil assignments, its decree applied also to teacher assignments and school facilities as a whole.

In 1968, the Supreme Court reiterated the principle enunciated in prior decisions, that teacher assignments are an important aspect of the basic task of achieving a public school system wholly freed from racial discrimination. During that same year, in another group of Supreme Court decisions, a significant and new set of principles also emerged:

That a school board must establish "that its proposed plan promises meaningful and immediate progress toward disestablishing State-imposed segregation," and that the plan must "have real prospects for dismantling the State-imposed dual system 'at the earliest practicable date.'"

That one test of whether a school board has met its "affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch" is the extent to which racial separation persists under its plan.

That the argument that effective desegregation might cause white families to flee the neighborhood cannot be used to sustain devices designed to perpetuate segregation.

That when geographic zoning is combined with "free transfers," and the effect of the transfer privilege is to perpetuate segregation despite the zoning, the plan is unacceptable.

The most recent decisions by the Supreme Court have now rejected any further delay, adding to the Court's mandate:

"The obligation of every school district is to terminate dual systems at once and to operate now and hereafter only unitary schools."

That the obligation of such districts is an affirmative one and not a passive one.

That freedom of choice plans could no longer be considered as an appropriate substitute for the affirmative obligation imposed by the Court unless they, in fact, discharge that obligation immediately.

The Court has dealt only in very general terms with the question of what constitutes a "unitary" system, referring to it as one "within which no person is to be effectively excluded from any school because of race or color." It has not spoken definitely on whether or not, or the extent to which, "desegregation" may mean "integration."

In an opinion earlier this month, Chief Justice Burger pointed out a number of "basic practical problems" which the Court had not yet resolved, "including whether, as a Constitutional matter, any particular racial balance must be achieved in the schools; to what extent school districts and zones may or must be altered as a Constitutional matter; to what extent transportation may or must be provided to achieve the ends sought by prior holdings of this Court."

One of these areas of legal uncertainty cited by Chief Justice Burger—school transportation—involves Congressional pronouncements.

In the 1964 Civil Rights Act, the Congress stated, "... nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

In the 1966 amendments to the Elementary and Secondary Education Act, the Congress further stated, "... nothing contained in this Act shall ... require the assignment or transportation of students or teachers in order to overcome racial imbalance."

I am advised that these provisions cannot constitutionally be applied to *de jure* segregation. However, not all segregation as it exists today is *de jure*.

I have consistently expressed my opposition to any compulsory busing of pupils beyond normal geographic school zones for the purpose of achieving racial balance.

What the Lower Courts Have Said

In the absence of definitive Supreme Court rulings, these and other "basic practical problems" have been left for case-by-case determination in the lower courts—and both real and apparent contradictions among some of these lower court rulings have generated considerable public confusion about what the law really requires.

In an often-cited case in 1955 (*Briggs v. Elliott*), a District Court held that "the Constitution . . . does not require integration It merely forbids the use of governmental power to enforce segregation."

But in 1966 another court took issue with this doctrine, pointing out that it had been used as justifying "techniques for perpetuating school segregation," and declaring that:

"... the only adequate redress for a previously overt system-wide policy of segregation directed against Negroes as a collective entity is a system-wide policy of integration."

In 1969, the 4th Circuit Court of Appeals declared:

"The famous *Briggs v. Elliott* dictum—adhered to by this court for many years—that the Constitution forbids segregation but does not require integration . . . is now dead."

Cases in two circuit courts have held that the continued existence of some all-black schools in a formerly segregated district did *not* demonstrate unconstitutionality, with one noting that there is "no duty to balance the races in the school system in conformity with some mathematical formula."

Another circuit court decision declared that even though a district's geographic zones were based on objective, non-racial criteria, the fact that they failed to produce any significant degree of integration meant that they were unconstitutional.

Two very recent Federal court decisions continue to illustrate the range of opinion: a plan of a southern school district has been upheld even though three schools would remain all-black, but a northern school system has been ordered by another Federal court to integrate all of its schools completely "by the revising of boundary lines for attendance purposes as well as busing so as to achieve maximum racial integration."

This range of differences demonstrates that lawyers and judges have honest disagreements about what the law requires. There have been some rulings that would divert such huge sums of money to non-educational purposes, and would create such severe dislocations of public school systems, as to impair the primary function of providing a good education. In one, for example—probably the most extreme judicial decree so far—a California State court recently ordered the Los Angeles School Board to establish a virtually uniform racial balance throughout its 711 square mile district, with its 775,000 children in 501 schools. Local leaders anticipate that this decree would impose an expenditure of \$40,000,000 over the next school year to lease 1,000 buses, to acquire site locations to house them, to hire drivers, and to defray operating costs. Subsequent costs would approximate \$20,000,000 annually. Some recent rulings by federal district courts applicable to other school districts appear to be no less severe.

I am dedicated to continued progress toward a truly desegregated public school system. But, considering the always heavy demands for more school operating funds, I believe it is preferable, when we have to make the choice, to use limited financial resources for the improvement of education—for better teaching facilities, better methods, and advanced educational materials—and for the upgrading of the disadvantaged areas in the community rather than buying buses, tires and gasoline to transport young children miles away from their neighborhood schools.

What Most of the Courts Agree On

Despite the obvious confusion, a careful survey of rulings both by the Supreme Court and by the Circuit Courts of Appeals suggests that the basic judicial approach may be more reasonable than some have feared. Whatever a few lower courts might have held to the contrary, the prevailing trend of judicial opinion appears to be summed up in these principles:

There is a fundamental distinction between so-called "*de jure*" and "*de facto*" segregation: *de jure* segregation arises by law or by the deliberate act of school officials and is unconstitutional; *de facto* segregation results from residential housing patterns and does not violate the Constitution. (The clearest example of *de jure* segregation is the dual school system as it existed in the South prior to the decision in *Brown*—two schools, one Negro and one White, comprised of the same grades and serving the same geographical area. This is the system with which most of the decisions, and the Supreme Court cases up until now, have been concerned.)

Where school boards have demonstrated a good-faith effort to comply with court rulings, the courts have generally allowed substantial latitude as to method—often making the explicit point that administrative choices should, wherever possible, be made by the local school authorities themselves.

In devising particular plans, questions of cost, capacity, and convenience for pupils and parents are relevant considerations.

Whatever the racial composition of student bodies, faculties and staff must be assigned in a way that does not contribute to identifying a given school as "Negro" or "White."

In school districts that previously operated dual systems, affirmative steps toward integration are a key element in disestablishing the dual system. This positive integration, however, does not necessarily have to result in "racial balance" throughout the system. When there is racial separation in housing, the Constitutional requirement has been held satisfied even though some schools remained all-black.

While the dual school system is the most obvious example, *de jure* segregation is also found in more subtle forms. Where authorities have deliberately drawn attendance zones or chosen school locations for the express purpose of creating and maintaining racially separate schools, *de jure* segregation is held to exist. In such a case the school board has a positive duty to remedy it. This is so even though the board ostensibly operates a unitary system.

In determining whether school authorities are responsible for existing racial separation—and thus whether they are Constitutionally required to remedy it—the *intent* of their action in locating schools, drawing zones, etc., is a crucial factor.

In the case of genuine *de facto* segregation (i.e., where housing patterns produce substantially all-Negro or all-White schools, and where this racial separation has not been caused by deliberate official action) school authorities are not Constitutionally required to take any positive steps to correct the imbalance.

To summarize: There is a Constitutional mandate that dual school systems and other forms of *de jure* segregation be eliminated totally. But within the framework of that requirement an area of flexibility—a “rule of reason”—exists, in which school boards, acting in good faith, can formulate plans of desegregation which best suit the needs of their own localities.

De facto segregation, which exists in many areas both North and South, is undesirable but is not generally held to violate the Constitution. Thus, residential housing patterns may result in the continued existence of some all-Negro schools even in a system which fully meets Constitutional standards. But in any event, local school officials *may*, if they so choose, take steps beyond the Constitutional minimums to diminish racial separation.

SCHOOL DESEGREGATION TODAY

The Progress

Though it began slowly, the momentum of school desegregation has become dramatic.

Thousands of school districts throughout the South have met the requirements of law.

In the past year alone, the number of black children attending southern schools held to be in compliance has doubled, from less than 600,000 to nearly 1,200,000—representing 40 per cent of the Negro student population.

In most cases, this has been peacefully achieved.

However, serious problems are being encountered both by communities and by courts—in part as a consequence of this accelerating pace.

The Problems

In some communities, racially mixed schools have brought the community greater interracial harmony; in others they have heightened racial tension and exacerbated racial frictions. Integration is no longer seen automatically and necessarily as an unmixed blessing for the Negro, Puerto Rican or Mexican-American child. “Racial balance” has been discovered to be neither a static nor a finite condition: in many cases it has turned out to be only a way station on the road to resegregation. Whites have deserted the public schools, often for grossly inadequate private schools. They have left the now re-segregated public schools foundering for lack of support. And when whites flee the central city in pursuit of all- or predominantly-white schools in the suburbs, it is not only the central city schools that become racially isolated, but the central city itself.

These are not theoretical problems, but actual problems. They exist not just in the realm of law, but in the realm of human attitudes and human behavior. They are part of the real world, and we have to take account of them.

The Complexities

Courts are confronted with problems of equity, and administrators with problems of policy. For example: To what extent does desegregation of dual systems require positive steps to achieve integration? How are the rights of individual children and their parents to be guarded in the process of enforcement? What are the educational impacts of the various means of desegregation—and where they appear to conflict, how should the claims of education be balanced against those of integration? To what extent should desegregation plans attempt to anticipate the problems of resegregation?

These questions suggest the complexity of the problems. These problems confront us in the North as well as the South, and in rural communities, suburbs and central cities.

The troubles in our schools have many sources. They stem in part from deeply rooted racial attitudes; in part from differences in social, economic and behavioral patterns; in part from weaknesses and inequities in the educational system itself; in part from the fact that my making schools the primary focus of efforts to remedy long-standing social ills, in some cases greater pressure has been brought to bear on the schools than they could withstand.

The Context

Progress toward school desegregation is part of two larger processes, each quality essential:

The improvement of educational opportunities for all of America's children.

The lowering of artificial racial barriers in all aspects of American life.

Only if we keep each of these considerations clearly in mind—and only if we recognize their separate natures—can we approach the question of school desegregation realistically.

It may be helpful to step back for a moment, and to consider the problem of school desegregation in its larger context.

The school stands in a unique relationship to the community, to the family, and to the individual student. It is a focal point of community life. It has a powerful impact on the future of all who attend. It is a place not only of learning, but also of living—where a child's friendships center, where he learns to measure himself against others, to share, to compete, to cooperate—and it is the one institution above all others with which the parent shares his child.

Thus, it is natural that whatever affects the schools stirs deep feelings among parents, and in the community at large.

Whatever threatens the schools, parents perceive—rightly—as a threat to their children.

Whatever makes the schools more distant from the family undermines one of the important supports of learning.

Quite understandably, the prospect of any abrupt change in the schools is seen as a threat.

As we look back over these sixteen years, we find that many changes that stirred fears when they first were ordered have turned out well. In many Southern communities, black and white children now learn together—and both the schools and the communities are better where the essential changes have been accomplished in a peaceful way.

But we also have seen situations in which the changes have not worked well. These have tended to command the headlines, thus increasing the anxieties of those still facing change.

Overburdening the Schools

One of the mistakes of past policy has been to demand too much of our schools: They have been expected not only to educate, but also to accomplish a social transformation. Children in many instances have not been served, but used—in what all too often has proved a tragically futile effort to achieve in the schools the kind of a multiracial society which the adult community has failed to achieve for itself.

If we are to be realists, we must recognize that in a free society there are limits to the amount of government coercion that can reasonably be used; that in achieving desegregation we must proceed with the least possible disruption of the education of the nation's children; and that our children are highly sensitive to conflict, and highly vulnerable to lasting psychic injury.

Failing to recognize these factors, past policies have placed on the schools and the children too great a share of the burden of eliminating racial disparities throughout our society. A major part of this task falls to the schools. But they cannot do it all or even most of it by themselves. Other institutions can share the burden of breaking down racial barriers, but only the schools can perform the task of education itself. If our schools fail to educate, then whatever they may achieve in integrating the races will turn out to be only a pyrrhic victory.

With housing patterns what they are in many places in the nation, the sheer numbers of pupils and the distances between schools make full and prompt school integration in every such community impractical—even if there were a sufficient desire on the part of the community to achieve it. In Los Angeles, 78 per cent of all Negro pupils attend schools that are 95 per cent or more black. In Chicago the figure is 85 per cent—the same as in Mobile, Alabama. Many smaller cities have the same patterns. Nationwide, 61 per cent of all Negro students attend schools which are 95 per cent or more black.

Demands that an arbitrary "racial balance" be established as a matter of right misinterpret the law and misstate the priorities.

As a matter of educational policy, some school boards have chosen to arrange their school systems in such a way as to provide a greater measure of racial integration. The important point to bear in mind is that where the existing racial separation has not been caused by official action, this increased integration is and should remain a matter for local determination.

Pupil assignments involve problems which do not arise in the case of the assignment of teachers. If school administrators were truly color blind and teacher assignments did not reflect the color of the teacher's skin, the law of averages would eventually dictate an approximate racial balance of teachers in each school within a system.

Not Just a Matter of Race

Available data on the educational effects of integration are neither definitive nor comprehensive. But such data as we have suggest strongly that, under the appropriate conditions, racial integration in the classrooms can be a significant factor in improving the quality of education for the disadvantaged. At the same time, the data lead us into several more of the complexities that surround the desegregation issue.

For one thing, they serve as a reminder that, from an educational standpoint, to approach school questions solely in terms of race is to go astray. The data tell us that in educational terms, the significant factor is not race but rather the educational environment in the home—and indeed, that the single most important educational factor in a school is the kind of home environment its pupils come from. As a general rule, children from families whose home environment encourages learning—whatever their race—are higher achievers; those from homes offering little encouragement are lower achievers.

Which effect the home environment has depends on such things as whether books and magazines are available, whether the family subscribes to a newspaper, the educational level of the parents, and their attitude toward the child's education.

The data strongly suggest, also, that in order for the positive benefits of integration to be achieved, the school must have a majority of children from environments that encourage learning—recognizing, again, that the key factor is not race but the kind of home the child comes from. The greater concentration of pupils whose homes encourage learning—of whatever race—the higher the achievement levels not only of those pupils, but also of others in the same school. Students learn from students. The reverse is also true: the greater concentration of pupils from homes that discourage learning, the lower the achievement levels of all.

We should bear very carefully in mind, therefore, the distinction between educational difficulty as a result of race, and educational difficulty as a result of social or economic levels, of family background, of cultural patterns, or simply of bad schools. Providing better education for the disadvantaged requires a more sophisticated approach than mere racial mathematics.

In this same connection, we should recognize that a smug paternalism has characterized the attitudes of many white Americans toward school questions. There has been an implicit assumption that blacks or others of minority races would be improved by association with whites. The notion that an all-black or predominantly-black school is automatically inferior to one which is all or predominantly white—even though not a product of a dual system—inescapably carries racist overtones. And, of course, we know of hypocrisy: not a few of those in the North most stridently demanding racial integration of public schools in the South at the same time send their children to private schools to avoid the assumed inferiority of mixed public schools.

It is unquestionably true that most black schools—though by no means all—are in fact inferior to most white schools. This is due in part to past neglect or shortchanging of the black schools; and in part to long-term patterns of racial discrimination which caused a greater proportion of Negroes to be left behind educationally, left out culturally, and trapped in low paying jobs. It is not really because they serve black children that most of these schools are inferior, but rather because they serve poor children who often lack the home environment that encourages learning.

Innovative Approaches

Most public discussion of overcoming racial isolation centers on such concepts as compulsory "busing"—taking children out of the schools they would normally attend, and forcing them instead to attend others more distant, often in strange or even hostile neighborhoods. Massive "busing" is seen by some as the only alternative to massive racial isolation.

However, a number of new educational ideas are being developed, designed to provide the educational benefits of integration without depriving the student of his own neighborhood school.

For example, rather than attempting dislocation of whole schools, a portion of a child's educational activities may be shared with children from other schools. Some of his education is in a "home-base" school, but some outside it. This "outside learning" is in settings that are defined neither as black nor white, and sometimes in settings that are not even in traditional school buildings. It may range all the way from intensive work in reading to training in technical skills, and to joint efforts such as drama and athletics.

By bringing the children together on "neutral" territory friction may be dispelled; by limiting it to part-time activities no one would be deprived of his own neighborhood school; and the activities themselves provide the children with better education.

This sort of innovative approach demonstrates that the alternatives are not limited to perpetuating racial isolation on the one hand, and massively disrupting existing school patterns on the other. Without uprooting students, devices of this kind can provide an additional educational experience within an integrated setting. The child gains both ways.

Good Faith and The Courts

Where desegregation proceeds under the mandate of law, the best results require that the plans be carefully adapted to local circumstances.

A sense of compassionate balance is indispensable. The concept of balance is no stranger to our Constitution. Even First Amendment freedoms are not absolute and unlimited; rather the scales of that "balance" have been adjusted with minute care, case by case, and the process continues.

In my discussion of the status of school desegregation law, I indicated that the Supreme Court has left a substantial degree of latitude within which specific desegregation plans can be designed. Many lower courts have left a comparable degree of latitude. This does not mean that the courts will tolerate or the Administration condone evasion or subterfuges; it does mean that if the essential element of good faith is present, it should ordinarily be possible to achieve legal compliance with a minimum of educational disruption, and through a plan designed to be responsive to the community's own local circumstances.

This matter of good faith is critical.

Thus the far-sighted local leaders who have demonstrated good faith by smoothing the path of compliance in their communities have helped lay the basis for judicial attitudes taking more fully into account the practical problems of compliance.

How the Supreme Court finally rules on the major issues it has not yet determined can have a crucial impact on the future of public education in the United States.

Traditionally, the Court has refrained from deciding Constitutional questions until it became necessary. This period of legal uncertainty has occasioned vigorous controversy over what the thrust of the law should be.

As a nation, we should create a climate in which these questions, when they finally are decided by the Court, can be decided in a framework most conducive to reasonable and realistic interpretation.

We should not provoke any court to push a Constitutional principle beyond its ultimate limit in order to compel compliance with the court's essential, but more modest, mandate. The best way to avoid this is for the nation to demonstrate that it does intend to carry out the full spirit of the Constitutional mandate.

POLICIES OF THIS ADMINISTRATION

It will be the purpose of this Administration to carry out the law fully and fairly. And where problems exist that are beyond the mandate of legal requirements, it will be our purpose to seek solutions that are both realistic and appropriate.

I have instructed the Attorney General, the Secretary of Health, Education and Welfare, and other appropriate officials of the Government to be guided by these basic principles and policies:

Principles of Enforcement

Deliberate racial segregation of pupils by official action is unlawful, wherever it exists. In the words of the Supreme Court, it must be eliminated "root and branch"—and it must be eliminated at once.

Segregation of teachers must be eliminated. To this end, each school system in this nation, North and South, East and West, must move immediately, as the Supreme Court has ruled, toward a goal under which "In each school the ratio of White to Negro faculty members is substantially the same as it is throughout the system."

With respect to school facilities, school administrators throughout the nation, North and South, East and West, must move immediately, also in conformance with the Court's ruling, to assure that schools within individual school districts do not discriminate with respect to the quality of facilities or the quality of education delivered to the children within the district.

In devising local compliance plans, primary weight should be given to the considered judgment of local school boards—provided they act in good faith, and within Constitutional limits.

The neighborhood school will be deemed the most appropriate base for such a system.

Transportation of pupils beyond normal geographic school zones for the purpose of achieving racial balance will not be required.

Federal advice and assistance will be made available on request, but Federal officials should not go beyond the requirements of law in attempting to impose their own judgment on the local school district.

School boards will be encouraged to be flexible and creative in formulating plans that are educationally sound and that result in effective desegregation.

Racial imbalance in a school system may be partly *de jure* in origin, and partly *de facto*. In such a case, it is appropriate to insist on remedy for the *de jure* portion, which is unlawful, without insisting on a remedy for the lawful *de facto* portion.

De facto racial separation, resulting genuinely from housing patterns, exist in the South as well as the North; in neither area should this condition by itself be cause for Federal enforcement actions. *De jure* segregation brought about by deliberate schoolboard gerrymandering exists in the North as the South; in both areas this must be remedied. In all respects, the law should be applied equally, North and South, East and West.

This is one nation. We are one people. I feel strongly that as Americans we must be done, now and for all future time, with the divisive notion that these problems are sectional.

Policies for Progress

In those communities facing desegregation orders, the leaders of the communities will be encouraged to lead—not in defiance, but in smoothing the way of compliance. One clear lesson of experience is that local leadership is a fundamental factor in determining success or failure. Where leadership has been present, where it has been mobilized, where it has been effective, many districts have found that they could, after all, desegregate their schools successfully. Where local leadership has failed, the community has failed—and the schools and the children have borne the brunt of that failure.

We shall launch a concerted, sustained and honest effort to assemble and evaluate the lessons of experience: to determine what methods of school desegregation have worked, in what situations, and why—and also what has not worked. The Cabinet-level working group I recently appointed will have as one of its principal functions amassing just this sort of information and helping make it available to the communities in need of assistance.

We shall attempt to develop a far greater body of reliable data than now exists on the effects of various integration patterns on the learning process. Our effort must always be to preserve the educational benefit for the children.

We shall explore ways of sharing more broadly the burdens of social transition that have been laid disproportionately on the schools—ways, that is, of shifting to other public institutions a greater share of the task of undoing the effects of racial isolation.

We shall seek to develop and test a varied set of approaches to the problems associated with "*de facto*" segregation, North as well as South.

We shall intensify our efforts to ensure that the gifted child—the potential leader—is not stifled intellectually merely because he is black or brown or lives in a slum.

While raising the quality of education in all schools, we shall concentrate especially on racially-impacted schools, and particularly on equalizing those schools that are furthest behind.

Words often ring empty without deeds. In government, words can ring even emptier without dollars.

In order to give substance to these commitments, I shall ask Congress to divert \$500 million from my previous budget requests for other domestic programs for Fiscal 1971, to be put instead into programs for improving education in racially-impacted areas, North and South, and for assisting school districts in meeting special problems incident to court-ordered desegregation. For Fiscal 1972, I have ordered that \$1 billion be budgeted for the same purposes.

I am not content simply to see this money spent, and then to count the spending as the measure of accomplishment. For much too long, national "commitments" have been measured by the number of Federal dollars spent rather than by more valid measures such as the quality of imagination displayed, the amount of private energy enlisted or, even more to the point, the results achieved.

If this \$1.5 billion accomplishes nothing, then the commitment will mean nothing.

If it enables us to break significant new ground, then the commitment will mean everything.

This I deeply believe:

Communities desegregating their schools face special needs—for classrooms, facilities, teachers, teacher training—and the nation should help meet those needs.

The nation also has a vital and special stake in upgrading education where *de facto* segregation persists—and where extra efforts are needed if the schools are to do their job. These schools, too, need extra money for teachers and facilities.

Beyond this, we need to press forward with innovative new ways of overcoming the effects of racial isolation and of making up for environmental deficiencies among the poor.

I have asked the Vice President's Cabinet Committee on School Desegregation, together with the Secretary of Health, Education and Welfare, to consult with experts in and out of government and prepare a set of recommended criteria for the allocation of these funds.

I have specified that these criteria should give special weight to four categories of need:

The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

The special needs of racially-impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness.

The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

The financing of innovative techniques for providing educationally sound inter-racial experiences for children in racially isolated schools.

This money—the \$500 million next year, and \$1 billion in Fiscal 1972—must come from other programs. Inevitably, it represents a further reordering of priorities on the domestic scene. It represents a heightened priority for making school desegregation work, and for helping the victims of racial isolation learn.

Nothing is more vital to the future of our nation than the education of its children; and at the heart of equal opportunity is equal educational opportunity. These funds will be an investment in both the quality and the equality of that opportunity.

This money is meant to provide help *now*, where help is needed now.

As we look to the longer-term future, it is vital that we concentrate more effort on understanding the process of learning—and improving the process of teaching. The educational needs we face cannot be met simply with more books, more classrooms and more teachers—however urgently these are needed now in schools that face shortages. We need more effective methods of teaching, and especially of teaching those children who are hardest to reach and most lacking in a home environment that encourages learning.

In my message on education reform earlier this month, I proposed creation of a National Institute of Education to conduct and to sponsor basic and applied educational research—with special emphasis on compensatory education for the disadvantaged, on the Right to Read, on experimental schools and on the use of television for educational purposes.

I repeat that proposal—and I ask that the Congress consider it a matter of high priority.

A FREE AND OPEN SOCIETY

The goal of this Administration is a free and open society. In saying this, I use the words "free" and "open" quite precisely.

Freedom has two essential elements: the *right* to choose, and the *ability* to choose. The right to move out of a mid-city slum, for example, means little without the means of doing so. The right to apply for a good job means little without access to the skills that make it attainable. By the same token, those skills are of little use if arbitrary policies exclude the person who has them because of race or other distinction.

Similarly, an "open" society is one of open choices—and one in which the individual has the mobility to take advantage of those choices.

In speaking of "desegregation" or "integration," we often lose sight of what these mean within the context of a free, open, pluralistic society. We cannot be free, and at the same time be required to fit our lives into prescribed places on a racial grid—whether segregated or integrated, and whether by some mathematical formula or by automatic assignment. Neither can we be free, and at the same time be denied—because of race—the right to associate with our fellow-citizens on a basis of human equality.

An open society does not have to be homogeneous, or even fully integrated. There is room within it for many communities. Especially in a nation like America, it is natural that people with a common heritage retain special ties; it is natural and right that we have Italian or Irish or Negro or Norwegian neighborhoods; it is natural and right that members of those communities feel a sense of group identity and group pride. In terms of an open society, what matters is mobility: the right and the ability of each person to decide for himself where and how he wants to live, whether as part of the ethnic enclave or as part of the larger society—or, as many do, share the life of both.

We are richer for our cultural diversity; mobility is what allows us to enjoy it. Economic, educational, social mobility—all these, too, are essential elements of the open society. When we speak of equal opportunity we mean just that: that each person should have an equal chance at the starting line, and an equal chance to go just as high and as far as his talents and energies will take him.

This Administration's programs for helping the poor, for equal opportunity, for expanded opportunity, all have taken a significantly changed direction from those of previous years—and those principles of a free and open society are the keys to the new direction.

Instead of making a man's decisions for him, we aim to give him both the *right* and *ability* to choose for himself—and the mobility to move upward. Instead of creating a permanent welfare class catered to by a permanent welfare bureaucracy, for example, my welfare reform proposal provides job training and a job requirement for all those able to work—and also a regular Family Assistance payment instead of the demeaning welfare handout.

By pressing hard for the "Philadelphia Plan," we have sought to crack the color bar in the construction unions—and thus to give black and other minority Americans both the right and the ability to choose jobs in the construction trades, among the highest paid in the nation.

We have inaugurated new Minority Business Enterprise programs—not only to help minority members get started in business themselves, but also, by developing more black and brown entrepreneurs, to demonstrate to young blacks, Mexican-Americans and others that they, too, can aspire to this same sort of upward economic mobility.

In our education programs, we have stressed the need for far greater diversity in offerings to match the diversity of individual needs—including more and better vocational and technical training, and a greater development of 2-year community colleges.

Such approaches have been based essentially on faith in the individual—knowing that he sometimes needs help, but believing that in the long run he usually knows what is best for himself. Through them also runs a belief that education is the key that opens the door to personal progress.

As we strive to make our schools places of equal educational opportunity, we should keep our eye fixed on this goal: To achieve a set of conditions in which neither the laws nor the institutions supported by law any longer draw an invidious distinction based on race; and going one step further, we must seek to repair the human damage wrought by past segregation. We must give the minority child, that equal place at the starting line that his parents were denied—and the pride, the dignity, the self-respect, that are the birthright of a free American.

We can do no less and still be true to our conscience and our Constitution. I believe that most Americans today, whether North or South, accept this as their duty.

The issues involved in desegregating schools, reducing racial isolation and providing equal educational opportunity are not simple. Many of the questions are profound, the factors complex, the legitimate considerations in conflict, and the answers elusive. Our continuing search, therefore, must be not for the perfect set of answers, but for the most nearly perfect and the most constructive.

I am aware that there are many sincere Americans who believe deeply in instant solutions and who will say that my approach does not go far enough fast enough. They feel that the only way to bring about social justice is to integrate all schools now, everywhere, no matter what the cost in the disruption of education.

I am aware, too, that there are many equally sincere citizens—North and South, black and white—who believe that racial separation is right, and wish the clock of progress would stop or be turned back to 1953. They will be disappointed, too.

But the call for equal educational opportunity today is in the American tradition. From the outset of the nation, one of the great struggles in America has been to transform the system of education into one that truly provided equal opportunity for all. At first, the focus was on economic discrimination. The system of "fee schools" and "pauper schools" persisted well into the 19th century.

Heated debates preceded the establishment of universal free public education—and even in such States as New York, New Jersey and Connecticut, the system is barely a century old.

Even today, inequities persist. Children in poor areas often are served by poor schools—and unlike the children of the wealthy, they cannot escape to private schools. But we have been narrowing the gap—providing more and better education in more of the public schools, and making higher education more widely available through free tuition, scholarships and loans.

In other areas, too, there were long struggles to eliminate discrimination that had nothing to do with race. Property and even religious qualifications for voting persisted well into the 19th century—and not until 1920 were women finally guaranteed the right to vote.

Now the focus is on race—and on the dismantling of all racial bars to equality of opportunity in the schools. As with the lowering of economic barriers, the pull of conscience and the pull of national self interest both are in the same direction. A system that leaves any segment of its people poorly educated serves the nation badly; a system that educates all of its people well serves the nation well.

We have overcome many problems in our 190 years as a nation. We can overcome this problem. We have managed to extend opportunity in other areas. We can extend it in this area. Just as other rights have been secured, so too can these rights be secured—and once again the nation will be better for having done so.

I am confident that we can preserve and improve our schools, carry out the mandate of our Constitution, and be true to our national conscience.

APPENDIX B

URBAN EDUCATION TASK FORCE REPORT

[January 19, 1970]

FINAL REPORT OF THE TASK FORCE ON URBAN EDUCATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE OFFICE OF EDUCATION, WASHINGTON, D.C.

Wilson C. Riles, Chairman; John F. Hughes, Cochairman, January 1970.

ACKNOWLEDGMENTS

The Chairman and Co-Chairman of the Urban Education Task Force wish especially to express their sincere appreciation to the five subcommittee chairmen and their co-chairmen as well as the support staff listed by name in Appendix I.

They also wish to express their sincere thanks to those individuals and organizations which contributed data and material for the chapters in Part One, State of Urban Education, Part Two, The Federal Responsibility. Specifically, they wish to thank Dr. Alan K. Campbell, Dean, Maxwell Graduate School, Syracuse University; Mr. Joel Berke, Special Assistant to the Chairman of the Policy Institute of the Syracuse Research Corporation; Dr. Seymour Sacks, Professor of Economics, Maxwell Graduate School (their services were invaluable); Dr. David Cohen, Executive Director, Center for Educational Policy Research, Graduate School of Education, Harvard University, for his special contribution to Part Two, The Federal Responsibility; and Dr. Robert A. Dentler, Director of the Center for Urban Education in New York City, and his staff for producing a comprehensive data base under nearly impossible time constraints.

Lastly, they wish to express their gratitude to the final team who largely wrote the Report, Dr. and Anne O. Hughes and Miss Barbara H. Desind, Division of Compensatory Education, BESE, U.S. Office of Education—as well as to the secretarial support who tirelessly supported them.

W. C. R.
J. F. H.

SUMMARY

Chapter I: Introduction

Perspective for the Report.—These points should be borne in mind with regard to the Urban Education Task Force Report. First, the problems confronting urban education and its environment are not of sudden origin. Such problems as inadequate financing, increased enrollments, insufficient staffing, malnutrition, and discrimination have all existed for a long time. However, there are some differences, specifying, the surfacing of these problems nationally, increased awareness of their seriousness, and their interrelatedness to poverty.

Second, the picture presented of urban education and its environment is far from pleasant. However, the presentation in the documentation section is not to be construed as criticism for criticism's sake. Instead, our intent is to underscore the urgency of dealing with urban education's needs as a major national priority and to lay the foundation for our ensuing recommendations.

Third, the Task Force deliberately chosen to reflect diversity in viewpoints. Inevitably found unanimity impossible on all of the recommendations made by its committees. Hence, both majority and minority points

of view are presented in the Report with the intent of demonstrating alternative views on and recommendations for resolving the issues and problems which are identified. The Report also reflects many of the suggestions for modifications made by members of the Task Force.

Worthy of mentioning is the fact that every member of the Task Force recognizes that education in this country has never been assigned an adequate priority in terms of financial, human, and material resources.

Overview of the Urban Education Problem.—Urban education systems are facing a major challenge to provide appropriate learning experiences for the various life styles of vast numbers of students. The indicators of this challenge are extremely diverse in their intensity and scope: student unrest on university campuses and in the high schools, local community groups seeking control of their neighborhood schools, clashes with law enforcement agencies, complaints being filed with regard to use of Federal funds, teacher strikes, voter rejection of large city school bond issues, the proliferation of alternative plan for education students, lack of priority for education in State and local governments. The greatest number of such indicators—intensifying each other—are taking place in our cities.

This challenge is, in turn, part of yet a broader and more complex one. Major changes have occurred in the perceptions of large numbers of American citizens, specifically, the minority racial and ethnic groups, who now express their feelings of exclusion from meaningful participation in the social, economic, political, and educational institutions of our nation. The steady accumulation of evidence across a wide spectrum of human needs and rights signals that these perceptions are largely supported.

Vastly increased amounts of money are now imperative. In general, the amount of Federal money thus far added has been insufficient for the magnitude of the task confronted. Furthermore, the sustained flow of money is another problem. Complicating these problems are contradictions in terms of legislation and budget priorities at the Federal, State, and local levels which often work against urban areas and their school systems. As the cities become poorer and education becomes costlier, the probabilities increase for the inner city student to participate in only a substandard education. And it is he who should be able to secure a superior education since it constitutes his passport to economic self-sufficiency and self-realization.

However, solving the monetary problems alone is not the complete answer. Major changes must take place in the educational system as well. Compensatory education programs which are producing positive results with impoverished students usually reflect combinations of modified curriculum, staff development, enlightened staff attitudes, supportive services, parent support, and adequate funding. Too few of these programs are currently operating.

Education holds the promise of a one-generation up and out process. That is, the poverty child does not have to repeat the poverty pattern of his parents if he receives a valid and saleable education.

It is within this context that we strongly urge that the problem of urban areas should be considered as the major priority of the Administration's domestic programs. Within this priority, education—broadly conceived and with new constituencies involved—should become a first consideration. The overwhelming majority of the Task Force adopted all of the below-noted positions.

1. *Money.*—Significantly increased levels of funding are needed for urban education far exceeding what current appropriations—even authorizations—now make possible. However, the criteria for securing funds must be based upon such factors as poverty indices, community determination, demonstrated capability to carry out such a program, levels of State and local efforts, the recognition of the fact that education is more expensive in the cities than elsewhere, and a clear focus on both the inner city areas and the suburban poverty pockets.

2. *Concept of Urban Education.*—Education as we have typically defined it is too narrow for the impoverished constituencies with whom we are concerned. The educative process must be truly expanded in its focus to the whole individual at all educational levels. It must be conceived of as taking place anytime and anywhere; focused on the whole community with genuine respect for its various needs, aspirations, and strengths; and aimed at preparing students for all the complexities of urban living.

3. *Master Plan for Urban Education.*—The only viable approach to resolving the complex problems of education in urban areas is through the development and implementation of a master plan for urban education . . . from early childhood through higher and adult education tailored to the specific needs of a particular urban area.

4. *Institutional Changes.*—There must be a deliberate sequence of steps planned and implemented which will lead to institutional change within educational systems. Such a sequence should be based on a changed and expanded perspective concerning the role(s) and function(s) of the schools and their staffing, including institutions of higher education. While the fundamental changes must be made *within* the system rather than occurring outside of it, alternative educational approaches can also contribute positively to accelerating the rate of institutional change.

5. *Community Determination.*—Community residents and students must have an active role in the critical decision-making concerning urban education problems. The definition of this role will need to be worked out locally within a broad and flexible set of guidelines. Regardless of the form that the community determination takes, it should contain policy-making contributions in the areas of: priorities for spending the available monies; the educational program offered; and hiring of key personnel. (Definitions which are evolved will have to be conditioned by the legal constraints of existing State and Federal legislation.)

6. *Performance Standards.*—Clearly stated performance standards or criteria should be established for an urban education program. These criteria should constitute a clear statement of the specific knowledge, attitudes, and skills which the students themselves are expected to demonstrate. In effect, they should describe the kinds of students the educative process intends to produce in terms of overt behaviors. Furthermore, perform-

ance criteria should be established for all educational staff involved in program.

7. *Assessment.*—Assessment should be an integral part or component of the urban education program beginning with the planning phase. Moreover, this assessment component should be designed to assure rapid and continuing feedback on the program's strengths and weaknesses and should allow for rapid modifications and adjustments to be made in the program based on student performance. Furthermore, Federal funding should be conditioned on the attainment of measurable standards of this performance by urban school agencies.

8. *Racial and Ethnic Integration.*—Racial and ethnic integration should be a major element in all the planning and implementation phases of the urban education program and should be clearly stated as a major criterion for receiving funds. Recognizing that there is no single or simple way of achieving real integration, a community applying for funds should demonstrate how its educational plan contributes to overcoming racial and ethnic isolation. We suggest that the current thrust composed of separatism, local community control, and the demand for a recognized identity is not over the long term antithetical to the aims of integration. Rather, it constitutes an attempt to achieve through other channels what these earlier thrusts have only partially fulfilled. Still another thrust seems to be emerging which reflects neither primary reliance on public-spirited members of the white majority nor the "we'll go it alone" stance of some groups within the minorities. Instead, it reflects the effort to achieve legitimate power bases from which to negotiate as equals with the majority. This emergent thrust is potentially very promising since it concomitantly recognizes common goals and proposes a cooperative approach in achieving them. Therefore, we strongly support a broadened view of racial and ethnic integration which includes within it those actions which superficially and over the short term may seem militant.

The purposes of the Report are, as follows:

1. To describe and document the critical problems and needs confronting urban education.
2. To examine the extent to which the Federal Government can and should extend solutions to the problems facing urban education.
3. To recommend long-term programmatic and legislative approaches needed to resolve the problems and needs identified; and also to recommend the short-term actions that can be taken under existing legislation.

Part I—The state of urban education

Part one of the Report considers the four major dimensions of the problem confronting urban education in Chapters II through V. Specifically, they deal with the financial crisis of the urban schools; the urban environment of the students; the urban education system; and the impoverished urban student.

Two points should be borne in mind with regard to the chapters of Part One. First, rarely—if ever—has there been an attempt to show the problems of urban education in the light of their surrounding context. Instead, education and its setting are often treated as separate entities with separate problems. Since children and youth spend more time in school than they do in any other social agency, the school and its setting

inevitably interact on one another. Thus they should be interrelated when studied. Second, although difficult to secure data for the documentation of urban education's needs, sufficient evidence has been arrayed to delineate the major dimensions of the problem facing urban education.

Chapter II—The financial crisis of the urban schools

To provide the basis for the recommendation that the Federal Government must assume a policy of top priority for urban areas demonstrated by massive appropriations to meet the need of educationally and economically disadvantaged families, the extent and nature of the current financial crisis is demonstrated through a documentation of the following factors:

1. *Financial deterioration due to population migration.*—Generally, the high tax producers are leaving the cities while ever increasing numbers of high tax consumers—the disadvantaged—are entering the city. The obvious result is less money available to meet greater needs.

2. *The higher cost of urban education.*—It is more costly to meet the needs of the educationally deprived than those of the affluent suburban student. Compounding this problem are the higher maintenance costs and vandalism rates in the inner-city.

3. *Inequitable State aid formulas.*—Such formulas not only fail to recognize the disproportionate educational expenses of the cities, but compound the problem by providing central cities with less State aid per capita than is made available to the outlying areas.

4. *Diminishing popular support and confidence in education.*—Adverse votes on tax measures and bond references have left many cities with drastically inadequate budgets.

5. *Financial difficulties of non-public schools.*—Non-public schools have felt many of the same financial pressures as public schools. As the former are forced to close their doors, the latter have been faced with serving whole new school populations with inadequate budgets and facilities.

6. *Minimal level and minimal effect of Federal funds.*—Federal aid is less than 8 percent of the average local education dollar. In addition, cities do not receive their fair share under most Federal education programs.

Without adequate funding, there is no hope for effective education in the cities. The current need for funds is as desperate as it is massive.

Chapter III—The urban environment of the students

The urban environment of the student—as characterized by divergent values, overcrowding, under-housing, high cost of living, low levels of income, too much discrimination, too little food, and too much noise—also constitutes a major dimension of the problem confronting the schools. The environment is not static—it is a dynamic. As such, the environment is potentially and continuously involved in the process of educating its residents, among them its children and youth. The educative process in the schools cannot—and should not—be separated from that in the environment. In this chapter, the major elements of this environment are identified and analyzed with respect to their influence on the student. These elements are below-noted.

Health and Nutrition.—The urban student often suffers from malnutrition which results in inadequate health and energy levels minimizing his efforts on demanding school tasks. He lives in a world in which the mortality rates of women and babies in birth are higher and the life expectancies of men are lower than for other Americans.

Economic Status and Unemployment.—Unemployment, underemployment and inadequate welfare are facts of life for many urban students. Education brings some upward mobility, but more often racial discrimination acts as an obstacle to securing education, employment, and advancement.

Housing and Living Conditions.—The inner-city student lives in poor, overcrowded housing for which a family is likely to have to overpay.

The Family.—Although there are many stable families residing in such areas, the divorce, separation and desertion rates are comparatively high in the inner cities. If not within his immediate family, then within his neighborhood, the inner-city student will gain an early knowledge of problems associated with drug addiction, prostitution, and theft. He will probably develop a tough self-reliance, a spirit of cooperation, a tolerance for a high degree of noise and a casualness in terms of daily routine. The concepts, language, and problem solving techniques he acquires will be primarily geared to his survival in the neighborhood and the necessary interactions in and demands of his family.

Chapter IV—The urban education system

Although the argument is often offered that financial inadequacies and the conditions of the student's urban environment are the only important contributors to the urban education problem, the education system itself must bear some share of the responsibility. These problems are summarized below.

Obstacles Faced by Urban Education Systems.—In addition to the great obstacle of inadequate funding, the flow of racial and ethnic minorities has created obstacles for the schools in terms of the numbers, poverty, social isolation, and lack of education of these urban immigrants. Yet while the system has generally acknowledged the problems of its numbers, it has in many cases failed to respond adequately to the needs of these individuals. The size and nature of the immigration has in turn imposed difficulties in achieving the goal of integration, increased the inadequacy of school facilities, and made the existing teacher shortage more acute. The problems of recruiting fully accredited teachers, keeping accredited experienced teachers for any length of time, and achieving a racial and ethnic balance are more sharply felt in the cities than in the suburbs.

The Problems of the Education System in Perceiving Its Students.—In many instances, educational systems are unable to cope with a pluralistic culture. A serious problem with many urban systems today is their lack of awareness of the effects of their own biases on their students. Possessing essentially the same general goals as previous waves of immigrants (e.g., economic security, self-respect, personal safety), the minorities today nevertheless manifest some differences in values, needs, and problems. These often unrecognized biases and unchanging expectations have often limited the system's capacity to teach effectively children who do not

have the same expectations, such as being oriented to middle classes values and expectations, being "ready" for reading, and having the structural orientation that facilitates shifting from subject matter to subject matter as dictated by time blocs rather than by interest and substance. The failure of many teachers to perceive their students as they are stems from complex origins relating to the status assigned by society to teaching the disadvantaged and the levels of competency and experience of the teachers.

The Problems with the System as a Perception of Its Students, Its Faculty, Its Community.—The system has major problems if significant elements of its consistency believe it is failing. Three such elements (i.e., the students, the teachers, and the general community) are identified and their perceptions discussed. The student's perception of the system's failure is reinforced through the documentation of achievement levels, drop-out rates, and instances of violence. The teacher's perception is articulated by strikes, disagreements, and a growing body of dissent literature. The community's perception of this failure is expressed by the defeat of bond issues, or general lack of support and confidence, and a growing trend toward demands for decentralization and separatism.

Chapter V—The impoverished urban student

A brief analysis of the impoverished urban student is presented in terms of behaviors which often go largely unutilized in present educational programs. Proceeding from a combination of direct experience, anecdotal report, and analogical reasoning, the evidence cited is focused on three categories of behaviors of major importance to academic learning: (1) his capacity for realistic problem-solving at many levels; (2) his excellent communication capabilities which encompass the kinds of verbal abilities required by the school; and (3) his generosity, cooperation, and candor.

Appropriate programs and staff capitalize on these and other behaviors of this student with achievement as one major result. However, such programs, staff, and results occur all too infrequently.

PART TWO—THE FEDERAL RESPONSIBILITY

In this section, there are two points to bear in mind. One is that the Federal government is beginning to shift its focus from comparatively specific efforts in education to broad social action thrusts which encompass more than education per se. Problems in evaluating such programs have arisen as a result of their new thrusts. The other point is that the Federal role is not easily defined with regard to these broad educational programs. It is in the process of emerging and its development must take place in the midst of constitutional precedents and political realities.

Chapter VI—Problems in evaluating the impact of current Federal programs for impoverished populations

The major change in the Federal focus on education from the previous relatively small and specific programs affecting limited groups (e.g., NDEA) to the newer broadly conceived large social action programs (e.g., NSBA, Title I) affecting impoverished populations has not been accompanied correspondingly by a major change in the approaches being used in the evaluation of these programs.

More fundamental than the methodological problems in the evaluation of the

current programs are the conceptual and political problems.

Conceptual.—The central conceptual problem arises from the fact that while the new programs are essentially political and social in nature, evaluators tend to approach them as though they were standard efforts at educational change.

Political.—Three major problems are identified: (1) the current operating programs (e.g., ESEA, Title I) were not envisaged as vehicles for research and development in their legislative mandates; (2) the existing distribution of political power in education; and (3) the basic lack of resources—both fiscal and human.

Chapter VII—The Federal role in urban education: Limits and obligations

The dimensions of the newly developing Federal role in education are described within the context of: (1) political and financial limitations; and (2) the obligation—and precedent—for the Federal Government to intervene specifically where it is in the national interest to solve a particular problem. Urban education now poses such a problem.

The dimensions of the new Federal role are seen as: (1) fostering institutional change for the improvement of economic, social, health, and educational conditions of impoverished groups; (2) providing increased monies for such educational and education-related programs; and (3) becoming an advocate on behalf of impoverished groups as a result of (1) and (2).

A major question is raised concerning whether or not the Federal Government has the skill and determination to redesign its education programs in ways which will solve urgent national problems of social progress and human survival. Moreover, the point is made that massive amounts of money are necessary—and only the Federal Government has the resources to solve these problems.

PART THREE—A PLAN FOR URBAN EDUCATION

This final part of the Report presents the long-range recommendations on which the Urban Education Task Force place its major emphasis. In addition to the long-range recommendations, short-range recommendations are made relating to existing legislation. The latter are meant only to serve as a holding action until such time as the long-term recommendations are operative.

The Report submits as its major recommendation the development of the Office of Education of special landmark legislation, such as an Urban Education Act, which will be designed to fund the planning development and implementation of a comprehensive master plan to meet the long-range educational education-related needs of inner-city areas. To accomplish this, the Task Force recommends that the Office of Education immediately establish an Office of Programs Serving the Disadvantaged under an Associate Commissioner, to become the Bureau of Urban Education with broader mandates upon the passage of an Urban Education Act.

Part Three of the Report discusses the long-term recommendations relevant to the Urban Education Act in Chapters VIII through XI, governing the educational program, the authority structure, funding principles and the cost respectively. The short-term recommendations are presented in Chapter 12.

Minority viewpoints are presented for those recommendations on which more than

one alternative was offered. However, the recommendations stated first represent the large majority of the Task Force members.

Chapter VIII—An urban education act—the educational program

Authorized by an Urban Education Act, urban areas should plan and develop comprehensive master plan proposals for the redesign of educational programs and supportive services which would set forth specific educational and social goals, educational services and performance standards for the improvement of education at all levels within the area to be served, with special emphasis for inner-city students.

Scope of the Master Plan.—In order to provide the inner-city student with an equal opportunity to function successfully in the mainstream, his education must not merely equal, but be superior to that in the suburbs. The master plan must accordingly reflect the most enriched definition of education and relate that education to current urban problem areas including integration, housing, employment, recreation, and health.

To ensure this superior education, general criteria should be established—preferably in the legislation itself but could be done administratively—which would be concerned with: a broadened definition of the education; the use of existing and heretofore largely unutilized instructional resources; the use of financial resources at all levels of public and private sources; a clearly articulated needs statement indicating a knowledge of the target area and its problems on a need priority basis; a general set of objectives for a total program which will consider those problems of the city which have direct bearing on the process of education; a specific set of educational objectives to be met by the educational program of the master plan; a full description of the program; plans for continuous assessment of the program in terms of student performance; and plans for an evaluation of the overall institutional performance.

Levels of the Education Program.—The master plan should encompass all educational levels from early childhood through adult. While all levels should be fully and equally treated in the plan, certain long-range considerations might be afforded the early childhood level, while short-term considerations might affect secondary and higher education.

Educational Program Components.—The educational program of the master plan should include at a minimum the following program and program-related components:

1. *Planning.*—This component should be continuous with various phases, such as initial design, preliminary implementation feedback, modification, etc.

The planning framework should assume integration as a vital aspect of education and should take all feasible steps toward this goal. The planning framework must also assume institutional change as a necessity, not for the sake of change, but as the implementation of new aspects which have been proven more effective than those in use. Plans should consider gains, not only for students, but for the total community through a wide use of resources. Pre-grant performance should be indicated and planners should be required to use existing funds to demonstrate performance prior to receiving developmental and operational funds.

2. *Personnel Development.*—All educational personnel at all professional and non-

professional levels should be provided continuous preservice and inservice programs at the local, city, State, and Federal levels. Programs should stress: acquisition of appropriate attitudes for working with target populations; preparation for process centered learning; utilization of life experiences of students; techniques for involving community residents; cooperative work with supportive services staffing; and flexible use of traditional and traditional educational settings. Basic reform in personnel development must occur in three areas: recruitment, training programs, and staff development.

3. *Curriculum.*—Curriculum is defined as a clearly articulated master plan for the educative process which includes student-oriented performance objectives; sequenced sets of experiences organized from task analyses; basic strategies for acquiring the knowledge skills and attitudes in these sequences; and evaluation based on the objectives. In addition to traditional academic areas must be curriculum designed to teach the urban child how to cope with specific urban problems. Special emphasis should be given to the communication processes; and within these, reading should be stressed because of its significance to educational achievement and employment.

4. *Supportive Services.*—Such services, adequately staffed, which make effective learning possible, e.g., medical, dental, nutritional, clothing, shelter, social and psychological, counseling and guidance, occupational and educational placement, dropout prevention, personnel recruitment, and recreational, must be provided the students and their communities.

5. *Community Determination.*—The master plan should provide mechanisms to include the target community with all its human and institutional components, all of which can profit education locally. Such components are the innercity residents, colleges, universities, vocational and technical training institutions, and local private industries and foundations. Of special importance is the contributions which inner-city residents can—and should—make.

6. *Experimentation.*—This component will serve to try out new concepts, techniques, personnel training, staffing patterns, class organization, etc. Related are those alternative education programs which may be piloted or demonstrated as "sub-programs" in the overall master plan.

7. *Assessment.*—This component is defined as the planning and implementation of a design which will determine the extent to which the students in the educational program are manifesting those behaviors stated in its objectives at various educational levels so that necessary modifications and/or redesign of operating programs can occur at a national thrust.

8. *Facilities.*—Facilities should be created to use space imaginatively in a manner which integrates them with the local program. Where possible they should afford multipurpose usage and have favorable impact upon local economy and community use.

A minority view held that the Federal Government had no appropriate role in the area of recommending criteria and program components.

The Need for Alternatives to the Master Plan.—Alternative programs outside of or in competition with the master plan should be funded to meet specific needs and problems

not taken into account by the more comprehensive master plan. Among alternatives discussed here are educational parks, publicly funded private schools, city-as-classroom structures, etc., as well as the controversial voucher system. Minority viewpoints are also presented.

Chapter IX: An urban education act—the authority structure

The Task Force recommends that the Office of Education, in its development of an Urban Education Act, consider the restructuring of authority on Federal, State, municipal, and community levels—as it applies both to grantor and grantee. New roles must be conceived at each level and are reflected in the four sections of the chapter dealing with the community, the metropolitan area, the State, and the Office of Education.

A Rationale for an Expanded Community Role.—The Task Force supports the principle that heretofore excluded parents and local community residents must be included in the process of decision-making for the schools if effective changes in urban education are to be achieved. Any new legislation should insure that the community can develop its own mechanism for significant inclusion; make provision for the training of administrators to accommodate themselves to that mechanism; provide funds for such development and training; and provide for Federal evaluation of institutional change and local evaluation of the mechanism's effectiveness in achieving its objective of increased institutional accountability.

The role of the community must be expanded in part because of the relative failures of school boards, school administrators and teacher organizations to meet local educational needs. In addition, the community has a legitimate role in educational decision-making on the basis of American tradition and their ability to make valid contributions.

The Report describes some of the efforts of urban systems to link decision-making authority to the community. Decentralization is discussed in its gradations of the delegation of certain kinds of authority and responsibility by a duly constituted legal school board to a subdivision or unit within its purview. Community determination is discussed in terms of degree: participation in the system; partnership with the system; and control over some school or subsystem within the system.

A majority of the Task Force recommends that decentralization and community determination must be considered as major avenues to institutional change while a minority held that Federal policy in this area was unnecessary.

Relationships Among Communities in Urban Areas.—While the main thrust of new legislation should be directed at the inner-city with authority for such programs vested in school districts and local communities, the Task Force recommends that an alternative thrust be considered which will involve the larger metropolitan population as participants in an urban education program. Comprehensive metropolitan planning should be encouraged where it will result in: a realignment of present school systems; mutual benefit among education and related agencies; a capitalization on the strengths of an entire metropolitan area in order to meet its needs; a trend toward decentralization of programmatic and administrative matters to individual schools.

This recommendation is based on: the existence of non-localized educational and related problems; the presence of disadvantaged populations outside the central city; a broader potential of pool resources; potential advantages for students through enriched programs; the need for comprehensive educational planning; the existence of scattered successful examples of metropolitan planning, and the compatibility of metropolitan and decentralization.

The Role of the States.—An Urban Education Act should clearly define the role of the States, considering both their present practices which often do not favor urban education and their significance for future urban education. The Task Force recommends that the requirements for recognition and correction of inequities in State aid formulas which discriminate against urban areas must be defined. Moreover the Task Force recommends that the Act provide incentive grants to States which require State matching and State maintenance of effort for the new and improved education programs for the urban impoverished groups.

In addition, incentive funds should be used for: providing for a reform of State school finance programs; establishing urban education units in State departments; revising requirements for certification to permit new sources of personnel; examining and setting standards for physical facilities; and creating State and local units for disseminating information about urban educational needs; and creating approval mechanisms for urban education proposals.

The Need for Federal Reorganization and the Establishment of an OE Bureau of Urban Education.—The Task Force recommends the following OE reorganization steps:

1. An interim measure, prior to the passage of an Urban Education Act, the consolidation within OE of those special programs which serve the needs of disadvantaged children under an Associate Commissioner for Programs Serving the Disadvantaged. An appropriate bureau or office title may be designed in keeping with the current OE reorganization.

2. As the development of new program authorization permits, the creation of a new Bureau for Urban Education with a clear mandate to operate programs and establish Office-wide priorities to meet effectively and rapidly urban education needs in all OE programs.

Such an office described in step 1 above, should be afforded priority commensurate with the vital functions it will perform. It should have immediate operating responsibility for programs for the disadvantaged including Title I ESEA, Follow Through, Bilingual and Dropout Prevention Programs, and the Demonstration Project in Anacostia (D.O.). The unit should have its own program, salaries, and expense budget. Staff should be recruited from both Federal and non-Federal sources to reflect a wide range of competencies pertinent to urban programs, legislation, and the like.

The need for such an office is validated by the unsatisfactory efforts of smaller units and special assistant positions to fulfill those functions in the past.

The functions of the new office should include: implementation of the short-term recommendations in this report; coordination of OE efforts to supply materials to Congress pertinent to the passage of the Act; coordination of existing programs which

focus on urban areas; administration of those operating programs now authorized by ESEA (Title I, VII and Section 807), administration of demonstration programs; development and operation of an information center; provision of assistance to local agencies; coordination with other Federal agencies in the development of urban programs; sponsoring programs to keep Federal personnel informed in these areas; assisting the Commissioner in articulating his concerns over urban schools to the public and to Congress.

With the passage of the Act, a Bureau of Urban Education should be created, as described in step 2 above, to continue the functions of the office described above, and to implement the new approach to Federal and to urban schools embodied in the Act. Such a Bureau should be headed by an Associate Commissioner who reports directly to the Commissioner. Its budget should be submitted to the Congress as an entirely distinct line item.

Chapter X—An urban education act—the funding process

A set of principles was developed as guidelines for establishing priorities, eligibility and facilitating mechanisms for the funding process related to an Urban Education Act. These principles stem from the basic premise that a more than equal educational opportunity is necessary for the inner-city student. They are designed to focus Federal effort on a priority basis to those places where equal educational opportunity is farthest from reality. The principles summarized are, as follows:

1. Education districts representing the largest eligible urban areas should receive priority in Federal funding.
2. Determination of eligibility of urban areas should be based on economic and performance criteria.
3. Each qualifying area should receive full funds for its program and where sufficient funds are unavailable for full funding of every qualifying urban area in its particular size group, a system of competition for a fully funded grant should be developed.
4. Federal aid should be awarded on a basis that enables maximum feasible eligibility for participation among groups, agencies, and institutions within designated urban areas. (The Task Force recommends that a percentage (5-15 percent) of the funds of the Act be set aside for use by the Commissioner to fund groups other than the regular school authorities which design viable specific experiments for use in the inner city and the other depressed areas in the metropolitan area.)
5. Funding procedures should include a system of regulating recurrent eligibility, with grants renewed on the basis of evidence of quality student performance.
6. The legislation should permit a by-pass of State educational agencies where necessary to achieve urban priority. (Such cases might occur where State educational agencies fail to provide sufficient guarantees of their efficiency and willingness to perform in the capacity of advocates for approval and renewal of urban education programs.)
7. The legislation should permit the participation of non-public school children in the program in ways to introduce a new child services concept of the disadvantaged.
8. Advance funding should be provided for the urban education grants.

9. There should be provision for the phasing in of existing categorical grant programs in the sense of incorporating them into the new urban education mandate.

Chapter XI—An urban education—The cost

The Task Force has developed a suggested financial mechanism through which to channel critically needed increased educational resources into the cities. The mechanism which best meets urban educational needs is a formula that will provide an addition of at least a third in educational resources: equipment, teachers, counselors, curriculum planning, etc. It is estimated that in terms of an increment to current local educational expenditures, a one-third addition to resources will require at least a fifty percent addition to current local educational expenditures.

For the 10,500,000 school children in cities with populations over 100,000 the cost would be \$5 billion. If the program were extended to reach children in all cities over 50,000, an additional 4 million students would be included, adding \$2 billion more to the cost, totaling 7 billion additional dollars. Such figures assume a necessary increase of \$500.00 per student.

For 1971-72, the Task Force recommends a total expenditure for cities over 100,000 population of \$470,300,000 for planning, developmental and operational grants, including facilities and educational training. By 1975, the expenditure should reach \$7,566,000,000.

The cost for including cities of populations over 50,000 in 1971-72 would be an additional \$182,100,000 and by 1975, an additional \$3,627,000,000. If all three categories of cities are included beginning in FY 1971-72, the initial cost would be \$706,900,000 which would rise to \$14,541,800,000 in FY 1975.

A minority viewpoint recommends supplemental Federal funding of all school districts at the annual level of \$30,000,000 on a formula basis to improve education for all children.

Chapter XII—Short-term recommendations

While action on the long-term recommendations above should begin immediately, their full implementation may not be realized for several years. In the interim, there is a critical need for immediate action in the field of urban education. Thus, the Task Force recommends the following short-term measures, based largely on existing legislation and programs noted below, which should be implemented within the next fiscal year or two.

Title I, Elementary and Secondary Education Act

1. Title I must be funded at or near full authorization.
2. States should be encouraged to concentrate funds in areas with high concentrations of disadvantaged populations.
3. Appropriations must be made in advance.
4. A by-pass amendment should be included to directly aid non-public schools when States fail to do so.
5. HEW audits of local and State administration of Title I funds and other related programs should be made available to the public.

Vocational Education

1. Congress should adequately fund all parts of the Vocational Education Amendments of 1968.
2. The Commissioner should concentrate funds under the discretionary parts of the VEA on the urban disadvantaged.

Research and Demonstration

1. Top priority should be given to the needs of the urban disadvantaged child.
2. Emphasis should be on developing models which could be used in inner-city classrooms across the country.
3. Educational laboratories and Research and Development Centers should focus on urban problems.
4. There should be an effort to involve a broader range of people in the research effort.

Training

1. There should be more of an effort to bring new kinds of people into the field of education, and to establish early recruitment of such people.
2. The Teacher Corps and the Urban Teacher Corps should be expanded.
3. Challenges in certification laws should be encouraged.

Higher Education

1. There should be fuller funding of existing programs designed to aid the disadvantaged, such as Upward Bound, Special Services, Talent Search, Equal Opportunity Grants, work-study, and National Defense Education Act loans.
2. Funds should be made available for one-year federally-funded college preparatory programs for the disadvantaged.

Discretionary Funds of the Commissioner

1. Discretionary programs should focus on urban education.
2. New monies should be set aside for planning and instituting urban education programs.

Data on Urban Education Funds

1. Data on the flow of Federal funds to the central city school districts in each Standard Metropolitan Statistical Area should be published annually.

National Commission

1. A National Commission on the Future Financing of American Education should be established.

National Advisory Council

1. Greater weight should be given to the inclusion of poor people on the Council.
2. The Council should be given a clear mandate to review all Federal programs which affect the lives of the disadvantaged.

Rural Areas

While the Task Force feels that urban needs deserve priority consideration and separate treatment, the needs of rural areas deserve comparable study and consideration.

Chapter I. Introduction

Perspective for the Report

Three points should be borne in mind with regard to the Urban Education Task Force Report. One is that the problems confronting urban education and its environment are not of sudden origin. Such problems as inadequate financing, increased enrollments, insufficient staffing, and discrimination in housing and jobs have all existed for a considerable period of time. However, there are some differences. One consists of the surfacing of these problems at the national level. Another is the increased awareness of both their gravity and complexities. Outstanding among them are: the steadily dwindling financial resources of education; the persistence of racism; the rising expectations of impoverished urban residents; and the interrelatedness of all the problems to poverty.

The second point concerns the picture we present of urban education and its environment. By and large, it is far from pleasant. However, the presentation in the documentation section is not to be construed as criticism for criticism's sake. Rather, our intent is to underscore the urgency of urban education's needs and to lay the foundation for our ensuing recommendations. To make constructive recommendations for urban education's improvement—and the inner city and suburban poverty pockets in particular, it is necessary to examine its current state of affairs.

The third point concerns the viewpoints of the Task Force members themselves. Every member of the Task Force fully recognizes that education in this country has never been assigned an adequate priority in terms of financial, human, and material resources. Moreover, every member has a deep commitment to improving the quality of American education. However, difference arose among members as to the best ways and means for achieving this improvement. It was inevitable that the Task Force, deliberately chosen to reflect diversity in viewpoints, would find unanimity impossible on all of the recommendations made by its committees. Hence, both majority and minority points of view are presented in the Report with the intent of demonstrating alternative recommendations for resolving the issues and problems which are identified. One formal minority report was filed by Mr. Francis P. Murnaghan, Jr., President, Board of School Commissioners, Baltimore Public Schools. This report was circulated to all Task Force members asking for their comments on it as well as for their comments on the draft majority report. This final revision of the Task Force Report reflects a conscientious and systematic effort to incorporate the suggestions for modifications made by Task Force members and to present the views and recommendations expressed in the formal minority report as an alternative to those of the majority report.

This Report is therefore focused both on documenting the needs of urban education and on presenting recommendations to meet them—both those of the majority and of the minority.

Overview of the Urban Education Problem

Urban education systems are facing a major challenge to provide appropriate learning experiences for the various life styles of their vast numbers of students. The indicators of this challenge are extremely diverse in their intensity and scope: student unrest on university campuses and in the high schools, local community groups seeking control of their neighborhood schools, clashes with law enforcement agencies, complaints being filed with regard to use of Federal funds, teacher strikes, voter rejection of large city school bond issues, the proliferation of alternative plans for educating students, lack of priority for education in State and local governments. By far, the greatest number of such indicators—interacting on and intensifying each other—are taking place in our cities.

This challenge is, in turn, part of yet a broader and more complex one. A major change has occurred in the perceptions of large numbers of American citizens, specifically, the minority racial and ethnic groups. They are convinced that they have been short-changed by their fellow American citizens—the white majority—who largely control the social, economic, political, and educational institutions of our nation. The

steady accumulation of evidence across a wide spectrum of human needs and rights signals that this perception is largely supported. It is within this context of challenge that urban education must be reconceived, revitalized, and adequately financed.

Simplistic and partial solutions which have been and may still be offered to resolve complex educational problems of increasing magnitudes are untenable. To accomplish this task, vastly increased amounts of money are imperative. In general, the amount of Federal money thus far added has been insufficient for the magnitude of the task confronted. Furthermore, the sustained flow of money is another problem. Specifically, this problem consists of assuring the continuing supply of money.

Systems are faced with fluctuations in levels of Federal, State, and local appropriations and budgets for special programs; failures in passage of local school bond issues; reductions in assessed property values and the other taxing bases within the cities. Complicating the issue are contradictions in terms of legislation and budget priorities at Federal, State, and local levels which all too often work against the urban areas—and their educational systems. As if these problems were not enough, the cost of providing educational services and programs in large urban areas is increasing every year. Thus, as the cities become poorer and education becomes costlier, the probabilities inevitably increase for the inner city student to participate in only a substandard education. And it is he who should be able to secure a superior education since it constitutes his passport to economic self-sufficiency and self-realization.

However, solving the monetary problems alone is not the complete answer. There must be changes in the educational system as well. Here and there, appropriate—and, therefore, effective—compensatory education programs are flourishing with evidence of increased learning by impoverished children. Such programs usually reflect a combination of modified curriculum, enlightened staff attitudes, and adequate funding. But all too often, special programs to meet special needs have turned out to be “more of the same” programs. Offered such programs, the students involved have wastefully and tragically proved again and again that these programs do not—and cannot—meet their needs. No urban educational system has yet succeeded in meeting the educational needs of all of its poor children.

Pilot or demonstration projects have typically lacked the magnitude to provide adequate answers. In such efforts, a usually small-scale intensive program is mounted which presumably takes the students' special needs—and assets—into consideration. Assuming that the program is appropriate and the staff is adequately trained, the problems are often the involvement of too few students, prohibitive costs per student, and experimental and instructional techniques which are not readily transferable to large-scale operations. Another problem is that such projects usually have key people in leadership positions whose personal styles of working are not easily replicated for the expanded operations.

While educational research has played a part in some of these projects, the general pattern has been to avoid the kind of research which deals with major learning problems. Researchers have usually singled out only limited aspects of such problems for largely financial or methodological reasons.

First-rate comprehensive studies of inner city children and youth are rare phenomena indeed. Thus, research with its current conceptualization and methodology does not generally provide a clear sense of the broad directions to be taken.

Another problem has been that most of the programs have been conceived from a perspective which implicitly compares the inner city student from a minority group with his white middle class, age, and grade-level suburban counterpart. The results and applications of such comparisons are inevitably negative—the inner city student winds up being described as deficient in . . . verbal ability, reading achievement, marketable economic skills, and social skills.

The strengths or positive characteristics of this student are almost never considered e.g., his pride, his tough pragmatic problem-solving, his resiliency in the face of daily economic uncertainties, his personal loyalty to his group, his sense of humor, his candor—or lack of hypocrisy. Consequently, most of the programs are designed from a negative standpoint, namely, overcoming deficiencies, and are almost never designed from the positive view of capitalizing on strengths. Such programs, however, well-intentioned, often reflect the implicit assumption that the white middle class student is the standard or model. This assumption leads the educator and the community-at-large into perceiving the inner city student through a mediating stereotype instead of as an individual in his own right who may be thoroughly alienated by programs designed to remake him in an image which is neither his own nor necessarily appropriate for him to adopt. Rarely, have inner city community residents and students had the opportunity either to make significant decisions about the kinds of programs to be implemented or to make a significant contribution in their implementation. Yet, these residents and students have the most direct knowledge and experience of all.

Positions of the Task Force

The Administration has announced new and far-reaching plans in the areas of welfare and employment. There is no doubt whatsoever that these areas are critically in need of immediate assistance. However, we firmly believe that only through the educative process can long term effective solutions to welfare and employment finally be devised. Education holds the promise of a one-generation up and out of poverty process. That is, the poverty child of a welfare mother, of an underemployed father, or of a seasonally underemployed parent does not have to repeat the poverty cycle of his parents if he receives his passport out. That passport is valid and salable education.

It is within this context that we strongly urge that the problem of urban areas should be considered as the major priority of the Administration's domestic program in the 1970's. Within this priority, education—broadly conceived and with new constituencies involved—should become a first consideration. Human talent—regardless of color, environment, social level or anything else—is our most valuable national resource. The education process—appropriately designed and directed—is our most potent means for developing the rich diversity of all of this talent.

Our major thrust is, therefore, a long-term one involving planning and implementation of comprehensive urban education programs with a combined focus on the students' real

needs and effective institutional change. However, we further recognize that there is an urgent and immediate NOW with which we must be concerned. Hence, we have developed short-term or interim plans and recommendations for urban education which provide for some immediate steps to be taken. The overwhelming majority adopted all of the below-noted positions.

Money

1. Significantly increased levels of funding are needed for urban education far exceeding what current appropriations—even authorizations—now make possible. *Money is a major requirement.* However, the criteria for securing funds for urban education programs must be based upon such factors as poverty indices, community determination, demonstrated capability to carry out such a program, levels of State and local efforts, the recognition of the fact that education is more expensive in the cities than elsewhere, and a clear focus on both the inner city areas and the suburban poverty pockets. The amounts that will ultimately be required to resolve the urban education problem, should we either continue at the level of our present efforts or only engage in tokenism will be literally "out of sight." Taking major action now is the economy of foresight; postponement can only demand the excessive price of hindsight.

Concept of Urban Education

2. Education as we have typically defined it is too narrow for the impoverished constituencies with whom we are concerned. The educative process must be truly expanded in its focus to the whole individual at all educational levels . . . as he is . . . as he can be . . . as he wants to be. Accordingly, his health, his emotional well-being, his intellectual capacities, his future employment, his self-realization are all involved and there must be adequate provisions made for these key aspects in this process.

Additionally, the educative process must no longer be conceived as only that which occurs within the physical boundaries of the school building as a result of formally planned lessons by the teaching staff. Instead, this process must be conceived of as taking place anytime and anywhere.

The learning which is acquired outside the school is just as valuable as that learning which is acquired within it. Moreover, this type of "outside" learning is definitely highly personal, meaningful, and direct ways which the "in-class" learning activities should not only be related to but could well seek to emulate. With regard to curriculum, the usual academic areas (e.g., reading and mathematics) must be appropriately reconceived and implemented. New areas must be included and interwoven with the other which are of special significance for the urban student, such as problems of narcotics additions, noise, overcrowding, and maintenance of individuality. Above all, the educative process should be focused on including the whole community with genuine sensitivity to and respect for its various needs, aspirations, and strengths.

Master Plan for Urban Education

3. The only viable approach to resolving the complex problems of education in urban areas is through the development and implementation of a master plan for urban education tailored to the specific needs of a particular urban area. Such a plan must concomitantly deal with causes and symptoms,

must be conceived within a framework of over-all urban problem-solving rather than education per se, and must encompass all educational levels, i.e., from early childhood through higher and adult education. Moreover, this plan must reflect a considerable expansion and enrichment of what constitutes "education." Within the educational plan, there must be stress placed on developing and implementing appropriate curricular designs, consumer participation, staff development programs for all concerned, supportive services, and evaluation. Finally, it must be interrelated with other facets of the larger urban problems, such as housing, employment, recreation, and health. We recognize that the development and implementation of a master plan for urban education will not take place over night; it will take time, work, and the changing of attitudes.

Institutional Changes

4. There must be a deliberate sequence of steps planned and implemented which will lead to institutional change within educational systems. Such a sequence should be based on a changed and expanded perspective concerning the role(s) and function(s) of their schools and their staffing, including institutions of higher education. As Pogo aptly stated, "I have met the enemy and he is us."

Among the areas of concern for such a sequence should be the: (1) involvement of the local neighborhood constituencies in the educative process and thus to work for common goals; (2) design and implementation of curriculum and the instructional programs which are highly appropriate to the perceived needs of these constituencies; (3) involvement of other social agencies in the educative process; and (4) education of the staff to perceive and teach the students as they themselves are and not as seen through the filters of mediating stereotypes—no matter how well-intentioned the program generated from such stereotypes may be. We believe that basically this change must come in the education system itself. Only the "educational establishment" is big enough to deal with the educational crisis on the grand scale. While we feel that alternatives (e.g., street academies, community-operated early childhood centers) to existing educational agencies should receive encouragement and financial support, the fundamental changes must be made within the system rather than occurring outside of it if education is to be a vital experience for the vast numbers of students to be served. Nevertheless, alternative educational approaches can also contribute positively to accelerating the rate of institutional change. Through the alternatives exerting pressure from without and the educational system working to revitalize itself from within, the key directions and techniques for implementing change can be identified.

Community Determination

5. The community residents and students who are to be the direct participants in urban education programs must have an active role in the critical decision-making concerning such programs. Whether this role should include full control by the community residents or a partnership arrangement with whatever educational agency is affected will be a matter which each urban area will need to work out on its own within a broad and flexible set of guidelines which will allow for various forms. Regardless of the particular form which community involvement takes, this role must include pol-

toymaking in the areas of: (1) priorities for spending the available monies; (2) design of curriculum and implementation of program components; and (3) employment and evaluation of key personnel.

Performance Standards

6. Clearly stated performance standards or criteria should be established for an urban education program. These criteria should constitute a clear statement of specific knowledges, attitudes, and skills which the students themselves are expected to demonstrate. In effect, they should describe the kinds of students the educative process intends to produce in terms of measurable overt behaviors.

Furthermore, performance criteria should be established for all educational staff involved in program (e.g., administrators, teachers, aides) based directly on the student-oriented objectives. As with the student objectives, these criteria should form the primary basis for evaluation of the educational staff. Finally, both the student and staff criteria should be stated in terms of overt, measurable behaviors.

Assessment

7. Assessment should be an integral part or component of the urban education program beginning with the planning phase. Moreover, this assessment component should be designed to assure rapid and continuing feedback on the program's strengths and weaknesses and should allow for rapid modifications and adjustments to be made in the program. Furthermore, the assessment component should be interwoven into all other components of the operating program and therefore would encompass much more than the measurement of the academic achievement areas, e.g., reading and mathematics. Federal funding should be conditioned on the attainment of measurable standards of performance by urban school agencies.

Racial and Ethnic Integration

8. Racial and ethnic integration should be a major element or recurring theme in all the planning and implementational phases of the urban education program and therefore should be clearly stated as a major criterion for receiving funds. Recognizing that there is no single or simple way of achieving real integration, a community applying for funds should demonstrate how its educational plan contributes to overcoming racial and ethnic isolation. We also believe that the current thrust composed of separatism, local community control of schools, and insistence on the recognition of minority identities (e.g., black history, La Raza) by various groups is the all-too-logical result of the basic lack of commitment and the slowness of action to achieve integration. The quality, recognition, and acceptance which were to have occurred with earlier thrusts on integration, such as equal employment opportunity, fair housing, and school de-

segregation, have not really materialized. We suggest that the composite thrust of separatism, local community control, and the demand for a recognized identity are not over the long term antithetical to the aims of integration. Rather, it constitutes an attempt to achieve through other channels what earlier thrusts have only partially fulfilled. In fact, as this current thrust is unfolding yet another thrust seems to be emerging. Some of its characteristics can be pointed out.

Specifically, it reflects neither the primary reliance of the minorities on public-spirited members of the white majority to do something for them nor the "we'll go it along" stance of certain groups within the minorities. Instead, other groups within these minorities are actively seeking legitimate power bases or positions of strength from which they can negotiate as equals with the majority. In striving to achieve this negotiating capability, the minorities are developing a new thrust in the continuing struggle for genuine integration which could be termed *interdependency*. As emerging here, it is saying, "you need us every bit as much as we need you—so we better find ways to cooperate as equal partners in our mutual concerns. It is only by working together that we are going to solve our society's problems." This emergent—and newest—thrust seems to hold potentially the greatest promise for achieving genuine integration since it concomitantly recognizes common goals (e.g., economic self-sufficiency, a healthful environment, improved educational programs) and proposes to work cooperatively on the ways to achieve them.

Purposes and Organization

Having presented the general overview and specific positions of the Task Force, the purposes of the Report are, as follows:

1. To describe and document the critical problems and needs confronting urban education in terms of their uniqueness and complexity as a justification for their urgency.

2. To examine the extent to which the Federal government can and should extend solutions to the problems facing urban education.

3. To recommend long-term programmatic and legislative approaches needed to resolve the problems and needs identified, including the framework for the educational program, the authority structure, the funding process, and the cost of the program; and also to recommend the short-term actions that can be taken under existing legislation.

The organization of the Report parallels its purposes, and is accordingly divided into three major sections. They are: (1) State of Urban Education; (2) The Federal Responsibility; and (3) A Plan for Urban Education—An Urban Education Act. Within each section, there are chapters which deal with the key elements of each section; and, where appropriate, stating the majority and minority viewpoints.

PART I—THE STATE OF URBAN EDUCATION

Overview

In Part One of the Report, the State of Urban Education, we consider the four major dimensions of the problem confronting urban education and devote one chapter to each. Specifically, these chapters are concerned with: (1) the financial crisis of the urban schools; (2) the urban environment of the students; (3) the urban education system; and (4) the impoverished urban student. Within the time constraints which have been imposed, we have attempted to document the pressing needs of urban education and to describe the context in which the urban education system must function.

There are two points to be borne in mind with regard to the chapters of Part One. The first is that rarely—if ever—has there been an attempt to show the problems of urban education in the light of their surrounding context. All too often, education and its setting are treated as separate entities with separate problems. Such is not the case. The operating units of the educational system—the schools—are based in neighborhood settings. And the problems, values, and needs of the residents of the neighborhood are inevitably carried by its children into the school. Moreover, the school is the most visible or tangible public social agency in the neighborhood. Since the children and youth spend more time in the school than they do in any other social agency, the school—in one form or another—exerts a tremendous social force. Hence, the presentation in this part is attempting to focus on the context in which the urban education system must function as well as on the system itself.

The second point arising from the first is that it proved extremely difficult to secure data for the documentation of the urban education system's needs and its context in a comprehensive and systematic manner. In some cases, data were not available in the form needed; and, in others, they were fragmentary or lacking in comparability. Nevertheless, sufficient evidence has been arrayed which clearly delineates the major dimensions of the problem confronting urban education.

It must again be underscored that the presentation in these chapters—and particularly Chapter IV, "The Urban Education System"—is to document the increasing necessity for making urban education's needs a major national priority.

[January 20, 1970]

Chapter II. The financial crisis of the urban schools

The schools of our cities are again opening their doors to a vast number of students with increasingly more complex educational needs. These students hold fewer expectations of having those needs met than ever before. For many urban educational systems the first priority this year will be that of keeping their doors open beyond the months of March or April. There is simply not enough money. Our urban schools are in a state of financial crisis.

This chapter will demonstrate the extent and nature of the financial crisis facing urban education through an explanation of the set of unique factors affecting the cities today. Implicit in the discussion of each factor is the recommendation that the Federal Government must assume a policy of top

priority for urban areas demonstrated by massive appropriations to meet the needs of educationally and economically deprived families. The factors to be discussed are summarized as follows:

1. *Financial deterioration due to population migration.*—The money now is insufficient to meet greater needs in the city. The evidence of the financial deterioration of the central city is ever deepening because of patterns of population migration detrimental to the city coffers. High tax producers—members of business and high-salaried populations—are moving to the suburbs and are being replaced by an ever-increasing number of high tax consumers—disadvantaged persons—who are concentrating in the central cities.

2. *The higher cost of urban education.*—Education in the cities simply costs more than education in the suburbs. Several factors are responsible for this. There are more disadvantaged students in the cities than in the suburbs. It is a costlier job to effectively educate students whose poverty and low levels of family education are obstacles to that education, as opposed to the children of more highly educated and motivated suburban families who have the funds provide compensatory education through tutoring where required. In addition, maintenance and security costs are higher and the need for maintenance is compounded by the higher vandalism rates in cities.

3. *Inequitable State aid formulas.*—State aid formulas not only fail to recognize the disproportionate educational expenses of the cities but also compound the problem by providing central cities with less state aid per capita than is made available to the outlying areas.

4. *Diminishing popular support and confidence in education.*—Locally raised revenue is the major share of most public school budgets in large cities. In a number of large cities, adverse votes on tax measures and bond referenda for capital outlay have recently occurred. While the suburbs have often been hard-pressed by such cutbacks, the squeeze has been felt particularly sharply in the cities where the higher costs of non-educational needs has used up a greater percentage of local revenue, leaving a smaller percentage of the budget for education in the city than in the suburbs.

5. *Financial difficulties of non-public schools.*—Just as public school systems have in recent years experienced higher costs and lower budgets, many parochial and other non-public schools have felt financial pressures. Raised tuitions have caused numbers of students to enroll in public schools, particularly in the inner city. In many cases, religious orders have had no recourse but to close some of their schools for lack of funds for operating expenses. In such cases public schools have suddenly been confronted with serving whole new school populations with no increase in budget and no new facilities to ease the unexpected increase.

6. *Minimal level and minimal effect of Federal funds.*—Federal funds provide the smallest share of the local educational dollar. Even since the passage of legislation such as the Elementary and Secondary Education Act, which provides substantial educational aid to school areas serving the disadvantaged, the total public school expenditures borne by Federal aid has been less than 8 percent nationally. In fact, in the 1969 fiscal year, estimates show a slight decrease to 7.3

percent.¹ And, in addition, the cities suffer from distribution procedures of Federal aid which do not take into account their special needs, just as they suffer from suburban-oriented state aid.

The financial situation in the cities is bleak indeed.

Financial Deterioration Due to Population Migration

The most serious threat to local support for urban education stems from general trends in American metropolitanism, not from educational finance per se. The average metropolitan area is undergoing a process which is decentralizing population and employment from the central city to the outlying areas while at the same time concentrating growing numbers of economically disadvantaged persons within the central city itself.

1. Population changes that affect differential family incomes

It is estimated that between 1950 and 1960 central cities grew at a rate of only 1.6 percent while the suburban areas of the nation's metropolises mushroomed at a rate of 61.7 percent if annexations are disregarded. More recent estimates show a slowing of metropolitan growth, with cities growing at 1.5 percent and OCCs at 25.4 percent for the 1960-68 period.² Such suburban growth, moreover, was common among all sizes of metropolitan areas (See Table 1).

Footnotes at end of article.

TABLE 1.—POPULATION GROWTH IN METROPOLITAN AREAS WITH AND WITHOUT CENTRAL CITY ANNEXATIONS, 1950-60¹

	Total change (percent)	Change without annexations (percent)
MSMA's:		
Central cities.....	+10.8	+1.5
Outside central cities.....	+48.5	+61.7
Total.....	+26.4	+26.4
SMSA's, population of:		
3,000,000 or more:		
Central cities.....	+1.0	+1.6
Outside central cities.....	+71.3	+72.2
Total.....	+23.2	+23.2
1,000,000 to 3,000,000:		
Central cities.....	+5.6	-2.2
Outside central cities.....	+44.8	+52.7
Total.....	+25.0	+25.0
500,000 to 1,000,000:		
Central cities.....	+21.4	+4.8
Outside central cities.....	+57.1	+81.1
Total.....	+36.0	+36.0
250,000 to 500,000:		
Central cities.....	+16.2	+2.2
Outside central cities.....	+36.2	+51.9
Total.....	+25.6	+25.6
100,000 to 250,000:		
Central cities.....	+24.4	+4.6
Outside central cities.....	+27.6	+54.5
Total.....	+25.8	+25.8
Under 100,000:		
Central cities.....	+28.2	+8.6
Outside central cities.....	+10.9	+89.9
Total.....	+24.4	+24.4

¹ Recent data indicates a slowing in rates of growth for both central cities and suburbs as follows:

	1960-68 total change (percent)
Central cities.....	+1.0
Outside central cities.....	+25.4
Total.....	+12.9

Source: U.S. Bureau of the Census, U.S. Census of Population: 1960, Vol. 1, Characteristics of the Population, Pt. A: Number of Inhabitants, Current Population Reports, Population Characteristics Series, p. 20, No. 181, Apr. 21, 1969, Bureau of the Census, Table A.

While a lack of growth in population of the central city may in itself have serious financial impact, suburban and commuter population growth imposes the greater costs on central cities. Suburbanization undermines the cities' revenue base and the daily inflow of commuters into the city poses costs that must be financed by the cities. Police and fire protection, health services, parking facilities, and other services must be provided by central cities to suburban residents who spend their days in city employment but who return in the evening—and more importantly—pay their taxes to outlying jurisdictions.

Furthermore, the economic and ethnic composition of the population change has aggravated the fiscal situation of the central city. Racially, central cities have been increasing in the percentage of their population that is Negro, estimated in 1968 to be 20.4 percent of total central city population. Suburbs have shown declining proportions of Negro population since 1950, with Negroes numbering approximately 4.7 percent of residents of OCC areas according to 1968 estimates.³ The generally lower income and educational levels of non-white populations inevitably provide the cities with fewer tax dollars and higher educational costs. (Campbell, *Metropolitanism*, 1960, pp. 25-27).

Estimates of income levels for the year 1967 are that central city areas had a median family income of \$7,813 while for the outlying area the figure was \$9,367 (Census, P-23, No. 27, 2/7/69, p. 36). Another way of demonstrating this income differential is to compare the percentage of families under \$4000 in both central city and outside central city areas and the percentage of families with incomes over \$10,000 in both areas. A consistent pattern of central city disadvantage emerges.

Higher proportions of central city families have incomes under \$4000 than do those in the suburbs (19 percent vs. 12 percent) in 1967; lower proportions of central city families have incomes over \$10,000 than do those in the suburbs (33 percent vs. 45 percent).⁴ Differences in income between central city and suburb are accentuated in the larger SMSA's (See Table 2 for detail in 1959 census figures). A study, published by the Committee for Economic Development, found that twice the proportion of central city population lived in poverty (16.2 percent) than did those in suburbs (8.6 percent) in 1966 (See Table 3).

2. Economic change

Along with these population changes, there has been a continuing exodus of all types of employment from cities to suburbs. In a 1967 report of the Chamber of Commerce of the United States, *The Metropolitan Enigma*, the cities were found to have been losing employment in manufacturing, wholesale, and retail sectors at about one-half of one percent per year, while suburban areas have been gaining such employment areas at a rate of two and a half percent a year.

TABLE 2.—PERCENT OF FAMILIES WITH INCOMES UNDER \$3,000 AND OVER \$10,000 BY SIZE OF STANDARD METROPOLITAN STATISTICAL AREA, 1959

Population of SMSA	Number of SMSA	Percent of families with incomes					
		Under \$3,000			Over \$10,000		
		Entire SMSA	Central city	Outside central city	Entire SMSA	Central city	Outside central city
United States average.....	212	15.1	17.6	12.5	18.8	16.5	21.2
Over 3,000,000.....	5	12.6	15.4	8.9	23.0	19.5	27.6
1,000,000 to 3,000,000.....	19	13.0	17.1	10.0	20.8	16.6	23.9
500,000 to 1,000,000.....	29	17.2	19.8	14.2	16.4	14.6	18.4
250,000 to 500,000.....	48	17.6	18.7	16.6	14.6	14.7	14.5
100,000 to 250,000.....	89	19.5	19.6	19.3	13.7	14.3	12.9
Less than 100,000.....	22	20.7	18.8	27.2	13.6	14.4	12.0

THE RATIO OF NUMBER OF FAMILIES WITH INCOMES OVER \$10,000 TO THOSE FAMILIES UNDER \$3,000 PER 100 FAMILIES, BY SMSA SIZE, 1959

Population of SMSA	Entire SMSA	Central city (CC)	Outside central city (OCC)	Difference in ratio (OCC-CC)	Population of SMSA	Entire SMSA	Central city (CC)	Outside central city (OCC)	Difference in ratio (OCC-CC)
United States.....	124.2	93.9	169.4	75.5	250,000 to 500,000.....	82.8	78.6	87.4	8.8
Over 3,000,000.....	183.0	126.7	311.5	184.8	100,000 to 240,000.....	70.3	73.1	88.6	-6.5
1,000,000 to 3,000,000.....	160.5	97.3	233.0	141.6	Less than 100,000.....	67.0	76.3	44.0	-32.3
500,000 to 1,000,000.....	95.6	73.8	129.3	55.5					

Note: Table from Alan K. Campbell and Seymour Sacks, *Metropolitan America: Fiscal Patterns and Governmental Systems*, New York Free Press, 1967, pp. 22, 23.

Source: U.S. Bureau of the Census, U.S. Census of Population, 1960. Selected area reports: Standard Metropolitan Statistical Areas. Final report PC(3)-1D.

TABLE 3.—INCIDENCE OF POVERTY BY AREA, 1959

Area	Percentage of total population in that area in poverty	Number of poor persons in that area (in millions)
United States.....	15.4	29.7
Metropolitan areas.....	12.1	15.2
Central cities.....	16.2	9.5
Suburbs.....	8.6	6.7
Nonmetropolitan areas.....	21.4	14.6
Rural nonfarm.....	23.1	7.4
Farm.....	22.5	2.4
Urban.....	18.7	4.8

Source: Downs, Anthony. *Who are the Urban Poor?* New York: Committee for Economic Development, 1968, p. 14.

The disadvantageous position of the central city is similarly demonstrated by ex-

Footnotes at end of article.

amining the changed location of retail activity. Between 1958 and 1963 the largest 37 SMSA areas showed an average increase for central city retail activity of 4.8 percent as compared to a 45.5 percent increase in retail activity for the outlying areas (See Table 4). The magnitude of the changes is indicated by the fact that in 1958, 27.1 percent of all retail transactions were in these large central cities and 17.7 percent in their outside areas. As a result of the differential growth rates, the central cities in 1963 carried out 24.1 percent of the retail sales and the suburbs 21.2 percent, almost eradicating the previous enormous balance in favor of the central cities. The greatest decreases in retailing occurred in the central business districts, crucially lowering the city tax base. And it was the rare large city central district which recorded anything above a nominal increase in retail activity. In most of them the decrease was greater than that of the city as a whole, and in all cases, even if it did

record an increase, it was far less than the SMSA taken in its entirety (Sacks, 1970).

A similar discouraging pattern existed in relation to manufacturing activity. In the aggregate, manufacturing employment in the central cities declined 6.0 percent, while outside the central cities employment increased by 15.6 percent (See Table 5).

3. Tax base change

The various forces thus far noted have a common effect on the local property tax base. Not only has the income base of the central cities been depressed relative to the suburbs but, in addition, the city property tax base has generally grown at a much slower rate than has the property tax base of metropolitan areas as a whole, with the exception of a very limited number of peculiarly circumstanced cities as shown in Table 6. In sum, the increase in gross assessed valuation in the suburbs far outstrips that of central cities.

TABLE 4.—RETAIL SALES, INSIDE (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS, 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1958 AND 1963

Area	1958 (In millions)			1963 (In millions)			1963 as a percent of 1958	
	SMSA	CC	OCC	SMSA	CC	OCC	CC	OCC
Los Angeles-Long Beach, Calif.....	\$9,040	\$4,413	\$4,627	\$12,149	\$5,022	\$7,127	113.8	154.0
San Bernardino-Riverside-Ontario, Calif.....	953	410	503	1,300	547	753	133.4	149.7
San Diego, Calif.....	1,132	725	407	1,408	794	614	109.5	150.9
San Francisco-Oakland, Calif.....	3,440	1,875	1,565	4,511	2,165	2,346	115.5	149.9
Denver, Colo.....	1,182	833	349	1,533	857	676	102.9	193.7
Washington, D.C.....	2,502	1,304	1,198	3,367	1,418	1,949	108.7	162.7
Miami, Fla.....	1,369	752	617	1,618	655	963	87.1	156.1
Tampa-St. Petersburg, Fla.....	919	693	226	1,152	767	385	110.7	170.4
Atlanta, Ga.....	1,230	879	351	1,619	1,016	603	115.6	171.8
Chicago, Ill.....	8,398	5,486	2,912	9,889	5,630	4,259	102.6	146.3
Indianapolis, Ind.....	1,127	866	261	1,401	917	484	105.9	185.4
Louisville, Ky.-Ind.....	820	578	242	977	625	322	108.1	145.5
New Orleans, La.....	968	765	203	1,123	801	326	104.7	158.0
Baltimore, Md.....	1,956	1,396	560	2,266	1,317	949	94.3	169.0
Boston, Mass.....	3,443	1,341	2,102	3,973	1,240	2,733	92.4	130.0
Detroit, Mich.....	\$4,448	\$2,274	\$2,174	\$5,393	\$2,303	3,090	101.3	142.1
Minneapolis-St. Paul, Minn.....	1,871	1,373	498	2,194	1,350	844	98.3	169.5
Kansas City, Mo.-Kans.....	1,486	890	596	1,683	1,066	617	119.8	103.5
St. Louis, Mo.-Ill.....	2,427	1,168	1,259	2,847	1,068	1,779	91.4	141.3
Newark, N.J.....	2,243	674	1,569	2,582	665	1,917	98.7	122.2
Paterson-Clifton-Passaic, N.J.....	1,451	523	928	1,871	447	1,424	85.5	153.4
Buffalo, N.Y.....	1,521	794	727	1,675	671	1,004	84.5	138.1
New York, N.Y.....	13,582	9,898	3,684	15,646	10,493	5,153	106.0	139.0
Rochester, N.Y.....	913	551	362	1,138	602	536	109.3	148.1
Cincinnati, Ohio-Ky.-Ind.....	1,279	815	454	1,404	800	604	98.2	133.0
Cleveland, Ohio.....	1,909	1,413	496	2,331	1,278	1,053	90.4	212.3
Columbus, Ohio.....	915	734	181	1,145	790	355	107.6	196.1
Dayton, Ohio.....	792	479	313	994	471	523	98.3	167.1
Portland, Oreg.-Wash.....	903	689	214	1,279	752	527	109.1	246.3
Philadelphia, Pa.-New Jersey.....	4,943	2,528	2,415	5,737	2,490	3,247	98.5	134.5
Pittsburgh, Pa.....	2,638	990	1,648	2,878	980	1,898	99.0	115.2
Providence, R.I.....	903	503	400	1,100	554	546	110.1	136.5
Dallas, Tex.....	1,473	1,144	329	1,809	1,288	521	112.6	158.4
Houston, Tex.....	1,717	1,299	418	1,962	1,616	346	124.4	82.8
San Antonio, Tex.....	703	646	57	807	726	81	112.4	142.1
Seattle-Everett, Wash.....	1,444	1,036	408	1,748	1,110	638	107.1	156.4
Milwaukee, Wis.....	1,459	1,067	392	1,706	1,076	630	100.8	160.7
37 EMSA total.....	89,449	53,804	35,645	108,215	56,367	51,848	104.8	145.5

Source: U.S. Bureau of the Census, "U.S. Census of Business, 1958," vol. II; and U.S. Census of Business, 1963," vol. II.

Table from Advisory Commission on Intergovernmental Relations, "Fiscal Balance in the American Federal System," vol. 2, Metropolitan Fiscal Disparities, Washington, D.C. October 1967, A-31.

TABLE 5.—MANUFACTURING EMPLOYMENT, INSIDE (CC) AND OUTSIDE CENTRAL CITY (OCC), 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1958 AND 1963
[Figures other than percentages are in thousands]

Area	1958			1963			1963 as a percent of 1958	
	SMSA	CC	OCC	SMSA	CC	OCC	CC	OCC
Los Angeles-Long Beach, Calif.	729.0	327.2	401.8	842.9	304.0	538.9	92.9	134.1
San Bernardino-Riverside-Ontario, Calif.	29.2	11.7	17.5	37.5	14.0	23.5	119.7	134.3
San Diego, Calif.	71.4	56.8	14.6	60.3	48.7	11.6	85.7	79.5
San Francisco-Oakland, Calif.	190.3	58.4	131.9	196.1	51.7	144.4	88.5	109.5
Denver, Colo.	53.7	37.9	15.8	69.5	36.1	33.4	95.3	211.4
Washington, D.C.	34.7	21.3	13.4	50.1	22.1	28.0	103.8	209.0
Miami, Fla.	36.9	19.4	17.5	43.2	19.2	24.0	99.0	137.1
Tampa-St. Petersburg, Fla.	32.2	23.7	8.5	36.7	23.8	12.9	100.4	151.8
Atlanta, Ga.	83.5	49.6	33.9	95.7	52.4	43.3	105.6	127.7
Chicago, Ill.	857.2	569.4	287.8	860.6	508.4	352.2	89.3	122.4
Indianapolis, Ind.	5.6	70.1	35.5	115.8	70.2	45.6	100.1	128.5
Louisville, Ky.-Indiana	86.7	55.7	31.0	87.6	58.0	29.6	104.1	95.5
New Orleans, La.	46.9	30.1	16.8	49.1	31.1	18.0	103.3	107.1
Baltimore, Md.	197.8	113.4	84.4	190.5	103.9	86.6	91.6	102.6
Boston, Mass.	301.0	90.2	210.8	293.4	82.5	210.9	91.5	100.0
Detroit, Mich.	487.4	213.5	253.9	493.9	200.6	293.3	94.0	115.5
Minneapolis-St. Paul, Minn.	146.0	113.5	32.5	163.8	110.3	53.5	97.2	164.6
Kansas City, Mo.-Kans.	103.1	64.9	38.2	111.1	62.1	49.0	95.7	128.3
St. Louis, Mo.-Illinois	262.5	146.8	115.7	259.7	129.1	130.6	87.9	112.9
Newark, N.J.	245.6	78.8	166.8	250.2	73.7	176.5	93.5	105.8
Paterson-Clifton-Passaic, N.J.	158.5	62.9	95.6	176.5	62.8	113.7	99.8	118.9
Buffalo, N.Y.	173.9	68.0	105.9	162.9	57.0	105.9	83.8	100.0
New York, N.Y.	1,184.0	998.6	185.4	1,147.2	927.4	219.8	92.9	118.6
Rochester, N.Y.	116.7	96.5	20.2	121.3	97.3	24.0	100.8	118.8
Cincinnati, Ohio-Kentucky-Indiana	156.5	76.4	80.1	153.9	76.6	77.3	100.3	96.5
Cleveland, Ohio	273.7	180.8	92.9	280.3	168.9	111.4	93.4	119.8
Columbus, Ohio	73.0	55.4	17.6	80.2	65.9	14.3	119.0	81.3
Dayton, Ohio	97.2	78.2	19.0	104.2	81.2	23.0	103.8	121.1
Portland, Oreg.-Washington	58.3	35.2	23.1	65.3	35.6	29.7	101.1	128.6
Philadelphia, Pa.-N.J.	536.9	298.5	238.4	535.8	264.9	270.9	88.7	113.6
Pittsburgh, Pa.	305.7	99.3	206.4	272.2	81.7	190.5	82.3	92.3
Providence, R.I.	567.2	62.6	64.6	165.9	65.0	60.9	103.8	94.3
Dallas, Tex.	95.2	79.7	15.5	109.5	86.3	23.2	108.3	149.7
Houston, Tex.	104.5	68.8	35.7	108.6	77.3	31.3	112.4	87.7
San Antonio, Tex.	20.9	19.3	1.6	23.6	21.4	2.2	110.9	137.5
Seattle-Everett, Wash.	114.9	86.5	28.4	121.6	84.1	37.5	97.2	132.0
Milwaukee, Wis.	189.5	126.6	63.9	193.8	119.3	74.5	94.2	118.4
37 SMSA total	7,867.3	4,651.5	3,215.8	8,090.5	4,374.6	3,715.9	94.0	115.0

Source: 1963 Census of Manufacturing. Table from ACIR, "Fiscal Balance in the American Federal System," vol. 2, Metropolitan Fiscal Disparities, Washington, D.C., October 1967, A-31, p. 54.

TABLE 6.—ASSESSED VALUATIONS, SELECTED LARGE CITIES AND THEIR ENVIRONS, 1961 AND 1966

[Dollars in thousands]

City and county	Gross assessed value including State-assessed property			Locally assessed real property		
	Amount		Percent increase or decreases (—)	Amount		Percent increase or decrease (—)
	1966	1961		1966	1961	
Los Angeles (Los Angeles County).....	\$6,602,518	\$5,133,469	28.6	\$5,493,997	\$3,842,755	43.0
Remainder of county.....	9,305,428	7,628,555	22.0	7,296,636	5,504,740	32.6
San Diego (San Diego County).....	1,132,097	959,617	18.0	896,312	710,294	26.2
Remainder of county.....	963,864	769,006	25.3	755,154	592,281	27.5
San Francisco (city-county).....	1,785,052	1,509,095	18.3	1,225,167	1,041,073	17.7
Alameda County.....	1,953,958	1,594,987	26.1	1,409,571	1,067,938	32.0
Denver (city-county).....	1,190,546	1,132,313	5.1	894,913	805,252	11.1
Jefferson County.....	370,183	248,236	49.1	310,170	202,201	53.4
Washington, D.C.....	3,638,066	2,735,578	29.3	3,027,939	2,324,612	30.3
Montgomery and Prince Georges Counties, Md. and Arlington County, Va....	4,875,381	2,735,322	78.2	4,073,511	2,267,394	79.7
Atlanta (De Kalb and Fulton Counties).....	2,206,439	880,950	36.9	667,286	502,975	24.7
Remainder of counties.....	1,074,584	732,978	46.6	803,205	508,009	58.1
Chicago (Cook County).....	11,253,002	10,456,136	7.2	8,426,107	8,065,128	4.5
Remainder of county.....	6,985,946	5,718,397	22.2	6,209,218	4,862,052	27.7
Indianapolis (Marion County).....	964,833	885,657	8.9	633,656	556,208	13.9
Remainder of county.....	658,469	448,257	46.9	451,254	279,524	61.4
Louisville (Jefferson County).....	2,099,577	678,654	209.4	1,596,739	488,016	227.2
Remainder of county.....	2,116,328	556,040	280.6	1,526,994	387,205	294.4
Baltimore City.....	2,902,421	2,787,318	4.1	2,060,059	1,976,041	4.3
Baltimore County.....	2,277,957	1,743,854	30.6	1,119,785	1,416,464	28.5
Boston (Suffolk County).....	1,507,495	1,467,907	2.7	1,368,025	1,337,254	2.3
Remainder of County.....	207,577	147,789	40.5	198,302	137,392	42.9
Detroit (Wayne County).....	4,991,122	4,778,022	4.5	—2,941	3,341,301	13.5
Remainder of county.....	4,208,820	2,750,705	53.0	—0,459	1,842,737	66.6
Minneapolis (Hennepin County).....	403,518	(1)	(1)	325,008	318,574	2.0
Remainder of county.....	329,013	(1)	(1)	290,956	182,127	59.8
St. Paul (Ramsey County).....	240,656	(1)	(1)	184,670	182,048	1.4
Remainder of county.....	98,417	(1)	(1)	82,948	57,948	43.1
Kansas City, Mo. ² (Clay and Jackson Counties).....	1,127,177	1,000,085	12.7	719,479	631,345	14.0
Remainder of counties.....	395,076	334,098	18.3	312,857	252,220	24.0
St. Louis City.....	1,796,987	1,669,461	7.6	1,297,009	1,226,740	5.7
St. Louis County.....	2,151,191	1,662,272	29.4	1,671,184	1,298,345	28.9
Newark (Essex County).....	1,403,838	750,505	87.1	1,248,045	596,598	109.2
Remainder of county.....	3,164,647	1,208,872	161.8	3,046,293	1,091,317	179.1
New York City.....	33,283,403	28,036,640	18.7	31,886,954	26,948,094	18.3
Nassau and Westchester Counties.....	6,658,595	5,995,761	11.1	6,405,660	5,773,641	10.9
Buffalo (Erie County).....	1,121,422	1,129,087	—0.7	1,075,723	1,086,733	—1.0
Remainder of county.....	1,000,611	906,819	10.3	966,174	876,391	10.2
Rochester (Monroe County).....	718,258	727,049	—1.2	684,288	695,667	—1.6
Remainder of county.....	708,924	524,167	35.2	687,841	508,141	35.4
Cincinnati (Hamilton county).....	1,630,813	1,605,985	1.5	1,086,580	1,078,093	0.8
Remainder of county.....	1,748,127	1,408,024	24.3	1,237,908	983,217	25.9
Cleveland (Cuyahoga County).....	2,851,240	2,917,808	—2.3	1,685,817	1,774,596	—5.0
Remainder of county.....	3,327,474	2,736,223	21.6	2,577,276	2,117,539	21.7
Columbus (Franklin County).....	1,497,959	1,219,387	22.8	1,014,636	832,441	21.9
Remainder of county.....	865,979	639,758	35.4	646,922	478,397	35.2

TABLE 6.—ASSESSED VALUATIONS, SELECTED LARGE CITIES AND THEIR ENVIRONS, 1961 AND 1966 —Continued
[Dollars in thousands]

City and county	Gross assessed value including State-assessed property			Locally assessed real property		
	Amount		Percent increase or decreases (—)	Amount		Percent increase or decrease (—)
	1966	1961		1966	1961	
Portland, Oreg., ¹ (Multnomah County).....	\$660,877	\$874,956	—24.5	\$477,461	\$624,230	—23.5
Remainder of county.....	251,379	273,026	—7.9	195,030	208,242	—6.3
Pittsburgh (Allegheny County).....	1,228,615	1,201,638	2.2	1,228,615	1,201,638	2.2
Remainder of county.....	2,350,539	2,039,511	15.3	2,350,539	2,039,511	15.3
Seattle (King County).....	959,032	799,981	19.9	714,807	590,413	41.1
Remainder of county.....	876,351	467,364	79.8	626,322	358,338	74.8
Milwaukee (Milwaukee County).....	2,251,917	1,985,697	13.4	1,820,657	1,659,985	9.7
Remainder of county.....	1,176,825	956,656	23.0	962,528	805,192	19.5

¹ Not available.
² Excluding the minor portion of Kansas City, Mo. located in Platte County.
³ Excluding the minor portion of Portland, Oreg., located in Clackamas County.
⁴ Copy illegible.

Source: Bureau of the Census, "Taxable Property Values" (1962 Census of Governments, vol. II), and "Assessed Valuations for General Property Taxation" (1967 Census of Governments, preliminary report, February 1968, CG-P4).
Table from ACIR, Fiscal Balance in the American Federal System, vol. 2, Metropolitan Fiscal Disparities, Washington, D.C. October 1967. A-O. p. 83.

This shift in the property tax base is further indicated by statistics showing the average household value in central city and suburban areas of the 37 largest metropolitan areas. With the exception of some Southern and some Western metropolitan areas, central city household values are significantly lower than those of their suburbs. Furthermore, this condition of lower average household valuation has persisted be-

tween 1961 and 1966, another indication that the tax base of the country's large cities is in a relatively static condition compared to that of the outlying areas which are continually attracting higher valued property to their jurisdictions (See Table 7).
Not only are residential values depressed in central cities, but total per capita market values of property are higher in suburban areas than in central cities. Again with the

exception of some Southern and Western metropolitan areas, per capita property tax bases are higher in suburban than in central city areas. Thus, given the higher proportions of nonresidential property within the central city, there is clearcut indication that this decline in the nonresidential amount of property tax base is intensifying the fiscal disparity between central city and suburb (See Table 8).

TABLE 7.—AVERAGE HOUSEHOLD VALUE, CENTRAL CITY AND OUTSIDE CENTRAL CITY, SELECTED LARGE SMSAS, 1961-66

			Ratio, OCC to CC			
	CC	1961 OCC	1961	1966	1966 CC	OCC
Northeast:						
Washington, D.C.	\$18,900	\$19,851	1.05	1.15	\$22,300	\$25,589
Baltimore, Md.	9,200	14,400	1.57	1.92	8,900	17,096
Boston, Mass.	13,200	(1)			14,900	(1)
Newark, N.J.	12,200	20,483	1.68	1.46	16,000	23,429
Paterson-Clifton-Passaic, N.J.	(1)	(1)		1.33	19,000	25,359
Buffalo, N.Y.	(1)	(1)		1.92	9,500	18,252
New York, N.Y.	20,200	20,711	1.03	1.14	21,700	24,811
Rochester, N.Y.	11,900	18,728	1.57	1.91	11,000	20,958
Philadelphia, Pa.	8,500	13,880	1.63	1.84	8,800	16,226
Pittsburgh, Pa.	13,200	13,772	1.04	1.09	11,600	12,673
Providence, R.I.	12,600	(1)			16,600	(1)
Midwest:						
Chicago, Ill.	18,000	19,693	1.09	1.10	17,300	18,965
Indianapolis, Ind.	11,900	16,289	1.37	1.55	10,400	16,134
Detroit, Mich.	11,400	(1)			10,600	(1)
Minneapolis-St. Paul, Minn.	14,107	17,683	1.25	1.07	15,807	16,930
Kansas City, Mo.	11,368	13,054	1.15	.75	12,169	9,128
St. Louis, Mo.	12,300	14,571	1.18	1.38	12,100	16,272
Cincinnati, Ohio	15,900	19,039	1.19	1.15	15,800	18,190
Cleveland, Ohio	14,500	23,124	1.59	1.61	14,800	23,785
Columbus, Ohio	13,900	18,446	1.33	1.28	15,100	19,276
Dayton, Ohio	(1)	(1)		1.25	13,300	16,578
Milwaukee, Wis.	14,700	(1)			15,900	(1)
South:						
Miami, Fla.	(1)	(1)		.92	17,500	16,093
Tampa-St. Petersburg, Fla.	(1)	(1)			(1)	(1)
Atlanta, Ga.	15,000	13,027	0.87	.79	15,761	12,478
Louisville, Ky.	10,300	13,180	1.28	1.40	11,900	16,612
New Orleans, La.	17,300	14,200	.82	.91	19,500	17,700
Dallas, Tex.	(1)	(1)			(1)	(1)
Houston, Tex.	(1)	(1)			(1)	(1)
San Antonio, Tex.	8,900	17,305	1.94		(1)	(1)
West:						
Los Angeles-Long Beach, Calif.	20,435	20,665	1.01	.84	28,958	24,214
San Bernadino-Riverside-Ontario, Calif.	(1)	(1)			(1)	(1)
San Diego, Calif.	(1)	(1)		.88	19,000	16,734
San Francisco-Oakland, Calif.	21,416	20,639	.96	.84	30,286	26,000
Denver, Colo.	15,200	15,674	1.03	.96	16,200	15,523
Portland, Oreg.	10,200	11,833	1.16	1.29	12,200	15,681
Seattle, Wash.	15,200	15,585	1.03	.92	17,400	15,946

Source: 1962 Census of Governments, Taxable Property Values; 1967 Census of Governments, Taxable Property Values.

TABLE 8.—PER CAPITA MARKET VALUE OF PROPERTY, CENTRAL CITY AND OUTSIDE CENTRAL CITY AREAS SELECTED LARGE SMSAS, 1966

	Central cities ¹	Outside central cities ¹	Percent	Central cities ²	Outside central cities ²	Percent		Central cities ¹	Outside central cities ¹	Percent	Central cities ²	Outside central cities ²	Percent
Northeast:							South:						
Washington, D.C.....	\$10,166	\$8,627	0.85	\$10,285	\$8,627	0.84	Miami, Fla.....	\$5,746	\$6,071	1.06	\$6,727	\$6,071	.90
Baltimore, Md.....	4,684	5,803	1.24	4,602	5,803	1.26	Tampa-St. Pete., Fla.....	(*)	(*)	(*)	(*)	(*)	(*)
Boston, Mass.....	6,929	(*)	(*)	5,811	(*)	(*)	Atlanta, Ga.....	7,482	4,145	.55	8,289	4,145	.50
Newark, N.J.....	5,066	7,306	1.44	4,819	7,306	1.52	Louisville, Ky.....	5,784	7,151	1.24	5,728	7,151	1.25
Paterson, N.J.....	4,877	8,219	1.69	4,994	8,219	1.65	New Orleans, La.....	6,221	6,497	1.04	1,966	6,497	3.30
Buffalo, N.Y.....	3,446	8,449	2.45	3,081	8,449	2.74	Dallas, Tex.....	(*)	(*)	(*)	(*)	(*)	(*)
New York, N.Y.....	8,994	8,088	.90	8,043	8,088	1.01	Houston, Tex.....	7,264	19,303	2.66	(*)	19,303	(*)
Rochester, N.Y.....	5,726	8,457	1.48	5,971	8,457	1.42	San Antonio, Tex.....	(*)	(*)	(*)	(*)	(*)	(*)
Philadelphia, Pa.....	3,669	4,959	1.35	5,694	4,959	1.34	West:						
Pittsburgh, Pa.....	4,916	5,036	1.02	4,622	5,036	1.09	Los Angeles-Long Beach, Calif.....	11,811	11,941	1.01	10,481	11,941	1.14
Providence, R.I.....	(*)	(*)	(*)	(*)	(*)	(*)	San Bernadino, Calif.....	(*)	(*)	(*)	(*)	(*)	(*)
Midwest:							San Diego, Calif.....	7,031	8,529	1.61	7,952	8,529	1.08
Chicago, Ill.....	8,776	9,292	1.06	7,789	9,292	1.19	San Francisco-Oakland Calif.....	22,435	12,424	.55	20,790	20,290	.61
Indianapolis, Ind.....	5,762	9,046	1.57	5,482	9,046	1.65	Denver, Colo.....	8,423	6,466	.77	8,311	6,466	.76
Detroit, Mich.....	6,260	(*)	(*)	6,459	(*)	(*)	Portland, Oreg.....	7,852	7,733	.98	8,195	7,733	.94
Minneapolis - St. Paul, Minn.....	9,088	7,366	.81	8,502	7,366	.87	Seattle, Wash.....	14,685	8,899	.61	14,058	8,899	.63
Kansas City, Mo.....	10,313	6,262	.61	10,313	6,262	.61							
St. Louis, Mo.....	7,172	7,528	1.05	6,332	7,528	1.19							
Cincinnati, Ohio.....	7,379	8,527	1.16	7,464	8,527	1.16							
Cleveland, Ohio.....	10,047	10,167	1.01	9,453	10,167	1.08							
Columbus, Ohio.....	6,832	10,970	1.61	6,888	10,970	1.59							
Dayton, Ohio.....	9,507	7,316	.77	9,389	7,316	.78							
Milwaukee, Wis.....	5,963	(*)	(*)	5,761	(*)	(*)							

¹ Based on residential assessment ratios in central cities-outside central cities.

² Based on total assessment ratios in central cities, residential assessment ratios in outside central cities. Source: 1967 Census of Governments, Taxable Property Values, tables 19 and 20.

³ Not available.

The implications for educational expenditures of changes in the urban tax base are direct and important. Eighty-four percent of locally raised educational funds and 98 percent of tax revenues in fiscally independent school districts are raised through taxation.⁶ It is significant to note that between 1930 and 1960, per pupil education costs across the country rose at a rate more than three times as fast as the average per capita value of taxable property in large cities (See Table 9).

4. General service needs

Accompanying these financial problems related to the changing population, commercial, and tax base factors, is the additional strain on city revenues caused by its high public service expenditure needs. Density and deterioration, poverty and the central business district are all factors which require a high service level relative to suburban and rural jurisdictions. Table 10 shows the startling picture. In the 37 largest SMSA's, central cities spent 175 percent of suburban expenditures per capita for non-educational local governmental purposes in fiscal 1965. Relating this to the ability to finance education, the 37 largest SMSA's central cities were able to devote only 30 percent

of their total budgets to educational purposes, whereas the suburbs, with their much lower general municipal overburden were able to devote 53 percent of their local government expenditures to education (See Table 11).

The lower proportion of city expenditures devoted to education has often raised questions about the extent to which cities are trying to support education. Much of the question comes about because of the analyses which treat educational expenditures in isolation rather than seeing them as part of the total service and tax package which cities must bear. When educational expenditures are added to general government spending, the disparity between central cities and outlying regions is reduced because of the much greater proportion of spending which suburbs devote to schools, but cities still lead the way in per capita governmental costs. Table 12 shows the relationship, with cities spending in 1965 approximately 120 percent of suburban levels.

TABLE 9.—Percentage changes in property values per capita in large cities and expenditures per pupil 1930 and 1960¹

Expenditures per pupil—	Percent
United States.....	331
Average for cities shown.....	97
Baltimore	92

TABLE 9.—Percentage changes in property values per capita in large cities and expenditures per pupil 1930 and 1960¹—Con.

	Percent
Boston	15
Buffalo	37
Chicago	70
Cleveland	151
Detroit	152
Houston	201
Los Angeles	159
Milwaukee	82
New York	15
Philadelphia	6
Pittsburgh	25
San Francisco	117
St. Louis	167

¹ Full market values of property obtained by applying assessment ratios to assessed values; and the ratios for 1930 were obtained from National Municipal Review (December, 1931), pp. 707-17, and ratios for 1960 were obtained by questionnaire from the school districts. Population data were drawn from U.S. Census reports.

Source: *Determinants of Educational Expenditures in Large Cities of the United States*, by H. Thomas James, James A. Kelly, and Walter Garms.

Footnotes at end of article.

TABLE 10.—PER CAPITA NONEDUCATIONAL LOCAL GENERAL EXPENDITURE, CENTRAL CITY (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS, 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1957 AND 1964-65

Area	1957			1964 to 1965			Area	1957			1964 to 1965		
	SMSA	CC	OCC	SMSA	CC	OCC		SMSA	CC	OCC	SMSA	CC	OCC
Los Angeles-Long Beach, Calif.....	\$159	\$169	\$110	\$214	\$257	\$185	Newark, N.J.....	\$112	\$167	\$93	\$179	\$299	\$145
San Bernardino-Riverside-Ontario, Calif.....	122	149	112	208	234	197	Paterson-Clifton-Passaic, N.J.....	82	99	76	118	152	108
San Diego, Calif.....	110	120	99	191	196	184	Buffalo, N.Y.....	125	141	111	186	219	166
San Francisco-Oakland, Calif.....	135	158	118	240	269	222	New York, N.Y.....	175	193	119	284	330	172
Denver, Colo.....	111	141	73	135	195	84	Rochester, N.Y.....	130	147	104	195	234	160
Washington, D.C.....	127	189	47	202	373	114	Cincinnati, Ohio-Ky.-Ind.....	113	165	62	140	227	87
Miami, Fla.....	118	156	98	157	201	138	Cleveland, Ohio.....	119	133	108	164	188	145
Tampa-St. Petersburg, Fla.....	85	111	43	147	201	71	Columbus, Ohio.....	99	114	62	137	150	94
Atlanta, Ga.....	79	103	48	166	227	114	Dayton, Ohio.....	78	120	51	124	187	91
Chicago, Ill.....	115	154	56	145	191	91	Portland, Oreg.-Wash.....	88	128	51	119	166	83
Indianapolis, Ind.....	91	116	32	107	121	68	Philadelphia, Pa.-N.J.....	90	116	66	121	167	84
Louisville, Ky.-Ind.....	75	100	43	90	123	61	Pittsburgh, Pa.....	88	147	64	111	202	84
New Orleans, La.....	108	117	81	152	151	154	Providence, R.I.....	69	114	49	106	188	78
Baltimore, Md.....	111	140	71	150	202	95	Dallas, Tex.....	91	119	44	116	133	90
Boston, Mass.....	140	221	114	182	310	135	Houston, Tex.....	84	91	61	113	124	76
Detroit, Mich.....	112	140	86	155	184	133	San Antonio, Tex.....	59	65	17	76	(1)	(1)
Minneapolis-St. Paul, Minn.....	114	130	92	185	216	144	Seattle-Everett, Wash.....	88	117	54	187	(1)	(1)
Kansas City, Mo.-Kans.....	87	123	56	118	134	105	Milwaukee, Wis.....	157	178	121	220	237	187
St. Louis, Mo.-Ill.....	73	103	53	108	192	69	Unweighted average.....	106	137	76	165	205	124
							Weighted average.....	120	153	84	179	232	132

¹ Data not available.

Note: See app III for ACIR methodology concerning the problem of noncoterminality between school districts and other political jurisdictions.

Source: Compiled from various reports of the Governments Division, U. S. Bureau of the Census. Table from ACIR, Fiscal Balance in the American Federal System, vol. 2, Metropolitan Fiscal Disparities, Washington, D. C. October 1967, A-31, p. 105.

TABLE 11.—EDUCATIONAL EXPENDITURE AS A PERCENTAGE OF TOTAL GENERAL EXPENDITURES INSIDE (CC) AND OUTSIDE CENTRAL CITY (OCC), 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1957 AND 1964-65

Area	1957		1964-65		Area	1957		1964-65	
	CC	OCC	CC	OCC		CC	OCC	CC	OCC
Los Angeles-Long Beach, Calif.	36.7	45.8	34.1	47.6	Paterson-Clifton-Passaic, N.J.	36.1	51.6	37.7	52.2
San Bernardino-Riverside-Ontario, Calif.	49.7	41.7	47.5	46.5	Buffalo, N.Y.	28.9	47.1	28.4	51.3
San Diego, Calif.	37.7	47.6	36.2	46.4	New York, N.Y.	24.5	53.8	25.3	55.2
San Francisco-Oakland, Calif.	29.1	48.7	26.3	47.8	Rochester, N.Y.	26.5	46.9	35.5	56.4
Denver, Colo.	34.1	50.3	34.8	64.7	Cincinnati, Ohio-Ky-Ind.	32.9	47.0	42.1	47.9
Washington, D.C.	20.9	64.1	21.8	58.1	Cleveland, Ohio	27.3	44.0	33.3	49.8
Miami, Fla.	31.0	41.4	36.8	45.9	Columbia, Ohio	31.3	60.3	33.6	62.7
Tampa-St. Petersburg, Fla.	30.2	56.2	32.6	57.8	Dayton, Ohio	28.1	60.5	36.2	57.3
Atlanta, Ga.	34.8	53.0	24.8	51.9	Portland, Oreg-Wash.	36.9	61.1	42.8	62.9
Chicago, Ill.	23.8	60.6	28.7	59.9	Philadelphia, Pa-N.J.	29.7	52.2	30.7	60.7
Indianapolis, Ind.	34.8	70.1	43.5	76.0	Pittsburgh, Pa.	21.8	50.0	27.9	55.6
Louisville, Ky-Ind.	38.3	62.3	43.6	62.6	Providence, RI	37.9	60.0	39.2	59.9
New Orleans, La.	28.2	32.5	28.8	33.9	Dallas, Tex.	35.3	59.3	36.7	56.3
Baltimore, Md.	29.6	50.0	30.8	55.6	Houston, Tex.	41.9	67.4	39.5	73.1
Boston, Mass.	18.7	37.4	19.8	41.7	San Antonio, Tex.	42.5	83.7	(1)	(1)
Detroit, Mich.	30.1	57.0	34.3	53.3	Seattle, Wash.	32.8	61.3	35.2	35.5
Minneapolis-St. Paul, Minn.	29.7	51.1	23.0	57.5	Milwaukee, Wis.	22.3	40.5	23.4	39.6
Kansas City, Mo-Kans.	33.9	49.1	33.0	57.3					
St. Louis, Mo-Ill.	30.9	57.3	29.9	60.8					
Newark, N.J.	31.3	48.6	27.6	48.2					
					Unweighted average	31.0	51.3	32.6	53.2
					Weighted average	(1)	(1)	29.9	52.5

¹ Data not available.

Note: See app. III.

Source: Compiled from various reports of the Governments Division, U.S. Bureau of the Census Table from ACIR, "Fiscal Balance in the American Federal System," volume 2, Metropolitan Fiscal Disparities, Washington, D.C., October 1967, A-31, p. 75.

5. Tax effort

But spending unrelated to tax base tells us nothing about the effort which communities are making to provide public services.

Table 13 expresses this factor and in the aggregate demonstrates that city efforts in terms of per capita tax revenues as a percent of per capita income run considerably in ad-

vance of their suburbs. In aggregate terms, the cities tax themselves 88 percent more heavily than do the suburbs (see Table 14).

TABLE 12.—PER CAPITA TOTAL LOCAL GENERAL EXPENDITURE, CENTRAL CITY (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS,
37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1957 AND 1964-65

SMSA	1957			1964-65			SMSA	1957			1964-65		
	SMSA	CC	OCC	SMSA	CC	OCC		SMSA	CC	OCC	SMSA	CC	OCC
Los Angeles-Long Beach, Calif.	\$254	\$267	\$203	\$368	\$390	\$353	Newark, N.J.	\$197	\$243	\$181	\$309	\$413	\$280
San Bernardino-Riverside-Ontario, Calif.	221	296	192	391	446	368	Paterson-Clifton-Passaic, N.J.	156	155	157	230	244	226
San Diego, Calif.	190	191	189	323	307	343	Buffalo, N.Y.	203	193	210	327	306	351
San Francisco-Oakland, Calif.	227	223	230	402	373	410	New York, N.Y.	257	257	260	425	442	384
Denver, Colo.	185	214	147	266	299	238	Rochester, N.Y.	199	200	196	364	362	367
Washington, D.C.	196	239	131	342	477	272	Cincinnati, Ohio-Ky.-Ind.	181	246	117	252	392	167
Miami, Fla.	188	226	169	274	318	255	Cleveland, Ohio	186	183	193	286	282	289
Tampa-St. Petersburg Fla.	132	159	89	244	298	168	Columbus, Ohio	163	166	156	236	226	252
Atlanta, Ga.	133	158	100	267	302	237	Dayton, Ohio	144	167	129	240	293	213
Chicago, Ill.	178	202	142	249	268	227	Portland, Oreg.-Wash.	165	203	131	253	290	224
Indianapolis, Ind.	157	178	107	233	214	283	Philadelphia, Pa.-N.J.	151	165	138	226	241	214
Louisville, Ky.-Ind.	141	162	114	189	218	163	Pittsburgh, Pa.	147	188	128	211	280	189
New Orleans, La.	152	163	120	219	212	233	Providence, R.I.	118	160	99	188	255	163
Baltimore, Md.	175	199	142	254	292	214	Dallas, Tex.	155	184	108	208	210	205
Boston, Mass.	203	273	181	279	427	239	Houston, Tex.	162	155	187	224	205	286
Detroit, Mich.	201	202	200	283	280	285	San Antonio, Tex.	112	113	104	162	(1)	(1)
Minneapolis-St. Paul, Minn.	186	185	188	320	300	339	Seattle-Everett, Wash.	159	174	142	325	270	335
Kansas City, Mo.-Kans.	146	186	112	226	201	246	Milwaukee, Wis.	222	229	210	338	345	326
St. Louis, Mo.-Ill.	134	149	124	207	274	176	Unweighted average	175	198	156	277	304	265
							Weighted average	193	214	171	303	332	278

¹ Data not available.

Note: CC as percent of OCC, 1957, 125 percent; 1965, 120 percent. (Averages computed for task force report.)

Source: Compiled from various reports of the Governments Division, U.S. Bureau of the Census Table from ACIR, "Fiscal Balance in the American Federal System," vol. 2, Metropolitan Fiscal Disparities, Washington, D.C. Oct. 1967, A-31, p. 103.

TABLE 13.—MEASURES OF TAX EFFORT IN CENTRAL CITIES AND SUBURBS IN 22 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS (SMSA), 1962 ¹

[Per capita tax revenue, 1962, as percent of per capita income, 1960]

SMSA (1)	Actual tax revenue		Adjusted tax revenue ²		Adjusted tax revenue ³	
	Cities (2)	Suburbs (3)	Cities (4)	Suburbs (5)	Cities (6)	Suburbs (7)
New York.....	9.5	7.5	7.8	7.0	7.3	6.8
Chicago.....	7.4	6.1	6.6	5.8	6.2	5.6
Los Angeles.....	8.4	7.0	7.3	6.0	6.8	5.6
Philadelphia.....	7.4	4.9	6.6	4.6	6.1	4.4
Detroit.....	7.5	5.7	6.2	4.9	5.5	4.6
Baltimore.....	6.9	4.4	6.0	4.3	5.3	3.9
Houston.....	5.9	5.6	5.4	5.4	4.7	4.9
Cleveland.....	7.4	5.2	6.1	4.4	5.5	4.2
St. Louis.....	7.6	5.1	5.9	4.8	5.2	4.4
Milwaukee.....	8.4	6.5	6.8	5.4	6.3	5.2
San Francisco.....	7.4	7.2	6.1	6.0	5.6	5.6
Boston.....	11.2	7.4	8.9	6.8	8.3	6.4

SMSA (1)	Actual tax revenue		Adjusted tax revenue ²		Adjusted tax revenue ³	
	Cities (2)	Suburbs (3)	Cities (4)	Suburbs (5)	Cities (6)	Suburbs (7)
Dallas.....	5.7	3.7	5.2	3.1	4.8	2.7
Pittsburgh.....	7.2	4.9	6.8	4.7	6.3	4.5
San Diego.....	6.3	6.7	5.3	5.6	4.7	4.9
Seattle.....	5.0	3.6	4.5	3.2	4.2	2.9
Buffalo.....	7.5	7.0	6.2	6.2	5.7	5.9
Cincinnati.....	8.2	4.5	6.5	4.2	5.7	3.8
Atlanta.....	6.2	3.7	5.1	2.8	4.5	2.4
Minneapolis.....	7.0	6.5	5.3	5.6	4.8	5.3
Kansas City.....	6.0	5.4	5.1	5.0	4.5	4.6
Newark.....	12.3	7.0	9.5	6.5	8.9	6.2
Mean.....	7.6	5.7	6.3	5.1	5.8	4.8

¹ Data computed by and presented in: Woo Sik Kee, City-Suburban Differentials in Local Government Fiscal Effort. Morgantown: Regional Research Institute, West Virginia University, October 1967.

² Total tax revenue minus the estimated locally financed portion of expenditure for public welfare, health, and hospitals.

³ Total tax revenue minus the estimated locally financed portion of expenditure for public welfare, health, hospitals, and education of children in families with incomes of less than \$3,000.

Source: Reprinted in: Netzer, Dick. Impact of the Property Tax: Effect on Housing, Urban Land Use, Local Government Finance. Research Report No. 1. Prepared for the consideration of the National Commission on Urban Problems. Washington, D.C.: Government Printing Office, 1968. P. 52. Table from Financial Status of the Public Schools, Committee on Educational Finance, NEA, 1969.

TABLE 14.—PER CAPITA TOTAL LOCAL TAXES, CENTRAL CITY (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS, 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1957 AND 1964-65

Area	1957			1964-65		
	Standard metropolitan statistical areas	Central city	Outside central city	Standard metropolitan statistical areas	Central city	Outside central city
Los Angeles-Long Beach, Calif.	\$126	\$155	\$102	\$207	\$227	\$194
San Bernardino-Riverside-Ontario, Calif.	98	141	81	188	203	181
San Diego, Calif.	86	93	76	149	151	146
San Francisco-Oakland, Calif.	124	140	111	224	248	217
Denver, Colo.	104	131	68	166	192	143
Washington, D.C.	124	185	75	184	291	129
Miami, Fla.	107	132	94	143	160	131
Tampa-St. Petersburg, Fla.	66	78	47	111	131	84
Atlanta, Ga.	68	98	44	107	128	89
Chicago, Ill.	123	138	99	166	203	123
Indianapolis, Ind.	97	106	68	158	155	168
Louisville, Ky.-Ind.	78	92	59	97	113	79
New Orleans, La.	56	62	38	71	84	47
Baltimore, Md.	87	105	62	123	143	102
Boston, Mass.	127	161	116	179	223	167
Detroit, Mich.	111	127	95	154	171	141
Minneapolis-St. Paul, Minn.	98	115	75	162	172	152
Kansas City, Mo.-Kans.	85	105	69	132	135	131
St. Louis, Mo.-Ill.	84	98	75	128	167	110
Newark, N.J.	146	178	139	220	273	205
Paterson-Cotton-Passaic, N.J.	116	118	116	183	177	185
Buffalo, N.Y.	114	116	112	176	170	179
New York, N.Y.	164	167	153	262	279	221
Rochester, N.Y.	121	122	119	181	179	182
Cincinnati, Ohio-Ky.-Ind.	101	137	65	139	190	106
Cleveland, Ohio	103	106	98	161	151	169
Columbus, Ohio	78	80	72	120	113	138
Dayton, Ohio	81	126	52	138	180	116
Portland, Oreg.-Wash.	99	135	66	149	189	119
Philadelphia, Pa.-N.J.	94	115	74	135	147	126
Pittsburgh, Pa.	82	113	68	123	164	110
Providence, R.I.	84	109	73	118	160	103
Dallas, Tex.	78	101	43	105	122	77
Houston, Tex.	84	85	70	118	114	132
San Antonio, Tex.	51	54	26	63	(7)	(7)
Seattle-Everett, Wash.	66	81	48	122	128	116
Milwaukee, Wis.	118	126	104	167	193	122
Unweighted average.....	99	119	81	152	173	137
Weighted average.....	113	132	94	174	200	152

¹ Data not available.

Source: Compiled from various reports of the Governments Division, U.S. Bureau of the Census.

6. Summary

Dollars for government purposes are hard to come by in central cities because of (1) shifts in population and business activity, (2) deterioration of the property tax base, and (3) high service requirements. But educational dollars are hardest of all to find because general government (non-educational) service needs place such a heavy burden on city taxpayers.

The Higher Costs of Urban Education

Besides the general fiscal problems affecting cities, urban systems are also beset by higher costs for education than exist in outlying areas. It therefore takes proportionately higher city expenditures to purchase the same educational services than it does in the suburbs. Cities, however, are generally able to spend less per pupil than are their suburban areas and urban education accordingly suffers in comparison with the "better" school systems in the environs.

1. *Disparities between city and suburban educational spending.*—Accurate current figures on the disparity between central city and OCO educational expenditures are, unfortunately, difficult to obtain. A recent cursory survey of several selected large city school systems and a satellite suburban system indicates through approximate per pupil expenditures that the gap between a city and certain of its suburbs was a startling (see Table 15).¹ Far more money is being spent on the suburban child who generally

enjoys the advantages of educational motivation, educated parents, resources to provide additional tutoring, etc. than on the inner city child whose educational needs are greater and whose extra school resources to meet them are fewer.

TABLE 15.—Approximate per pupil expenditures for 1968-69

New York City.....	\$1,031
Scarsdale, N.Y.....	1,626
Los Angeles, Calif.....	830
Beverly Hills, Calif.....	1,181
Cleveland, Ohio.....	630
Shaker Heights, Ohio.....	968
Newark, N.J.....	637
Tenafly, N.J.....	922
Detroit, Mich.....	676
Grosse Point, Mich.....	876
Boston, Mass.....	655
Newton, Mass.....	842

Considerable analysis remains to be done before current fiscal reporting systems (which now tend to include a range of expenditures not formerly considered as educational programs) can be made comparable to studies of the pre-1966 period. Analysis underway at the Policy Institute of the Syracuse University Research Corporation is designed to elicit such information, but it is our judgment that for the present the most reliable data

Footnotes at end of article.

may be found in statistics like those noted in Tables 16 and 17 and 18. Though they cover only the period through 1966, our preliminary research indicates that these patterns are probably continuing.

Table 16 shows the picture in 1962. At that

time, the mean difference in total expenditures per student in 88 large SMSA's showed that OCC areas were outspending central city areas by nearly \$150 per student. The same comparison for "current," as opposed to "total," expenditures per student showed

a difference of more than \$65 per student. In only two of these SMSA's in the case of total expenditures, and in only five in the case of current expenditures, did the central cities spend more per pupil than their outlying areas.

TABLE 16.—TOTAL AND CURRENT EXPENDITURES PER PUPIL FOR CENTRAL CITIES (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS 1961-62

Cities	Total expenditures per student—(CC)	Total expenditures per student—(OCC)	Difference	Current expenditures per student—(CC)	Current expenditures per student—(OCC)	Difference	Cities	Total expenditures per student—(CC)	Total expenditures per student—(OCC)	Difference	Current expenditures per student—(CC)	Current expenditures per student—(OCC)	Difference
New York.....	\$603.95	\$869.32	-\$265.37	\$586.88	\$684.34	-\$147.35	Memphis.....	\$235.17	\$356.00	-\$120.83	\$227.88	\$245.71	-\$18.13
Chicago.....	479.78	567.24	-87.46	408.51	473.09	-65.18	Denver.....	426.67	579.97	-103.30	418.30	390.74	+37.56
Los Angeles.....	482.62	802.88	-320.26	437.14	554.54	-117.40	Atlanta.....	276.86	352.63	-75.77	272.52	287.80	-15.23
Philadelphia.....	438.20	577.32	-139.12	397.75	492.90	-95.15	Minneapolis.....	417.86	626.35	-182.98	414.31	441.45	-27.14
Detroit.....	543.81	523.50	+15.31	461.67	434.10	+27.57	Indianapolis.....	365.29	650.24	-284.95	352.87	467.92	-115.05
Baltimore.....	431.95	577.28	-145.33	366.07	427.61	-55.54	Kansas City.....	468.23	460.94	+7.29	409.19	350.67	+58.52
Houston.....	290.62	555.25	-264.63	290.09	450.35	-160.25	Columbus.....	331.31	398.08	-66.77	327.40	332.66	-4.06
Cleveland.....	412.70	585.21	-177.51	370.59	459.50	-88.91	Newark.....	575.65	612.41	-36.76	496.21	522.23	-26.02
St. Louis.....	391.33	527.68	-136.35	386.58	423.73	-37.15	Louisville.....	301.46	656.04	-356.58	301.44	477.73	-176.29
Milwaukee.....	451.54	570.85	-119.31	377.96	469.38	-91.42	Portland, Oreg.....	431.30	602.31	-171.01	421.59	480.14	-58.55
San Francisco.....	550.50	701.69	-151.19	466.77	546.29	-79.62	Long Beach.....	460.58	802.88	-342.30	426.33	554.44	-128.21
Boston.....	385.46	545.80	-160.34	385.46	465.36	-79.90	Birmingham.....	239.83	247.64	-7.81	194.43	223.84	-79.46
Dallas.....	383.36	445.60	-62.34	301.96	325.40	-23.44	Oklahoma.....	279.33	367.88	-88.55	269.23	291.67	-22.44
New Orleans.....	278.89	341.66	-62.77	271.87	233.05	+38.82	Rochester.....	602.71	732.76	-130.05	580.05	573.07	+6.98
Pittsburgh.....	417.85	511.78	-93.93	363.00	450.98	-82.98	Toledo.....	489.71	676.09	-186.38	377.71	511.85	-134.14
San Diego.....	547.65	697.98	-150.33	414.63	538.95	-124.32	St. Paul.....	427.91	626.36	-198.45	415.51	441.45	-25.94
Seattle.....	492.97	505.79	-12.82	409.89	415.72	-5.83	Norfolk.....	271.17	363.30	-92.13	265.43	283.65	-23.22
Buffalo.....	451.27	660.16	-208.89	447.03	561.20	-114.17	Omaha.....	293.08	522.74	-229.66	282.58	304.90	-112.32
Cincinnati.....	411.16	745.91	-334.75	376.11	577.74	-204.63	Mean.....	414.46	559.42	-144.96	376.33	441.99	-85.86

Source: Seymour Sacks and David Ranney, "Suburban Education: A Fiscal Analysis," Urban Affairs Quarterly (Sept. 1966). (Revised.)

Table from Alan K. Campbell and Seymour Sacks, "Metropolitan America: Fiscal Patterns and Governmental Systems," N.Y. Free Press 1967.

TABLE 17.—PER CAPITA TOTAL LOCAL EDUCATIONAL EXPENDITURE INCLUDING HIGHER EDUCATION, CENTRAL CITY (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS, 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1957 AND 1964-65

Area	1957			1964-65		
	SMSA	CC	OCC	SMSA	CC	OCC
Los Angeles-Long Beach, Calif.	\$95	\$98	\$93	\$154	\$133	\$168
San Bernardino-Riverside-Ontario, Calif.	99	147	80	183	212	171
San Diego, Calif.	80	72	90	132	111	159
San Francisco-Oakland, Calif.	92	65	112	162	88	192
Denver, Colo.	74	73	74	131	104	154
Washington, D.C.	69	50	84	140	104	158
Miami, Fla.	70	70	70	117	117	117
Tampa-St. Petersburg, Fla.	47	47	47	97	97	97
Atlanta, Ga.	54	55	53	101	75	123
Chicago, Ill.	63	48	86	104	77	136
Indianapolis, Ind.	66	62	75	126	93	215
Louisville, Kentucky-Indiana	66	62	71	98	95	102
New Orleans, La.	44	46	39	67	61	79
Baltimore, Md.	64	59	71	104	90	119
Boston, Mass.	63	49	68	97	72	104
Detroit, Mich.	89	62	114	128	96	152
Minneapolis-St. Paul, Minn.	72	55	96	135	84	195
Kansas City, Missouri-Kansas	59	63	55	108	67	141
St. Louis, Missouri-Illinois	61	46	71	99	82	107
Newark, N.J.	85	76	88	130	114	135
Paterson-Clifton-Passaic, N.J.	75	56	81	112	92	118
Buffalo, N.Y.	78	52	99	141	87	175
New York, N.Y.	82	63	140	141	112	212
Rochester, N.Y.	70	53	92	168	128	207
Cincinnati, Ohio-Kentucky-Indiana	68	81	55	112	165	80
Cleveland, Ohio	67	50	85	122	94	144
Columbus, Ohio	64	52	94	99	76	158
Dayton, Ohio	66	47	78	116	106	122
Portland, Oregon-Washington	77	75	80	134	124	141
Philadelphia, Pennsylvania-New Jersey	61	49	72	105	74	130
Pittsburgh, Pa.	59	41	64	100	78	105
Providence, R.I.	49	46	50	82	70	87
Dallas, Tex.	64	65	64	92	77	116
Houston, Tex.	78	65	126	111	81	207
San Antonio, Tex.	53	48	87	86	(1)	(1)
Seattle-Everett Wash.	71	57	87	138	(1)	(1)
Milwaukee Wis.	65	51	85	108	98	129
Unweighted average	70	61	80	119	99	141
Weighted average	73	61	86	124	99	146

(1) Data not available.
OCC as percent of CC, 1957—141; 1965, 147.—Averages computed for Task Force report.

Source: Compiled from various reports of the Governments Division, U.S. Bureau of the Census

TABLE 18.—PER CAPITA AND PER PUPIL CURRENT EXPENDITURE FOR LOCAL SCHOOLS, CENTRAL CITY (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS, 37 LARGEST STANDARD METROPOLITAN STATISTICAL AREAS, 1964-65

Area	Per Capita			Per Pupil		
	SMSA	CC	OCC	SMSA	CC	OCC
Los Angeles-Long Beach, Calif.	\$118	\$94	\$134	\$558	\$424	\$654
San Bernardino-Riverside-Ontario, Calif.	123	142	115	578	498	631
San Diego, Calif.	107	89	129	549	485	621
San Francisco-Oakland, Calif.	127	79	158	701	565	758
Denver, Colo.	111	95	124	471	493	457
Washington, D.C.	107	90	117	545	508	562
Miami, Fla.	94	94	94	503	503	503
Tampa-St. Petersburg, Fla.	67	67	67	362	362	362
Atlanta, Ga.	86	69	100	378	342	403
Chicago, Ill.	86	67	109	503	433	578
Indianapolis, Ind.	106	79	176	471	407	579
Louisville, Kentucky-Indiana	71	45	97	416	350	455
New Orleans, La.	57	50	71	333	310	369
Baltimore, Md.	85	81	90	429	407	452
Boston, Mass.	84	68	88	493	490	499
Detroit, Mich.	108	81	129	509	454	539
Minneapolis-St. Paul, Minn.	108	80	135	564	527	587
Kansas City, Mo.-Kans.	91	59	117	494	425	531
St. Louis, Mo.-Ill.	82	68	88	542	411	594
Newark, N. J.	106	96	109	595	515	619
Paterson-Clifton-Passaic, N. J.	95	76	101	657	477	579
Buffalo, N. Y.	125	74	157	694	507	777
New York, N. Y.	121	96	181	790	728	889
Rochester, N. Y.	138	104	172	807	700	885
Cincinnati, Ohio-Kentucky-Indiana	79	78	79	472	439	494
Cleveland, Ohio	94	81	105	528	433	609
Columbus, Ohio	82	70	115	410	368	500
Dayton, Ohio	101	100	102	481	431	432
Portland, Oregon-Washington	115	92	133	543	444	616
Philadelphia, Pennsylvania-New Jersey	88	63	108	586	447	656
Pittsburgh, Pa.	90	58	100	521	419	544
Providence, R.I.	70	64	72	430	436	427
Dallas, Tex.	73	60	93	422	334	597
Houston, Tex.	86	62	164	430	311	794
San Antonio, Tex.	65	(1)	(1)	310	(1)	(1)
Seattle-Everett, Wash.	119	74	196	527	476	556
Milwaukee, Wis.	85	66	116	485	421	568
Unweighted average	97	82	113	514	449	573

1 Data not available.

CC as percent of OCC: Per capita, 138; per pupil, 128.—Averages computed for Task Force.

Source: Compiled from various reports of the Governments Division, U.S. Bureau of the Census and from the Office of Education, Department of Health, Education, and Welfare.

Table from ACIR, "Fiscal Balance in the American Federal System," vol. 2, Metropolitan Fiscal Disparities, Washington, D.C., October 1967, A-31, p. 66.

Table 17 shows the trend between 1957 and 1966 in per capita total educational expenditures comparing central cities and outlying areas. OCO expenditures increased as a percentage of central city expenditures from 141 percent to 147 percent in those eight years.

Table 18 develops the relationship for 1966 in current expenditures per capita and per pupil for the 1964-65 school year, and shows that by either measure, outside-central-city areas devoted more resources to education than did the central cities by considerable margins. It is important to recall at this point in the analysis the two conditioning factors which shape this pattern, namely (1) the high non-educational service responsibilities to which cities must devote 70 percent of their budgets, whereas suburban governments with lesser service requirements devote only 47 percent of their expenditures to non-educational purposes, (see Table 10), and (2) the higher level of total tax effort in the central cities (see Table 13).

2. The need for additional money in the cities.—When one combines the picture of higher educational expenditures in the suburbs with the fact that urban education actually costs more per unit than does education in the suburbs, the degree of central city disadvantage is substantially magnified. There are two general reasons why urban education is more expensive than suburban education. First, many items in the school budget are more expensive in cities than they are outside of cities, and second, the socio-economic characteristics of the urban student population make for additional expenditures.

2.1 Higher cost of wages, services.—To illustrate the first of these two reasons, Professor Charles Benson, in an unpublished study conducted for the U.S. Civil Rights Commission, isolated one such urban high cost factor. "City costs are characterized by a general expenditure-raising phenomenon, namely, the age of their teachers. Central city school populations are not growing as rapidly as urban ones. Also, for institutional reasons, cities tend to make promotions internally. On both counts, central cities tend to have school systems that are staffed primarily by teachers of substantial seniority. Again for institutional reasons, teachers are paid largely on the basis of seniority. It follows that central cities must pay high salaries per teacher, even though their salary schedules are not as attractive as those to be found in the suburbs" (Benson, 1966, p. 8).

Other examples of higher cost items are those of site acquisition for school construction. Urban land values are generally higher than in outlying areas. In a city like Baltimore, for example, it is not uncommon to pay \$300,000 an acre for an inner city elementary school site (Murnaghan & Mandel, 1969, pp. 32-34). Comparisons, of course, are not simple because the urban model for school construction is not the suburban 10 acre school plot. Yet despite the caveat, it would seem reasonable to conclude that higher urban land costs affect the city school budget to some extent.

Similarly, the Bureau of Labor Statistics indices consistently show higher urban standards of living, and city wages and salaries for ancillary services, to schools therefore tend to be higher. According to national school finance specialist, Dr. Eugene McLoone, Assistant Director of Re-

search, National Education Association, and professor of economics at the University of Maryland Janitorial and security expenses are widely reported to be higher in city school systems, a function of a variety of causes related to such diverse factors as unionization and higher rates of student vandalism.

2.2 Higher requirements for special educational attention for the disadvantaged.—But the most important reason why urban education is inherently more expensive than education in other areas derives from the educational and socio-economic characteristics of city student populations. The poor, the black, the immigrant, the handicapped make up a large proportion of the city student body, and such students have high requirements for special educational attention. Programs for the culturally disadvantaged, programs for non-English speaking adults and children, programs for children to whom standard English is virtually a foreign language, adult education in general, summer schools, programs for the physically and emotionally handicapped (where costs per pupil are greater than normal child costs by a factor of four or five to one) and vocational (characterized by average costs of 1.35 times those of academic secondary schools)—these are all prominent aspects of urban education because of the ethnic and socio-economic make-up of the city. (Benson, 1966.)

More importantly, however, if improvement and change in curriculum, educational personnel, supplementary services, facilities and attitudes are to take place to educate effectively the inner city population, it will cost more—more per disadvantaged child, more per black child, more per deprived child.

3. Summary

To summarize, in addition to the general fiscal problems facing central cities, the education function itself is subject to higher costs than it is in outlying areas. The higher costs are attributable to items of expenditure that cost more in cities and to the more "expensive" school population that the cities must educate.

Biased State Aid Formulas

Thus far our discussion of educational finance has focused on local revenues and expenditures. But education, like most other functions of government in the American Federal system, is characterized by the involvement of all three levels of government in its operation. In fiscal 1969 in the field of elementary and secondary schooling, the national division of fiscal responsibility is 52.0 percent local, 40.7 percent State and 7.3 percent Federal. The question to be examined now is: To what extent do the substantial State revenues offset or increase disparities between central city and outside central city educational finance?

1. State impact on educational spending—excluding State aid to education.—At the outset it is important to recognize that State aid for education is but one aspect of State impact on educational spending. State statutory and constitutional provisions regarding the organization of school districts, permissible tax and debt limits, and responsibility for retirement funds are but a few of the factors playing important parts in shaping patterns of educational finance.

For example, Seymour Sacks, one of the nation's leading experts in educational fi-

nance, has noted that in many cases the only school districts in a State which must bear the responsibility for financing employee retirement systems are the large school districts of the State. And in some cases even where small local school districts are given this responsibility, a heavier assignment may be charged to the large city school district or its overlying government. In all such cases, these costs must be financed almost entirely from local taxes."

To take another example, State policy determines the extent to which taxes may be levied, and complex limits are a common feature of tax law throughout the nation. Many of these provisions came into being in the 1930's and have resulted in a set of rules and regulations which Professor Sacks finds are "operative only in so far as they affect the large cities . . . The effect of the tax limits on large cities has been thoroughly inhibiting on large city school finances, which depend almost exclusively on the real property tax base."

Effects of this problem are described in a report prepared for the 1967 New York State Constitutional Convention. At that time, ten of the State's 62 cities were found to be operating at 90 percent or more of their statutory tax limit. Included in the group were all of the States' cities with more than 125,000 population. Four of these large cities (New York, Rochester, Syracuse and Yonkers) were operating at 90 percent of their limit. For all the six large cities, the fiscal problems were particularly grave. Besides the pressures for more varied services than less populous places, the large cities have the additional burden of having to finance their school systems within the city's tax limit, whereas smaller cities have independent school systems with a separate tax limit unrelated to general service requirements. Another problem relates to the differing treatment of school districts depending on their location. School districts wholly or partly within a city with fewer than 125,000 total population for example, are subject to constitutional tax limit. School districts wholly outside cities are not, and they often oppose annexation to existing cities or inclusion in new ones, whether desirable or not on other grounds, because it would subject them to constitutional tax and debt limits (Local Finance, 1/27/1967, pp. 53-55). While the discussion at this point is addressed directly to New York State, the problems are not at all unlike those existing across the nation.

2. *Effects of State aid to education—disparities in distribution to cities.*—But our concern is primarily with the effect of State aid to education, and here there are also clear differences between the central city and outside central city areas in the amount of aid per pupil and per capita. The history of such aid is an interesting one. State aid systems continue to bear the marks of their origins—the attempt to compensate for the inequalities between what were then the rich cities and the poorer outlying and rural regions. The 1962 published figures show that of the 37 large city areas, the central cities received larger educational aid per pupil in only eight cases (See Table 19). The outside areas received greater aid in the preponderant 29 cases. When examined in per capita terms, only three of the 37 central city areas have greater aid than their outlying areas. And of these three, Oklahoma City represents a very special case because of its extensive nature,

and Milwaukee represents a difference of but \$1 and neglects the imbalance in noneducational aid. On the average, per capita State education aid in the large city areas was \$20.72 while in their outlying area it was almost twice as great, \$37.86.

There is also the question of aid as a proportion of expenditures. In this case it is quite evident that both the large central cities and their outlying areas receive a much smaller proportion of their current expenditures in the form of aid than does the nation as a whole. For if the aid figure for the nation is computed on a current expenditure basis, it amounts to some 44.5 percent of the total. Only five of the large city areas in the entire country receive more than that proportion of aid (See Table 20).

TABLE 19.—TOTAL EDUCATION AID PER PUPIL, CENTRAL CITY (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS AND SELECTED LARGE METROPOLITAN AREAS, 1962

Metropolitan area	CC	OCC
New York.....	\$234.00	\$228.50
Chicago.....	111.00	103.00
Los Angeles.....	172.90	463.50
Philadelphia.....	\$159.80	\$132.19
Detroit.....	137.00	163.00
Baltimore.....	106.40	161.80
Houston.....	143.80	200.70
Cleveland.....	49.90	96.30
St. Louis.....	128.83	140.80
Milwaukee.....	91.00	54.50
San Francisco.....	188.70	310.40
Boston.....	50.10	42.10
Dallas.....	139.80	172.00
New Orleans.....	194.20	200.20
Pittsburgh.....	93.30	184.10
San Diego.....	135.00	281.65
Seattle.....	234.20	258.20
Buffalo.....	193.80	237.60
Cincinnati.....	51.20	145.43
Memphis.....	107.40	119.20
Denver.....	73.90	121.80
Atlanta.....	102.50	152.10
Minneapolis.....	132.80	367.20
Indianapolis.....	97.00	125.80
Kansas City.....	129.80	89.00
Columbus.....	50.20	114.90
Newark.....	95.00	65.80
Louisville.....	123.40	137.30
Portland (Oregon).....	114.70	216.20
Long Beach.....	187.00	401.50
Birmingham.....	154.40	152.40
Oklahoma City.....	96.40	58.90
Rochester.....	186.50	309.80
Toledo.....	51.60	200.10
St. Paul.....	129.80	386.20
Norfolk.....	101.00	117.40
Omaha.....	33.20	40.00

Source: U.S. Bureau of Census, Censuses of Governments, 1962.

TABLE 20.—EDUCATION AID PER CAPITA, CENTRAL CITY (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS AND SELECTED LARGE METROPOLITAN AREAS, 1962

Metropolitan area	CC	OCC	EXHIBIT—Total education aid as a percent, total education expenditures central city areas (CC)
New York.....	\$20.19	\$64.17	31.7
Chicago.....	16.31	20.15	21.2
Los Angeles.....	24.19	182.50	35.8
Philadelphia.....	17.45	24.17	31.9
Detroit.....	22.62	39.49	25.2
Baltimore.....	19.83	31.61	24.6
Houston.....	31.33	51.86	42.1
Cleveland.....	4.76	12.76	18.4
St. Louis.....	18.20	24.83	32.9
Milwaukee.....	13.43	11.91	20.8
San Francisco.....	23.72	98.34	34.3
Boston.....	6.54	7.78	13.0
Dallas.....	27.13	38.74	36.5

TABLE 20.—EDUCATION AID PER CAPITA, CENTRAL CITY CITY (CC) AND OUTSIDE CENTRAL CITY (OCC) AREAS AND SELECTED LARGE METROPOLITAN AREAS, 1962
Continued

Metropolitan area	CC	OCC	Exhibit—Total education aid as a percent, total education expenditures central city areas (CC)
New Orleans.....	29.06	39.01	69.6
Pittsburgh.....	11.43	34.53	22.3
San Diego.....	37.43	63.87	35.6
Seattle.....	42.46	80.03	47.5
Buffalo.....	25.45	59.80	42.9
Cincinnati.....	7.73	32.34	17.4
Memphis.....	22.20	32.34	45.7
Denver.....	14.06	34.70	17.3
Atlanta.....	21.25	39.02	37.7
Minneapolis.....	19.51	93.73	31.0
Indianapolis.....	18.53	27.89	26.5
Kansas City.....	20.69	30.21	27.6
Columbus.....	9.28	28.31	15.1
Newark.....	15.48	12.04	16.5
Louisville.....	17.53	28.02	40.9
Portland (Oregon).....	21.05	53.52	26.6
Long Beach.....	34.91	90.06	40.6
Birmingham.....	31.70	37.85	78.3
Oklahoma City.....	23.19	13.59	34.5
Rochester.....	24.56	67.05	30.9
Toledo.....	8.54	47.51	10.5
St. Paul.....	17.78	102.03	30.5
Norfolk.....	17.89	28.28	37.3
Omaha.....	5.60	10.46	11.3

Source: Compiled from various reports of the Governments Division, U.S. Bureau of Census.

Another way of analyzing the central city-suburban State aid differential may also be found in the Becks' study (*Educational Finance in Large Cities*). Looking at the broad concept of the New York Metropolitan Region as developed by the Regional Planning Association, we can see the working of three different systems of State aid and their effects on the central cities of their component areas. There are clearly striking differences between the amounts of aid received per pupil in these three States. Using the 1959 average income of \$2,306 New York received almost the same amount of aid as Westchester County (less Yonkers) with an average income of \$3,427, almost 50 percent higher. The New Jersey levels in 1964 were much lower than these in New York, but the aid per pupil in Newark with an income of \$1,792 was slightly lower than the aid received by the rest of the Newark SMSA with an income of \$2,746. Similar results occurred in the other parts of the New Jersey area analyzed. An almost identical situation may be found in Connecticut, where Bridgeport, with an average income of \$1,955, received almost exactly the same State aid per pupil as did the suburban portion of surrounding Fairfield County, with an average income of \$3,208.

Educational aid formulas frequently overstate the fiscal capacity of central cities because their measure of fiscal capacity is almost universally tax base per pupil rather than tax base per capita. This seemingly insignificant factor is in reality of major consequence. For by focusing only upon the per pupil relationship with the tax base, the formulas assume that the fiscal resources of different kinds of school districts, for instance central city and suburban, are equally available for educational purposes. As this chapter has noted at several points already, this is in fact untrue, and central cities have a much heavier general service load than do other kinds of jurisdictions.

3. Summary

In short, for a variety of reasons, it would appear that State governments in general are failing to compensate for the crisis of educational finance facing the large central cities of the nation.¹

Dwindling Popular Support for and Confidence in Education

Underlying the financial problems of education in large cities is a growing popular unwillingness to raise additional revenues for school purposes at the State and local level. Increasingly, this disposition is running head on into (1) the heightened determination of teachers' organizations to force raises in instructional salaries, and (2) a general rise in prices schools have to pay for facilities, materials, and non-instructional services. In a number of States, Governors and State legislatures have been presented with the spectre of state-wide teachers' strikes or resignations if State aid levels were not raised. At the same time, a mood widely characterized as a taxpayer revolt has caused a more conservative approach in State aid programs. And reapportioned legislatures, whose increased representation has gone primarily to suburban districts, have taken few effective steps to revise State formulas to meet the educational needs of central cities. Even where, as in New York, an urban aid program was pasted onto the pre-existing aid system, the minimal financial amount (\$27,000,000 for the entire State) has made its effect barely perceptible.

1. *The heightened impact of lack of public support on the cities.*—In the large cities, the gap between necessary revenues (as seen by the educational system and related organizations) and available revenues (as seen by city governments and large portions of the tax conscious public) threaten an unparalleled crisis for urban education.

Examples of the fiscal crisis may be taken from any section of the nation. This spring in Houston, Texas, voters rejected by a 2 to 1 margin a proposed \$5,000,000 tax measure and a \$20,000,000 bond issue. While the public debate included a tangle of issues related to the desirability of kindergarten and special education, as well as a general opposition to higher taxes, the net result of the two defeats will be the denial of services to 20,000 pupils from the Houston Independent School District as a means of saving \$2.3 million in 1969-70.

The case of Youngstown, Ohio, is another example. Amid a complex political environment, rejection of a school levy in last fall's general election forced the city to shut down its public school system for five weeks. Opposition to increases in the property tax had led to four defeats of school tax proposals in just a twenty-two month period in Youngstown.

In Sacramento, California, a school budget adopted in August was the largest in the city's history, yet required cuts in services and in the number of employees due to pressures from inflation. While increased State aid may permit some small restorations, the new school aid provision approved by the State legislature in August underlined the problems of that city and of others in California: Sacramento's neighboring suburban school district, San Juan, with

Footnotes at end of article.

nearly identical enrollment, received \$2,200,000 in new aid; Sacramento received \$900,000. San Juan's proportion of minority group students is 3 percent; Sacramento's 33.8 percent.

The largest cities of the nation are also feeling the effects of adverse tax and bond votes. Los Angeles and Philadelphia both had voter rejections of such measures last year, and education officials expect serious impact on the school program in both cities. In the former, three educational bond and tax measures were defeated. In the latter, the defeat of its school bond referendum was the first suffered in the city's modern history. Detroit and New York are other cities whose educational systems are in severe financial difficulty, although adverse public referenda were not involved. In the former, the 1968-69 school budget ran an \$8,000,000 deficit, and the 1969-70 projection is for a possible deficit of more than \$20,000,000. Local school officials, seeing little chance of increased State or local support, are reported to be considering extended school closing as a mean of coping with their fiscal problems. Other drastic measures under consideration include the increase of class size, and termination of innovative educational programs.

An extensive national survey conducted by the Gallup organization for the Kettering Foundation asked whether respondents would be willing to approve new measures for higher school funds. Forty-nine percent answered no, another 8 percent indicated they were not sure, and only forty-five percent were willing to indicate their support of further revenue measures. In other respects respondents indicated satisfaction with many aspects of the educational system, including the regard in which they held teachers and the quality of education, according to a front page story in the New York Times of August 17, 1969.

3. Summary

State and local taxation is notoriously regressive and highly visible as compared with the Federal income tax. State sales taxes, which are noted as "pennies for the Governor" with every purchase, and local property taxes, which have little relationship to ability to pay, are widely resented and are in some places reaching the limits of expansion. If needed new support is to be made available for the support of city schools, the share carried by Federal revenues will have to be vastly increased. For the signals, as noted in the examples and trends discussed above, point to a rapidly growing public unwillingness to approve marked increases in State and local revenues.

Financial difficulties of non-public schools

Many of the factors discussed which affect the cities, and in turn the financial situation of the public schools, are also relevant in their effects on parochial and other non-public schools.

Population shifts bringing the poorer, more educationally disadvantaged into the inner city, lowered land values, lack of State and Federal aid have had profound effects on non-public schools which are reverberating to the public schools.

For example, one official for the parochial school system in Detroit informed the Task Force that financial pressures have forced raises in tuition from \$50 to \$100-\$150 per family for elementary school students and from \$75 to \$150-\$200 per student for high school students. As a result, the Catholic

schools expect to lose over 5,000 students this year, most of whom will enter the city's public schools. In a further attempt to economize, the parochial system consolidated six of its elementary schools into two schools, thus turning five hundred additional students into the public schools.

Three largely Spanish-speaking schools, totally subsidized by the Church last year, are being forced to close down this year. The kindergartens in these schools, the only ones in the systems, have already been dropped. An inner city high school, which formerly enrolled 700 students, raised its tuition to \$250, and now enrolls 350. The parochial school system projects that if it does not receive assistance, it will have to close 75 percent of its schools next year. Last year the parochial schools enrolled 65,000 children.

Such an example is far from atypical. The process is an insidious one which is being replicated in cities across the nation. Non-public schools located in areas of increased populations of disadvantaged families receive increased enrollments. Since tuitions pay for only a portion of per student expenses, the system raises tuitions in order to decrease its budget deficit. In the inner city, lower income families cannot afford these raises in tuition, and remove their children to the public schools. As a result of enrollment losses and continuing financial difficulties parochial schools may consolidate or even close down, and in so doing cause even more students to enroll in public schools whose facilities and budgets are already overtaxed.

The problems of the non-public schools are in a very real sense the problems of the public schools. The problems of the city are the problems of both.

Minimal Level and Minimal Effect of Federal Funds

Simply stated, the funding of Federal programs has not assisted hard-pressed urban areas to meet the educational challenges which confront them.

1. *Small impact of Federal funds on public elementary and secondary schools.*—We first to the aggregate level of Federal money for public elementary and secondary schools. Table 21 illustrates the growth in the absolute amount contributed by the Federal Government over the last twelve years. From 1958 to 1964, Federal funds almost doubled from \$486,000,000 to \$897,000,000. In 1965-66, with the passage of ESEA, a quantum jump occurred in a single year, with Federal funds more than doubling from \$897,000,000 to \$1,997,000,000. During the last three years, however, the growth has slowed, and in the last fiscal year it even declined slightly.

Table 22 puts those figures in a somewhat different perspective. By expressing Federal, State, and local funds for education in proportions of total public elementary and secondary education expenditures, we see that the Federal share, after growing from 4.4 percent to 7.9 percent after the passage of ESEA, leveled and then declined over the ensuing three years to 7.3 percent of total expenditures. If the purpose of Federal aid is to encourage local efforts to move in directions consonant with national objectives, such a growth pattern provides small incentive indeed. For not only is the overall proportion of aid relatively marginal (less than 8 percent), but in addition it does not appear to

offer a dynamic potential. As noted in the fourth annual report of the National Advisory Council on the Education of Disadvantaged Children, "Doubt about the continuing availability of funds inevitably results in a lower-grade staff for Title I projects (some administrators have declared they would not assign their best teachers to a program that may go bust any time!), a preponderance of

single purpose programs not integrated with the regular school curriculum, and a minimum of basic changes or improvements in the total curriculum for disadvantaged children."¹⁰ What applies to Title I, applies to many other programs as well.

Footnotes at end of article.

TABLE 21.—REVENUES FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS
[In thousands]

School year (1)	Total (2)	Federal (3)	State (4)	Local (5)
1957-58	\$12,181,513	\$486,484	\$4,800,368	\$6,894,661
1959-60	14,746,618	651,839	5,764,047	8,329,732
1961-62	17,527,707	760,975	6,789,190	9,977,542
1963-64	20,544,182	896,956	8,078,014	11,569,213
1965-66	25,356,858	1,996,954	9,920,219	13,439,686
1966-67 ¹	27,256,043	2,162,892	10,661,582	14,431,569
1967-68 ¹	31,092,400	2,472,464	12,231,954	16,387,982
1968-69 ¹	33,743,748	2,455,547	13,729,314	17,558,887
Increase, 1957-58 to 1968-69:				
Amount	21,562,235	1,969,063	8,928,976	10,664,196
Percent	177.0	40.6	186.0	154.7
Annual rate (percent)	9.7	15.8	10.0	8.9

¹NEA research division estimates.

²NEA research division estimates of Federal revenue may be lower than those which will be published later by the U.S. Office of Education because of partial omission of money value of food distribution for the school lunch program.

Table from Committee on Education Finance, NEA, "Financial Status of the Public Schools," 1969, Washington, D.C. NEA, 1969 p. 59.

Sources: U.S. Department of Health, Education, and Welfare, Office of Education, "Statistics of State School Systems, 1965-66," Washington, D.C., Government Printing Office, 1968, p. 11.

National Education Association, research division, "Estimates of School Statistics, 1966-67 and 1968-69," Research reports 1966-R20 and 1968-R16, Washington, D.C., the Association, 1966 and 1968.

TABLE 22.—PERCENT OF REVENUE RECEIVED FROM FEDERAL, STATE, AND LOCAL SOURCES FOR PUBLIC, ELEMENTARY, AND SECONDARY SCHOOLS
[In percent]

School year (1)	Federal sources (2)	State sources (3)	Local sources (4)
1957-58	4.0	39.4	56.6
1959-60	4.4	39.1	56.5
1961-62	4.3	38.7	56.9
1963-64	4.4	39.3	56.4
1965-66 ¹	7.9	39.1	53.0
1966-67 ¹	7.9	39.7	53.0
1967-68 ¹	8.0	39.3	52.7
1968-69 ¹	7.3	40.7	52.0

¹NEA Research Division estimates. NEA "Financial Status," op. cit., p. 60.

Sources: U.S. Department of Health, Education, and Welfare, Office of Education, "Statistics of State School Systems, 1965-66," Washington, D.C., Government Printing Office, 1968, p. 11.

National Education Association, Research Division, "Estimates of School Statistics, 1968-69," Research Report 1968-R16, Washington, D.C., the Association, 1968, p. 18.

1.1 *Minimal level of Title I, ESEA poverty designated funds.*—Title I, however, is of particular interest in itself because its funds are allocated on the basis of a poverty formula, thus providing substantial assistance to central cities. The effects of the leveling and decline of Federal educational aid is exemplified by its operation on Title I. Between the 1967-68 and 1968-69 school years, cutbacks of \$68 million combined with the growing costs of education resulted in \$400 million less for disadvantaged pupils in the local schools this year than was available in the first year of the program (Title I—ESEA,

1969, p. 11). In addition, the growth in the number of eligible pupils—both because of changes in the Federal eligibility formulas and because many cities have experienced marked increases in the number of pupils from families receiving AFDC payments (which increases the number of Title I eligibles)—has made for a sharp decline in funds available per Title I pupil. Testimony presented before the House Education and Labor Committee this Spring showed that in New York State, Title I funds per poverty eligible pupil had declined to little more than half, from \$365.64 to \$200.10 in the four years of Title I operation (see Table 23).

TABLE 23.—STATEMENT PRESENTED BY IRVING RATCHICK, COORDINATOR OF TITLE I, ESEA, NEW YORK STATE EDUCATION DEPARTMENT

Fiscal year	Comparative basic data on Title I, ESEA allocations in New York State Fiscal years 1966-69					Total number of poverty eligibles
	Maximum basic grant	State allocation	Proportion factor	Average net current expense	Pro-rated per pupil	
1966.....	\$109,666,770	\$109,666,770	1.00	\$365.64	\$365.64	299,962
1967.....	159,451,291	111,081,007	0.70	393.14	273.95	406,584
1968.....	195,277,704	115,770,356	.59	416.70	247.05	468,629
1969.....	265,610,797	113,600,524	.43	467.88	200.61	567,706

1.2. *Arbitrary administration of Federal funds resulting in non-target distribution.*—Dilution of the effects of aid to overcome educational disadvantage has occurred not only because of total funding levels but also because of administrative procedures of many State and local education agencies. Since the poverty factor which is used to allocate funds to the county levels is not used in determining the particular children who will benefit from Title I programs (poor educational performance is the criteria), school officials have considerable leeway in determining the particular recipients of Federal funds. By failing to concentrate funds to provide total educational effort directed toward students most in need of

compensatory education, many school systems have spread Title I allocations thinly in order to include as many students as possible. The result is a superficial veneer of fragmented programs or new equipment rather than an integrated, high impact intervention to achieve major educational change. In statistical terms this tendency may be seen in the average national expenditure per Title I pupil: \$95.00. With the average per pupil expenditure from all sources running just below \$700 per pupil nationally, this level of Title I spending is highly unlikely to achieve marked change in the quality of education afforded the educationally disadvantaged.

REVENUE SOURCES PER PUPIL—1967

	ESEA I	Federal Elementary and Secondary education aid	Additional Federal aid for education	Total Federal education aid from all sources	State aid	Total revenue	Enrollment
Schenectady.....	\$28	\$22	\$10	\$60	\$454	\$1,059	12,480
Niskayuna.....	6	46	22	84	471	1,173	4,708

Sources: The University of the State of New York. The State Education Department Bureau of Educational Research, Albany, N.Y. Prepared by U.S. Office of Education.

1.3. *Lack of time for program planning for use of Federal dollars.*—There are other reasons why Title I of ESEA has failed to bring the degree of aid for urban education problems that was originally expected. Because of the uncertainty and late availability of funds, a circumstance which has prevented educators from being able to plan for Title I as they develop their program months in advance of the start of the school year,¹¹ ESEA money has largely gone for a variety of special and ancillary programs and has not been utilized to relieve the pressures that bear upon the central portion of the educational curriculum presented to disadvantaged children. Thus, while Title I funds have been of importance to central city school districts and have helped to offset the imbalance of financing described in earlier sections of this paper, the effect has not been even as helpful as the gross figures might suggest.

But Title I represents about 40 percent of Federal aid to public schools. While the formula for the allocation of Title I funds insures substantial equity for central cities, the pattern of distribution of other Federal education programs does not. The point may be illustrated by a specific example, an individual State study, and by a sample of the largest cities in the nation.

2. *Lack of fair-share Federal fund distribution to the cities.*—A specific example of how

a very wealthy suburb, by the exercise of the fine art of grantmanship, can garner substantially more Federal aid than a neighboring deteriorating central may be seen in the case of Schenectady and Niskayuna, New York.

Schenectady, a central city whose relative financial situation to that of Niskayuna can be seen most readily in the fact that it qualifies for three times the Title I aid per pupil, receives \$60 per pupil from all Federal programs. Niskayuna, probably the wealthiest suburb in the area, is able to take advantage of a sufficient range of programs to receive \$84 per pupil, 140 percent the amount of its proportionately poorer neighbor. (See Table 24).

A recently completed study of Michigan by James W. Guthrie and associates investigated the association between (1) assessed property value per pupil (2) a comprehensive measure of the socio-economic characteristics of school districts, and (3) the flow of Federal aid. The study reported: "In general Federal funds flow in a fashion which permits high SES (socio-economic status) and wealthy districts (high AV/PP) to receive more (or as much Federal money per pupil than low SES and poor (low AV/PP) districts." (Guthrie, July 1, 1969, p. 31.)

One study examined entitlements under five Federal programs to compute the share

of State allocations going to large cities with the share of the student population in those large cities. Except for Title I of ESEA, the study found that large cities were receiving less than their proportionate share based on their populations. In other words, not only were Federal aid programs not compensating for the special fiscal problems of cities discussed in earlier sections of this paper; Federal aid programs weren't even giving cities their fair share (See Tables 24, 25, and 26). In the fifty largest cities in the nation, with 21.3 percent of the pupil enrollment in their combined 28 States and with 26.4 percent of the disadvantaged by Title I count, their receipts by program were 15.9 percent of Vocational Education funds, 16.2 percent of NDEA Title III (Instructional equipment), 18.1 percent of ESEA II (textbooks and library resources), and 20.5 percent of ESEA Title III (supplemental services and centers). Only in ESEA I did the fifty cities receive funds proportional to their percentage of State student population.

Footnotes at end of article.

TABLE 24.—FEDERAL REVENUE SOURCES FOR FISCAL YEAR 1967 *

Federal program	Schenectady ¹		Niskayuna ²	
	Amount	Per pupil ³	Amount	Per pupil ³
ESEA I.....	\$348,800	\$27.94	\$26,300	\$5.58
ESEA II.....	24,400	1.95	35,100	7.48
ESEA III.....			134,500	28.57
Total, ESEA....	373,200	29.90	195,900	41.61
NDEA (II).....	19,600	1.57	21,700	4.60
NDEA V-A.....	5,500	0.44	5,200	1.10
Vocational education..	50,800	4.07	26,900	5.71
Public Law 874.....	183,300	11.48	183,100	21.89
School milk and lunch..	27,500	2.20	28,100	5.96
Other Federal.....	129,100	10.34	16,005	3.40
Total, Federal..	749,000	60.01	396,905	84.30

¹ Schenectady enrollment (1967) 12,480.

² Niskayuna enrollment (1967) 4,708.

³ Does not add to total due to rounding.

Source: The University of the State of New York. The State Education Department, Bureau of Educational Research, Albany, New York. Prepared by U.S. Office of Education.

TABLE 25.—25 LARGEST CITIES
(City as percent of State)

State and city	Public school enrollment 1966-67	Title I, ESEA, 5-17 (count established fiscal year 1967)	Fiscal year 1967 obligations for—			
			Vocational education	NDEA III	ESEA I	ESEA II
California:						
Los Angeles.....	14.50	20.60	14.35	2.21	20.03	7.58
San Francisco.....	2.49	4.53	3.53	.84	4.38	1.87
San Diego.....	2.78	3.09	2.70	2.44	3.03	0.82
Colorado: Denver.....	19.38	29.10	12.74	7.81	26.02	17.02
Georgia: Atlanta.....	10.53	6.92	5.88	12.10	5.74	22.84
Illinois: Chicago.....	26.51	60.89	24.74	28.89	53.87	32.89
Louisiana: New Orleans.....	13.02	11.65	9.46	12.53	15.01	20.78
Maryland: Baltimore.....	24.31	50.81	7.90	19.62	49.67	10.51
Massachusetts: Boston.....	8.48	26.10	1.93	6.17	24.63	6.42
Michigan: Detroit.....	14.79	33.25	25.24	28.47	34.97	14.56
Minnesota: Minneapolis.....	8.52	12.61	8.63	15.19	11.20	8.33
Missouri: St. Louis.....	13.94	18.90	9.35	3.60	18.44	18.43
New York:						
New York.....	33.31	63.80	10.74	34.30	61.39	29.58
Buffalo.....	2.26	4.46	3.18	1.62	4.34	2.56
Ohio:						
Cleveland.....	8.21	14.31	11.52	4.72	14.70	6.47
Cincinnati.....	3.84	8.48	1.46	3.67	8.60	3.08
Pennsylvania:						
Philadelphia.....	12.65	25.37	10.88	17.79	24.60	8.51
Pittsburgh.....	7.58	6.99	22.83	7.04	6.62	1.84
Tennessee: Memphis.....	14.74	9.33	0	0	9.25	13.94
Texas:						
Houston.....	10.93	5.23	4.04	5.20	5.13	8.24
Dallas.....	3.93	3.76	3.31	4.08	3.69	5.42
San Antonio.....	5.27	4.39	3.77	1.60	4.20	3.29
Washington: Seattle.....	18.46	15.67	18.99	12.55	14.79	12.08
Wisconsin:						
Milwaukee.....	13.34	18.37	10.09	11.92	17.84	18.26
District of Columbia.....	100.00	100.00	100.00	100.00	100.00	100.00

Source: U.S. Office of Education National Center for Educational Statistics Reference, Estimates, and Projections Branch.

The distribution of Federal funds: The 50 largest cities of the Nation have 21.3% of the total school enrollments and 26.4% of the disadvantaged Title I-ESEA children in their combined 28 states.

Yet, in 1967 these 50 cities received only: 15.9% of their States' Vocational Education funds; 16.2% of their States' NDEA Title III funds for purchase of instructional equipment; 18.1% of their States' ESEA Title II

funds for purchase of textbooks and school library resources; and 20.5% of their States' ESEA Title III funds for supplemental centers and services.

Only in the ESEA Title I program did these cities receive funds proportional to their educational burdens—29.9% of their States' funds.

Some specific examples:

TABLE 26.—DISTRIBUTION OF FEDERAL FUNDS
(In percent)

	Total enrollment	Title I count	Vocational education	NDEA Title III	ESEA Title II	ESEA Title I
Birmingham.....	15.56	5.40	4.27	2.34	5.06	4.92
Los Angeles.....	14.59	20.60	14.35	21	7.58	20.03
Denver.....	19.38	29.10	12.74	7.81	17.02	26.02
Baltimore.....	24.31	50.81	7.90	19.62	10.51	49.67
Louisville.....	18.88	4.64	7.55	3.11	6.73	4.79
St. Louis.....	13.94	18.90	9.35	3.69	18.43	19.44
Kansas City.....	10.39	7.78	5.41	4.33	14.56	7.58
New York City.....	33.31	63.20	10.74	34.30	29.58	61.39
Rochester.....	1.43	1.60	0	1.52	1.84	1.59
Columbus, Ohio.....	4.57	6.09	1.04	3.84	4.04	6.25
Oklahoma City.....	12.55	10.49	0	15.38	11.67	9.96
Philadelphia.....	12.65	25.37	13.88	17.79	8.51	24.60
Pittsburgh.....	7.58	6.93	22.83	7.04	1.84	6.62
Memphis.....	14.74	9.33	0	0	13.94	9.25
Houston.....	10.93	5.23	4.04	5.20	8.24	5.13
Milwaukee.....	13.34	18.37	10.09	11.92	10.26	17.84

Source: U.S. Office of Education National Center for Educational Statistics, Reference, Estimates, and Projections Branch.

3. Lack of Federal awareness of patterns of allocations

One of the greatest problems in analyzing the impact of Federal educational aid is the immense information gap that exists between what we should know about the pattern of allocation of funds and what we actually do know. In its draft report, the Committee on Finance and Governmental Relations of the Urban Education Task Force gave particular emphasis to this problem: "... the Federal Government does not now have a systematic way of measuring its own overall resource allocation priorities in education. The difficulties encountered by the Committee and others in focusing attention on the aggregate impact of Federal aid on a particular type of local district, say, urban districts, underscores the presently fragmented patterns of thinking about federal aid to education. Federal policy toward a particular district is primarily a function of the relative distribution of Federal dollars; today, we discuss future policy without really knowing what present policy is" (Draft Report, Task Force on Urban Education, 5/28/60, pp. 5 & 6).

This is not to say that USOE efforts are not being directed toward studying the allocation of its funds. However, it is our judgment that such efforts are still in their initial stages, and need considerable refinement before they can be relied upon for an accurate picture of fiscal flows in relationship to community characteristics important for educational policy making (J. Froomkin & D. J. Dugan, June 1960).

4. Summary

Despite the paucity of reliable data, some general conclusions can probably be drawn about the impact of Federal aid to education in coping with the problems of the cities. Title I of ESEA, despite the problems discussed above has been an important and welcome source of funds for cities. Its size in comparison with other education programs (40 percent of current Federal aid to public schools) has made for an aggregate impact under which cities appear to get a share of overall Federal funds in an amount proportionate to their population. However, when we examine the other Federal aid programs individually, we find that many of them, even programs such as Vocational Education, are of far more assistance to more favored suburban areas than they are to the central cities. Many wealthy suburban communities, wise in the ways of submitting program applications, have been able to fare

better in securing Federal funds than have neighboring cities with problems of property seriously affecting their educational program. Thus, although Federal aid funds taken as a whole may provide the cities as a whole with a share proportionate to their percentage of the population, there is a serious lack of even distribution of funds given for particular individual programs to individual metropolitan areas. Relative allocations distributed by individual programs seldom reflect size or extent of need of the target population. In no sense can one discover in present distribution patterns a focused recognition that the nation has a serious urban education problem.

Summary of Chapter

Cities are facing unique problems which become more complex as the population size increases. Schools and their budgets are affected by a myriad of such problems peculiar to the cities as well as by problems originated by the educational establishment per se.

1. A set of general problems are being suffered by the cities and their results affect education.

a. Cities face financial deterioration as a result of patterns of population migration.

b. Patterns of migration include exit from cities or business and professional populations and entrance by lower income and economically disadvantaged populations.

c. Disadvantaged populations pay fewer taxes and require costlier services than do suburban populations, including an education which is inevitably more expensive than that adequate and appropriate for suburban populations.

d. Loss of business, lowered employment rates, lowering land values are among factors which make the cities' economies too weak to deal adequately with education for the disadvantaged.

e. Problems accompanying cities' density and deterioration demand expensive solutions in areas additional to education. Education receives a smaller share in proportion to the city's total budget than in proportion to the total budget in its suburbs—in spite of the fact that cities tax themselves more heavily than do the suburbs.

f. Cities simply cannot afford as much money for education per pupil as can the suburbs.

2. Education in the cities costs more than education in the suburbs.

a. Higher service costs in the city result in higher costs of educational personnel, maintenance, construction and services.

b. The high poor, black, handicapped, and immigrant proportions of the student body have high requirements for special educational attention.

3. State aid formulas do not offset the disparities between central city and suburban educational costs and spending.

a. Statutory and constitutional provisions of the States which influence patterns of educational finance in such areas as the organization of school districts, tax and debt limits, and responsibility for retirement funds, have often placed unfair burdens and restrictions on the cities.

b. State aid formulas, still operating on the historic assumption that cities were rich and rural areas poor, continue to favor suburban and rural areas to the point where cities seldom currently receive even their fair share.

4. Lack of public confidence toward education has been manifested in a number of ways.

a. As teachers demand higher salaries and as costs for educational materials rise, taxpayers have objected to increased spending on education.

b. Even when school programs are obviously suffering from lack of funds, the public has turned its back as further program cuts are forced. Voters have defeated local school tax and bond issues across the nation.

5. Financial difficulties experienced by non-public schools have created additional difficulties for the public schools.

a. Students who cannot afford non-public schools' raised tuitions enroll in public schools.

b. Financial failures of non-public schools cause whole school populations to enroll in public schools whose budgets and facilities do not increase proportionately.

6. Federal aid has not assisted urban areas to any great degree.

a. The levels of Federal aid are low in proportion to the total cost of education.

b. Actual dollar amounts are low with regard to increase in per pupil expenditures.

c. Administrative procedures of many State and local educational agencies have diluted the effects of aid through poverty formulas.

d. Uncertainty levels and availability of funds have minimized effective planning efforts.

e. Federal funds are distributed in a fashion which permits wealthy districts to receive more than or at least as much Federal money per pupil as poor districts.

f. Funds of many Federal programs are not distributed to the cities in shares which are proportionate to cities' percentages of State student population.

g. The Federal Government does not have a systematic way of measuring its own overall resource allocation priorities in education.

The composite result of the above factors is leading to a disastrous educational situation for many cities across the nation. It is true that several large city systems will find concentration on program improvement impossible as they struggle merely to stay open. A few examples of this are cited below.

In Philadelphia, the 1968-69 educational outlay of \$280 million is a "bare bones" budget when compared to that of 1967-68. Only emergency funds provided by the State of Pennsylvania prevented the school system

from closing down May 1, several weeks before the normal closing date. The prospects are not improving. Failure of a school capital improvement bond precludes construction of sixty proposed school buildings.

In Detroit, the 1968-69 school year ended with the school system five million dollars in the red. This deficit would have been increased many times over if severe cuts had not been effected in several areas—all of them detrimental to program effectiveness—such as the filling of vacancies, textbook purchase, maintenance program, capital outlay, hiring substitute teachers, etc. The year also ended with 325 fewer teachers than the previous year.

Prospects for this year are indeed bleak. \$30-\$35 million are needed and the State may be able to provide a maximum of \$10 million. With such a deficit, the system must choose the least "evil" from the following choices: (1) keep schools closed until needed funds are guaranteed; (2) open schools as scheduled and operate them until the money runs out; or (3) further curtail an already "subsistence" budget.

In Los Angeles, defeat of tax and bond issues have left a shortage of \$32 million in the current year's budget. This deficit will mean the cutting of crucial elements of the school program, a freeze on the hiring of needed additional staff, and the possibility of being forced to close down in April of 1970.

The few examples above are far from unique. Such statements will be reflected to varying degrees in all of the large cities of the nation. Specifically, too many are faced with: (1) deficits from last year; (2) defeat of bond issues; (3) impossible alternatives of substandard programs or early closing dates; (4) continuing deterioration of facilities for which there is no money to maintain or rebuild; (5) inability to keep good teachers for lack of salary incentives; and (6) inability to hire urgently needed additional staff members.

Current budgets are barely providing the subsistence for operational expenses. And while it is true that money alone cannot guarantee educational program effectiveness, it is equally true that without first providing "survival" operational funds and second, massive additional funds to plan, develop staff and program, and implement the type of education which produces useful urban citizens, there is no chance for success.

Program failures do occur through lack of commitment, lack of expertise, and/or attitudes which anticipate failure. Program failures must occur when there is a desperate lack of sufficient funds to pay for what is needed. This chapter has documented this desperate lack.

Chapter III. The urban environment of the students

In the preceding chapter, both the causes and the extent of the massive financial crisis confronting large urban areas and their schools were clearly documented. However, the financial crisis in urban education is not the whole of the problem. The urban environment of the student—its impact, its offerings, its differences—is a major part of this problem, as characterized by divergent value systems, overcrowding, under-housing, high cost of living, low levels of income, too much discrimination, too little food, and too much noise. While the charge of this particular Task Force was focused on urban education—the students and the system, it is completely unrealistic to consider urban education apart

from its context. For it is the elements interacting—often explosively—within this context which directly contribute to urban education's unique and monumental problems.

In considering these elements and their interactions, it is an extremely difficult task to rank many of the identified elements, including their effects and interactions, in terms of their significance for the urban student and his learning. Some, of course, are clearly more significant than others, such as health and food, but beyond the basic survival level, the ordering by significance becomes increasingly less clear. Moreover, cause and effect relationships are difficult to determine because of interactions among the elements. In effect, everything relates to everything else. Nevertheless, this truism is the key point to bear in mind throughout this chapter. For it is the combination of these environmental elements and their interactions in various configurations which impacts on the student's potential and largely influences the extent to which this potential will be—or can be—realized, the directions it will take, and the number of feasible options it will have.

We contend that the combination of elements in the urban environment which is bombarding on this impoverished student has created a set of special needs above and beyond those of other impoverished students. Therefore, this chapter is focused on: (1) analyzing what we have identified as the major sets of elements, including their effects and interactions, which are continuously influencing the urban student; and (2) establishing the special nature of their influence upon him. While we recognize that the educational system is an integral part of the urban student's environment, it is treated separately in the ensuing chapter because of the special focus of the Task Force. Within each section, clusters of major elements are presented with considerable attention given to those concerned with basic physical survival. For some elements, the data are definitive while, for others, the available evidence is limited. And there are some for which little "hard" evidence was found to be available other than experience and anecdotal report. In no case, are the data exhaustive. However, they are intended to present a firm foundation on which to establish the magnitude and major features of the urban education problem. Only on this kind of foundation can the urgency of our recommendations—and our credibility—be established.

The specific sections are: (1) health and nutrition; (2) economic status and employment; (3) housing and living conditions; and (4) the family of the inner city student. In the summary section we present the major conclusions and implications derived from the preceding sections as they relate to education.

Health and Nutrition

Most basic of all the clusters of elements in terms of physical survival are those associated with health and nutrition. In this section, we are concerned with: (1) documenting the incidence of health and nutritional problems among the impoverished urban groups; and (2) describing the effects of these problems on the quality and length of their lives with the major focus on education.

Malnutrition, Its Extent and Effects

Malnutrition, a major corollary of poverty, is a basic fact of life in America. Of the ap-

proximately 10.5 million children living in poverty throughout our nation, it is estimated that for many of them, food is either unavailable or insufficient to meet even the minimum standards required to sustain a healthy child (U.S. Senate, Hearings, 1/1969, p. 344). In the urban areas where the majority of these children live, malnutrition exists almost exclusively among the racial and ethnic minority groups of the inner city (U.S. Senate, Hearings, 1/1969).

In a major study involving ten States, the National Nutritional Survey (Schaefer & Johnson, 1969, p. 10), a major attempt was made to define the nutritional status of America. Five approaches were used in securing the data: clinical, biochemical, dietary, dental, and socioeconomic.

The study's sample, studied in depth and carefully selected, is well worth mentioning. Fifty-five percent of the sample examined was Negro. Twenty-five percent of the families were Spanish-American. Forty-one percent of this group spoke Spanish as the principal—and most frequently the only—language. An age distribution of the groups particularly vulnerable to nutritional stress shows: Children 0-5 years constituted 19 percent of the total group. Children 10-16 years constituted 25 percent of the total group. Adults 60 years and older constituted 13 percent of the total group. Only 50 percent of the male respondents reported working full-time in the month and year preceding their examination at the local cooperating clinic where the survey was conducted.

Some of the clinical findings are of major significance. Approximately 4 percent of the babies and children up to six years of age showed evidence of Vitamin D deficiency; 18 cases of rickets were diagnosed. Four to 5 percent of the subjects exhibited winged scapula and potbelly, systematic of protein/calorie malnutrition. Goiter is endemic; 5 percent of all people examined have an enlarged thyroid gland. Eight cases of Bitot's spots related to Vitamin A deficiency were noted and confirmed. Four percent of all surveyed exhibited scorbatic gum lesions. Changes in hair, skin, and lips, which may be indicative of poor general nutrition, were also found.

The children studied between one and three years of age were considerably below the average height of children in the U.S.A. Three times the expected number of children fell below the sixteenth percentile on the Iowa Growth Chart. A number of this group were more than 10 percent below the average height for their age.

Lastly, the survey revealed seven cases exhibiting severe general malnutrition of kwashiorkor (severe protein and multiple nutrient deficiency) and marasmus (primarily a calorie deficiency). Wrist bone X-ray data is presently being analyzed for further evidence of growth retardation. Analysis of the first 120 x-rays of preschool children indicates that growth in about 9.5 percent is retarded.

Biochemical laboratory findings were also characteristic of poorly nourished populations. From 9 to 19 percent of those tested had blood and urine levels less than adequate for good health. Some of these findings are:

1. One-third of the children under six had hemoglobin levels diagnosed as anemia and requiring medical attention. While fewer of the older people had anemia, many had hemoglobin levels indicative of poor nutritional health.

2. The findings for Vitamin A present a somewhat similar picture. One-third of the children under six had less than adequate serum levels of Vitamin A.

3. Urinary riboflavin and thiamine levels were also low in a substantial portion of the total studied. Analysis of the first 2,400 urine samples revealed 19 percent of the people had low levels of urinary riboflavin. Nine percent had low levels of urinary thiamine. Here again, the pattern of widespread malnourishment was reaffirmed.

4. Serum Vitamin C levels were less than adequate in 12 to 16 percent of all age groups. These findings suggest the intake of food supplying Vitamin C is less than it should be among these people. This deficiency of Vitamin C occurred primarily in children under six.

5. Sixteen and three-tenths percent of all surveyed showed less than adequate serum protein levels. Seventeen and one-tenth percent of the serum albumin levels were similarly depressed. These values are below those observed in foreign populations.

The dietary inadequacies vary between the age groups. Iron intake is low in more than 60 percent of the young children. Adolescents and older individuals have inadequate intake of Vitamin A. Almost 40 percent of both groups consume less than half the amount considered adequate. However, early trends in certain dietary and biochemical values appear to support each other. For example, one-third of the children less than six years old were anemic. In the same group, the food eaten contained considerably less than adequate amounts of iron, an important nutrient in maintaining adequate hemoglobin levels.

In general, this study concludes that malnutrition and the ill health largely engendered by it may negatively and directly affect the development of the central nervous system. Such an effect on the nervous system will eventuate either in patterns of clinically definable malfunctioning or in sub-clinical conditions (Schaefer & Johnson, Spring, 1969). As any psychologist or educator knows, such patterns have negative functional consequences for normal development and the capacity to learn. When we consider the vast number of children living in poverty who are all probably experiencing at least some degree of malnutrition, the findings and the major conclusion from this study alone are of the gravest concern.

The work of Densen (1967), Haynes (1967), and Baumgartner (1968) all indicate that we have yet to learn the full magnitude of the nutritional problems of blacks, Puerto Ricans, and Mexican-Americans. However, with the information which is available, it is clear that widespread malnutrition is definitely a characteristic of impoverished urban groups.

Our primary concern here, however, is not with an exhaustive documentation of malnutrition and ill or marginal health among urban minority groups in and of itself. Such documentation is the concern of other studies. Rather, we are pointing out that the impoverished urban resident—regardless of his age—is not only prey to malnutrition and its attendant health problems but to their effects as well. These effects have significant complications for the whole quality of his life, of which education is a crucial part.

The relationships among poverty, malnutrition, and education have been explored in considerable detail. Findings from studies present a discouraging picture of the impoverished urban student with regard to the

likelihood of his achieving successfully in the educative process as it is currently conceived and implemented in the schools. As the following reports show, this student has little of the "background readiness" which the schools have typically assumed—and required—when he enters the kindergarten; or the first grade; and, in all probability, he will be unable to make up this "readiness" just through receiving successive years of schooling.

According to one report (Cracioto, et al., 1966), there are at least three ways in which malnutrition indirectly affects the learning of the child. One is his lack of responsiveness to his environment, which results in a lessened amount of time being spent in learning from it. Over a period of time, the result is the loss of months of needed experience.

This factor alone can produce developmental and learning lags.

A second factor is below noted.

"Interference with the learning process at specific times during its course may result in disturbances in function that are both profound and of long term significance. . . . (There is a) relationship between the age at which malnutrition develops and learning. . . . As contrasted with older patients, infants under six months recovering from kwashiorkor did not recoup their mental age deficit during the recovery period. . . . (There is evidence that) indicated a strong association between the persistence of later effects on mental performance and the age at onset of malnutrition and its duration." (Cracioto, et al., 1966 p. 399).

A third factor has to do with parent-child interactions, i.e., parental response to a child is in part a function of the child's reactivity. Malnutrition reduces responsiveness resulting in various levels of apathy. A lack of responsiveness on the part of the child can have negative effect on the amount of responsiveness (e.g., affection, verbalization) given to the child by his parent(s). Apathy begets apathy which produces a cumulative pattern of reduced adult-child interaction. This pattern has major consequences in terms of the child's general capabilities for stimulation, learning, and social interaction. For the school, with its demands for verbal capabilities a rapid rate of performing tasks, and group operations, this pattern of apathy creates serious problems. Virtually the same factors were reported in a later study by Birch. Specifically, he found that:

"Children who are ill-nourished are reduced in their responsiveness to the environment, distracted by their visceral state, and reduced in their ability to progress and endure in learning conditions." (Birch, 1968, p. 598.)

Furthermore, as was reported in another study, the apathy factor can often be confused with mental retardation by teachers which, in turn, leads to a lower set of expectations for impoverished children (Stemmler, 1966).

Concerning mental retardation and other disabilities, Sarason (1959) reported that the incidence of mental retardation is not randomly spread throughout the population. Beyond the level of chance, mental retardation is most prevalent in the impoverished groups. Moreover, his studies reveal its linkage to malnutrition and ill health. In the same vein, Kessler (1958) reported that neurological and physical disabilities were also more prevalent among impoverished groups than among higher income groups. As with

mental retardation, linkages of these kinds of disabilities to malnutrition and ill health were noted. Figures reported in both these studies were based on predominantly urban groups.

Infant and Childbirth Mortality Rates

Another element in the health and nutrition area is infant mortality. According to Dr. Charles Upton Lowe, Chairman, Committee on Nutrition, Academic of Pediatrics, the rate of infant mortality "may be the hallmark of poverty in the U.S.A." (Lowe in U.S. Senate, Hearings, 1/1969, p. 1091).

As he further stated in an appearance before the Select Committee on Nutrition and Human Need, the rate of premature births is also from two to three times higher among poverty families than among the well-to-do (Lowe, in U.S. Senate, Hearings, 1/1969, p. 1091). Additional evidence concerning the rates of infant mortality among impoverished urban minority groups compared with white groups is presented for twelve major cities in Table 1 on the following page

(Infant and Perinatal Mortality in the U.S., 10/1965, p. 12). Although there is considerable variation shown in the comparison of white and non-white groups in the three categories, the striking fact which emerges is that for each category in every city, the non-white mortality rate exceeds the white. A companion table using the same source presents data on white and non-white infant mortality in terms of causes (See Table 2). Among the most striking figures in this table are those given for pneumonia, unqualified neonatal disorders, effects due to mother's disease during pregnancy, and diseases in early infancy. In these instances, the rate for the non-white group is usually twice—and, sometimes, more—as great as that for the white groups. Thus, it can be seen that there is a far higher rate of infant mortality among families in poverty than for those not in poverty. Moreover, the infant mortality rate within urban areas is much higher for the racial and ethnic minorities than for the white majority.

TABLE 1.—AVERAGE ANNUAL INFANT MORTALITY RATES BY AGE AT DEATH AND COLOR¹

Area	Rates per 1,000 live births					
	Under 1 year,		Under 28 days,		28 days-11 months,	
	1963-61		1960-61		1960-61	
	White	Nonwhite	White	Nonwhite	White	Nonwhite
New York, NY.....	21.5	41.3	16.2	30.5	5.3	10.8
Chicago, Ill.....	23.1	37.9	16.9	25.2	6.3	12.7
Los Angeles, Calif.....	22.1	29.9	16.9	22.4	5.2	7.5
Philadelphia, Pa.....	24.8	41.2	19.5	30.3	5.3	11.0
Detroit, Mich.....	24.7	37.0	19.3	28.1	5.5	8.8
Baltimore, Md.....	25.3	40.3	19.3	29.6	6.0	10.8
Houston, Tex.....	22.9	36.9	17.8	21.6	5.1	15.2
Cleveland, Ohio.....	24.8	38.0	19.5	30.6	5.3	7.4
Washington, D.C.....	28.3	29.4	22.4	29.5	5.9	9.9
St. Louis, Mo.....	24.5	43.9	18.6	31.8	5.9	12.0
Milwaukee, Wis.....	23.2	34.0	18.4	25.2	4.8	8.9
San Francisco, Calif.....	22.8	26.3	17.0	19.6	5.8	6.7

¹ Infant and perinatal mortality in the United States, Public Health Service Publication, Washington, D.C., 1965, p. 72.

TABLE 2.—AVERAGE ANNUAL INFANT MORTALITY RATES FOR SELECTED CAUSES OF DEATH, BY AGE AT DEATH, AND COLOR, 1959-61

(Rates per 10,000 live births in specified color group)

Cause of death (7th revision—International Classification of Diseases)	Under 1 year	Under 28 days	Under 1 day	1 to 6 days	7 to 27 days	28 days to 11 months
WHITE						
All causes.....	226.5	172.2	95.6	60.0	16.6	56.3
Infective and parasitic diseases (001-138).....	2.6	0.3	0.0	0.1	0.2	2.3
Influenza and pneumonia, including pneumonia of newborn (480-493, 763).....	22.9	6.6	0.8	2.8	3.0	16.3
All other diseases of respiratory system (470-475, 500-527).....	5.3	0.6	0.2	0.2	0.3	4.6
Gastritis and duodenitis, etc. (543, 571, 572, 764).....	4.0	0.6	0.0	0.1	0.5	3.4
All other diseases of digestive system (530-542, 544-570, 573-587).....	3.6	2.4	0.9	0.9	0.6	1.2
Congenital malformations (750-759).....	37.5	25.0	10.1	9.3	5.6	12.5
Birth injuries (760, 761).....	23.4	23.3	15.7	7.1	0.5	0.0
Intracranial and spinal injury at birth (760).....	8.9	6.9	2.7	3.7	0.4	0.0
Other birth injury (761).....	16.5	16.5	12.9	3.4	0.1	0.0
Postnatal asphyxia and atelectasis (762).....	42.2	41.6	24.9	15.6	1.9	0.5
Hemolytic disease of newborn (770).....	5.6	3.5	3.8	1.6	0.2	0.2
Immaturity unqualified (776).....	39.4	39.2	27.5	10.6	1.1	0.2
Neonatal disorders arising from certain diseases of mother during pregnancy, etc. (765-769, 771-774).....	24.0	22.6	10.6	10.2	1.0	1.4
Symptoms and ill-defined conditions (780-793, 795).....	2.8	1.1	0.5	0.4	0.3	1.6
Accidents (800-1962).....	7.3	1.1	0.1	0.4	0.6	6.2
Residual (140-464, 590-749, 1963-1965).....	8.1	2.3	0.7	0.8	0.3	5.9
Certain diseases of early infancy (760-776).....	141.7	139.5	83.2	43.2	8.1	2.2

TABLE 2.—AVERAGE ANNUAL INFANT MORTALITY RATES FOR SELECTED CAUSES OF DEATH, BY AGE AT DEATH, AND COLOR, 1955-61

(Rates per 10,000 live births in specified color group)

Cause of death (7th revision—International Classification of Diseases)	Under 1 year	Under 28 days	Under 1 day	1 to 6 days	7 to 27 days	28 days to 11 months
NONWHITE						
All causes.....	425.3	268.6	143.3	85.3	40.1	156.7
Infective and parasitic diseases (001-138).....	7.9	1.5	0.1	0.3	1.1	6.4
Influenza and pneumonia, including pneumonia of newborn (480-493, 765).....	75.3	19.2	2.2	6.5	19.4	56.1
All other diseases of respiratory system (470-475, 500-527).....	11.3	1.2	0.3	0.3	0.6	18.1
Gastritis and duodenitis, etc. (543, 571, 572, 764).....	23.0	3.9	0.0	0.3	3.6	19.1
All other diseases of digestive system (530-542, 544-570, 573-587).....	4.7	2.3	0.4	1.1	0.8	2.5
Congenital malformations (750-756).....	30.4	17.8	6.4	6.8	4.6	12.6
Birth injuries (760, 761).....	26.9	26.3	16.9	8.9	1.0	0.1
Intracranial and spinal injury at birth.....	11.2	11.2	4.0	5.6	0.8	0.0
Other birth injury (761).....	15.7	15.6	12.0	3.4	0.2	0.1
Postnatal asphyxia and atelectasia (762).....	64.8	63.5	41.2	20.0	2.3	1.3
Hemolytic disease of newborn (770).....	2.2	2.2	0.9	1.0	0.3	0.1
Immaturity unqualified (776).....	77.8	76.9	51.6	21.0	4.3	0.9
Neonatal disorders arising from certain diseases of mother during pregnancy, etc. (765-769, 771-774).....	46.7	38.0	18.2	14.0	5.8	0.8
Symptoms and ill-defined conditions (780-793, 795).....	22.2	9.2	3.0	3.2	2.2	13.1
Accidents (E800-E862).....	17.0	3.0	0.4	1.1	1.5	14.0
Residual (40-468, 590-749, E963-E985).....	15.0	3.6	1.0	1.1	1.5	11.4
Certain diseases of early infancy (760-776).....	241.1	230.0	130.9	71.5	27.5	11.2

SOURCE: "Infant and Perinatal Mortality in the United States," Public Health Service, October 1965, Washington, D.C. table 9, p. 76.

With regard to mortality rates of mothers in childbirth, the non-white rate well exceeds that of the white rate. For example, in 1930, twice as many non-white mothers died in childbirth as did white mothers. In 1960, four non-white mothers died in childbirth for every white mother who died. The overall trend is toward the reduction of deaths in childbirth in the 1960s. However, when the figures for white and non-white mothers are examined separately, the non-white rate is well in excess of the white (Baumgartner, 4/1965, p. 495).

In addition to the kind of care received, the linkage to health and nutrition are again manifested.

Life Expectancy

Numerous factors enter into computing the life expectancies of individuals and groups. However, without the fundamental elements of adequate nutrition and health, the life expectancy of an individual is likely to be shortened. For this reason, the information on this element is presented here.

While gradually increasing for Americans generally, life expectancy for the black man has not increased. In fact, it has dropped slightly. What is even more striking is that the decrease is higher among black men in their prime working years, as can be seen from Table 3. An inference which can be drawn from this table is the probability of an increase in widowhood among the blacks. Extrapolating further, such figures suggest that an increasing number of families will be without a male head during the critical years of the children's development.

Indeed, as Douglass reported in an article, "The Urban Negro Family," there were proportionately more widows among non-white women than white. Twenty percent of non-white women were widows in 1960 as compared with under 7 percent for white women. Another finding reported was that non-white women become widows earlier than white women (Douglass in *The American Negro Reference Book*, 1966, p. 340).

From such information, it is comparatively easy to infer the kinds of effects the lack of a male head of household could have on

a family's economic and emotional stability—and, particularly, on the family's children. We shall return to considering these and other effects in the fourth section of this chapter.

ECONOMIC STATUS AND EMPLOYMENT

A basic pair of elements in terms of physical survival are those of economic status and employment. Certainly, no other elements are more directly connected to poverty than these. In this section, we present their main dimensions for the inner city residents, and note their relationships to education.

Economic Status: For Americans as a whole, income levels are rising, resulting in a general improvement in economic status. Our concern here is to what extent this general improvement is reflected in the economic status of those Americans living either in poverty or in near poverty.

Between 1959 and 1967, there was a major increase in the proportion of Negro families with higher incomes in metropolitan areas. In 1967, approximately one-fifth had incomes over \$10,000, double the proportion in 1959. While this increase was taking place, it was only one-half the percentage of white families in the same income bracket (U.S. Bureau of Census, Feb., 1969, p. 42). Table 4, on the following page, indicates that the median family income for the Negro has substantially increased, but it is still only 68 percent of the white family income (Bureau Census, 1969 (a)). Table 4 also shows income comparisons between white and black workers for two time periods in the central cities in terms of female and male, part-time and full-time. In every instance, the white workers fare much better than their black counterparts.

Another comparison is afforded by examining income in terms of the number of earners in white and black families. Again, using 1959 and 1967 as the baselines, we find that in 1967 the median income for the Negro family with one earner in the inner metropolitan areas was \$4,199. For the white inner city family with one earner, it was \$7,285. If there were two earners in the black family, then the median income figure rose

to \$7,225. The median income for black families with two earners was still less than that for white families with only one earner (U.S. Bureau of Census, Feb., 1969, p. 44). Figures quoted here in terms of blacks are equally relevant to Spanish-speaking minorities as well.

From these comparisons, we find that there is an increase in income over the last eight

years for both white and non-white families in the central cities. However, we still find that the median income of the non-white family is still well below that of the white family in the inner city. Moreover, to approximate the median income earned by one white earner per family there must apparently be two black earners per family.

TABLE 3.—LIFE EXPECTANCY¹ IN PRIME WORKING YEARS, 1960 AND 1966

	1960			1966		
	Nonwhite (years)	White (years)	Difference	Nonwhite (years)	White (years)	Difference
At age:						
25.....	43.1	48.3	-5.2	43.1	48.6	-5.5
35.....	34.3	38.8	-4.5	34.4	39.1	-4.7
45.....	26.2	29.7	-3.5	26.4	30.0	-3.6
55.....	19.3	21.5	-2.2	19.4	21.8	-2.4

¹ Additional years of life expected.

Source: Census for Urban Education.

TABLE 4.—MEDIAN EARNINGS OF WHITE AND NEGRO WORKERS IN CENTRAL CITIES (1967 DOLLARS)

	Male			Female		
	1967	1959	Percent change, 1959-67	1967	1959	Percent change, 1959-67
White:						
All workers.....	\$6,465	\$5,430	19	\$3,063	\$2,616	17
Year-round workers.....	7,244	6,132	18	4,144	3,896	6
Proportion of workers with year-round work.....	74	67	(¹)	57	48	(¹)
Negro:						
All workers.....	\$4,380	\$3,435	28	\$2,197	\$1,421	55
Year-round workers.....	5,179	4,271	21	3,020	2,295	32
Proportion of workers with year-round work.....	68	57	(¹)	55	42	(¹)
Negro median earnings as a percent of white:						
All workers.....	68	63	(¹)	72	52	(¹)
Year-round workers.....	71	70	(¹)	73	59	(¹)

¹ Not applicable.

Source: U.S. Department of Commerce; Bureau of Census, "Trends in Social and Economic Conditions in Metropolitan Areas," Current Population Reports, Series P-23, No. 27, Washington, D.C., U.S. Government Printing Office, February 1969, p. 47.

With only one earner according to these figures, the black family is still on the brink of poverty—if not "over the cliff" in it.¹

Support for this conclusion is to be found in Table 6 on the next page. In comparing

the numbers and percent of black and white Americans classified as being in poverty in 1959 compared with 1967, there is an overall decrease in the actual numbers so classified

Footnotes at end of article.

TABLE 5.—INCIDENCE OF POVERTY¹ AMONG PERSONS

	Number of persons below poverty level (millions)		Percent below poverty level	
	1967	1959	1967 ²	1959
United States ¹	26.1	39.4	13	22
Metropolitan areas.....	13.2	18.3	10	17
Central cities.....	8.3	11.3	14	20
White.....	4.7	7.1	10	15
Negro.....	3.5	4.1	30	43
In metropolitan areas of 1,000,000 or more.....	4.5	5.1	15	17
White.....	2.3	3.1	10	13
Negro.....	2.1	2.0	28	36
In metropolitan areas under 1,000,000.....	3.8	6.1	14	23
White.....	2.4	4.0	10	17
Negro.....	1.4	2.1	33	54

¹ The poverty definition (as developed by the Social Security Administration) is based on the minimum food and other needs of families, taking account of family size, number of children, and farm-nonfarm residence. The poverty threshold for a nonfarm family of 4 was \$3,333 in 1967 and \$3,060 in 1959.

² An error was found in the original processing of the income data from the March 1968 CPS. Consequently, the revised 1967 poverty data shown here differ slightly from those published in "Current Population Reports," Series P-60, No. 55.

Source: Bureau of the Census, Trends in Social and Economic Condition in Metropolitan Areas, U.S. Department of Commerce February 1969, p. 52.

for both the black and white groups. However, we find a staggering number of Americans designated as being below poverty level for whom the affluent society simply does not exist. However, in examining the percents reported in Table 5, we find that in the metropolitan areas, the incidence of poverty is three times as great for black Americans as it is for white (Bur. Census, Feb. 1969, p. 52).

Tables 6, 7, and 8, on three successive pages, supplement the information presented in Tables 4 and 5. Table 6 presents the total number of families residing in six large metropolitan areas in 1960 categorized by: (1) residents of central city versus those outside the central city; and (2) percent of those who are classified as having incomes below poverty level. Clearly apparent from this table is the factor of poverty density. That is, the heavy concentration of families classified in the economic status of poverty is found in the cities. San Antonio, with its heavy concentration of Spanish-surname Americans, shows the greatest density in terms of percents (Louria & Stokes, 1968, p. 3).

Table 7 presents the percent for non-white families living in the central city, in the poverty area, in the classification of poverty. Again, the density factor appears (Louria & Stokes, 1968, p. 4). The combination of the in-migration of the non-whites to the central city and the out-migration of the whites to the suburbs which has occurred since 1960 suggest that the numbers and percents of impoverished Americans concentrated in the central city will show a marked increase when the 1970 census data are compiled.¹ It must also be pointed out that the number and percent of families living right on the brink of poverty in the central city were not reported in these tables. Such information on marginal poverty families would considerably alter the picture of the central city by increasing both the number and percentage distributions.

Table 8, based on 1966 data, presents information on poor and non-poor families in terms of residence, race, age of head of household, and economic status. Several striking relationships can be seen in this table. One is the high concentration of poor non-white families in the inner city, regardless of age of head of household. Another clearly indicates the exodus to the suburbs on the part of the non-poor whites. In comparing percents in terms of the poor within the SMSA² and the poor outside of it, it is apparent that there is a much greater percent—and number—of poor families living within the SMSA (Jackson & Welton, June 1969, p. 7).

TABLE 6.—FAMILIES RESIDING IN POVERTY AREAS HAVING INCOME BELOW THE POVERTY LEVEL IN 6 METROPOLITAN AREAS—1960 CENSUS¹

Metropolitan area	Total number of families	Percent in poverty area	Percent below poverty level
New Orleans:			
Central city.....	152,518	67.1	25.6
Outside central city.....	58,643	37.0	16.0
San Antonio:			
Central city.....	137,758	50.8	28.6
Outside central city.....	18,672	41.0	21.0
St. Louis:			
Central city.....	191,873	47.4	19.1
Outside central city.....	339,039	7.1	9.6
Pittsburgh:			
Central city.....	151,874	44.7	16.0
Outside central city.....	476,401	15.1	11.4
Washington, D.C.:			
Central city.....	173,695	42.8	16.7
Outside central city.....	305,212	3.8	6.0
Baltimore:			
Central city.....	229,069	41.0	17.9
Outside central city.....	194,411	18.7	8.6

¹ Poverty level has been defined by the Social Security Administration. It takes into account family size, composition and farm-non-farm residence with the ceiling in 1959 set at \$3,648 for a non-farm family headed by male with 7 or more members having 1 related child under 18 years of age. Poverty areas is based on a poverty index using 5 socioeconomic characteristics: (1) percent of families with money incomes under \$3,000 in 1959, (2) percent of children under 18 not living with both parents, (3) percent of persons 25 years and over with less than 8 years of school completed, (4) percent of unskilled males (laborers and service workers) in the employed civilian labor force, (5) percent of housing units dilapidated or lacking some or all plumbing facilities. Although poverty area and poverty level are mutually exclusive terms, there is a natural overlap, i.e., people below poverty level tend to live in poverty areas. For a precise analysis, see "Poverty Areas in the 100 Largest Metropolitan Areas," PC (S1)-54, supplementary reports, 1960 Census of Population, Bureau of the Census, Nov. 15, 1967.

Source: Louria & Stokes, OPD/OE/HEW 1968, "Profiles of Twenty American Cities," p. 3.

FIGURE 9.—NONWHITE FAMILIES IN 11 METROPOLITAN AREAS ACCORDING TO RESIDENCE, POVERTY AREA, AND POVERTY LEVEL

Metropolitan Area	Percent in central city	Percent in poverty area	Percent below poverty level
Milwaukee.....	95.0	83.3	30.4
Chicago.....	93.3	75.7	29.3
New York.....	94.6	71.1	25.8
Cleveland.....	97.5	73.2	27.8
Washington.....	86.3	61.3	26.0
St. Louis.....	72.6	54.9	42.1
Buffalo.....	84.2	78.7	34.3
Baltimore.....	87.6	77.1	35.3
New Orleans.....	88.1	92.6	51.1
Boston.....	80.0	69.2	28.4
Philadelphia.....	78.6	71.5	36.7

Source: Louria & Stokes, OPD/OE/HEW, Profiles of Twenty Major American Cities, p. 4.

TABLE 8.—FIGURE 7

Race and age of head	Number of families (in thousands)	Percentage distribution							
		Inside SMSA			Outside SMSA (rural)				
		Total	Central city	Fringe	Total	Urban	Total	Nonfarm	Farm
POOR									
White ¹	4,375	49.1	24.4	24.7	51.0	15.2	35.8	27.8	8.0
22 to 54.....	2,371	50.7	24.8	25.9	49.3	15.6	33.7	25.6	8.1
55 to 64.....	558	42.0	23.7	18.3	58.0	10.9	47.1	33.5	13.6
65 and over.....	1,277	48.0	23.6	24.4	51.9	15.8	36.1	30.2	5.9
Nonwhite ¹	1,711	53.9	44.0	9.9	46.0	16.7	29.3	21.3	8.1
22 to 54.....	1,511	58.6	48.5	10.2	41.3	16.5	24.8	18.3	6.5
55 to 64.....	243	37.9	29.2	8.2	62.2	29.6	41.6	27.2	14.4
65 and over.....	261	42.5	33.3	9.6	57.5	16.8	41.0	31.4	9.6
NONPOOR									
White ¹	39,641	65.7	27.4	38.3	34.3	13.4	20.9	15.5	5.4
22 to 54.....	27,586	66.9	25.6	41.3	33.1	12.8	20.3	15.9	4.4
55 to 64.....	6,393	64.7	31.1	33.6	35.3	13.7	21.6	13.9	7.7
65 and over.....	5,094	61.4	32.5	28.9	38.7	15.3	23.4	15.2	8.2
Nonwhite ¹	3,195	79.8	62.7	17.1	20.3	8.1	12.2	10.1	2.1
22 to 54.....	2,336	82.4	64.6	17.9	17.6	7.2	10.4	8.9	1.6
55 to 64.....	497	74.2	56.9	17.3	25.8	8.5	17.3	14.9	2.4
65 and over.....	296	66.2	55.4	10.8	33.8	14.9	18.9	12.8	6.1

¹ Includes families with a head under 22, not shown separately.

Source: Jackson, Carolyn and Welton, Terri, "Residence, Race, and Age of Poor Families in 1966," Social Security Bulletin, U.S. Department of Health, Education, and Welfare, June 1969, p. 7.

For the residents of the cities, the actual number of families involved are probably even greater than these figures on poverty would indicate. The poverty definition is based upon a national norm in relation to the minimum needs of families' food, clothing, shelter, etc. The costs for these items are far higher in the cities, especially the larger ones. In March 1969, the Bureau of Labor Statistics published data concerning the minimum amount of money required for a family of four to live on with any degree of security in urban centers if it wanted to have a "sense of self-respect and social participation." These figures presented in Table 9 are well in excess of the national poverty threshold (Bureau of Labor Statistics, March 1969, pp. 1-92).

It should be remembered that these figures are conservative since they are computed in the spring of 1967 and that there has been an increase in consumer prices since that time. In 1967, the median earning of professional and managerial black workers was \$6,208. White collar Negro median salaries were \$5,515, and black service workers had a median salary of \$4,159. Comparing these figures with those in Table 9 indicates that better than 50 percent of all professional blacks would be below the self-respect level required for living in Los Angeles and San Francisco. All other blacks would be below the "self-respect" level in any of the twelve major cities across this nation. In central cities the plight of the Negro is even worse. In 1967, the median income of year-round Negro workers was \$4,380. The figure means that somewhat less than three-fourths and more than one-half of all black families in inner cities across this nation are unable to live at a level of "self-respect and social participation" (New York Times, March 16, 1969, p. 1).

TABLE 9.—Low living financial requirement for urban family of 4

New York City.....	\$6,021
Chicago.....	5,104
Los Angeles.....	6,305
San Francisco.....	6,571

TABLE 9.—Low living financial requirement for urban family of 4—Continued

Milwaukee.....	6,104
Cleveland.....	5,915
Washington, D.C.....	\$6,133
St. Louis.....	6,002
Philadelphia.....	5,898
Detroit.....	5,873
Baltimore.....	5,820
Houston.....	5,542

Source: Bureau of Labor Statistics, Washington, D.C., *Three Standards of Living for an Urban Family of Four Persons*, March 1969, p. 16.

It seems apparent that the national standard for poverty, at least in terms of family income, is much too low. These figures clearly indicate that the cost of living in the city—and particularly in the central city—is actually forcing more families into poverty than is generally realized.

In considering the generally lower income of the ethnic and racial minorities in the cities when compared with the median income (\$7,264) of his white fellow worker (U.S. Bur. Census, Feb. 1969, p. 47), an easy

TABLE 10.—MEDIAN YEARS OF SCHOOL COMPLETED FOR PERSONS 25 TO 29 YEARS OLD, BY SEX

	Metropolitan areas, total		Central cities		Suburban rings	
	1968	1960	1968	1960	1968	1960
Both sexes.....	12.6	12.4	12.5	12.4	12.6	12.4
White.....	12.9	12.4	12.6	12.5	12.7	12.4
Negro.....	12.3	11.4	12.2	11.4	12.3	10.9
Male.....	12.7	12.5	12.6	12.4	12.7	12.5
White.....	12.9	12.5	12.7	12.6	12.7	12.5
Negro.....	12.3	11.3	12.3	11.3	12.4	11.1
Female.....	12.5	12.3	12.3	12.3	12.6	12.4
White.....	12.6	12.4	12.5	12.4	12.6	12.4
Negro.....	12.2	11.4	12.2	11.5	12.3	9.9

Source: U.S. Department of Commerce; Bureau of Census, *Trends in Social and Economic Conditions in Metropolitan Areas*, 1969, p. 22.

TABLE 11.—MEDIAN INCOME FOR WHITE AND NEGRO MALES 25 TO 52 YEARS OF AGE BY YEARS OF SCHOOL COMPLETED

		Central cities			Suburban rings		
		Median income		Percent increase	Median income		Percent increase
		1967	1959	1959-67	1967	1959	1959-67
WHITE							
Elementary:	8 years or less.....	\$5,658	\$5,137	10	\$6,454	\$5,507	17
High School:	1 to 3 years.....	6,748	5,788	17	7,495	6,342	18
	4 years.....	7,543	6,265	20	8,188	6,774	21
College:	1 year or more.....	9,222	7,686	20	10,499	8,726	20
	4 years or more.....	10,261	8,486	21	11,536	9,536	21
NEGRO							
Elementary:	8 years or less.....	4,215	4,215	23	4,021	2,750	46
High School:	1 to 3 years.....	5,086	4,059	25	4,671	4,050	14
	4 years.....	5,642	4,323	31	5,980	4,333	38
College:	1 year or more.....	7,025	5,022	40	7,327	5,167	42
NEGRO MEDIAN INCOME AS A PERCENT OF WHITE							
Elementary:	8 years or less.....	75	67	(1)	62	50	(1)
High School:	1 to 3 years.....	75	70	(1)	62	64	(1)
	4 years.....	75	69	(1)	73	64	(1)
College:	1 year or more.....	76	65	(1)	70	59	(1)
	4 years or more.....	74	(1)	(1)	(1)	(1)	(1)

(1) Not applicable.

Source: Bureau of the Census, "Trends in Social and Economic Conditions in Metropolitan Areas," U.S. Department of Commerce, 1969, p. 26.

and less emotionally loaded explanation than the one of discrimination comes to mind: the educational achievement levels must be different when the minority groups are compared with the whites. That this explanation simply will not suffice is demonstrated by Tables 10 and 11.

Table 10 presents the median years of schooling for persons by age, sex, and race. With only one exception, the striking fact which emerges from this table is that there is very little difference in any of the categories for comparison. The median years of schooling completed for Negroes increased by about one year during the period of 1960-68. During this same period there was little change in the educational level of whites in the inner cities. The median differences between black and white central city males is but 4 months in years of schooling.

Table 11, again, arrays the educational data for white and non-white males living in the central cities and suburban rings and compares them for median income. However, the really depressing—and equally striking—fact which emerges here is that the income level of the black male is markedly less than for his white counterpart—regardless of his education or area of residence. This table also makes it very clear that in both cities and suburbs the 1967 median income of male Negro high school graduates was about the same as that of white males who had only attended elementary school. A Negro college graduate was barely making more annual income than a white high school graduate.

While these figures give no indication of the quality of the education which the white and non-white groups received, it is apparent that differences in educational achievement level, translated here as number of years in school, afford no real explanation. Other factors are obviously involved. The immediate explanation which comes to mind—quite apart from the educational quality of the schooling received—is racial and ethnic discrimination on a grand scale. Moreover, it takes little effort for any member of any of the racial and ethnic groups to arrive at the same explanation. The typical admonishment to a high school student from the minority groups to stay in school now so he will have an opportunity for a better income later receives only partial support from the figures presented in Tables 10 and 11. He may have an opportunity for a better income in comparison with those from the minority groups if he does stay in school, but in all probability, he won't have an equal opportunity when compared with his counterpart from the white majority group.

In this section, the economic status of impoverished urban citizens has been largely treated in terms of two indices, income level and the below-poverty classification. However, there is a third index which should be mentioned, namely, welfare support. As would be expected for those Americans struggling in poverty, a large percentage of them receive some degree of welfare support. In 1961, Negro children constituted 46 percent of all children receiving AFDC in the country. In inner cities, 75 percent of the children aided were non-white. Although in 1961, the median number of monthly payments received was 20.8 for Negroes as compared to 11.8 for whites, nearly 50 percent of all Negro

families on AFDC had monthly incomes of \$120 or less as compared to 39 percent of all white families. In fact, one of every five blacks on AFDC had a monthly income of \$80 or less, which equals \$960 a year (Polaski & Brown, 1967, Table 33).

Employment

A comfortable and cherished myth has been: the "better" the education an individual secures, the greater will be his opportunity to secure a "better" job—including the impoverished individual. We have already provided some evidence which sharply contradicts this belief—at least for the racial and ethnic minorities living in urban areas. In this section, we provide additional evidence in further contradiction of this myth. For it is within the central city that educational attainment is most dramatically linked to unemployment and underemployment.

As general background information, it should be noted that big city economies have changed from a past dependence upon craft skills and job flexibility to abilities correlated with literacy and formal education. Furthermore, as Chapter 4 explains in detail, the in-migration of groups from rural and non-urban areas has flooded the cities with Americans whose skills and knowledges are often of little saleable value in terms of employment. These Americans, without either adequate financial resources or adequate urban capabilities, gravitate to the already overcrowded inner city and its poverty. By far, the greatest number of these immigrants are from the racial and ethnic minorities. The net effect of the non-saleable skills can be seen in the following kinds of information.

In a survey of eight large cities conducted by the Department of Labor in 1966, the rate of unemployment in slums was three times the national average (Manpower Report, 4/1967, pp. 74-75). The survey found that a disproportionately large number of slum dwellers were neither working nor looking for work. This "nonparticipation rate" was 11 percent among men aged 20 to 64 living in slum neighborhoods. The sample survey reported that the average rate of "subemployment" for the ten slums was 34 percent. Lack of formal education and vocational training was reported to be the principal reasons for unemployment and subemployment among slum residents. In these neighborhoods, a third of all unemployed adults had never attended high school, and two-thirds had not graduated from high school.

Approximately a year later, another survey of 100 cities reported on the worst poverty sections of these cities. For the last quarter of 1967, adult blacks had an average city-wide unemployment rate of nearly 7 percent as compared with 3.2 percent in other sections. For whites, the rates were 3 percent and 5 percent respectively in non-poverty and poverty sections. For blacks, the rates were 9 percent in the poverty areas and 5 percent outside of them (U.S. Bur. Labor Stat., January 16, 1969).

In 1968, the average unemployment rate decreased from 6.2 percent in poverty sections and to slightly less than 3 percent in non-poverty sections. For blacks, the rate was 6.4 percent in poverty sections and 2.5 percent outside of them (U.S. Bur. Labor Stat., January 16, 1969). While these figures

show reductions over a period of time in the unemployment rates for blacks, they also show that the blacks are trailing well behind the employment rate of the general population of the central city.

Table 12 shows the unemployment rates in percents for non-whites and whites over a twenty-year time period (1948-1968), including the ratio of non-white to white. Since 1961, the unemployment rate for both white and non-white has been decreasing, but the unemployment rate for blacks continues to be twice that of whites.

However, the really striking figures with regard to unemployment emerge when we examine the unemployment rate among teenagers. In *One Year Later* (1969), the following information was reported:

"Black teenagers, in the final quarter of 1967, had an unemployment rate of a staggering 34 percent, worse, than even the (Kerner) Commission had estimated. By 1968 it had been reduced to 27.3 percent. The gain was highly significant but did not remove

the problem of idle youth from the streets of the slums and ghettos." (*One Year Later*, 1969, pp. 10-11).

Tables 13 and 14 show the comparisons between adults and teenagers in terms of unemployment rates. While employment rates are higher for both white and non-white teenagers than for adults the figures shown for non-white teenagers are as striking as those reported by the preceding source.¹ Table 14 also makes it clear that this high teenage unemployment situation has existed for quite some time—without any real evidence of remediation.

The implications of these figures on the teenagers alone are, indeed, staggering when we consider the wastage of human resources—not to mention the costs which may be incurred in such areas as welfare, crime, and perhaps rehabilitation.

There is one additional pattern to the employment picture of impoverished groups within urban areas which must be mentioned. The black woman—and, to a lesser extent, the Spanish-surname woman, has more consistently been able to secure employment in comparison to the black male.² What is apparently happening now is that she is beginning to climb up the economic ladder at a more rapid rate than he is. A trend is developing which indicates that the woman will not only be a more consistent earner in the household but, in relation to the male head of household, she will also be the major earner.

TABLE 12.—UNEMPLOYMENT RATES,¹ 1948-67, AND 1968 (1ST 6 MONTHS)

	Nonwhite	White	Ratio, nonwhite to white
1948.....	5.2	3.2	1.6
1949.....	8.9	5.6	1.6
1950.....	9.0	4.9	1.8
1951.....	5.3	3.1	1.7
1952.....	5.4	2.8	1.9
1953.....	4.5	2.7	1.7
1954.....	9.9	5.0	2.0
1955.....	8.7	3.9	2.2
1956.....	8.3	3.6	2.3
1957.....	7.9	3.8	2.1
1958.....	12.6	6.1	2.1
1959.....	10.7	4.8	2.2
1960.....	10.2	4.9	2.1
1961.....	12.4	6.0	2.1
1962.....	10.9	4.9	2.2
1963.....	10.8	5.0	2.2
1964.....	9.6	4.6	2.1
1965.....	8.1	4.1	2.0
1966.....	7.3	3.3	2.2
1967.....	7.4	3.4	2.2
1968 (1st 6 months, seasonally adjusted).....	6.8	3.2	2.1

¹ The unemployment rate is the percent unemployed in the civilian labor force.

Source: U.S. Department of Labor, Bureau of Labor Statistics, Recent Trends in Social and Economic Conditions of Negroes in the United States, July 1968, p. 11.

TABLE 13.—UNEMPLOYMENT RATES BY SEX AND AGE, 1967 AND 1968 (1ST 6 MONTHS)¹

	Nonwhite		White	
	1967	1968	1967	1968
Total.....	7.3	6.8	3.3	3.2
Adult men.....	4.5	4.0	2.1	2.0
Adult women.....	6.9	6.4	3.7	3.4
Teenagers ²	26.4	22.7	10.2	10.9

¹ Average, seasonally adjusted.

² "Teenagers" include those 16 to 19 years old.

Source: U.S. Department of Labor, Bureau of Labor Statistics, 1969, Recent Trends, July 1968, p. 13.

Footnotes at end of article.

TABLE 14.—WHITE AND NEGRO UNEMPLOYMENT RATES IN CENTRAL CITIES FOR SELECTED GROUPS

	1968				1960		
	White	Negro	Ratio: Negro to white		White	Negro	Ratio: Negro to white
Both sexes:				Both sexes:			
16 years and over.....	3.5	7.8	2.2	16 years and over.....	4.9	10.7	2.2
16 to 19 years.....	12.3	30.4	2.5	16 to 19 years.....	9.8	22.7	2.3
Male:				Male:			
20 years and over.....	2.5	6.0	2.4	20 years and over.....	4.8	9.9	2.1
Married, wife present.....	1.8	4.5	2.5	Married, wife present.....	3.4	7.5	2.2
Female, 20 years and over.....	3.5	5.9	1.7	Female, 20 years and over.....	4.3	10.1	2.2

Source: U.S. Labor Statistics, Trends in Social and Economic Conditions in Metropolitan Areas, February 1969, p. 31

The implications of this pattern are of particular significance in terms of the development of the male child's masculine roles and responsibilities or, in other words, his self-concept. When this situation of female dominance at home is coupled with the "petticoat rule" of the classroom—particularly, at the elementary level, the implications for the male child's development are, indeed, serious.

However, the employment patterns and unemployment rates do not tell the whole

story. There is another element involved of equal seriousness, specifically, underemployment or subemployment.

In *One Year Later*, the kinds of jobs available to blacks were summarized from the Kerner Commission Report, as follows:

"It found that Negro men are three times as likely as whites to be in unskilled or service jobs (based on 1960 Census Bureau figures). The concentration of male Negro employment at the lowest end of the occupational scale, the Commission said, is 'the

single most important source of poverty among Negroes'." (*One Year Later*, 1969, pp. 4-5).

Based on a later compilation of information, Table 15, on the following page, shows that almost one half of the white males employed in central cities worked as white collar workers whereas only one-fifth of the Negro males were so employed. There has been little change in the occupational distribution of either white or Negro men since 1960.

TABLE 15.—DISTRIBUTION OF PERSONS IN CENTRAL CITIES EMPLOYED IN NONAGRICULTURAL OCCUPATIONS

	White		Negro			White		Negro	
	1968	1960	1968	1960		1968	1960	1968	1960
MALE					FEMALE				
Total (millions).....	11.2	12.1	2.3	1.9	Total (millions).....	7.1	6.8	1.8	1.3
Total, percent.....	100	100	100	100	Total, percent.....	100	100	100	100
Professional and managerial workers.....	30	26	9	6	Professional and managerial workers.....	20	19	11	8
Clerical and sales workers.....	17	19	12	12	Clerical and sales workers.....	48	49	23	13
Craftsmen.....	21	21	13	11	Private household workers.....	3	3	20	34
Operatives.....	19	21	32	31	All other service workers.....	12	11	27	26
Laborers.....	5	5	17	22	Craftsmen, operatives, and laborers.....	16	18	19	18
Service workers.....	8	7	17	17					

Source: U.S. Department of Commerce, Bureau of the Census, Trends in Social and Economic Conditions in Metropolitan Areas, February 1969, p. 33.

In contrast to this is the marked increase of white collar jobs for black women from 1960 to 1968. The rise is from one-fifth in 1960 to one-third in 1968. The increase is accounted for among clerical and sales workers. Black domestic workers were far fewer in 1968 than 1960.

The "Kerner Commission" reported that in addition to the 2 million unemployed, about 10 million people are underemployed, 6.5 million of whom work full-time and earn less than the annual poverty wage (Kerner, 1968, p. 231). Many of the rioters, the Commission pointed out, were employed, but worked in intermittent, low status, unskilled jobs—jobs which they regarded as below their level of education and ability (*Nat. Adv. Com. on Civil Disorders*, 1968, p. 232).

The *Manpower Report of the President*, April, 1968, published a new national subemployment measure reflecting the judgment that workers with low earnings may have problems which are as persistent and grievous as those of many workers with substantial unemployment. The measure is a conservative one which focuses on the most serious elements of unemployment and low earnings. It includes two distinct groups: (1) workers who were unemployed 16 or more weeks during the year; and (2) those who made less than \$3,000 for year-round, full-time work (*Manpower Report of the Pres.*, 1968, p. 34). Table 16, over page, is based on the new measure and indicates that in 1966 there were three times as many non-whites as white men who were subemployed.

TABLE 16.—SUBEMPLOYMENT INDICATORS FOR MEN, 1966

	Nonwhite	White
Subemployment rate, 1966.....	21.6	7.6
Indicators of subemployment: Number of low earners, 1966 (in thousands).....	635	1,417
Monthly average number unemployed 15 weeks or more, 1966 (in thousands).....	69	255

Source: Bureau of Labor Statistics, Bureau of the Census, "Recent Trends in Social and Economic Conditions of Negroes in the United States," Washington, D.C., July 1968, p. 17.

A new Labor Department study of the Washington labor force reported in *The Washington Post* (5/18/1969) broadens the subemployment measure to more accurately describe the extent of joblessness and underemployment in a large urban center. In the new study, the subemployment rate for Washington is 23.1 percent. The following categories were used to arrive at the above figure: (1) the unemployed; (2) workers who hold full-time jobs receiving incomes below poverty level (as defined by the Labor Department in 1968); (3) part-time workers who would like to work full-time; and (4) people who need work but are not actively searching for jobs (normally called non-participants in the labor market who are not counted in monthly unemployment statistics).

Comparisons of "under-utilization" rates—as the study calls subemployment, show Negroes consistently in an inferior position as Table 17 indicates. When intermittent employment, low-wage work, and other factors are also included as a measure of deprivation, conditions in slum areas are seen to be especially acute. According to De-

partment of Labor statistics, the subemployment rate in nine selected slum areas in 1966 was 32.7 percent. Table 18 indicates the rates for each of the nine areas.

TABLE 17.—UNDER UTILIZATION RATE, WASHINGTON, D.C., DECEMBER 1968

Age group	White male	Negro male	White female	Negro female
14 to 21.....	11.4	31.9	9.5	40.7
22 to 44.....	3.0	12.0	5.5	13.6
45 to 64.....	5.1	10.0	4.9	10.4
65 and over.....	5.1	11.0	4.4	10.3

Source: Robert J. Samuelson, *The Washington Post*, May 18, 1969.

TABLE 18.—EMPLOYMENT CONDITIONS IN 9 SERIOUSLY DISADVANTAGED SLUM AREAS, NOVEMBER 1966

Unemployment rate in United States.....	3.5
Unemployment rate in 9 slum areas (estimated average).....	9.5
Subemployment rate (unemployment and estimated underemployment): ¹	
Total, 9 slum areas.....	32.7
Boston: Roxbury area.....	24
New Orleans: Seven adjacent contiguous areas.....	45
New York City:	
Central Harlem.....	29
East Harlem.....	33
Bedford-Stuyvesant.....	28
Philadelphia, North Philadelphia.....	34
Phoenix: Salt River bed area.....	42
St. Louis: North side.....	39
San Francisco: Mission-Fillmore.....	25

¹Subemployment includes: (1) the unemployed as usually defined (those unemployed and actively looking for work); (2) part-time workers wanting full-time employment; (3) full-time workers with weekly earnings as follows: heads of households under 65 years old earning less than \$60 per week working full time and individuals under 65 who are not heads of households and earn less than \$56 per week in a full-time job; (4) half the adult males not in the labor force; and (5) half the adult males estimated to have been missed in the survey.

Source: Bureau of Labor Statistics, Bureau of the Census, "Social and Economic Conditions of Negroes in the United States," Washington, D.C., October 1967, p. 97.

Housing and Living Conditions

Resulting largely from the problems associated with low levels of employment and economic status is another whole set of problems associated with the elements of housing and living conditions. Basically, these elements can be considered from two vantage points. The first is to view them strictly in terms of their measurable physical characteristics, e.g., condition of dwellings, kinds of facilities per unit, number of poor people in the cities, and overcrowding. The second is to view these elements of housing and living conditions in terms of the quality or style of living which they engender. In this section, we outline some of the key features from the first vantage point and consider their significance for education. In the next section on the family, we consider the second vantage point.

Substandard Housing

While there was a sharp decline in the proportion of substandard² houses among non-whites between 1950 and 1960, the National Advisory Commission on Civil Disorders nevertheless made the following statement:

"Nationwide, 26 percent of all non-whites living in the central cities occupied substandard units in 1960, compared to 8 percent of all whites. Preliminary Census data indicate that by 1966, the figures had dropped to 16 and 5 percent respectively. However, if "deteriorating" units, and units with serious housing code violations are added, the

Footnotes at end of article.

percentage of non-whites living in inadequate housing in 1966 becomes much greater." (*Rep. Nat. Adv. Com. on Civil Disorders, 1968, p. 257*).

Table 19, on the following page, cites the proportions of all non-white housing units designated as deteriorating, dilapidated, or lacking full plumbing for 14 of the largest cities of the U.S. in 1960 (*Rep. Nat. Adv. Com. on Civil Disorders, 1968, p. 257*).

TABLE 19.—SUBSTANDARD HOUSING IN 14 OF THE LARGEST U.S. CITIES—1960

City	Percentage of nonwhite occupied housing units classified deteriorating or dilapidated, 1960	Percentage of nonwhite occupied housing units classified deteriorated, dilapidated, or sound, but without full plumbing, 1960
New York.....	31.8	42.4
Chicago.....	32.1	42.8
Los Angeles.....	14.7	18.1
Philadelphia.....	28.6	32.0
Detroit.....	27.9	30.1
Baltimore.....	30.5	31.7
Houston.....	30.1	36.7
Cleveland.....	29.9	31.9
Washington, D.C.....	15.2	20.8
St. Louis.....	40.3	51.6
San Francisco.....	21.3	34.0
Dallas.....	41.3	45.9
New Orleans.....	44.3	56.9
Pittsburgh.....	49.1	58.9

Source: Report of The National Advisory Commission on Civil Disorders, Washington, D.C., March, 1968, p. 257.

As can be seen, these percents are generally much greater than the 25 percent cited above for substandard housing in the nation. It was also reported that blacks, on the average, occupy much older housing than whites.

Precise information on overcrowding (e.g., number of people in housing units over and above the number for which such units were designed) and the problems with dilapidated housing has been difficult to gather in statistical form for the general inner city areas. The following account, however, reflects only too faithfully what most people who have ever lived in or worked in ghetto areas have experienced. It was made by the principal of a school in New York's inner city.

"As for housing," Shapiro continued, "our middle-income housing is the low-income St. Nicholas housing project. They send us about three hundred and fifty children. The housing conditions for many others are very bad. Across the street a house built for eight families has forty-five. Next door there are two houses with serious heating problems. Two winters ago, I spent hours trying to track down the owner, and finally I told the man who said he was only the agent that if heat wasn't provided, there'd be a picket line of teachers and me. There was heat for the rest of the winter. The next year there was no heat again and we couldn't even find the agent. Finally the city took it over as a public nuisance. Another time for another building, we found someone in the Mayor's office who was vulnerable to picketing and he arranged for the city to take that one over. Nonetheless, the furnace remained broken, and it took us fifteen days of constant pressure to get it fixed." (*Hentoff, 1966, p. 6*).

Footnotes at end of article.

Th findings from the "Kerner Commission" concerning the housing and living conditions in 1967 are applicable in 1969. Specifically, in the large cities surveyed, the findings were:

1. Blacks either pay the same rent and receive less for their money than do whites or they pay more rent for the same accommodations.

2. Blacks are discriminated against in terms of the enforcement of building codes by both landlords and municipal authorities.

3. The housing conditions in which non-whites (24 percent of all units) live are overcrowded and the physical facilities are inadequate (Forty-seven percent of the units occupied by non-whites in the disturbance areas were classified as non-standard.)

4. Poverty is the foremost reason for the black to live in substandard housing.

5. Discrimination in the housing market is the second major reason which forces non-whites into ghetto housing.

6. Inadequate Federal building programs have done comparatively little to alleviate the housing problems for impoverished inner city residents (*Nat. Adv. Com. on Civil Disorders, 1967, p. 258-259*).

Taken together these findings provide meaning for the bleak term racial and ethnic isolation. In *One Year Later (1969)*, it was noted that while some improvements had been made, the major problems remained. The general conclusion drawn is below-noted:

"Progress in dealing with the conditions of slum-ghetto life has been nowhere near in scale with the problems, nor has the past year seen even a serious start toward changes in national priorities, programs, and institutions advocated by the Commission. The sense of urgency in the Commission report has not been reflected in the nation's response." (*One Year Later, 1969, p. 62*).

Related Factors: New Homes, Poverty Families, Birth Rates, and Population Projections.—That the situation is not likely to improve just through the filtering down of "prosperity" is well illustrated by the following information on the housing market, the number of impoverished families in the nation, birth rates, and the population projections. With regard to the purchase of new homes, the following statement is made in *Housing America's Low- and Moderate-Income Families*:

Families.—"For families just above the poverty level, it is clear that opportunities to purchase new homes at prevailing prices and at market interest rates are generally unavailable. In 1966, only 0.7 percent of the purchasers of FHA-insured new homes under the conventional FHA Section 230 program had effective annual incomes of less than \$4,000; only 2.9 percent of the purchasers had incomes between \$4,000 and \$4,999; and only 8.3 percent had incomes between \$5,000 and \$5,999." (*Keith, 1968, p. 1*).

When these percents are considered in relation to the numbers of families which are represented, the problem of moving out of substandard housing into adequate housing becomes one of massive proportions. Table 20 presents the figures for these for poor households in 1959 and 1969 classified by age, sex, category of farm or non-farm, and race."

TABLE 20.—NUMBER OF POOR HOUSEHOLDS AND INCIDENCE OF POVERTY, 1959 AND 1965

Characteristics of head of household	Number of poor households (millions) ¹		Incidence of poverty (percent) ²	
	1959	1965	1959	1965
Nonfarm.....	11.6	14.3	22.5	17.6
White.....	9.0	7.9	18.6	15.3
Male head.....	5.0	3.9	18.4	9.3
Under 65 years.....	3.3	2.4	16.2	6.8
Aged (65 years and over).....	1.7	1.5	34.0	24.7
Female head.....	4.0	4.0	45.2	37.7
Under 65 years.....	2.2	2.0	37.6	30.5
Aged (65 years and over).....	1.8	2.0	56.3	48.9
Nonwhite.....	2.6	2.4	48.9	37.1
Male head.....	1.4	1.2	39.7	32.6
Under 65 years.....	1.2	.9	36.7	23.3
Aged (65 years and over).....	.2	.3	64.4	51.4
Female head.....	1.1	1.2	69.4	60.8
Under 65 years.....	.9	.9	68.1	58.8
Aged (65 years and over).....	.2	.3	76.3	69.9
Farm.....	1.8	.6	16.9	24.8
White.....	1.3	.5	14.7	16.9
Nonwhite.....	.4	.2	85.0	69.7

¹ Households are defined here as the total of families and unrelated individuals.

² Poor households as a percent of the total number of households in the category.

Note: Poverty is defined by the Social Security Administration poverty-income standard.

Sources: M. Keith, "Housing America's Low- and Moderate-Income Families" 1968 Research Report No. 7 Washington D.C.; U.S. Government Printing Office p. 2.

Taking the comparative birth rates for blacks and whites into account provides yet other information concerning the increasing gravity of the situation. Table 21, which follows, shows the ratios for white and non-white births for three time periods. Again, citing from the *Report of the National Advisory Commission on Civil Disorders*:

"The . . . Negro population is now growing significantly faster than (the) white population. From 1940 to 1960, the white population rose 34.0 percent, but the Negro population rose 46.6 percent. From 1960 to 1966, the white population grew 7.6 percent, whereas (the) Negro population rose 14.4 percent, almost twice as much.

"(A) Consequence of higher birth rates among Negroes is that the Negro population is considerably younger than the white population. . . . About 35 percent of the white population was under 18 years of age, compared with 45 percent for Negroes." About one of every six children under five and one of every six new babies are Negro (Emphasis supplied) (Nat. Adv. Com. on Civil Disorders, 1968, p. 116).

Just the increased number of children involved—even without considering other environment-originated problems which they may have—is cause for serious concern on the part of school systems with their already overtaxed facilities and pared-down budgets.

If the problems are already massive in terms of the sheer numbers and percents involved using the information available in this decade, the problems become almost unimaginable when the population movements and growth are projected to 1985. Population growth and density more than any other factor, projects a picture of the inner city in the not-too-distant future which is as disturbing as it is startling. In regard to changes in central city and suburban residence, projections indicate great differences between whites and non-whites.

TABLE 21.—LIVE BIRTHS PER 1,000 WOMEN AGED 14-44

Year	White	Nonwhite	Ratio of nonwhite to white
1940.....	77.1	102.4	1.33
1957.....	117.4	163.4	1.39
1965.....	91.4	133.9	1.46

Sources: Report of the National Advisory Commission on Civil Disorders, March 1968, p. 116.

According to Table 22, the white metropolitan population would increase by 61.5 million, or 52 percent, between 1960 and 1985. However the white population residing within central cities would experience a decline of 2.4 million or 5.0 percent. White population residing within suburbs, on the other hand, would increase by 53.9 million, or a gain of 104 percent. Non-whites population would double in metropolitan areas, growing by 13.8 million or 104 percent. Within central cities non-whites would almost double, growing from 10.4 million in 1960 to 20.1 million by 1985, a gain of 94 percent.

In consequence, the dramatic rate of suburban growth notwithstanding, 76 percent of non-whites residing in SMSA's in 1985 would be living in the central cities, a decline of only 3.8 percentage points over the 1960 total of 78 percent. In dramatic contrast, only 30 percent of white metropolitan residents would live in central cities by 1985, a decline of 18 points from the 1960 level of 48 percent. Thus, more than two-thirds or 70 percent of white persons living in SMSA's would reside in suburbs compared to 28 percent of non-white metropolitan residents (Hodge & Hauser, 1968, p. 26).

The problems created by the increasing numbers of children, by the inevitable deepening of the bitterness and frustration which racial and ethnic isolation and discrimination have bred, and by the never-ending cycle of poverty, are also increasing the magnitude of the problem confronting urban education. Specifically, the schools will face more children with more needs and parents with less tolerance for unsalable and invalid education and less acceptance of the schools' current brands of expertise.

TABLE 22.—PROJECTED GROWTH 1960 TO 1965 WITHIN COMPONENT PARTS OF METROPOLITAN AREAS¹
BY COLOR BY REGION

[Numbers in thousands]

Region, color, and residence	1965	1960	Increase 1960 to 1965		Percent by residence within SMSA's		Change
			Number	Percent	1965	1960	
United States:							
White.....	151,164	99,692	51,472	51.6	100.0	100.0	.....
Central city.....	45,435	47,852	-2,417	-5.0	30.1	48.0	-17.9
Ring.....	105,730	51,840	53,890	104.0	69.9	52.0	+17.9
Nonwhite.....	26,974	13,182	13,792	104.5	100.0	100.0	.....
Central city.....	20,146	10,356	9,790	94.5	74.7	78.5	-3.8
Ring.....	6,827	2,826	3,991	140.7	25.3	21.5	+3.8
Northeast:							
White.....	41,423	32,388	9,035	27.9	100.0	100.0	.....
Central city.....	13,485	14,925	-1,440	-9.6	32.6	46.1	-13.5
Ring.....	27,938	17,463	10,475	60.0	67.4	53.9	+13.5
Nonwhite.....	5,905	2,962	2,943	99.4	100.0	100.0	.....
Central city.....	4,833	2,398	2,435	101.5	81.8	81.0	.....
Ring.....	1,072	564	508	90.1	18.2	19.0	.....
North Central:							
White.....	38,698	27,718	10,980	39.6	100.0	100.0	.....
Central city.....	11,326	12,793	-1,467	-17.9	29.3	45.8	-16.5
Ring.....	27,372	15,925	11,447	96.6	70.7	54.2	+16.5
Nonwhite.....	5,944	3,245	2,699	83.2	100.0	100.0	.....
Central city.....	5,318	2,849	2,469	86.7	89.5	87.8	.....
Ring.....	627	396	231	58.3	10.5	12.2	.....
South:							
White.....	35,362	21,183	14,179	66.9	100.0	100.0	.....
Central city.....	11,236	11,144	92	0.8	31.8	52.6	-20.8
Ring.....	24,126	10,039	14,087	140.3	68.2	47.4	+20.8
Nonwhite.....	10,794	5,253	5,541	106.5	100.0	100.0	.....
Central city.....	7,137	3,918	3,219	82.2	66.1	74.6	-8.5
Ring.....	3,657	1,335	2,323	174.0	33.9	25.4	+8.5
West:							
White.....	35,682	18,403	17,279	93.9	100.0	100.0	.....
Central city.....	9,388	7,990	1,398	17.5	26.3	43.4	-17.1
Ring.....	26,294	10,413	15,881	152.5	73.7	56.6	+17.1
Nonwhite.....	4,330	1,732	2,598	150.0	100.0	100.0	.....
Central city.....	2,859	1,190	1,669	140.3	66.0	68.7	-2.7
Ring.....	1,470	542	928	171.2	34.0	31.3	+2.7

¹ 1960 boundaries of SMSA's used for 1960; 1967 boundaries used for 1965.

Source: P. L. Hodge and P. M. Hauser, "The Challenge of America's Metropolitan Population Outlook—1960 to 1965," 1968, Research Report No. 3, U.S. Government Printing Office: Washington, D.C., p. 26.

The Family

As a Task Force, we are primarily concerned with the impoverished urban child in his role as a student. However, we fully recognize that unless the education system serving him has a clear grasp of the world in which he must live and survive and can accept this world without condescension, any educational programs which are designed and implemented can only be of limited effectiveness. We further recognize that, perhaps, no element has more direct and continuing emotional-social impact on any child than that of his family. Through its members, its values and needs, and its interactions, the family concomitantly constitutes and lays down the immediate dimensions of the impoverished urban child's world. In this section, we describe what some of the major ones are and consider their significance for the urban education system. Therefore, the first part of this section deals with some general statistics on the family; the second, with the character of inner city family living. Much of what we say in both parts is admittedly negative, but we stress that the "negatives" are the results of a pernicious and insidious combination of economic poverty, discrimination, isolation, and sheer physical hardships. And we further stress that such negatives are not to be considered as intrinsic to the impoverished urban family.

The Family in General

It is important to point out at the beginning that within the Negro family structure as within the white family, there is great

diversity and variation. And it is the similarities and differences so well documented in Andrew Billingsley's *Black Families in White America* that make it almost impossible to generalize about the structure of the Negro family.

In 1965, Moynihan made a report on the structure of Negro families. Using sources which included the U.S. Census of Population, 1960; Nonwhite Population by Race; and Vital Statistics of the U.S., he found that nearly one-fourth of urban Negro births are not illegitimate; nearly one-fourth of all Negro families are headed by a female. What is amazing, however, is that despite the economic and other pressures which the Negro family must face, 75 percent of urban Negro marriages remained intact, 75 percent of Negro births were legitimate, and 75 percent of all Negro families were headed by a male.

The situation as Moynihan found it in 1965 is not improving as illustrated by the following figures. The proportion of husband-wife families among blacks declined from 73 percent to 66 percent between 1960 and 1968. Table 23 shows the comparison of types of families by percent for race and location, i.e., central cities, suburban rings, and the metropolitan areas in general. As table 24 shows, a higher percentage of unrelated (not blood-related) males reside with black families (47 percent) than do white males with white families (36 percent) in the inner cities. One-fifth of all male unrelated individuals in the central cities are black. Approximately, the same percent exists for the suburban rings.

TABLE 23.—TYPES OF WHITE AND NONWHITE FAMILIES IN URBAN AREAS—TYPE OF FAMILY

	Metropolitan areas, total			Central cities			Suburban rings		
	1968	1960	Percent change	1968	1960	Percent change	1968	1960	Percent change
TOTAL									
Number (millions).....	32.2	28.6		14.6	14.7		17.6	13.9	
Percent.....	100	100		100	100		100	100	
Husband-wife.....	86	88	-2	82	84	-2	90	91	-1
Other male head.....	3	3	(1)	3	3	(1)	2	2	(1)
Female head.....	11	10	+1	15	12	+3	8	7	+1
WHITE									
Number (millions).....	28.6	25.8		11.8	12.4		16.8	13.3	
Percent.....	100	100		100	100		100	100	
Husband-wife.....	88	89	-1	85	86	-1	90	92	-2
Other male head.....	2	3	-1	3	3	(1)	2	2	(1)
Female head.....	10	8	+2	12	10	+2	8	6	+2
NEGRO									
Number (millions).....	3.3	2.6		2.6	2.1		.7	.5	
Percent.....	100	100		100	100		100	100	
Husband-wife.....	67	74	-7	66	73	-7	72	79	-7
Other male head.....	4	4	(1)	4	4	(1)	6	3	+3
Female head.....	29	22	+7	30	23	+7	22	18	+4

(1) No change.

Source: Bureau of the Census, "Trends in Social and Economic Conditions in Metropolitan Areas," 1969, p. 12.

TABLE 24.—UNRELATED INDIVIDUALS BY SEX, 1968

	[Numbers in millions]			
	Total	Male	Female	Male as a percent of total
Metropolitan areas (total).....				
White.....	7.9	2.8	5.1	35
Negro.....	1.2	.6	.7	47
Percent of total.....	13	17	11	(1)
Central cities (total).....				
White.....	4.7	1.7	3.0	36
Negro.....	1.0	.5	.5	47
Percent of total.....	17	21	15	(1)
Suburban rings (total).....				
White.....	3.2	1.1	2.1	35
Negro.....	.3	.1	.1	46
Percent of total.....	7	9	6	(1)

(1) Not applicable.

Source: Bureau of the Census, "Trends in Social and Economic Conditions in Metropolitan Areas," 1969, p. 19.

Already documented in the first and third sections of this chapter are, the higher mortality rates for non-white fathers, mothers, and children and the fact that the birth rate for non-white children is increasing. A fact not previously mentioned is that the number of illegitimate children born to black mothers has also increased. The latest data indicate that illegitimate births have been increasing for both black and white mothers. No reliable comparison of the difference between the rates for black and white mothers can be made for reasons stated in Table 25 which follows.

Non-whites have a substantially higher divorce rate than white inner city dwellers. The non-white male divorce rate is five times that of his white counterpart. The non-white

TABLE 25.—ILLEGITIMATE BIRTHS,¹ 1940-66

	Number (thousands)			Percent illegitimate of all live births		
	Non-white	White	Difference	Non-white	White	Difference
1940.....	49	40	9	16.8	2.0	14.8
1945.....	61	56	5	17.9	2.4	15.5
1950.....	88	54	34	18.0	1.8	16.2
1955.....	119	64	55	20.2	1.9	18.3
1960.....	142	83	59	21.6	2.3	19.3
1965.....	168	124	44	26.3	4.0	22.3
1966.....	170	133	37	27.7	4.4	23.3

¹ As stated in the source cited: "No estimates are included for misstatements on the birth record or for failure to register births. The decision to conceal the illegitimacy of births is likely conditioned by attitudes in the mother's social group toward her and toward children born out of wedlock. Also, the ability (economic or otherwise) to leave a community before the birth of the child is an important consideration. These factors probably result in proportionately greater understatement of illegitimacy in the white group than in the nonwhite."

Note: 34 States and the District of Columbia report legitimacy status on birth certificates. For the remaining States the illegitimacy ratio is estimated from the reporting States in each of the 9 geographic divisions. The following States do not report legitimacy: Arizona, Arkansas, California, Colorado, Connecticut, Idaho, Maryland, Massachusetts, Nebraska, New Hampshire, New Mexico, New York, Oklahoma, Vermont, Georgia, and Montana. The last 2 States reported before 1957.

Source: U.S. Department of Health, Education, and Welfare.

female has a divorce rate six times that of her white counterpart (Douglass, 1968, p. 340). Moreover, there has been an increase in the non-white suicide rate. Although white suicide rates definitely exceed those of non-whites, the difference in recent years is decreasing (U.S. Bureau of Labor Statistics, 1968, p. 225).

Already mentioned as an index of economic status, welfare support for impoverished urban families is often a fact of life. Concerning marital status, 37 percent of all Negro AFDC recipients were married; 64 percent of white recipients were married. Three times as many black were single, compared to whites. Approximately the same proportion of blacks as white recipients were characterized by home broken by marital discord (di-

voice, legally separated, and deserted) in 1961 (Polaski and Brown, 1967, Tables 31-33b).

Previously mentioned have been the elements of health, nutrition, economic status, employment, and housing and living conditions—all of which add up to a massive constellation of elements and interactions working against the continuation of the impoverished urban family as a unit—let alone against its roles of providing stability and protection for its children. The truly remarkable fact is that in spite of all the problems for which these families must almost daily find resolutions, the majority of them still manage to function as intact and vital units in the inner city.

Character of Inner City Living

The character and quality of inner city living is difficult to fathom from sets of statistics which are highly abstracted statements of the effects of such living on the residents. Yet, it is with the character of life in the inner city that both its residents and the urban school must deal.

We have yet to develop an adequate quantitative measure for life style. Accordingly, this second part on the family is largely descriptive and anecdotal in its sampling of the evidence.

Minuchin, et al (1967), in an intensive study of six families of children at the Willwyck School, a private residential treatment center in New York, describes the families of the children with whom they worked:

"Their families are impoverished, disadvantaged, unstable, 'hard-core' families. They are mostly from minority ethnic backgrounds (Negro and Puerto Rican), and they dwell in the congested, rat-infested ghettos and slums of New York City. Such children and their families can be found in the big cities throughout our nation. We do not know how 'representative' the families we worked with are. But we do know that all such families have in common a difficult struggle for survival in our society. They are often 'multi-agency' families. In varying degrees they are known to the police, courts, welfare facilities, shelter agencies, clinics, hospitals, social agencies, visiting nurse associations, truant officers, parole officers, and other private, city, and state institutions. And yet they are anonymous. For although they are in constant contact with the institutional representatives of society, they remain shadowy; they feel left out of the main stream, as indeed they are."

With regard to one of the six families studied, the following account of the quality of the world this family lives in is given:

"Strangers, neighbors, 'cops,' schoolmates, friends, and relatives move through this world, and so do the shadowy, transient lovers of some of these people. There are money and adventures to be taken and victims to be 'took.' There is action: the excitement or the chase of the being chased. There are risks. The world is people by adults who can be counted on and adults whom you cannot trust." (Minuchin, et al, 1967, p. 127).

In one of a collection of papers, pertaining to the disadvantaged child (Frost and Hawkes 1966), Jules Henry noted the below-noted qualities and characteristics:

"Among the children of the very poor, survival must take precedence over every other consideration. Where the fight for survival involves the full energies of the child, how can he find the time and the strength

to develop the values espoused by his society, such as pride in work, reward for effort, consideration of other people, and courage in meeting life's problems?" (page 377)

"Where no father is present during the evening, there is usually no organized meal, no organized opportunity for language exchange, no real interaction. A common result is cumulative deficit in the language component of a child's development. Since this deficit is qualitative and quantitative, it is erroneous to believe these children are characteristically nonverbal." (Henry in Frost and Hawkes, 1966, pp. 377, 380).

Reissman (1962) also presents information on the character of inner city living.

"The key to much of the family life is security and protection. The large extended family provides a small world in which one is accepted and same. If help is needed, the family is the court of first resort and will provide it, at least to some extent. Time and energy, rather than money, are the chief resources provided."

"The home is a crowded, busy, active, noisy place where no one child is focused upon. There are too many children for this, and the parents have too little time. Consequently, the children spend much more time in each other's company and with the relatives. Individualism and self-concern on the part of the children is much less likely to emerge and is, in fact, discouraged in this more family-centered home."

"Intense parent-child relationships are infrequent, and while the danger of parental rejection is present, overprotection is out of the question."

"The atmosphere is much more communal and, to some extent, cooperative." (Reissman, 1962, pp. 36-37).

A characteristic of much concern to educators and psychologists has been the considerable use of punishment or discipline. As the following statements bring out, it is likely that school personnel are not placing most forms of punishment (excepting extreme forms, of course) in their proper perspective for these families.

"Since physical punishment is part of the everyday pattern among the disadvantaged, there is probably considerable adaptation to it and it is not perceived as a major threat to the ego; as physical punishment and aggression generally are expressed rather easily and directly, it is unlikely that they have the sadistic overtones that often produce the negative correlates of punishment."

"Why do underprivileged parents use punishment so freely? This practice is frequently interpreted as restrictive and unloving. However, with the peculiar problems that plague their lives, with large families often crowded into small apartments, and with both working, the problem of discipline becomes a difficult one. Popularly held notions of permissiveness cannot easily be applied. Respect and obedience without a lot of arguing and 'reasoning' is probably much more convenient when the parents come home tired from a hard day's work. They are in no mood to cajole the children and they resort much more quickly to physical punishment—not sadistic beatings, but a quick slap and a strong tone."

"Underprivileged people do not see discipline as inconsistent with love; that is, they do not feel when they punish a child that this might indicate a lack of love for him." (Reissman, 1962, pp. 39-40).

There are several additional qualities which make up the character of inner city living which are all-too-often lost in the enumeration of negative characteristics. It is fitting that this section end with a statement of these qualities. On the "positive" side are:

"The cooperativeness and mutual aid that mark the extended family; avoidance of the strain accompanying competitiveness and individualism; equalitarianism, informality, and warm humor; freedom of self-blame and parental over-protection; the children's enjoyment of each other's company, and lessened sibling rivalry; the security found in the extended family and in a traditional outlook." (Reissman, 1962, p. 48).

Summary of the Chapter

In this chapter, we have considered the environment of the impoverished urban student in terms of its impact, its offerings, and its differences. Although not exhaustively, we have presented information concerning a set of elements which we consider are basic in this student's world, and which, in combination have a major influence on how he will both perceive and perform in the school.

Most of the conclusions which we draw from the evidence presented are extremely disturbing. If there is such a thing as the American dream, it is far from being realized for the impoverished urban student. It is no wonder that Martin Luther King, Jr., said, "I have a dream." For this student in the fall of 1969, it could hardly be otherwise . . .

Our specific conclusions concerning the urban student and his environment are, as follows:

1. He and his family are apt to live on a diet which is less than adequate—if not insufficient. And he is less likely to manifest adequate health and energy levels for a sustained effort on demanding tasks, e.g., reading as taught by the school. He may not appear as able as other students his age due in part to this prolonged malnourishment.

2. He lives in a world in which the mortality rates of women and babies in birth are higher and the life expectancies of men are lower than for other Americans.

3. Economically, he lives in a world in which unemployment, underemployment, and the inadequate welfare check are common facts of life. He learns, too, as his family already has, that his family's economic status is all too often a direct offshoot of racial discrimination. For even if he does finish high school or college, he will earn less than his white counterpart with the same years of schooling.

4. He lives in housing which is apt to be in poor condition—if it isn't classified as substandard, and it may very likely be overcrowded.

5. His family will probably pay more for this housing than it's worth simply because there is really nowhere else to go. A new home or a better apartment would be out of the question on his family's income—quite apart from the discrimination barrier.

6. Within his immediate experience, if not directly within his family, there may be problems resulting from divorce, separation, or desertion by one or the other of his parents. And, although only touched upon peripherally or implied, he will probably gain a

knowledge of the problems associated with drug addiction, prostitution, and theft within his neighborhood—if not within his immediate family.

7. Within this family—and particularly if it is an extended family—he will develop a tough self-reliance, learn to cooperate, probably receive a prompt reaction in terms of physical discipline for stepping out of line, tolerate a high degree of noise, and experience considerable casualness in terms of daily routine.

8. The concepts, language, and problem solving techniques he acquires will be primarily geared to his survival in the neighborhood and the necessary interactions in and demands of his family.

It is our contention that all of these elements and their interactions which characterize the impoverished urban environment and which are inevitably reflected to various degrees in any one student from it are directly contributing to making the task of urban education a unique one. Moreover, when we consider the increasing rise in the urban population of young children and teenagers, the task now facing urban education becomes not only unique but monumental as well. Finally, we do not find that many changes for the better have occurred in this environment since the National Advisory Commission on Civil Disorders sounded its lucid and comprehensive warnings to the nation at large. Although our data are much more limited, they clearly suggest that we have precious little time in which to make needed—and orderly—changes in the urban environment.

Chapter IV takes up a major element in this environment, the urban education system.

Chapter IV. The urban education system

The preceding two chapters have documented the financial and environmental sets of factors contributing to the urban educational problem. Such financial deficiencies and conditions dominating the urban student's world are prime contributors, along with legislative obstacles at all governmental levels, to the urban education problem. Without such a complex of debilitating conditions, perhaps most urban education systems could achieve success where relatively few now do despite such hurdles. Yet, in the face of so many obstacles, all too few systems attempt to or know how to wage a battle geared to effectively overcome them. And in too many systems, there are aspects of that system (which are themselves an important contributor to the problem) such as remoteness of its administration from its constituencies; patronizing attitudes; inexperienced, unimaginative, and inappropriately trained teachers.

In this chapter, we shall discuss the indicators of the extent to which the system itself has a responsibility for the general lack of success in urban education. Although it is impossible to isolate the effects upon the system of all the obstacles facing urban education today, this chapter will: (1) identify those obstacles extrinsic to the system beyond those of finance (Chapter II) and environment (Chapter III), such as the in- and out-migration patterns; (2) proceed to identify those areas in which the system itself is failing in full or partial degree, such as in the accuracy and sensitivity of its perceptions of the students; and (3) discuss those indicators of the system's lack of suc-

cess as manifested in the perceptions and expressions of its constituents, i.e., the students, the teachers, and the community. Accordingly, the chapter is organized into three major sections, followed by a summary.

It should be noted that this presentation is not just intended to blame urban education systems, but rather to analyze those indicators of a failure for which the system has considerable responsibility. We recognize that as difficulties in school systems have been given wider and wider coverage, targets of blame become fashionable for a period of time which are to some extent discarded only when a new target undergoes scrutiny. In recent years, such targets are many. Initially, the family of the child—or the child himself—was charged with his lack of achievement. The second target was the superintendent, followed by the school board, the principal, and the teacher. As such overly simplified attacks have been made, little attention has been given to the conflicting Federal, State, and local laws and the discrepancies between authorizations and appropriations which serve as the backdrop against which school people must work out their programs—and their frustrations. With a backdrop of these obstacles in mind, this chapter will analyze the role of the system in an attempt to document those failures which are specifically its own responsibility.¹⁰

Obstacles faced by urban education systems

The movement of high tax-paying business and salaried professional populations out of the cities, compounded by the entrance of large numbers of disadvantaged, have, as we have noted in Chapter 2, caused significant economic problems for the cities and for the education systems of the cities. This section will define and document the extent of this in- and out-migration and discuss the impact of such migration on areas of vital concern to the education system, particularly those of facilities and personnel.

Extent of In- and Out-Migration

As racial and ethnic minorities flow into the cities, their numbers, their poverty, their social isolation, their lack of education, and their needs and problems which are dissimilar to their predecessors, are of direct concern to the educational system. While the system has been able to count their numbers and to measure the indicators of their poverty, social isolation and lack of education, it has, in many cases failed to respond to—or even to recognize—their needs and problems. The impact and extent of the migration is as follows:

Numbers.—During the post-World War II period, millions of blacks left the rural South to seek better conditions in urban centers. The greatest Southern exodus occurred during the 1940's and 1950's, but even in 1968 the average annual non-white migration from the South was 80,000 (See Table 1). As shown in Table 2, in 1960, Negroes comprised 11 percent of the population of all metropolitan areas and in 1968, 12 percent. In the inner city, the concentration is greater in density. Today, blacks comprise about 20 percent of the total inner city population as compared with 12 percent in 1950. In cities with 1,000,000 or more inhabitants, blacks make up an inner city population today of 26 percent as compared to 13 percent in 1950. From 1960 to 1965, the Negro population in the central cities was up by 2,100,000 and the white population was down by 270,000. In the suburbs the figures are strikingly different. From 1960 to 1965, the suburban Negro population increased by 400,000 while the white population increased by 7,000,000 (*U.S. News and World Report*, 3/19/67, p. 61). The Spanish-speaking population has also become urbanized. Representing approximately 5 percent of the general population, 82 percent of the Spanish-speaking population resides in an urban environment (Moore & Mittelbach, 1968, pp. vi-vii).

TABLE 1.—NEGRO POPULATION AND ESTIMATED NET OUTMIGRATION OF NONWHITES FROM THE SOUTH,¹ 1940-68
[In thousands]

	1940	1950	1960	1965	1968
Negro population in the South.....	9,905	10,222	11,312	*11,233	*11,573
	1940-50	1950-60	1960-65	1965-68	
Nonwhite, average annual net outmigration from the South.....	195.7	145.7	94.6	80.3	

¹ The South includes the States of the Old Confederacy as well as Delaware, the District of Columbia, Kentucky, Maryland, Oklahoma, and West Virginia.

* Excludes Armed Forces living in barracks.

Source: U.S. Department of Commerce, Bureau of the Census, Recent Trends in Social and Economic Conditions of Negroes in the United States, July 1968, p. 2.

TABLE 2.—POPULATION CHANGE BY LOCATION, INSIDE AND OUTSIDE METROPOLITAN AREAS, 1950-68

(Numbers in millions)

	Total population						Population change 1950-68					
	Negro			White			Negro			White		
	1960	1966	1968	1960	1966	1968	1950-60	1960-66	1966-68	1950-60	1960-66	1966-68
United States.....	18.8	21.5	21.9	158.1	170.9	173.7	+3.8	+2.6	+ .4	+23.7	+12.8	+2.8
Metropolitan areas.....	12.2	14.8	15.0	99.2	109.3	110.7	+3.8	+2.6	+ .2	+19.3	+10.2	+1.3
Central areas.....	9.7	12.1	11.8	47.5	46.6	45.8	+3.2	+2.4	- .2	+2.2	- .8	- .8
Suburbs ¹	2.5	2.7	3.2	51.7	62.7	64.9	+ .6	+ .2	+ .4	+17.2	+11.0	+2.2
smaller cities, towns and rural.....	6.7	6.7	7.0	58.9	61.6	63.0	(²)	(²)	+ .2	+4.3	+2.7	+1.5

¹ Comprises the part of metropolitan area outside central cities.
² Less than 50,000.

Source: U.S. Department of Commerce, Bureau of the Census, "Recent Trends in Social and Economic Conditions of Negroes in the United States," July 1968, p. 4.

In the inner city, the non-whites who are moving in and those who are already there are younger and have a higher birth rate than those whites remaining. In 1960, 35 percent of the black population was under 18 years of age and 65 percent was over 18 years of age. In 1967, 44.7 percent was under 18; and 55.3 percent was over 18 years of age.

The number of non-white teenagers has increased over 50 percent from 1960 to 1966. This figure is almost double the national teenage growth rate. Non-whites under 14 years of age increased at an average annual rate three times that of white children. Ninety-five percent of this increase is in the inner cities (Louria & Stokes, 1968, p. 1) where schools are now confronted with the urgent problems of low reading and arithmetic achievement and poor social interaction.

Poverty.—As shown in Chapter 2, "Financial Crisis," more families with incomes under \$3,000 live in the city than in the suburbs—and the number is ever increasing. Chapter 3 provides further documentation.

Social isolation.—As the Commission on Civil Disorders cautioned, we are moving closer and closer "toward two societies; one black, one white—separate and unequal" (Kerner, et al. National Advisory Commission on Civil Disorders, 1969, p. 1). The poor, maleducated non-white remains in the city while the affluent white rushes to the suburbs. The black and Spanish-speaking groups comprise a far higher percent of the inner cities' population than they do of the country's total population. In the public schools of such cities, the pupil enrollment is largely black and Spanish-speaking while the non-public schools are largely white. At the same time the educational systems are attempting to deal with the *de facto* school segregation inherent in a residential segregated setting. Thirteen of the nation's 20 largest cities with populations in excess of 500,000 approach the Tauber Index of 100, signifying total residential segregation (See Table 3). Unless there are some major governmental policy changes, these 20 cities, which account for approximately half of the

black population of the country, will be uniformly characterized by extreme residential, and therefore extreme *de facto* segregation. All evidence indicates that the trend is continuing, albeit slowing down.

The most recent data suggest that 70 percent of all black pupils attend schools that are composed of 90 to 100 percent black pupils. By 1975, probably 80 percent of all black students in the above 20 cities will be attending 90 to 100 percent black schools. Except for Washington, D.C., the cities showing the least segregation are located in the West. The rate of Negro in-migration, however, is likely soon to move West into the same orbit as the South and Northeast. What is more, Houston and Dallas are only now moving from *de jure* to *de facto* school segregation.²³

The lack of education.—While the inner city is becoming more non-white than white, it is also becoming increasingly less educated.

Footnotes at end of article.

TABLE 3.—POPULATION CHARACTERISTICS, MIGRATION, AND SEGREGATION PATTERNS IN 20 LARGE CITIES ¹

City	1960 SMSA population	1960 city population	1960 city nonwhite population	1960 city nonwhite percent	1964 estimate SMSA population	1960-64 estimate change in migration	1960 city residential segregation index ²	1950-60 change in segregation pattern	1960 suburban residential segregation index ²
New York.....	10,695,000	7,781,984	1,141,322	14.7	11,260,000	115,000	79.3	-8.0	77.5
Chicago.....	6,221,000	3,550,404	837,656	23.6	6,591,000	3,000	92.6	.5	88.7
Los Angeles.....	6,039,000	2,479,015	417,202	16.8	6,674,000	286,000	81.8	-2.8	83.7
Philadelphia.....	4,343,000	2,002,512	535,033	26.7	4,617,000	56,000	87.1	-1.9	82.0
Detroit.....	3,762,000	1,670,144	487,174	29.2	3,914,000	-80,000	84.5	-4.3	87.6
Baltimore.....	1,727,000	939,024	328,416	35.0	1,829,000	(³)	89.6	-1.7	80.9
Houston.....	1,418,000	938,219	217,672	23.2	1,640,000	108,000	93.7	2.7	.....
Cleveland.....	1,909,000	876,050	253,108	28.9	1,958,000	-51,000	91.3	-.2	.....
Washington.....	2,002,000	763,956	418,693	54.8	2,323,000	173,000	79.7	-.4	87.8
St. Louis.....	2,105,000	750,026	216,022	28.8	2,203,000	-24,000	90.5	-2.4	90.3
Milwaukee.....	1,233,000	741,324	65,752	8.9	1,262,000	-50,000	88.1	-3.5	.....
San Francisco.....	2,649,000	740,316	135,913	18.4	2,894,000	107,000	69.3	-10.5	79.7
Boston.....	2,595,000	697,197	68,493	9.8	3,177,000	-81,000	83.9	-2.6	65.5
Dallas.....	1,084,000	679,684	131,211	19.3	1,256,000	89,000	94.6	6.2	.....
New Orleans.....	907,000	627,525	234,931	37.4	1,001,000	32,000	86.3	1.4	.....
Pittsburgh.....	2,405,000	604,332	101,739	16.8	2,368,000	-132,000	84.6	.6	.....
San Antonio.....	716,000	587,718	43,221	7.4	787,000	8,000	90.1	1.8	.....
San Diego.....	1,033,000	573,224	44,712	7.8	1,131,000	19,000	81.3	-2.3	.....
Seattle.....	1,107,000	557,087	46,528	8.4	1,178,000	9,000	79.7	-3.6	.....
Buffalo.....	1,307,000	532,759	73,388	13.8	1,319,000	-54,000	86.5	-3.0	82.3

¹ This table was constructed for a paper prepared by Robert A. Dentler and James W. Elshery for the U.S. Commission on Civil Rights, November 1967.

² Adapted from the Tauber's Racial Segregation Index, Negroes in Cities, tables 1 and 12, pp 32-33, 59.

³ Where more than 1 suburb is clustered about a city an average segregation index is calculated.

⁴ Less than 500 or 0.05.

The inner city's Negro median number of years of completed schooling was 9 in 1967, compared to 12.1 for whites (Census, 1968, Table 158).³⁴

Impact of In- and Out-Migration on the System.—As a result of the above factors, schools are facing a near paralysis in both dealing with the sheer numbers and in attempting to integrate the isolated groups. With the 40 percent non-white population, the higher non-white birthrate, and with many whites sending their children to parochial and private schools, the majority of students in the public schools would necessarily become increasingly non-white—thus creating additional problems in efforts to integrate. The growing population has only increased the inadequacy of school facilities. It has made the existing teacher shortage more acute. The following two sections will discuss these obstacles faced by overpopulated urban school systems.

Increased Inadequacy of Facilities

The Kerner Commission (1968) pointed out that because of the rapid expansion of the Negro population which "has been concentrated in segregated neighborhoods, ghetto schools have experienced acute overcrowding. Shortages of textbooks and supplies have developed. Double shifts are common; hallways and other non-classroom space have been adapted for class instruction, and mobile classroom units are used. Even programs for passive construction of new schools in Negro neighborhoods cannot always keep up with increased overcrowding." (Kerner, et al. National Advisory Commission on Civil Disorders, 1968, p. 432).

Difficulties with facilities result not only from increased population but are also combined with the age of such facilities. This combination presents a bleak picture in the inner cities when compared to the suburbs. Core schools generally have more impoverished or makeshift instruction rooms per building than do fringe schools. A greater percentage of core students than suburban students attend school buildings which are older and larger, with more students in the school, more students per teacher, and more students per room. For instance, in the Northeast, 43 percent of the elementary core schools are over 40 years old, while in the fringe schools, only 18 percent are over age 40. Figures are comparable for secondary schools. In secondary education, there are seven more students per classroom in the core than in the fringe in the Northeast. In the Midwest, there are 21 more students per classroom (Coleman, 1966, pp. 68, 69, 71). In addition, there are fewer librarians attending to the core schools with a centralized library, fewer volumes in the core school library, and fewer volumes per core school student (Coleman, 1966, p. 74). Further, there is definite advantage in the suburban schools in facilities for preparing hot meals and for providing health services (Coleman, 1966, p. 71).

Increased Personnel Problems³⁵

In its study of the problems and priorities of urban education, the Study Group on Urban Education of the Republican Coordinating Committee draws the following conclusion about the quality of teaching in our urban areas:

"The teacher is a fundamental and crucial link between the education system and the child. A child is under the influence of his

teacher for a continuous period of five hours or more per day, 180 days or more per year. . . . It is apparent that success or failure of an education system will depend most vitally upon the quality of teaching. Yet in urban areas today, because of numerous difficulties, the quality of teaching and the pupil-teacher relationship frequently do not meet the needs of the disadvantaged child." (Republican Coordinating Committee, Study Group on Urban Education as cited by the Center for Urban Education).

These difficulties become abundantly clear from the following data.

Teacher shortages.—Significant numbers of large city school systems reported that they were encountering extreme difficulty in filling teaching positions for 1968-69. The most frequently identified assignments these school systems report having extreme difficulty in filling and the number of unfilled positions in early August are shown in Table 4. Supporting these reports of shortages are the relatively large numbers of these school systems which report they have had to employ persons with substandard qualifications in these assignment areas for 1968-69: 21, industrial arts; 27, special education; 16, mathematics; 11, trade-industrial-vocational-technical courses; 17, regular instruction in elementary grades; 7 natural and physical science; and 6, women teachers of physical and health education.

It is interesting to note the relatively small number of teachers for the educationally disadvantaged cited in these figures. It would seem that the shortages referred to above are those in special programs for the disadvantaged, but the need for more qualified teachers for inner-city schools exists in virtually all of the shortage areas cited.

TABLE 4.—SURVEY OF DIFFICULT-TO-FILL POSITIONS IN LARGE SCHOOL SYSTEMS

ASSIGNMENT	Number of school systems reporting having extreme difficulty in filling position	Number of positions not filled in August in the large school systems
Industrial arts.....	45	244
Special education.....	32	867
Mathematics.....	27	382
Trade-industrial-vocational.....	20	89
School psychologists.....	15	91
Physical education (women).....	13	180
Remedial reading speech, etc.....	13	153
Librarians.....	11	124
Elementary, regular instruction.....	10	2,123
Natural and physical sciences.....	10	193
Instruction of educationally disadvantaged.....	10	148

Source: Center for Urban Education.

Looking to the staffing problems of the cities selected for study in connection with this report, it can be noted that in Washington, D.C. over the period of 1956-1968 pupil population increased from 145,961 to 146,719, a gain of 1.0 percent. During the same period the teacher population decreased from 6,391 to 5,958, a loss of 6.3 percent. The pupil teacher ratio was thus raised from 23 : 1 to

Footnotes at end of article.

25:1. A similar inverse relationship was observable in Los Angeles. Pupil population for the same period increased 2.8 percent while teacher population decreased by almost 1 percent. This change increased the pupil-teacher ratio from already high 29:1 to 30:1 (pupil-teacher ratio average for all schools in the United States is 23:1). Milwaukee showed a pupil population increase of 2.1 percent and a teacher population decrease of 1.9 percent, with a rise in pupil-teacher ratio from 26:1 to 27:1. While not displaying inverse pupil-teacher population development, the cities of Chicago and Philadelphia both reveal a significantly greater rate of increase in pupil population than teacher population growth could keep pace with. Pupil population in Chicago showed an increase of 4.1 percent and an increase in teacher population of only 2.7 percent. Philadelphia's pupil body expanded by 5.3 percent, compared to its teaching staff growth of 4.4 percent. Pupil-teacher ratio was then observed to increase in Chicago from 24.5:1 to 26.2:1 and in Philadelphia from 23.8:1 to 24.0:1.

High pupil-teacher ratio.—Taking pupil-teacher ratio as an index of instructional staff supply problems in urban areas, a fall 1968 survey revealed that eight of the twelve cities under study in this document exceeded the national average pupil-teacher ratio of 23.1 by as much as 5.1 more pupils per teacher. The range of excess was from .5 to 5.1 (See Table 5).

Lack of fully accredited teachers.—Among the many staffing difficulties experienced by big city school systems, the short supply of fully accredited or licensed teachers remains a vexing problem. This is clear from the following comparison. The total number of full time teachers with less than standard certificates in the United States reported in a fall 1968 survey was 108,000, this figure representing 5.6 percent of all employed full time teachers. At the same time, cities such as Chicago, Baltimore, and Washington, D.C. reported much higher percentages of classroom teachers with less than standard certificates, i.e., Chicago 33.9 percent, Baltimore 23.8 percent and Washington, D.C. 26.0 percent.

TABLE 5.—PUPIL-TEACHER RATIOS IN 8 LARGE CITIES

	Pupil-teacher ratio	No. of pupils over national average
City:		
Baltimore.....	23.6	0.5
Chicago.....	24.5	1.4
Cleveland.....	27.0	3.8
Houston.....	26.9	3.8
Los Angeles.....	26.5	3.4
Milwaukee.....	27.5	4.4
Philadelphia.....	24.7	1.6
St. Louis.....	28.2	5.1

Source: Center for Urban Education.

Comparison between cities and suburbs.—The straits of big cities regarding the supply of educational personnel is further illustrated by comparisons drawn between several of the cities under consideration and their surrounding suburbs and towns. Striking differences favoring the suburbs are evidenced regarding the supply of school nurses, school librarians, and school psychologists. For example, Washington, D.C. reveals a ratio of 1,377 pupils per school librarian, in sharp contrast to that of neighboring Arlington County, Virginia which presents a ratio of only 459 pupils per librarian. Similar contrasts are to be found when comparisons are

made between Baltimore and Baltimore County (2,317:1 and 787:1 respectively); Cleveland and Cleveland Heights (1,365:1 and 802:1 respectively); Philadelphia and Bristol Township (6,287:1 and 1,446:1 respectively); Milwaukee and Racine (10,508:1 and 1,432:1 respectively); San Francisco and Berkeley (1,958:1 and 750:1 respectively); Los Angeles and Long Beach (26,354:1 and 1,138:1 respectively). A comparison of some of the same cities and nearby suburbs regarding school nurses and school psychologists reveals yet another staffing disadvantage of big city school systems. In Washington, D.C., there is a ratio of 3,105 pupils per school nurse, while in Arlington County, Virginia, one finds a ratio of 1,540 per school nurse. Again, similar contrasts are to be found when comparisons are made between Philadelphia and Bristol Township (1,172:1 and 732:1 respectively); and between Chicago and Rockford (4,034:1 and 1,589:1 respectively). Likewise, in the matter of school psychologist, striking contrasts are found between Washington, D.C. and Arlington County, Virginia (6,346:1 and 3,273:1 respectively); and between San Francisco and Hayward (9,400:1 and 4,308:1 respectively).

Racial distribution of teaching staffs.—The problems of big city schools will not be completely solved if more minority group teachers and administrators are recruited and promoted, but unless they are, all other reforms seem hypocritical. Unless prejudice and racism are overcome, all other programs will fall short of their goals. Moreover, quite apart from moral exhortations, it is clear that minority group teachers represent an under-utilized manpower pool which might substantially contribute to the reduction of the shortage mentioned above. The results of generations of discriminatory hiring and promotion practices are revealed in one of the findings of the Coleman Report: "Compared to the teachers of the average white pupil, the teacher of the average Negro pupil is . . . much more likely to be Negro in every region." A 1963 study of Cleveland's East Side, for example, showed that 81 percent of the teachers assigned to nearly-all Negro schools were Negro, 91 percent of the teachers in majority-Negro schools were Negro, and 3 percent of the teachers in nearly-all white schools were Negro. That the process of changing these racial patterns is far from complete may be exemplified by illustrations from a number of school systems. In Los Angeles (Fall 1967), for example, where 21.4 percent of the pupils are black, only 6.1 percent of the administrators, 12.8 percent of the counselors, and 14.7 percent of the teachers are black. Even more striking, 20.3 percent of the pupils have Spanish surnames, but only 1.3 percent of the administrators and 3.0 percent of the teachers have Spanish surnames. In Chicago, where approximately 54 percent (1966) of the student body is black, 33.9 percent of the teaching staff is black and approximately 21.9 percent of the administrative supervisory staff and specially assigned teachers are black. The situation in New York City schools is even more acute. Only 6,000 (11 percent) of a 55,000 teaching force is black. The proportion of black administrators is even lower.

Teacher drop-out.—The perennial and increasing problem of staffing big city schools is aggravated by a phenomenon identified by B. Othanel Smith and his associates as the "Teacher Drop-out." And this attrition problem among new teachers and teachers

at all levels of experience seems greater in the inner-city regions of big cities. It has been noted for example that the rate of exit from Chicago inner-city schools is ten times that of less poverty-stricken areas. Citing Haubrich and others, Smith offers a useful summary of current information concerning the high rate of teacher exit from inner city schools.

In the borough of Manhattan, according to Haubrich, one third of the teachers appointed to positions do not accept their assignments. Moreover, in a study of teacher attitudes in 15 major American cities, it was reported that 17 percent of the teachers had been in their ghetto school for one year and 63 percent in their present position for five years or less. The proportion of teachers remaining after five years dropped off radically. At the same time, some 88 percent of the teachers indicated that they were satisfied with their positions. But the rate of dropouts from the ghetto schools would seem to indicate that the teachers tend to move on even though they may express satisfaction with the school in general.

The teachers in the above-mentioned study were least satisfied with the working conditions, their teaching loads, and the community. About 63 percent were satisfied with their working conditions and approximately 62 percent with their teaching loads. But only 58 percent expressed satisfaction with the community, with 48 percent of these being only somewhat satisfied. A large proportion of the teachers were satisfied with their colleagues, supervisors, the pupils, and with their salaries and the flexibility permitted them in the classroom. These findings seem to indicate that the dissatisfaction of within the school itself. Since teachers seem not to prefer neighborhoods where working conditions are unfavorable, young and inexperienced teachers, who must accept positions wherever they find them, are often located in the disadvantaged areas. With the highest rate of turnover among beginning teachers, it is not surprising that schools in deprived communities suffer a high rate of attrition among their teachers.

The Problems of the Education System in Perceiving Its Students

This section argues the inability, in many cases, of the system to cope with a pluralistic culture, and cites some of the reasons for the problems which many teachers have in perceiving their students as they are—and as they can be—and to respond to their needs.

Perhaps one of the most serious problems with many urban systems today is their lack of awareness of the effects of their own biases on their students. The racial and ethnic minorities, the urban immigrants of today, possess essentially the same general goals as those of the nationality immigrants of yesterday. Among these goals are the attainment of self-respect, personal safety, economic security, and acceptance in the mainstream without loss of individual self-identity. Despite the similarity in goals, today's minorities are separated from previous groups by more than years alone. The school systems which expected middle class performance from those earlier immigrants were fulfilled in their expectations for they were similar to those of the students.

The populations have changed; their strengths and weaknesses have changed; their problems have changed; their needs have changed; their values have changed.

Most systems have not. Many systems' unconscious biases and static expectations have limited its capacity to teach children who enter the schools without certain attributes held by previous constituencies of the system. Such attributes relate to being oriented to middle class values and expectations, being reading-ready, and having the structural orientation that facilitates sifting from subject matter to subject matter as dictated by *virté blocs* rather than by interest and substance. Because of the widespread use of systems' equating a student's capacity to meet their expectations with his possession of such middle class attributes, the concept of the self-fulfilling prophecy has all too often been demonstrated. "Children who are treated as if they are uneducable invariably become uneducable" (Clark, 1965, p. 128).

Studies indicate that a student entering the school doors has a significantly better chance if he is neither black nor nonwhite.² However, scattered throughout urban education systems are a growing number of activities which reflect efforts to overcome these biases—and, are, indeed, hopeful indicators. These efforts reflect a very considerable variety and scope. Among them are: decentralization and *de facto* community involvement in real decision-making; sensitivity training for school personnel; addition of courses in institutions of higher education on impoverished children and youth at the request of local educational systems; early childhood programs which are aimed at parents as well as their children; bilingual programs with emphasis on the cultural as well as the linguistic aspects of language; job training in the high schools; and the like.

The Problem of the Teacher in Perceiving His Students

The teacher's problem in perceiving his students when those students represent backgrounds and values different from his own has complex origins. In addition to personal difficulties on the part of the teacher to accept and respect differences, there is the education system's—and indeed society's—lack of interest in so doing. Until quite recently, society generally, and teacher education institutions specifically, have attached little status to working with disadvantaged. One of the rewards of education has been presented as increased status in the eyes of society for those who have successfully negotiated the educational system from the primary years through graduate school. For the teacher, this status comes as a result of successful achievement at an institution of teacher training. His continued status often rests on his "ability" to teach only those students who are already successfully negotiating the system.

Graduate schools of education, with very few exceptions, have sent their brightest interns to wealthy suburban areas as their "reward," further reinforcing the notion that "good teachers deserve to teach in the suburbs, while less capable teachers are left to teach in the city." Implicit in this pattern of assignments is the corollary that suburban schools are "good" while city schools are "bad." The trend has been that graduates and younger, brighter graduate students have started their careers in suburban systems. Moreover, the most effective experienced teachers have generally selected suburban teaching settings. Thus, the least experienced teachers have been relegated to

the cities, further reinforcing the view of the ghetto schools as inferior (Kerner, et al. National Advisory Commission on Civil Disorders, 1968, pp. 428-429).

The average Negro student is more likely than the suburban student to be taught by a teacher who: (1) scored slightly lower on a verbal examination voluntarily taken for the Coleman Report; and (2) attended a college which gives less than a regular teaching certificate (Coleman, et al., 1966, pp. 134, 137, 140).

"The schools attended by disadvantaged Negro children commonly are staffed by teachers with less experience and lower qualifications than those attended by middle-class whites. For example, a 1963 study ranking Chicago's public high schools by the socioeconomic status of surrounding neighborhoods found that in the ten lowest-ranking schools only 63.3 percent of all teachers were fully certified and the median level of all teaching experience was 3.9 years. In three of these schools the median level was one year. Four of these lowest ranking schools were 100 percent Negro enrollment and three were over 90 percent Negro. By contrast, eight of the ten highest ranking schools had nearly total white enrollments, and the other two were more than 75 percent white. In these schools, 90.3 percent of the teachers were fully certified and the median level of teaching experience was 12.3 years." (Kerner, et al., 1968, p. 428).

Thus, all too often those teachers who are either less successful in their own educations or who are least experienced face students with deep-seated differences, problems and needs which they little understand.

Where the teacher is far from his students in terms of their background and culture, and is conscious of his own lack of status as awarded by society for teaching the disadvantaged, the teacher is inclined to develop a set of defenses which distort his perceptions of his students. Such cultural pluralism compounded by the great size and density of population produces a growing schism based on mutual misperception and mistrust between many of the service professions, including teaching, and the urban impoverished groups. As sociologist, Dan Dodson was quoted:

"As schools now perform the status ordering, those who come out ahead have little sense of responsibility for those who are of less status. This is amply illustrated by the alienation which accompanies professional training. By the time a man is trained to be a doctor, he cannot treat the poor, except as they conform to his rituals. He has been tuned out of humanity's main wave lengths. By the time a man has become a lawyer, he has little concern with the poor, except to defend those with privilege against them. On the lower East Side, it was found that of 100 cases where people had been denied public welfare, 80 would have been eligible had they been represented with legal counsel. What strange value is this in American education which makes it impossible for those who are party to its blessings, to relate to the common stream of humanity? The doctors can't treat the poor. The lawyers can't serve them . . . the teachers can't teach them—they too have to be siphoned off into a special class. . . . Education has become a stairway to status rather than a gateway to service." (Dodson, 1969, p. 19).

In too many cases, teachers cannot descend this stairway to more clearly and humanely see their students. We are fortunate in that there are always some teachers who do, indeed, see education as a "gateway to service." Despite often inappropriate materials, overcrowded classrooms, inadequate special services, and little special equipment, these teachers somehow still manage to carry on a classroom learning program which is appropriate for and effective with their students. And such teachers stay enthusiastic about what they and their students are achieving. But such teachers are in short supply.

The Problems With the System as a Perception of Its Students, Its Faculty, Its Community

Apart from and transcending that which can be measured, the system has major problems if its constituency thinks it is failing. To what extent and with what intensity that constituency believes the system has failed is impossible to measure with full accuracy, but there are certain indices by which the manifestations of that belief may be measured and, as a result, validated.

This section reinforces the student's perception of the system's failure through the documentation of achievement levels, drop-out rates, and instances of violence; the teacher's perception as articulated through strikes, disagreements, and a growing body of dissent literature; the community's perception as expressed by the defeat of bond issues, general lack of support and confidence, and a growing trend toward decentralization and separatism.

The System as Perceived by the Student

For the student, his belief that the system has failed is manifested by his lack of opportunity to achieve success within its framework by this judgment that something outside the system holds more relevance for him than anything within, or by his hostility toward it. The validity of these attitudes may be documented through the indices of student achievement, drop-out rates, and acts of vandalism or other forms of hostility toward the system.

Academic achievement of the inner-city student.—The system has failed—not only in the eyes of the student, but in fact—to provide the inner city student with the necessary level of achievement in academic skills. It has failed the disadvantaged student and the student of a racial or ethnic minority. In a detailed examination of urban education led by Congressman Alphonzo Bell and released by ten other members of the House of Representatives, one conclusion was:

"Each student in America should be given the opportunity to acquire the basic tools of speech, writing, reading, and math, without which he can neither learn further nor compete effectively. The core city youth, especially the ghetto Negro is not now acquiring these skills and we believe that urban education is inadequate to provide him the opportunity to acquire them." (*Congressional Record*, 8/19/68).

The evidence backs up such a conclusion. It is true, as mentioned above, that a student entering school has a significantly better chance if he is neither black nor non-white to achieve success in academic terms. Achievement scores on standardized examinations demonstrate conclusively that me-

ropolitan Negro students score consistently lower than metropolitan white students—at every grade level and in relation to all basic skills. Data from the Coleman Report show for example, that in the Northeast the average score student in grades one through twelve scores 8 points less on a nonverbal exam, 9 points less on a verbal exam, 8 points less on a reading exam and 10 points less on a math exam (Coleman, 1966, pp. 252, 253, 256).

Not only are such scores lower, but the gap seems to accelerate over a period of time. The urban Negro student tends to fall further behind his white counterpart as they complete successive grades in school. The average Negro core student in the Northeast is 5.2 grade levels behind his white suburban counterpart in math by the twelfth grade, 2.0 grade levels behind in reading, and 3.3 grade levels behind in verbal ability. Figures are similar in the Midwest and worse in the far West (Coleman, 1966, pp. 274, 275).

Table 6 (not printed in RECORD) was compiled by the Center for Urban Education from data gathered from an intensive analysis of over 200 studies on the subject of academic progress. It dramatically describes the progress for black and disadvantaged children following almost identical patterns, in contrast with normal progress. These children score slightly below their more advantaged counterparts when first tested in either grades one or two, and thereafter progress at steady rates which are lower than normal. The gap increases as the child proceeds through school until at the end of the ninth grade, he is generally two and a half years behind. Summarizing these conclusions in numerical terms, the figures on Table 7 represent the mean percent of normal expectation actually achieved at the appropriate grade level. For the disadvantaged group, the mean proportion drops from a high of

80.1 percent in the second grade to a low of 68.0 percent by the end of the eighth grade. For the black group, the mean starts at 94.7 percent and then remains in the area of the low 70's. These data might lead one to the spurious conclusion that minority and disadvantaged groups begin school with lower intelligence and/or academic capabilities and that their abilities diminish over time. In many cases, school programs manifest content which reinforces such a conclusion. What these data really point out is that the complex of disadvantages during pre-school years serve as obstacles to the student's early learning which his more advantaged counterpart does not face. For the Spanish-speaking student, these obstacles are compounded. Not only does he contend with the problems of poverty but he must also contend with a language barrier as well. As the student progresses through school, he continues to face those environmental obstacles (described in Chapter III). But now he meets an educational program which is worlds apart from that environment, generally indifferent to the growing toll which that environment exacts of him, and geared neither to capitalize on his strengths nor respond to his needs.

TABLE 7.—MEAN PROPORTION OF ACHIEVEMENT

Grade	Disadvantaged	Black
1.....		94.7
2.....	80.1	84.5
3.....	75.9	78.6
4.....	72.5	71.0
5.....	76.0	69.7
6.....	74.6	73.5
7.....	68.2	
8.....	68.0	71.8

Source: Fox, memorandum No. 1, The Center for Urban Education, pp. 21, 23.

TABLE 8.—STATUS IN RELATIONSHIP TO NORMS BY GRADE VARIABLE AND CITY, 1967-69 READING AND ARITHMETIC¹

Grade	Variable	Detroit, September 1969		Los Angeles		Milwaukee, September, October 1967	Philadelphia, April, May 1968	St. Louis, April, May 1968	New York April 1968
			January 1968		May 1968				
2	Reading.....		-.8		-.6		-.6		(?)
	Arithmetic: concepts.....						-.4		
3	Reading.....		-.9		-.7		-.6		
	Arithmetic.....						-.5		
4	Reading.....	-.9				-.5	-.1		
	Arithmetic.....	-.6				-.3	-.1		(?)
5	Reading.....						-.2		
	Arithmetic.....						-.1		
6	Reading.....					-.6	-.2		-.8
	Arithmetic.....					-.6	-.1		
7	Reading.....						-.1		
	Arithmetic.....						-.5		-.4
8	Reading.....	-.12				-.6	-.14	-.10	
	Arithmetic.....	-.15				-.8	-.17	-.10	

¹ Where a vocabulary and reading comprehension score were both available, the reading comprehension score was used here. Similarly arithmetic concepts was used when it and arithmetic problem solving were both available.

² At norm.

Source: Fox memorandum No. 1 "The Center for Urban Education" p. 8.

Visits by staff of the Center for Urban Education to major cities revealed that in each city and in each grade for which data were available, there was city-wide retardation in achievement. Table 8 indicates the steadily worsening achievement levels of city students.

A telephone survey by OE staff to superintendents of several large cities and their suburbs indicated a reading level gap between city and suburban students of ap-

proximately two years at the sixth grade level. Results of this survey are partially indicated in Table 9.

We can only conclude from these data that the core city youngster has little basis on which to count on the education system with its present programs and levels of funding to provide him with the opportunity to achieve academically. The cycle of expectation of failure is a difficult one to break. As teachers expect low academic achievement

from minority and disadvantaged students, they provide programs that are notably lacking in motivational techniques and substance that are the key elements in programs more often presented to the more advantaged students with high success expectations. As programs have been analyzed a progression of various concerns and debunking of various methods have been expressed, just as pointed out in this chapter's introduction, various people and institutions have been blamed. Teacher expectation is by no means the only problem. Over a period of time, the catalog of "what is wrong in urban education" has included earlier starting dates for children cultural enrichment, more urban and relevant materials, more minority group role models, ego-identification, individualism of instruction, parent involvement, the right to read, and so on. Yet, tragically coupled with all else that is wrong, teachers' expectations of failure, are, as anticipated, met by the students. And more dangerously, they begin to project the system's failures onto themselves and cease to hold their own capabilities in high regard. With little faith in their own abilities and in the system's ability to convey an opportunity for success, school becomes a meaningless use of their time. Possibilities of

earning money, or simply doing nothing, become more attractive to them.

TABLE 9.—AVERAGE READING ACHIEVEMENT GRADE LEVELS OF STUDENTS IN THE 6th GRADE

	Reading achievement level	Difference
Detroit.....	5.1	
Grosse Point, Mich.....	8.0	2.9
Atlanta.....	4.3	
Fulton County, Ga.....	6.9	2.6
New York.....	5.0	
Scarsdale, N.Y.....	7.5	2.5
Cleveland, Ohio.....	5.4	
Shaker Heights, Ohio.....	7.8	2.4
Los Angeles.....	5.0	
Beverly Hills, Calif.....	7.0	2
Philadelphia.....	5.6	
Lower Merion, Pa.....	7.5	1.9
Newark, N.J.....	6.2	
Tenafly, N.J.....	7.3	1.1

Source: Data received over the phone by members of Urban Education Task Force from selected school districts using 1969 achievement data.

Drop-out rates.—Students whom the system has failed reject that system in disturbingly high numbers. Urban school systems fail to hold approximately one in four of their students through the full term of high

school. The rate increases with the size of the city.

Both percentages and/or actual numbers of dropouts have been on the rise during the past decade. Table 10 indicates that during the period from 1960 through 1963, twelve major cities experienced an average student loss of approximately 30 percent, or 74,249 dropouts.

Warnings of the educational system's limited holding power went unheeded during the early years of this decade. As the years passed, the dropout rate became larger. For example, in 1963, Los Angeles had a total dropout figure of 7,402; but in 1967 that figure had risen to 12,086. The percentage of 22.83 percent in 1963 had risen to 27.00 percent in 1967. In 1968 the dropout percentage was the same as in 1967 but the number of dropouts had risen to 12,137. Within one year from 1963 to 1964 the Milwaukee dropout rate increased from the tabulated 26.19 to 27.6 percent.²⁷

In 1965, former President Johnson told Congress: "In our fifteen largest cities, 60 percent of the tenth grade students from poverty neighborhoods 'drop out before finishing high school' (*State of the Union Message*, 1965). Since roughly 10 percent never get to the tenth grade, the proportion

TABLE 10—LOSS IN NUMBER OF PUPILS, BY GRADES, FROM GRADE 10 THROUGH HIGH SCHOOL GRADUATION (SEPTEMBER 1960 THROUGH JUNE 1963)

Cities	Loss in number of pupils by grades			Total loss, grades 10 to 12	Percent not graduating from reporting systems	Cities	Loss in number of pupils by grades			Total loss, grades 10 to 12	Percent not graduating from reporting systems
	Grade 10, 1960-61	Grade 11, 1961-62	Grade 12, 1962-63				Grade 10, 1960-61	Grade 11, 1961-62	Grade 12, 1962-63		
New York, N.Y.....	8,843	15,281	5,125	29,249	37.05	Houston, Tex.....	1,337	855	+268	1,924	21.39
Chicago, Ill.....	4,345	3,532	858	8,735	33.95	Cleveland, Ohio.....	1,349	783	24	2,162	31.37
Los Angeles, Calif.....	3,275	3,423	704	7,402	22.83	Washington, D.C.....	779	679	4	1,462	29.61
Philadelphia, Pa.....	4,255	4,219	+54	8,402	46.60	St. Louis, Mo.....	945	108	67	1,120	24.70
Detroit, Mich.....	4,138	2,008	480	6,626	37.84	Milwaukee, Wis.....	387	940	330	1,657	26.19
Baltimore, Md.....	1,494	1,248	733	3,475	34.98	San Francisco, Calif.....	910	1,003	122	2,035	33.15

Source: "A study of the holding power rates of school systems in 128 large cities, population over 90,000, based on the graduating classes of 1960-63, inclusive," by Daniel Schrieber project;

School Dropouts National Education Association, 1201 16th St. NW., Washington, D.C. App. A, table A, p. 56.

is even larger. In 1967 approximately 65 percent of all black and Puerto Rican New York City students left school before graduation (*Carnegie Quarterly*, Fall 1968, p. 1).

Among Mexican Americans, the problem during the earlier years is even more acute. According to the Texas Education Agency, as many as 60 percent of the approximately 100,000 non-English speaking first graders entering the system each year will have dropped out of school permanently before elementary school graduation (Stemmler, 1968, p. 43).

The educational system's ability to hold students showed a continued slackening grip by 1968. Daniel Schreiber, in June of that year, published an article in *American Education* in which he indicated that the year 1967 had witnessed a total of 734,000 dropouts, 580,000 of whom were white with the remaining 154,000 nonwhite (Schreiber, 6/1968, p. 6). The rate of drop-out among minority students compared to that of white students is startling. Negro students in the metropolitan North and West are more than three times as likely as whites to drop out of school by ages 16 and 17 (*One year Later* 1969, p. 29). An average of 48 percent of the non-white population over 25 lacks a high school diploma as opposed to 27.6 percent of whites (*Digest of Educational Statistics*). A higher percentage of the black population, as compared to the white, may be dropping out of school but the figures clearly indicate that there is much dissatisfaction with the existing school system on the part of both white and nonwhite American youth.

Work-study programs, street academies, storefront schools, public and private manpower training programs, Upward Bound, and the Job Corps are all involved in working with dropouts and potential dropouts. These programs are promising evidence of the effort to salvage the wastage of our youth. But, as the above figures show, these efforts are far from accomplishing the salvage job on the scale that is needed.

Growth of hostility toward the system.—That the student is perceiving the education system with increasing hostility is being demonstrated all too painfully. The drop-out, who, as we saw in ever increasing numbers in the preceding section, does not merely re-association with the educational system. The National Commission on Civil Disorders showed a significant and prophetic relationship between education and rioting. In its survey of riot cities, it became evident that the typical riot participant was a high school dropout. Conversely, "the counter-rioters were clearly the best educated. . . . Apparently high levels of education and income not only prevented rioting but are more likely to lead active, responsible opposition to rioting. . . ." (Kerner, et al., 1968, p. 132).

"Drop-out-ism" and rioting are two of many expressions of today's students' hostility toward society in general and toward the education system in particular. Violence directed at the school and its symbols is being exhibited at a cost that far exceeds the monetary damage. And violence may be viewed in varying degrees of intensity which grow from vandalism against property to assault and even murder of individuals associated with the system. Students who begin their overt resentment of the system through vandalism against school property may be telling us that the system will not listen to them when they speak softly and peacefully. As Bruno Bettelheim has pointed out:

"Violence is, of course, a short cut toward gaining an objective. . . . Whether or not it

will be used or avoided depends entirely on what alternative solutions are known to a person facing a problem." (Bettelheim, 1966, p. 72).

Perhaps the most serious aspect of vandalism is the set of messages it conveys—that many students look upon the school as alien territory, hostile to their ambitions and hopes—that the education which the system is attempting to provide lacks meaningfulness, and that they feel no pride in the edifices in which they spend most of their days.

The usual reaction of the school system and of the general public to acts of vandalism has been one of anger, not only because of the damage caused and the hostilities expressed, but because of the seeming senselessness of the acts. However, studies of youth violence have indicated—without absolving the perpetrators of responsibility for their acts—that vandalism is not as pointless or aimless as it appears.

John M. Martin of Fordham University has said that every incident of vandalism is "both meaningful to the participants and understandable in terms of the situation in which it occurs" (*New York Times*, July 14, 1969, p. 37). Stanley Cohen of the University of Durham, England, confirms Martin's earlier findings.

"The usual terms used to describe various forms of vandalism obscure and discredit what may be the real explanations: If a boy breaks into his school and smashes up the classrooms because he has a grievance against the teachers, it is no help to call his behavior 'wanton' and 'pointless.' . . . Most research into school vandalism indicates, in fact, that there is something wrong with the school that is damaged. *The highest rates of school vandalism tend to occur in schools with obsolete facilities and equipment, low staff morale and high dissatisfaction and boredom among the pupils.*" (Cohen, November 11, 1968, pp. 497-500.)

The lesson of these studies is that though the public and the system may be justifiably angry at the destructiveness and maliciousness of acts of vandalism, they "hide their heads in the sand" if they dismiss the acts as being senseless, pointless, or aimless. Cohen's research reveals that the schools are seen as deficient, frustrating, hopeless places by the vandals.

Systems generally are failing to heed this message. By so doing, they face two inevitable effects: (1) rising financial losses; and (2) increased frustration levels among students which lead to more serious forms of violence. These effects are discussed below.

(1) The financial burden the system must bear through vandalism is overwhelming. It is estimated that the public school systems in the Nation's 193 largest urban areas have suffered at least \$70 million from school vandalism each year since 1960, and costs have increased at a faster rate as the frequency of vandalic acts has multiplied.

In the 1967-68 school year, New York City public schools recorded \$2,716,757 in damages. Costs in Chicago in 1968 reached \$922,542, not including \$800,000 for broken glass replacement. In the same year, the costs of school vandalism per pupil reached a high of \$6.84 per pupil in Tampa, and a mean for the Nation's twelve largest school systems exceeded \$1.50 per pupil. Table 11, on the following three pages conveys a devastating message

(2) The systems' response to the message left by the vandals only serves to cause further frustration among students, which is expressed by more serious forms of violence. School administrators express their growing alarm at the rising tide of damage to school property by installing expensive electronic detection devices, changing building design, employing armed guards accompanied by dogs, training themselves in police methods, and even by flying helicopters at low alti-

tudes with powerful searchlights each night—in short doing those things which will further reduce pupil, parent and teacher morale, and further destroy any feelings of mutual respect and openness so essential to good learning.

Following simple vandalism directed at school property, there develops a frightening shift toward assault on people who are seen as extensions of the system.

Acts of vandalism are a reflection of stu-

dent and community attitude towards the schools of the major cities in the Nation. Data that more reliably permit us to view student attitude towards the schools and their teaching personnel are the figures related to cases of violence committed by students upon school personnel. In Philadelphia, for example, there was a 500 percent increase in the number of reported assaults on or threats to school personnel in the period 1962-63 to 1967-68.

TABLE 11.—VANDALISM BY TYPE, NUMBER AND COST FOR SELECTED GREAT CITIES, 1966-67

City school system	Types of offenses										Cost per number of offense
	Total		Windows		Larceny		Arson		Miscellaneous vandalism		
	Number	Cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost	
New York City.....	207,775	\$1,952,795	205,218	\$1,026,900	2,358	\$787,301	199	\$139,404	(1)	(1)	\$9.39
Los Angeles.....	3,515	555,491	2,000	19,793	274	373,270	41	116,147	1,200	\$46,281	158.03
Detroit.....	2,123	515,319	666	249,296	1,434	183,000	23	83,023	(1)	(1)	242.73
Cincinnati.....	7,195	444,500	4,535	123,125	824	106,096	130	115,316	1,706	104,963	62.47
Baltimore.....	67,176	267,458	66,632	191,345	477	47,897	19	19,863	48	8,353	3.98
Newark.....	29,384	251,459	28,690	69,926	489	29,368	40	125,894	165	26,171	8.55
Washington, D.C.....	36,748	251,123	36,525	180,202	223	70,921	(1)	(1)	(1)	(1)	6.83
Philadelphia.....	110,125	250,000	109,500	250,000	369	(1)	80	(1)	176	(1)	2.27
Cincinnati.....	9,639	226,757	9,307	72,408	166	9,123	(1)	(1)	166	145,226	26.25
Milwaukee.....	2,056	215,063	1,531	98,738	244	69,253	28	6,676	253	40,396	104.85
Boston.....	1,135	213,700	840	128,000	153	58,600	38	18,800	104	8,300	188.28
Kansas City, Mo.....	11,075	114,672	10,860	74,866	71	31,151	(1)	(1)	144	8,655	10.35
Memphis.....	9,563	101,897	9,220	64,497	(1)	21,500	(1)	(1)	343	15,900	10.65
Minneapolis.....	389	67,220	300	76,200	42	720	3	7,200	44	3,100	224.22
St. Paul.....	4,366	73,675	4,154	43,248	166	23,945	6	100	40	1,382	16.87
Pittsburgh.....	7,544	72,398	7,125	47,780	126	6,154	(1)	(1)	293	18,464	9.60
Tampa.....	6,575	62,297	5,955	17,793	425	40,483	(1)	(1)	195	9,021	10.23
Tulsa.....	1,768	65,000	1,560	23,400	208	41,600	(1)	(1)	(1)	(1)	36.76
Wichita.....	2,059	55,430	(1)	41,492	(1)	10,770	(1)	(1)	(1)	3,168	27.92
Oakland.....	1,112	54,344	465	9,292	165	11,160	135	26,973	347	6,919	48.87
Syracuse.....	3,500	48,871	3,500	48,871	(1)	(1)	(1)	(1)	(1)	(1)	13.96
Dayton.....	265	45,461	195	34,101	65	7,360	5	4,000	(1)	(1)	171.55
Jefferson County.....	806	42,823	714	12,846	67	24,671	-----	-----	25	5,288	53.13
Corpus Christi.....	(1)	40,778	(1)	12,599	(1)	8,924	(1)	11,887	(1)	7,368	(1)
Portland.....	2,285	40,764	1,000	18,662	290	14,296	37	486	958	7,320	17.83
Richmond.....	154	40,414	(1)	27,188	76	2,843	1	8,875	77	1,508	262.43
San Antonio.....	(1)	40,000	(1)	26,000	(1)	(1)	(1)	(1)	(1)	14,000	(1)
New Orleans.....	2,837	36,986	2,272	12,000	235	24,886	3	100	327	(1)	13.03
Louisville.....	333	33,254	333	26,560	(1)	(1)	(1)	(1)	(1)	6,694	99.86
Denver.....	9,182	29,189	8,964	18,371	218	10,818	NR	(1)	(1)	(1)	3.17
Norfolk.....	1,592	25,490	1,365	8,191	155	10,500	-----	-----	72	6,799	16.01
Birmingham.....	92	20,944	(1)	(1)	91	15,994	1	5,000	(1)	(1)	228.19
El Paso.....	181	14,304	79	(1)	63	7,242	2	994	37	6,064	79.02
Beaumont.....	515	5,500	400	2,000	80	300	-----	-----	35	3,200	10.68
St. Louis.....	1,108	(1)	1,108	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Indianapolis.....	1,100	(1)	1,100	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)

1 Not reported.

Source: Vandalism Study of Selected Great Cities for 1966-67, prepared by Baltimore City

Public Schools, Division of Research and Development, Bureau of Records and Statistics, June 1968.

Table 12 includes only reported incidents. The number of actual incidents is probably higher than reported. Other cities have reported similar incidents which are related to student-teacher interaction rather than to black-white tensions, inflamed by activist movements. The assaults upon teachers has sharply risen within the last two years. In Chicago, for instance, the assaults upon teachers during the first six months of the September 1968 term were up to 30 percent over the same period in 1967. The plight of East St. Louis where three out of four of the city's 900 teachers are carrying guns is indeed a frightening one.

The move from attacks on school property to attacks on school personnel was slow in coming. This is partially because in the beginning there was no support in the home for an attack upon the school system in any overt manner. In part the slowness was due to the student realizing that he was attacking an authority figure who represented his parent. In the beginning, the child sees the teacher as the agent of the parent, a parent surrogate. Psychologically, to attack such a figure was to attack not just authority but one's parent.

TABLE 12.—ASSAULTS ON OR THREATS TO SCHOOL PERSONNEL IN THE PHILADELPHIA SCHOOL SYSTEM

	Number reported		
	Total	Assaults	Threats
School year:			
1967 to 1968	121	107	14
1966 to 1967	107	104	3
1965 to 1966	109	92	17
1964 to 1965	68	47	21
1963 to 1964	62	48	14
1962 to 1963	20	16	14

Source: The School District of Philadelphia, Office of Research, analysis of incidents reported by the Philadelphia senior high schools, 1962-3 through October 1968, p. 3.

However, the attack did in fact come against the school's personnel. The system was perceived as the child's enemy, especially the black child's. The black child had now reached the stage where he was attacking the values of his own previous generation, the values of his own parents as well as the white society surrounding him. The attack on the parent made it possible to attack physically the agent of the parent. The black youth began to attack the existing black leadership as being emasculated by white school systems and centuries of oppression. The youth-oriented and youth led SNCC attacked the established adult civil rights groups such as the NAACP and the Urban League. Others began attacking the term "Negro" as no longer appropriate, since it was given to blacks by the white man. Black youth looked upon their fathers as failures as guides in the struggle for emancipation (Feuer, 1969, pp. 394-396).

But more was happening to the youths of the cities. As indicated previously, there was also a growing frustration, hostility and repressiveness on the part of adults due to increased awareness of the second class status of the black man. This sense of hostility towards the system was felt by the non-white child. His growing dissatisfaction with the educational system moved from dropping out of school and mischievous vandalism to destruction of the buildings, and finally to the

attack upon the person, the ultimate confrontation with the system. In his own eyes he now could believe that his action would have the sanction of parental authority. Another factor that made this combination of tangible and psychological factors result in violent outburst at the educational system and those who run it was the system's inability to teach the non-white children whose numbers were constantly growing. Along with the growing number comes growing sense of power.

Although the civil rights movement has roots prior to 1964, it is in the mid 1960's that its major impetus is most noted. The public school student did not move into action as fast as the civil rights movement. His dissatisfaction with the educational system initially took the form already documented. It was not until the last two years that significant change occurred. Its delay was due to the fact that the child's mind is not a *tabula rasa*: The non-white child was a product of the previous generation and had been socialized in the home and elementary school to perform and respond in adult-determined ways and to accept the ways of the school as correct. He had to overthrow these internalized values he held concerning the educational system. He had to modify, if not eliminate, certain beliefs that he would be allowed to achieve equally, according to his ability with his white peer. He had to convey these new realizations. Too, often he conveyed them violently. But he had a message.

If vandalism was a matter of a few isolated incidents, the message could be set down as the voice of a few disgruntled misfits. But it is occurring on a massive scale everywhere in the Nation and in the large urban school systems in particular. The message is inescapable—it is a large vote of no confidence in the schools by a growing number of pupils.

The System's Problems as Perceived By Its Faculty

On Wednesday, September 3, 1969, *The Education Daily* (Vol. 2, No. 165) reported that about 75,000 teachers in at least 13 states were involved in disputes with their school systems. Cited specifically were:

Los Angeles, where 30,000 teachers are demanding a 14 percent increase in starting pay, and where 1,000 teaching slots are unfilled as the season starts.

New York, where 70 locals were without contract including 10,000 teachers in districts where the situation was critical.

Michigan, where 170 local education associations with 31,000 teachers were not under contract.

Tennessee, Indiana, New Hampshire, Ohio, Pennsylvania, Utah, and Wisconsin, where teachers' strikes were in effect.

The problems which the system faces in the area of personnel are discussed in detail earlier in the chapter. What we wish to note here are the teachers' ever increasing grievances with the system. And while the teachers are an integral part of the system, their strikes which are occurring with increasing frequency hold a message for the system as much as that expressed by the students and while many of the strikes involve financial grievances, there is an implicit plea on the part of teachers for society's respect and valuation of their role. Underpaid and afforded little status in hierarchy of professions, many teachers feel that students will hardly respect

them if their place in the larger society is rewarded no more significantly than the sanitation workers.

Perhaps certain teachers deserve no higher reward, but it is significant in recent literature to note the increasing number of volumes in which teachers are highly critical of those of their profession who are indifferent to or failing at their jobs and are just as critical of the system which shields such failures. A whole new genre has crept into the educational literature—the expression of the “angry young teachers” who view other teachers and the system as the failures in the educative process. A few such noteworthy examples would include:

Death at an Early Age: The Destruction of the Heart and Minds of Negro Children in the Boston Public Schools, by Jonathan Kozol, 1967.

36 Children, by Herbert Kohl, 1967.
The Way It Spozed To Be, by James Herndon, 1968.

How Children Fall, by John Holt, 1964.
Our Children Are Dying, by Nat Hentoff, 1966.

Education for Alienation, by Nathaniel Hickerson, 1966.

Village School Downtown: Politics and Education, A Boston Report, by Peter Schrag, 1967.

This brief catalog is only set out as examples of a few voices out of many that are beginning to be heard. Related to such voices is one recent film entitled “High School” produced by Frederick Wiseman which revealed the shortcomings and shortsightedness of one urban system in regarding its own schools. The system gave Wiseman free access to what it judged to be one of its most highly rated schools. The messages of the lack of communication between administration, teacher and student; the stifling of student individuality and the words of the students themselves, quickly ended the system’s expectation of a film to justify its pride in that school. The film is not shown in that city.

The system is failing the needs of its good teachers and its good teachers are realizing with increasing frustration that even they, while a part of their system, are failing the needs of the students.

The System’s Problems as Perceived by the Community

Neither the white nor the minority communities have expressed indications that they are satisfied with the schools as they now are serving their children. Both have expressed the deep conviction that the schools must belong to their particular communities—although the forms of expressing the conviction may markedly vary.

In the suburbs, as well as in the cities, majorities of white populations have expressed their alienation from the schools at the polls in many recent votes on bond issues and tax support. Chapter II discussed this lack of confidence in detail.

Minority populations with more cause to judge the schools as failures, have less financial “clout” over the schools, and thus have had generally less decision-making powers over them. It has been this exclusion from the decision-making of the system that has led to the recent upsurge of feeling in the inner-city community that the community has the right to control the schools. The failure of the system to meet impoverished children’s needs, in particular, has led such communities to believe that they could cer-

tainly do no worse a job educating their children than the present system is doing. Moreover, they believe they could probably do a better job—because of their more direct and personal comprehension of the needs and problems of their children.

The highly vocal demands for decentralization and community control on the part of minority communities, particularly the black communities, have been, in many cases, coupled with the move toward racial and cultural separatism. What is happening in the black communities’ attitudes toward education is being paralleled in their militant attitudes expressed in local and national politics. Generally stated, the attitude is: if the white establishment fails to provide equal opportunity, the blacks will do it themselves—for themselves.

The movement in most large cities toward alternative forms of education is clearly indicative of further community dissatisfaction. Such alternatives range from large subsystem projects, such as Ocean Hill-Brownsville (New York) to smaller community-operated schools—like Adams-Morgan in Washington, D.C., and intermittent demands for a voucher system.

The ineffective use of Federal funds in the schools has become a major community concern. In States, such as Mississippi, which represent an extreme, protests have been declared by black communities as to the misdirection of funds under Title I, ESEA which are supposed to aid the disadvantaged student. What is happening in Mississippi is by no means an isolated event. Urban communities in states across the Nation have become increasingly aware of the uneven distribution of funds which have favored suburban and rural areas. Moreover, these urban school systems have done comparatively little with those funds they have received to improve the educational level of the inner city student. It has now occurred to the groups representing target populations to begin claiming title to those new Federal funds as belonging to them—and their demands are becoming more vocal as well as more perceptive as to the intent of the funds.

It becomes increasingly apparent that the urban education system has raised the dissatisfaction level of the parents and urban communities of any racial or ethnic group—impoverished and affluent alike. The emerging interdependency thrust mentioned in Chapter I has yet to be fully articulated and demonstrated. However, some examples of it are to be found although not labeled as such. The Community Schools of Flint, Michigan, and the Anacostia Community School Project (D.C.) could probably be considered as manifesting this thrust. Certainly, successful Head Start and Follow Through projects manifest varying degrees of it as well. Programs and projects genuinely reflecting this thrust are promising signs in urban education systems.

Summary of Chapter

The Task Force members agree that the education system is generally failing to provide the inner-city economically and educationally disadvantaged student an educational experience which will afford him an equal opportunity to enter the occupational and cultural mainstream. Although the members vary in their judgment as to the extent of the system’s responsibility for its failure, all agreed that major changes were needed with significant increases in funding levels

to effect such changes. The minority report expressed the view that only with very significantly increased Federal funds would the school systems ever be able to provide the educational programs needed. The point was stressed that there has never been enough money for education and that this approach ought to be tried.

This chapter continued to examine the overwhelming obstacles faced by the system, in addition to those of finance (Chapter II) and environment of the student (Chapter III). Such obstacles relate to the extensive migration of poor uneducated members of racial and ethnic minority groups into the inner city where they have settled in isolated pockets.

Not only are educational programs and staff attitudes which were successful with previous urban populations ineffective with these groups, but facilities and personnel are inadequate to meet their needs and numbers. Unmet, these problems become increasingly complex and increasingly significant for their part in the system's failure to educate the student.

Beyond the system's problems in coping with the increased numbers, lack of facilities and lack of personnel, it has demonstrated a blindness in perception of the student of today's inner city. By and large, the system has expected that student to be a failure, and unaware of its failure, has succeeded in creating the student in its own image. The teachers of the urban system are generally less educated, less able, and less experienced than those of the suburbs. They are too often of different backgrounds from their students. They gain little status for teaching the disadvantaged. For these reasons, and others, urban teachers are generally unsuccessful in relating to and perceiving their students.

In turn, the students, certain teachers, and the community develop their own perception of the system. They have perceived the system as not meeting their needs.

The students have reason for such a perception. They are not being given the opportunity to achieve academically. The inner city students of a racial minority score lower than their more affluent white counterparts on achievement tests when they enter the system and tend to fall further behind as they complete successive grades in school. The system has not met their needs nor recognized their strengths and aspirations. The students have recently begun to articulate the frustrations that underlie their perceptions. They have done so first by dropping out of school and then through acts of vandalism against school property followed by acts of violence against the personnel of the school. Significantly their violence has occurred more frequently in situations where something is wrong with the school, such as its facilities or its personnel. The system has all too often not heeded the messages conveyed by these students and has generally responded with repressive measures that only tend to increase student hostility.

A growing number of teachers are coming into conflict with the system. Strikes, disagreements, unsigned contracts, etc., are becoming commonplace headlines. And teachers are courageously speaking out against ineffective fellow teachers and repressive, unimaginative systems in a new brand of angry literature.

Communities both black and white have expressed their judgment of the system's re-

sponsibility for its own failure through defeat of local bond issues, demands for decentralized, community controlled schools, and alternative systems. Their judgment has probably lent in some cases at least tacit approval to their children's dropping out or expressing disapproval in less peaceful ways. The communities have grown increasingly aware of the presence and purpose of Federal funds in local systems and have expressed their dissatisfaction with the system's relatively ineffectual use of such funds.

There are, throughout the urban education system, indications of change which offer real promise for the future—and some example of these have been cited. However, the decade of the 1970's must bring with it, a rapid acceleration and expansion of changes in urban education systems if we are to have schools which will effectively educate all of our impoverished urban children and youth. No urban education system has succeeded in achieving this goal in the 1960's. It must be accomplished in the 1970's.

Chapter V

The Impoverished Urban Student

In the three preceding chapters, we have presented evidence to show the three major aspects of the massive urban education problem: the financial crisis, the urban environment, and the education system itself. In this chapter, we focus on the student—not in terms of listing his so-called "deficiencies," (e.g., low verbal skills, "wrong" language—speaking Spanish instead of English) but, instead, concentrating on what he has to offer the school which provides the basis for planning the educational program.

What we are arguing for—indeed, pleading for—in this chapter is the discarding of the practice of comparing this student with his suburban counterpart. In effect, we are trying to dispel—and discredit—the mediating stereotype mentioned in Chapter I which has largely resulted in viewing the impoverished urban student as deficient in all the really important behaviors associated with academic success. We say "trying" because the new voluminous literature on the disadvantaged student abounds with accounts of his deficiencies. The accounts of the strengths and assets of this student are comparatively sparse, and usually appear in the form of anecdotal reports. Occasionally, they are manifested through a process of analogical reasoning, e.g., if he is smart enough to plan ways for systematically disrupting instruction in the classroom from the teacher's point of view, then he must be smart enough to deal with cause and effect relationships in printed material.

Often his particular forms of manifesting the behaviors which underlie academic success are misinterpreted because their significance for school learning is not recognized, are overlooked because too much else is happening at the same time in the classroom, or are disregarded because he has already been judged as incapable of or indifferent to the school's program. Whatever the reason(s) involved, his manifestations of the critical behaviors very often do not surface on the typical standardized achievement tests, intelligence tests, or on teacher ratings of "desired" classroom behaviors.

The previous—and current—pattern has been to make careful frequency counts of the instances of such behaviors as acts of vandalism, low reading achievement scores, number of days absent, and the like. But

how many times have we taken the same care to count the instances of such behaviors as protecting a younger brother or sister from harm; facing down his own fatigue, hunger, or emotions to struggle through a dull reading lesson; refusing a heroin pop at a party; deciding to go to school on a day when all his friends are cutting out; or teaching himself or a younger child a sport? Such displays of personal courage, resiliency and stamina, problem-solving, concern for others, and choices among options occur every day in and out of school—as everyone who has ever worked or lived in the inner city well knows. However, it proved to be a fruitless effort to find the evidences of these latter kinds of behaviors arrayed in general statistical summaries in the “disadvantage” literature—the mediating stereotype was everywhere. Therefore, the evidence concerning these behaviors in this chapter is of necessity a combination of direct experience, anecdotal report, and analogical reasoning.

The impoverished urban student has an excellent capacity for problem-solving. Daily, he contends with problems of the value systems of at least two worlds: the home or neighborhood and the school. Daily, he must thread his way through the set of values which the school espouses and the set which he lives with and has learned from his family and neighborhood. He must develop and carry out strategies which permit him to survive in both worlds without being overwhelmed by the conflict diverse value systems can produce. The extent to which he survives as a whole human being with a strong and stable self-concept and a sense of worth will be dependent on the quality and reality orientation of the strategies he employs.

An example of this conflict of values between neighborhood and school is afforded by fighting. In the impoverished inner city, prowess in fighting is usually an important aspect of the masculine self-concept and is often an important attribute for maintaining the leadership of a gang or group. The following quotation from *Manchild in the Promised Land* exemplifies this value.

“As I saw it in my childhood, most of the cats I swung around with were more afraid of not fighting than they were of fighting. This was how it was supposed to be, because this was what we had come up under. The adults in the neighborhood practiced this. They lived by the concept that a man was supposed to fight. When two little boys got into a fight in the neighborhood, the men around would enhance them and egg them on. They’d never think about stopping the fight.” (Brown, 1965, p. 263).

In the school, however, fighting—efficient or otherwise—is not admired, is not condoned, and is often viewed as the sign of a trouble-maker or potential delinquent. The old bromide, “When in Rome, do as the Romans do,” does not really apply here. He has not left his hometown far behind, it’s right there in the classroom in the form of the kids on the block and the values he brings with him through the school door. No matter which way he moves with regard to fighting, he is in line for some form of reprisal. If he goes along with the school, he may catch it when he leaves the school premises and endanger his standing in the neighborhood—not to mention the blow to his own self-esteem. If he opposes the school position, he will most assuredly buy trouble. He can opt for either one of these “ex-

tremes.” Or, he can work out a compromise somewhere in the middle. Talking it over with a teacher—or a guidance counselor—is a highly unlikely solution. Talking it over at home is also unlikely—there are usually too many other children, too many other problems to be dealt with, and the adults may not really have a clear sense of the best choice to make either. An illustration of this last point is below noted.

“They were trying to guide us and make us do right and be good, and they didn’t even know what being good was. When I was a little boy, Mama and Dad would beat me and tell, “You better be good,” but I didn’t know what being good was. To me, it meant that they just wanted me to sit down and fold my hands, or something crazy like that. Stay in front of the house, don’t go any place, don’t get into trouble. I didn’t know what it meant and I don’t think they knew what it meant, because they couldn’t ever tell me what they really wanted. The way I saw it everything I was doing was good.” (Brown, 1965, p. 289).

By and large, the inner city youngster must work out his own compromises and test them against the daily realities of his environment—all of which constitutes a very sophisticated form of problem solving anchored sharply to the real world. And what is remarkable is that he usually emerges from this process as a self-reliant human being. There is no task which the school can give him which requires such a high degree of problem solving. And yet the staff of a school will rarely register the conflict which this student experiences and resolves—let alone, capitalize upon his very real capability here.

Implied in the kind of problem-solving we have just described for the inner-city student are very considerable manifestations of intelligence, information, and persistence. A further example of such reality-oriented problem-solving is the case of the gang leader. Here, is the bright individual who, in the course of evolving and working out his strategies for survival in his world, has relegated the offerings of the school to the background. The compromises and strategies which he evolved in his childhood to survive in school and in the neighborhood have been replaced by decisions and strategies which now afford more tangible and immediate gratifications and recognition than anything else either the neighborhood or the school could offer. While his initial take-over of his group may have been partially accounted for by his skill with a switchblade or his fists, it is more likely that he succeeded largely through both his ideas and administrative or leadership ability. That is, he manifests the capacity to plan and implement a successful operation to provide needed gratification and recognition to the members, and to create an authority structure in which his role and the members’ roles are clearly defined.

Accorded the leadership of the group, he must also be prepared to deal with challengers. Thus he must be a particularly good judge of character as well as a shrewd judge of how best to utilize the talents of his followers. As such, he is manifesting a set of capabilities that somehow the school was never able to capitalize upon in its programs. The options which the school potentially offered were discarded in favor of another option. And with his choice, society-at-large has lost a potential leader on a

larger stage than the one he has chosen to be on. It is interesting to note that among those recruited for Upward Bound, the gang leader was sought after—clear testimony to his intelligence and his resourcefulness, and initiative as a leader.

An additional example of the problem-solving of the impoverished urban student is afforded by how he is dealing with the gap between his aspirations and the realities of his daily life. Research related to the aspirations of blacks indicates a shift occurring between the 1950's to the present. In both the fifties and the early sixties, the research generally indicates that blacks had higher aspirations than whites (Boyd, 1959; Rosen, 1959; Reiss and Rhodes, 1959; Sprey, 1962). Such aspirations are clearly contradictory to the reality surrounding him. Whatever the conscious reasons the child or youth may have given for having such aspirations or thinking he could achieve them, the basic reason has to be fantasizing in support of some ego need, and is a form of withdrawal from reality. Although such fantasies and the resulting withdrawal would produce a temporary respite from his environment, this pattern of problem-solving goes ultimately nowhere unless the fantasies are preliminary to subsequent action. Nevertheless, the pattern shows imagination and intelligence; it also shows a mechanism—albeit fragile—of protecting one's self-esteem.

In the later sixties, however, the research suggests a lessening of the gap between reality and aspiration. It is likely that with the concepts of black identity and "soul," the urban teenager now has a firmer basis on which his self-concept and aspiration can develop. He no longer needs to emulate the whites (Caro and Philbold, 1965; Antonovsky, 1967). The following statements by James Farmer in *Urban Schooling* are indicative of this change.

"When I was a lad of about ten in Austin, Texas, my pal and I would go downtown every Saturday afternoon to watch the Tarzan picture at the movie theater. It was a half-hour serial. The missionary was put in the pot; soon his tongue was hanging out and the sweat was dripping down his forehead as the heat built up underneath the pot. We all waited, chewing our popcorn in anticipation of Tarzan's arrival. But Tarzan was slow in coming, and the Africans danced faster and faster around the pot. Now and then a close-up of the face of one of the Africans flashed onto the screen, and I would elbow my friend and say, 'Erving, that's you.' Erving's response would be predictable. He would say, 'Naw, man, that ain't me. I didn't come from no Africa.' Erving represented the Negro people in his self-rejection and self-repudiation. A people was rejecting itself—denying it had roots. It was as if all the Negroes in the United States had suddenly sprung alive, full-grown, from the loins of the Deep South. It was as if the Negroes were without a heritage.

"But the Negro's concept of himself has been changing in these past ten years—and rapidly. A contributing factor, as I have said, has been the new image of Africa. As new nations emerge, the black man of this country saw proud black people from Africa representing their nations, arguing on the floor of the United Nations, appearing on radio and television, and speaking eloquently in

English or in French. And the black man of this country witnessed the rise of these nations and asked himself, 'Now, is that the boiling pot or is that the real Africa?' As the new image assumed greater proportions and dimensions, it started to eclipse the old image. The American Negro began to say, 'That's Africa! That's me! That man is my brother. If he can do it, so can I!'

"Another long step in the development of a new self-image is being taken by the Negro living in America today. He is beginning to speak of himself as a black man and of his people as black people. Twenty years ago, if you walked through Harlem or Watts or Detroit and called a man a black man, he would have wanted to hit you" (Rudman & Featherstone, 1968, pp. 141-142).

As he becomes more secure in and of himself and watches his parents and other adults of the community challenge the lack of opportunity provided by and the discrimination of authorities in the community (e.g., real estate commission, mayor's office, school board), he—like the adults—begins to realize that such authorities are not out of reach. He is mounting protests with other students—and he is beginning to be recognized. His problem-solving strategies here with regard to the school often reflect violence, but they are certainly more reality-oriented than the fantasizing and withdrawal which he previously engaged in. That he will continue to use such strategies until there is a reality-oriented payoff in line with his aspirations is indicated by the following statement.

"The victories that have been won have brought about changes in the life condition of the Negro middle class, but the poorer classes in the Negro Community have not yet been helped. The conditions of their existence remain the same. The black child in Watts and in Harlem still senses that in the nation's eyes he is nothing—a nobody—and that he is shut out." (Rudman & Featherstone, 1968, p. 143).

The impoverished urban student does have an excellent communication capability for the neighborhood world in which he lives. He is insightful, sensitive, and perceptive—and he knows that other worlds exist outside the one he lives in. But the schools rarely tap this source.

In his pamphlet, "Teaching the Unteachable," Kohl wrote:

"Children will not write if they are afraid to talk. Initially, they suspect teachers and are reluctant to be honest with them. They have had too many school experiences where the loyalty of the staff and the institutional obligations of teachers have taken precedence over honesty. They have seen too much effort to maintain face, and too little respect for justifiable defiance in their school lives. I think children believe that there is a conscious collusion between all of the adults in a school to maintain the impression that the authority is always right, and that life is always pleasant and orderly. Unfortunately, the collusion is unconscious or at least unspoken. This is dramatically true in alum schools where the pressures of teaching are increased by understaffing and a vague uneasiness about race which is always in the air."

"So we spoke. At first the children were suspicious and ashamed of what they'd written. But as I listened and allowed them to talk they became bolder and angrier, then finally quieter and relieved. I asked them to write down what they would do to change things, and they responded immediately."

"For several weeks after that the children wrote and wrote—what their homes were like, whom they liked, where they came from. I discovered that everything I'd been told about the children's language was irrelevant. Yes, they were hip when they spoke, inarticulate and concrete. But their writing was something else, and they felt that no white man was judging their words, threatening their confidence and pride. They faced a blank page and wrote directly and honestly. Recently I have mentioned this to teachers who have accepted the current analyses of 'the language' of the 'disadvantaged.' They asked the obvious fact that 'disadvantaged' children will not speak in class because they cannot trust their audience." (Kohl, 1967, pp. 13, 16, 17).

As examples of this communication ability in verbal printed form consider the following writing which Kohl's students produced, ages 11 to 16.

"If I could change my block, I would stand on Madison Avenue and throw nothing but teargas in it. I would have all the people I like to get out of the block and then I would become very tall and have big hands and with my big hands I would take all of the narcotic people and pick them up with my hand and throw them in the nearest river and oceans. I would go to some of those old smart all cops and throw them in the Oceans and Rivers too. I would let the people I like move into the projects so they could tell their friends that they live in a decent block. If I could do this you would never see 117 St. again." (pp. 16-17, Grace, age 11).

"Things

"Tears—
"What are they?
"Who needs them?
"Emotions—
"I despise them!
"Happiness—
"I'll never have it!
"Why should I see it!
"These things—
"Please, I don't want any of them—so somebody take them away (I don't deserve them.)
"Help—please somebody! (but I suppose I don't deserve that either) (p. 30)."

"We can teach each other

"Inside I feel like I am a nice person; but I have to act like one too. I have to know what kind of person I am. Sometimes, I forget that other people have feelings. Teachers for example; sometimes I hurt them without knowing it. I can say or do something that is so hurtful that they can't say anything but 'Get up and get out.' They say this so they can go on and teach the rest of us a lesson. But teachers can hurt you too and they do it just to teach you a lesson.

"You are a child of learning in some ways, but in other ways children teach teachers. I don't know what a teacher is like or how she feels, just like a teacher doesn't really know what I'm like or how I feel. So I can teach her what and how I think and feel. Teachers have been children before, but they seem to

forget what it's like because the time changes in the way that the weather changes. So they can't say, well it's like when I was a child.

"No it's not like that, because people are changing and our minds are changing too. So children teach teachers a new lesson, about children today." (Patricia Williams).

From such examples as the above—and many more could be cited, it is difficult to consider the impoverished urban student as deficient in verbal skills. What is also apparent from these examples is his responsiveness and creativity when he—like anyone else—is permitted to learn in a valid way for him. Further evidence of his communication capabilities and creativity is afforded by the outpouring of graphic art, music, poetry, and skill in the performing arts, which the impoverished students in Upward Bound produced when worked with in an effective program. What is equally apparent from the information cited in Chapters III and IV is that this student's communication capabilities, sensitivity, insight, and creativity are simply not being released and nurtured in the schools. And, again, society is losing a vast amount of talent.

The impoverished urban student is also noteworthy for his generosity, cooperation, and lack of hypocrisy. The realities of his neighborhood world require its residents to develop cooperative and generous patterns because survival is the first order of business. When the ever-present need to survive is coupled with the overcrowding, people really know basic and intimate facts about one another—thus, making pretense virtually impossible. Everybody knows who everybody else is—and what everybody else is doing. Hentoff (1968) comments on the generosity and cooperation in the following statement:

"That's one thing about ghetto communities. One way or another, people who have nowhere to go get taken care of. Last week a little girl in my class was looking out the window as the fire engines came screaming up. I rushed to see the fire, which was across the street. The girl said matter-of-factly, 'That's my house that's burning.' It was like she'd had so much happen to her that it was hard to get excited about just a fire. Anyway, by late afternoon, she, her three brothers, and her parents had places to stay." (Hentoff, 1968, p. 20).

In the schools, one sees evidence of the students cooperating and sharing with one another—behaviors which are often discouraged because everybody is to do *his own learning by himself*—an almost impossible demand for young children. For example, a young child who is having difficulty with identifying words in his (all-to-often inappropriate) reader will usually have immediate assistance from the others around him. In testing situations, the same behavior prevails. What we have here is a carry-over of the survival pattern of cooperation and sharing. Any anyone who has worked in the inner city is well aware of the sharing of an insufficient food supply with someone else when it is apparent that his situation is really critical.

The inner city student's candor and honesty are reflected in the examples of writing cited above. However, an additional example is cited which particularly exemplifies the starkness and awareness within his honesty and candor. In this case, the student is Juan Gonzales, age 17.

"Man, I hate where I live, the projects. I've been living in a project for the past few

years and I can't stand it. First of all, no pets. I've been offered so many times dogs and cats and I can't have them because of the Housing. Then there's a watch out for the walls. Don't staple anything to the walls because then you have to pay for it. Don't hang a picture. There's a fine. And they come and they check to make sure.

"Don't make too much noise. The people upstairs and the people downstairs and the people on the side of you can hear every word and they've got to get some sleep. In the project grounds you can't play ball. In the project grounds you can't stay out late. About ten o'clock they tell you to go in or get out. Then . . . there's trouble because they don't want you to hang around in the lobby. . . .

"I guess in some ways the projects are better. Like when we used to live here before the projects, there was rats and holes and the building was falling apart. It was condemned so many times, and so many times the landlords fought and won. The building wasn't torn down until finally it was the last building standing. And you know what that is, the last building. . . . There's no place for those rats to go, or those bugs, or no place for the bums to sleep at night except in one building still standing. It was terrible. The junkies and the drunks would all sleep in the halls at night and my mother was real scared. That was the same time she was out of work and it didn't look to us like anything was ever going to get better." (Mayer-son, 1965, pp. 39-40).

In this chapter, we have only briefly described and illustrated some of the capabilities and characteristics which the impoverished urban student reveals when he is looked at as he is—and not through a mediating stereotype which compares him unfavorably with his suburban counterpart of the same age. He has many more capabilities and strength than we have cited here, but these descriptions hopefully serve to illustrate how badly major changes in urban education systems are needed for this student. His strengths have only rarely been capitalized upon by the schools. When they have been, it has been by sensitive—and realistic—teachers and administrators using programs which are valid for this student—and thus for society as well.

What is most remarkable about this student is that when the program and the people implementing it are appropriate, he learns at a rapid rate—and he does so in spite of malnourishment, economic insecurity, emotional-social problems, and all the other elements which are interacting on and within him. That he can learn at such a rate is evidence not only of his courage, tenacity, and learning potential but of the high value he places in trying to receive an education as well.

PART II—THE FEDERAL RESPONSIBILITY

Overview

In Part Two, the Federal Responsibility, we continue with two additional aspects of the urban education situation from the standpoint of the Federal government. The two chapters included in this Part are specifically concerned with: (1) the problems in evaluating the impact of new Federal programs for impoverished populations; and (2) the Federal role as it relates to urban education in terms of its limits and obligations.

In this section, there are two points to bear in mind. One is that the Federal government

is beginning to shift its focus from comparatively specific efforts in education to broad social action thrusts which encompass more than education per se. For example, the Economic Opportunity Act (1964) and the Elementary and Secondary Education Act (1965) reach far beyond such legislation as that of the National Defense Education Act (1957). Problems in evaluating such programs have arisen as a result of their new thrusts. Of greatest importance are those of a conceptual and political nature rather than of a methodological one.

The other point is that the Federal role is not easily defined with regard to these broad educational programs. It is in the process of emerging and its development must take place in the midst of constitutional precedents and political realities.

With the problems in the areas of evaluation and the Federal role, we have attempted to analyze briefly their major dimensions as the groundwork for the recommendations in both areas which are made in Part Three.

Chapter VI.—Problems in evaluating the impact of current Federal programs for impoverished populations

An assessment of recent Federal efforts to upgrade education for impoverished populations calls for a look at the process whereby such efforts are evaluated. Although program evaluation is no novelty in education, the objects of this art have changed a great deal in recent years. The recent Federal thrust against poverty and discrimination has introduced a new phenomenon for evaluation: the impact of large-scale programs of social action in education. In addition to generating much activity in city schools, they have produced considerable confusion whenever efforts have been made to find out whether they were "working." The sources of the confusion are fairly complex. Prior to 1964, the objects of evaluation in education consisted almost exclusively of small programs concerned with such matters as curriculum development or teacher training. They generally occurred in a single school or school district, and typically involved modest budgets and small research staffs. The research literature which grew up around these efforts naturally focused on familiar problems of design, instrumentation, and validity.

The Change in Federal Focus

This small-scale effort began to change, however, when the Federal government established national educational improvement programs in the mid-1960's. These programs—including Project Headstart, Title I of the 1965 ESEA, and Project Follow-Through—are programs of social action; unlike earlier efforts they are not focused narrowly on such things as teachers' in-service training or the content of a science curriculum, but broadly on such things as "improving education for the disadvantaged." Also, the Federal programs are neither aimed at a school or a school district, but at millions of children, in thousands of schools, in hundreds of school jurisdictions, in scores of states. Further, they are not conceived and executed by a teacher, a principal, a superintendent, or for that matter, a researcher. The new programs were conceived by the Congress, and are administered by bureaucracies, which are at great remove from the schools and school districts which actually execute them.

Simply to recite these differences is to suggest major new problems in program evaluation in education. These have been compounded by efforts to apply the inherited stock-in-trade of evaluation techniques to the new phenomena. The collision of new programs and old intellectual technologies is at the root of recent controversies over the programs' efficacy.

There is a persistent tendency in evaluation research to resolve all problems into methodological issues, but we do not regard the present difficulties in evaluating social action programs as really methodological. Most issues of this sort center around making satisfactory comparisons between "treated" subjects and some other criterion presumed to measure an otherwise comparable condition of non-treatment. These issues are formally the same regardless of the size, age, aim, or outcome of the program in question, and they have been extensively explored in the evaluation literature. Although these problems are serious, *the main difficulties in evaluating social action programs are political and conceptual.* The conceptual barriers arise from misunderstanding the nature of the programs; the political problems are little different from those which impede the effective development of social action programs in the first place.

Conceptual Problems

The central conceptual problem arises from the fact that while the new programs are essentially political and social in nature, evaluators tend to approach them as though they were standard efforts at educational change. This results in part from the fact that the programs themselves are ambiguous—since they are political endeavors in education, much of the surrounding rhetoric is educational. But it also results from the fact that evaluation researchers identify professionally and intellectually with their disciplines of origin (mostly education and psychology), and thus would rather not study politics.

Whatever the sources of this incongruence, it produces an inappropriate approach to evaluating the programs. The experience with Title I of ESEA is a good case in point. It has been in existence for about four years, and during that period the several national evaluations have been reported and these all have concentrated on one question: "Has the program as a whole improved achievement over what otherwise might have been expected?" The answer in each case has been negative, and not surprisingly this has led many to conclude that Title I the program is not "working." Yet such a conclusion is possible only if two crucial assumptions about the program are accepted.

They are:

(a) Children's achievement test scores are a suitable criterion of the program's desirability by school men and intended by Congress;

(b) The program exists in such a form that any such a summary over-all criterion of success is applicable.

Although each assumption can be tested empirically, there is no evidence that such tests have ever been made a pre-condition of any evaluation. In some respects, of course, this is understandable. Empirical tests of the first assumption for example, would involve a research program of unprecedented proportions. While educators regard achievement test scores as a suitable criterion

of program success—on the theory that higher achievement leads to academic persistence, prolonged education, increased ability to perform complex occupational tasks, and better jobs and more money—there is little evidence one way or the other on this proposition. Of course, the same educators who subscribe to this view also argue that compensatory programs will have other beneficial effects; reducing vandalism; improving deportment; bettering citizenship; lowering truancy; and improving school-community relations. Some of these are doubtless valuable ends in themselves—less broken glass, for instance—but like achievement, most are included chiefly for the consequences they are presumed to have in adult life. There is, however, no more evidence on this than there is for achievement. The main long-range aims of compensatory education then, are impossible to directly measure by short-term program evaluation, for it has never been shown that the two have any actual connection.

But even if we disregard this scientific embarrassment, there is another major difficulty with the first assumption. Schoolmen must be expected to assume that the greater application of their efforts will improve students' lives, but there is no evidence that the Congress subscribed to that view by virtue of passing Title I of the 1965 ESEA.

Although the purposes of the Congress may be too complicated to be summarized in a national study of test scores, they are not by that token mysterious. The relevant Committee hearings and debates suggest that the legislative intent included several elements besides those already mentioned. One involved the rising political conflict over city schools in the early 1960's; no doubt many legislators felt that spreading money on troubled waters might bring peace. Another concerned an older liberal effort to provide Federal financial assistance for public education; the motives for this were mainly political and ideological, and were not intimately tied to achievement scores. A third involved the larger cities which were increasingly hard-pressed to maintain educational services which were competitive with other districts in their areas. Educators and other municipal officials were among the warmest friends of the new aid scheme because it would relieve some of the pressure on their revenues.

Thus the legislative intent concerning Title I embraced other elements besides achievement, i.e., improving educational services in school districts with many poor children; providing the central cities with some fiscal relief; reducing the discontent and conflict associated with race and poverty; and establishing the principle that the Federal government has some responsibility for local educational problems. The fact that these elements were embodied in a single piece of legislation probably contributed heavily to its passage, but they do not imply that the resulting program was single-purpose and homogeneous. Indeed, if any supposition was in order, it was precisely the opposite. The bill was typical of what we should expect of reform legislation in a large and diverse society with a Federal political system: it reflected various interests, and (for that reason) a variety of programmatic priorities.

It is one thing to identify the assumptions on which social action programs rest, and quite another to test them. In testing such assumptions, the methodological problems

must be considered and concomitantly with the conceptual ones. For example, in order to determine whether Title I resulted in programs "which might reasonably be expected to improve achievement," one must first know what it is about schools that affect achievement; only then would it be possible to inspect Title I programs and determine if in fact they were doing the right things. The only difficulty is that when ESEA was passed almost nothing was known on this point: not a single proven strategy for raising achievement was extant. Prior efforts had been few, far between, and mostly failures. Title I, after all, was not the fruit of a systematic program of educational experimentation, but the expression of a paroxysm of concern. As a result, it is impossible to tell whether a given Title I program is likely to improve achievement, simply by inspecting the program; the only way to tell is by finding out whether in point of fact it *did* improve achievement.

Similarly, little is known about the process by which educational institutions change. This has been highlighted by the ability of many big-city school systems to absorb large amounts of activity and money designed to change them, and emerge apparently unchanged. If any question about the efficacy of social action programs is crucial, it is *how* such efforts at change succeed or fail. *The requirement here is not quantitative research, but sensitive political and social analysis, following the political and administrative history of social change programs.* It may be possible to learn as much about the sources of programs' success from studying the politics of their intent and execution as from analyzing the quantitative relationships between program components and some summary measure of target group performance.

These examples could be multiplied for other programs, but by this time the main point ought to be reasonably clear. Studies of program realization are an essential element in the evaluation of large-scale social action programs, because unlike neat treatments in small experiments, the aims of these large programs are diverse and often unclear. In fact, the notion of realization studies is based on the observation that reform legislation in a more or less pluralistic and open society will reflect diverse and sometimes conflicting purposes. Under such conditions, the first task of program evaluation is essentially political: it is to identify those purposes and determine the various ways in which they have been realized. The results of this process will yield evidence on the basis of which it is possible to determine the appropriateness of and conditions for further evaluation.

Once social action programs in education are seen for what they are—not experimental "treatments," but complex and often contradictory political undertakings—the rest follows. There are three broad areas at which evaluation should be directed:

- (a) Definition of program aims and measurement of their implementation;
- (b) Analytic studies of the dynamics of program implementation;
- (c) Comparative studies of program efficiency.

The first of these categories includes investigations of whether a program improves achievement, as well as all the other criteria of realization which the diverse purposes of social action programs require. Despite

its mainly quantitative character, such research is essentially comparative and historical: it seeks to determine whether a target population has changed its situation on particular educational indicators, where change is measured relative both to the same population before the program began, and to other, non-target populations. The issue here is not efficiency, but simply how much change occurred. Since the programs are large scale efforts in social action, evaluation must be large and diverse; it must cover and represent the available variation in the two populations, and monitor several program aims.

The second category includes those studies of the politics of program realization discussed just above. The focus of such research would be measures of program delivery, rather than some internal criterion of efficiency, and their purpose is to illuminate the political and administrative causes of variation in program realization. Although such studies would be inapplicable in traditional educational evaluation, they are crucial in the evaluation of social action programs; since these programs represent an effort to rearrange political relationships, the sources of variation in their realization are bound to be external (related to political and administrative matters), as well as internal (related to relative efficiency in the relationship between program inputs and outcomes).

The third category of studies, on the other hand, is focused on internal measures of program efficiency. In some cases—when it is appropriate to frame the issues in fiscal terms—these would take the form of benefit-cost analysis. There are, however, other measures of program efficiency in education—related both to program input and outcomes—to which comparative analyses are applicable. Benefit-cost analysis for example, might be concerned with the relative efficiency of several programs in producing achievement, but it is easy to imagine reasons for comparative studies of efficiency, say, in changing teachers' attitudes. In the first case the criterion of efficiency would be monetary, whereas in the second it might be other measures of educational effort, such as time or stress.

Political Problems

The evaluation of large-scale social action programs has been marked by a too-narrow definition of program aims, and an almost complete absence of program realization studies. As a result, evaluation have been almost uninterpretable. The real issue, however, is whether the resolution of these difficulties would provide an adequate basis for evaluation.

From the abstract perspective of evaluation schemes, one might be inclined to an affirmative answer. Given a more differentiated view of program aims, and careful program realization studies, Title I, for example, could be imagined as a satisfactory vehicle for research and development in compensatory education.

The only drawback with this idea is that the legislation did not envisage Title I in such a role. It is a major operating program, and several of its purposes have nothing to do with achievement. Therefore, activities in Washington designed to carry out systematic research and development would generate considerable opposition among recipient state and local educational agencies, and in the

Congress. Research and development, after all, require that particular educational strategies be identified and carried out, and that their consequences be satisfactorily measured. Measurement is technically and politically the easiest of the two requirements, but even that has a dubious prospect. To date, the Office of Education has not tried to require that achievement tests be used in all Title I projects, a decision which program personnel feel is based on an accurate reading of political realities. Under these circumstances, it would be even more difficult to execute a particular set of educational strategies under Federal supervision in Title I districts.

This element in Title I, coupled with the existing distribution of political power in education, probably will deter effective national research and development work with Title I for some time. Such work is likely to occur—if at all—only in those States which for reasons of their own are committed to using the Federal funds for such purposes. The fact that selected States are currently collaborating in a new management data system offers some encouragement, but this project covers information, and has nothing to do with planning, executing, and monitoring educational strategies. The latter requires a much higher degree of commitment, partly because it costs more, but mostly because it produces much greater political opposition. There is, after all, more reason for State and district officials to oppose Federal involvement in planning local educational programs than there is for them to oppose Federal measurement of Federal programs.

The prospects for research and development with Title I can best be indicated by the fact that at the moment there isn't a single State which operates an R&D program in compensatory education. Thus, while the new information system may produce information on the characteristics of successful programs, it seems unlikely that even within States it will offer an opportunity for systematic research on and development of successful strategies.

The underlying reason for this is political. Research and development work involves elements of the experimental approach, and effective use of that approach requires a degree of control over the main variables which seems incompatible with the other purposes of Title I. The question, then, is whether other programs offer a better prospect for research and development in compensatory education.

Our effort to develop educational strategies based on "planned variation" of different program approaches has evolved in the Follow-Through Program of the Office of Education. Following a 1968 report on Child Development (produced by a White House Task Force) OE in the early spring of 1968 converted its new Follow-Through on Head Start to an R&D effort aimed at the determination of which early childhood programs in the K-3 complex would have greatest success working with disadvantaged children in various community settings throughout the nation. Underlying this strategy is the assumption that useful experience was most likely to result from more systematic efforts to try out several strategies at once, under a variety of school and community conditions. In this way answers to the standard evaluation questions could be gotten at the same time as answer to the comparative (benefit-cost) questions.

Since this approach has been in effect only one school year it would be unwise to essay any judgments about the strategies or their impact upon achievement. The Follow-Through program is designed to provide answers to two questions:

(a) Which of the strategies improves achievement over what might otherwise be expected?

(b) What is the relative efficiency of the several strategies in improving achievement?

Answers to these questions await the results of national evaluation studies now underway—the largest of these being under the direction of the Stanford Research Institute.

The experience thus far suggests that as things presently stand, there are three major obstacles to a national experimental approach to evaluation and comparative studies are:

(a) Fiscal—lack of money to produce adequate sample sizes;

(b) Political—lack of authority to assign schools and/or districts to treatment or control groups;

(c) Administrative—lack of staff required to deal effectively with the logistics of a large program.

Experimental approaches are subject to two primitive political problems: one is that the educational system is almost completely decentralized, (at least from a national perspective), and Federal experimentation must conform to this pattern; the other is that the resources allocated to programs designed to eliminate educational disadvantages are small when compared to other Federal priorities. This is a token of the relatively low political investment in such efforts which the government currently is willing to make. The consequence of the first problem is that Federal efforts to experiment begin with a grave deficit in the political and fiscal power required to mount them, and the implication of the second is that there is scant evidence of much new money or more power with which to redress this imbalance.

Chapter VII.—The Federal role in urban education: limits and obligations

In Chapter VI, we dealt with the several facets of the evaluation problem which have resulted from the more recent Federal programs with their broad social-action thrusts. In dealing with this problem, we have already, by implication, begun describing what some of the newly developing dimensions of the Federal role are. Specifically, they are: (1) to foster institutional change for the improvement of economic, social, health, and educational conditions of large numbers of our impoverished fellow citizens; (2) to provide increased monies for such programs; and (3) as a result of (1) and (2), to provide de facto advocacy on behalf of impoverished children and adults. Now, beginning to evolve on a larger scale than ever before are the Federal efforts with regard to educating impoverished children.

These dimensions of the Federal role have not been effortlessly evolved. Rather, they have been hammered out on the anvil of the political realities of pressure groups, regional and local interests and needs, social ferment, prejudice, and general resistance to change. And, as the growing activism of the Federal role emerges in education, concern is expressed over the changes which may

be—or are—taking place in traditional Federal, State, and local roles

With these considerations in mind, this chapter considers first, the limits of the Federal role in education; and, second, the obligations which the Federal government has to impoverished citizens in urban areas with regard to education

The Limits of the Federal Role

Federal financial and substantive participation in education programs has increased markedly over the past five years. The legislative breakthroughs of the Higher Education Act of 1965, the Elementary and Secondary Education Act of 1965, the Vocational Education Amendments of 1968 and the Education Professions Development Act of 1967, combined with various programs of the Economic Opportunities Act of 1964 and the Civil Rights Act of 1964, have resulted in a new posture in education for the Federal Government. It has been described as a new "Junior Partnership" with State and local governments by a former U.S. Commissioner of Education. These acts and their potential for educational progress have caused a ferment of expectation on the ultimate scope and direction of the new Federal role in education. Arising from this ferment is a recent manifestation of public disappointment that the new laws have not wrought the educational miracles which are needed to achieve educational quality and equality for our disadvantaged groups. One source of resentment concerns the Federal failures to fulfill the dollar authorizations of the new Acts with appropriations which match the amounts authorized. As the hastily formed Emergency Committee for Full Funding of Educational Programs stated for the debate on the House floor in July 1969 the Federal Government authorized (i.e., promised) 9 billions of dollars with its laws but delivered only 3 billions with its budget (see page 7-12).

A major surprise was achieved when the pressures mounted behind this Committee's campaign produced an unprecedented reversal not only of the Administration budgetary forces, but of the all-powerful House Committee on Appropriations, by adding close to \$1 billion to the fiscal year 1969-70 appropriation bill for educational programs as it rode through the House. Thus a new chapter has been added to that mentioned earlier. First Administration and Congressional forces placed on the statute books a legislative mandate calling for Federal funds to be placed on the doorstep of every school and college in America for the delivery of improved services to youth. Next the allied groups representing educational interests delivered a telling message that they had the power to push the Congress into a funding action that would have previously been considered impossible. The net effect is an assumption (at least a political assumption) that the Federal role will continue to grow and that the Federal programs are sufficiently important to create across-the-board political action to achieve more adequate funding of them.

While a Federal role is emerging in law, more sharply than might have been earlier predicted, a growing realization persists that local problems are not yielding to the legislative solutions designed by the Congress. Public despair with educational progress for poor and minority group populations has led to questions of the magnitude of Federal

leverage that will be required to bring about institutional change in the educational system. As programs multiply on the local scene, the continuing decline of achievement scores in the inner city causes public concern and doubt. As the Federal slice of the education budget grows the question arises "how much difference is the Federal dollar making?" The answers are difficult to come by. The principal political concern centers on the issue of "categorical" aid vs. "block grants" or "general aid." The principal public concern is whether Federal dollars can bring about needed improvements in pupil achievement. Economists argue that we should not invest heavily in educational programs until we find out "what works" and can be assured of commensurate return for the Federal investment. Educators argue that we have never really given them a chance to prove their ability to deliver educational success because we have limited their resources and forced them into diluted programs.

The impasse that emerges from this conundrum is that the character of program leadership from Washington may shift in either of two directions. One choice is for greater Federal concern for producing tangible educational outcomes for those pupils who are being rejected by the system. The other choice lies in the direction of calculated funding of "the system" to provide the essential public finance, and to allow the local schools to worry about producing needed results. Whether a middle course can be charted is another question.

For the urban areas, the stakes are very high since they are at the mercy of unsympathetic State legislatures. Also, they are caught in the undertow of the growing disabling confluence of immigrant poor pupils and an exodus of middle class taxpayers. They are also striving for political recognition by the Federal Government in the face of a growing Federal apathy toward "solving" urban problems.

However, the Federal Government can only drift—it cannot retreat. It is politically impossible as well as humanly unthinkable for the Federal Government to turn its back on the millions of children it has offered to help through its new programs serving the disadvantaged. What the Federal Government really must decide is not whether to withdraw, or even whether to enlarge its role in the educational system—the real question is whether the Federal Government has the skill and determination to remake its programs in ways that will solve urgent national problems of social progress and human survival. For our inner cities the question is more simple and stark—life or death for its children.

Urban Education—A National Problem

As was stated in chapter I, the salvation of urban education is a problem of national dimensions. All our cities suffer from the same complex of social, political, and economic forces which impinge on the ability of our schools and colleges to produce an acceptable educational product. Since our great cities are the economic and social mainspring of modern living, their educational salvation becomes a problem that transcends State boundaries and political traditions.

The problem of an inadequate education which faces an inner city child and his parents is the problem of the Nation. We believe that the Federal Government must assume

a role in solving that problem. The inequities of the education of impoverished urban students exact a disastrous toll. They cripple the individual youngster's chance for success, happiness, and usefulness. In their wake, his family, community, city and nation are denied his potential contribution. We must now face our unmet obligation. This urgent obligation must be met not only in moral and human terms, but also in financial terms.

An education which produces the effects described above is worthless, and ultimately disastrously expensive. Not only is the money which financed it wasted, but we shall continue to pay for its results. If the dropouts of the present system become delinquents or criminals, they become financial liabilities. If they have a family—but no job—they become welfare liabilities.

It is patently obvious to any student of government that the Federal Government has responded to specific crises in various sectors of the economy. The best example is the agriculture industry which supports a small number of farmers with higher consumer prices and revenue collected from nationwide income taxes. No less supported are the builders of the merchant marine fleet. Where it is in the national interest to solve a particular problem, the national Government has previously sought to solve that problem. Further, the solution of that problem benefits not only the nonwhite and the city but the entire country as well.

From a completely practical standpoint—Idealism aside, Federal investment in education can be an extremely profitable venture. In that money that was formerly spent for programs, such as welfare, stronger police forces, and other preventive or stop-gap measures could be freed for spending in other areas, since educational programs create revenue and jobs. The costs of not educating people to take responsible positions in society are striking.

TABLE 1.—MUNICIPAL EXPENDITURES FOR PUBLIC ASSISTANCE AND POLICE PROTECTION, 1967

(In millions of dollars)		
City	Welfare expenditure	Police protection
New York.....	558.4	292.1
Chicago.....	10.2	93.1
Los Angeles.....	11.2	70.6
Philadelphia.....	11.2	47.7
Detroit.....	19.8	41.0
Baltimore.....	50.8	25.9
Houston.....	.....	12.5
Cleveland.....	1.9	17.6
Washington, D.C.....	35.1	30.8
St. Louis.....	1.1	22.5
San Francisco.....	61.1	20.3
Milwaukee.....	.....	17.4
Boston.....	61.7	22.1

Source: Statistical Abstracts, 1968, Table 602, City Government Expenditures.

The Municipal Expenditures cited in Table 1, overpage, are actually only a small portion of the money that is spent for such purposes. In 1967, the Federal Government paid out a total of \$9,868,217,000 to the states for public assistance alone. This figure is equivalent to more than twice what the government spent in all education programs in that same fiscal year. (The total government spending in education in 1967 was \$4,047,000,000.)

In terms of welfare payments, the Federal Government will provide a yearly average of

\$515 per recipient. As of January 1969, there were 6.1 million people on welfare,² with a resulting average Federal welfare bill of 3.1 billion dollars. An individual on welfare for the period of his working life will cost the country approximately \$25,000.

These substantial welfare expenditures by the Federal Government offer little if any return on the investment. Welfare cannot be regarded as more than stopgap measure to solve the problems of poverty. Expenditures in education could have the direct effect of lowering welfare costs, by educating people, getting them off the welfare rolls and into the occupational structure. Aside from the financial benefits of such action, it is impossible to measure the saving in terms of the effects on the individual lives involved and the ultimate reduction in human conflict. And in the end, this prosperity that is created by the introduction of such programs can also be shared by the local citizen; for, as spending and employment increase, so will the GNP, and tax revenue and Federal grants will be available for use on other essential programs.

Education is an investment in the future of the individual and in the future of the country. He will, in all probability, be adequately employed, and thus a financial asset through his payment of income taxes. In terms of job training programs, the majority of which are designed for high school dropouts, the government will spend another 3.5 billion dollars in 1970 (*Federal Manpower Programs*, 1969, p. 135). In terms of prison costs and rehabilitation, the government pays \$3,760 a year per adult in a reformatory and another \$1,200 to train him.³ A high school graduate may be expected to earn an average of \$7,494 a year; a college graduate, \$11,135 (U.S. Office of Education, 1968, p. 15). Together they will pay back to the government in Federal taxes approximately \$90,000 during their working lives.⁴ Education is the key to the chance for an individual to become a \$25,000 welfare liability, or to become a \$90,000 taxpaying asset. We cannot afford the cost of failing to meet our obligation.

Another factor which points to the Federal government assuming a role in solving the problem of urban education is that the local and state governments simply cannot do the job alone. Education must compete with all of the other urban problems, like housing, health, traffic congestion, air pollution, for attention from city governments which face crises in meeting their operating budgets.

No one knows how to meet any of these problems without spending massive sums of money. The property and sales taxes on which states and localities rely so heavily are pitifully insufficient. The hope, then, must come from Washington. The Federal income tax with all its faults does keep pace with the growth of the economy much better than the sales or property taxes.

The Nixon Administration has made a move toward helping state and local governments with its revenue sharing plan. However, if enacted, it would not help the big cities or urban education significantly. The proposal contains no satisfactory pass-through mechanism to get the money to the cities, and there are assurances for educational support from whatever does come through their pipelines. If urban education deserves priority attention, and we strongly believe that it does, it must come in the form of direct aid from Washington to the cities.

Footnotes at end of article.

President Nixon's Task Force on Education urged such Federal effort on behalf of urban education in its report:

"We believe that . . . this (urban education) is one of the areas of education where the Federal Government has a special responsibility for direct intervention and one to which the new administration must devote a substantial portion of its attention." (President Nixon's Task Force on Urban Education, 1969, H 1661).

A Federal effort in urban education would be in keeping with such past efforts such as the Morrill Act, which 100 years ago responded to the need for a system of higher education in this country, and the National Defense Education Act, passed after the Soviet launching of Sputnik and designed to compensate for deficiencies in science, math, and language programs in American schools.

The crisis in urban education must be confronted. It is obvious that we cannot afford the financial and social burden that presently exists. We cannot afford the growing animosities and tension between blacks and whites in our cities and across the land. If it is agreed that the foremost socializing agency in the nation is the school system, then that is where an attack upon the problem must begin and the solution, at least in part, must reside.

PART III—A PLAN FOR URBAN EDUCATION Overview

The Task Force submits as its major recommendation that the Office of Education develop special landmark legislation, such as an Urban Education Act, which will be designed to fund the planning, development, and implementation of a comprehensive master plan to meet the specific, long-range, broadly conceived educational needs of inner-city areas. As an interim measure, the Task Force further recommends that the Office of Education immediately consolidate programs for impoverished groups under an Associate Commissioner for Programs serving the Disadvantaged. This Office or Bureau should: supervise the implementation of the short-term recommendations of this Task Force Report; conduct a critical examination of current programs dealing with education in the cities; modify and administer these programs; provide technical assistance to them; design such long-range landmark legislation as the Task Force recommends; and prepare to administer such legislation upon its passage. As the development of new program authorization permits (e.g., an urban education act or new categorical programs), a new Bureau of Urban Education should be created with a clear mandate to operate programs and to establish Office-wide priorities for efficiently meeting urban educational needs in all OE programs.

Accordingly, Part Three of this report discusses the long-term recommendation for the development of an Urban Education Act in four successive chapters and the short-term recommendations are presented in the last chapter. The chapters are as follows:

Chapter VIII—An Urban Education Act—The Educational Program.—This chapter deals with the type of education program which would be the major focus of a comprehensive urban master plan. The Task Force would hope to see the components of such an educational program specified in the legislation or contained in administrative guidelines.

Chapter IX—An Urban Education Act—The Authority Structure.—The question of

authority is discussed on all levels: local, city, metropolitan, State and Federal. Federal reorganization designed to establish a Bureau of Urban Education is discussed in this chapter.

Chapter X—An Urban Education Act—The Funding Process.—This chapter discusses the funding process, including the determination of grantees, e.g., cities, local education agencies, non-public schools, and competitive alternative agencies. Funding to States, as well as a potential funding by-pass to cities is also covered here.

Chapter XI—An Urban Education Act—The Cost.—This chapter delineates the cost of the recommended programs.

Chapter XII—Short-term Recommendations.—This chapter will discuss measures which either relate to existing legislation or which may be taken without introduction to new legislation.

The Task Force wishes to underscore its conviction as to the urgency for immediacy in implementing both its recommendation for landmark legislation with long-range impact and its short-term recommendations. (The short-term recommendations are regarded by the Task Force as crucial and minimal to hold current educational systems together.)

Chapter VIII. An urban education act— The education program

The Task Force recommends that special legislation be developed, to be called the Urban Education Act. As a major section of the Act, the Task Force recommends the inclusion of a comprehensive master plan concept for urban education. This section should make provision for duly constituted agencies and groups (detailed in Chapter IX) to develop comprehensive master plan proposals for the redesign of educational programs and supportive services with special emphasis on inner city and suburban students who are impoverished. Also included in this section of the Act should be both the kinds of characteristics and the sequencing which any master plan submitted by a potential urban grantee should possess. Finally, this section should include provision for grantees other than those eligible under the master plan and the characteristics of programs funded as alternatives.

Accordingly, this chapter describes the scope and orientation or philosophy of the master plan, the levels which this plan should encompass, and the components which should be included at all its levels. Also described is the rationale and characteristics of an alternative plan to the master plan.

The Scope and Orientation of the Master Plan

The master plan must reflect the broadest and most enriched concept of education and relate its projected educational program to other special urban concerns, such as integration, housing, health, and employment. To isolate the urban education program from its environment or context would be setting the stage for irrelevance in the neighborhood school program and for inadequate responses to special needs of impoverished students at the policy and senior administrative levels.

Furthermore, merely equalizing the educational resources between city and suburb will not accomplish the goal of providing impoverished students with the quality education they need. To prepare this student

for full participation in the life of our nation, he must be provided with an education that is dramatically superior to that in the suburbs. This education must prepare him to enter the economic and social mainstream of American life without losing his individuality and concomitantly prepare those already in the mainstream to accept his individuality and diversity as positive contributions to it.

To achieve this superior education for the impoverished urban student:

"The educative process must be truly expanded in its focus to the whole individual at all educational levels. . . . His health, his emotional well-being, his intellectual capacities, his future employment, his self-realization are thus all involved in the process. . . . New areas must be included which are of special significance for the urban student, such as problems of narcotics addiction, noise, overcrowding, and maintenance of individuality." (UETP Report, Ch. I, p. 1-7).

In order to insure that a master plan submitted by a potential grantee reflects a broadened concept of education and an enriched supporting program, general criteria should be established. These criteria should either be contained within the legislation itself or specifically assigned in it to the Commissioner of Education to develop in concert with representatives from other urban and urban-related agencies. Placing such criteria within the legislation itself in general terms would presumably give more weight to subsequent and more detailed regulations and administrative statements dealing with possible future problems of compliance than might be available if administratively developed. Moreover, if generally stated in the legislation, there should be sufficient flexibility to make adjustments administratively as needed after urban education programs have come into existence. To be avoided for either alternative is the creation of a monolithic set of criteria which only consider the common characteristics of urban areas and fail to take into account their unique characteristics.

Bearing in mind the above caveat, the majority of the Task Force recommends the establishment of a set of general programmatic criteria both to be followed by the potential grantees in developing their master plans for urban education and to be applied by the grantor in: (1) assisting potential grantees in developing their proposals; (2) in judging the quality of these proposals; and (3) in working with the grantees in implementing these proposals. These general criteria should include the following features:

1. A clear and broadly conceived definition of what education in the urban setting should accomplish is imperative. This definition should overarch and thus link together all of the specific phases and components of the urban education program. Parents and youth of the neighborhood communities participating in the program should also contribute to formulating this definition since they will be experiencing its effects in various ways over extended periods of time. Moreover, this definition should avoid the pejorative distinction often made between education and training. The educative process must encompass both so that the participating students will acquire a valid and saleable education in the sense of becoming fully self-respecting, rationale, and economically sufficient human beings

and citizens. Specifically, the majority positions of the Task Force as detailed in Chapter I lead to a definition of education which embodies the concept that all of the individuals participating in the program at any level and in any role are active and continuous partners in the educative process which can—and does—take place anytime and anywhere. This concept implies that heretofore largely unrecognized partners—parents, local community residents, and students—must be involved in the decision-making about what is to be learned, and why it should be learned. The extent of student decision-making would, of course, vary with age, but it should nevertheless begin with the earliest age of entry into the program. With such involvement in the decision-making process comes both the need and the responsibility for knowing the options and the probable consequences of these options, the joint setting of goals which are understood by all participants, and the identification of the best strategies to reach these goals. Moreover, this decision-making requires clear statements of goals to be accomplished and the sequencing of behaviors required for their accomplishment.

2. A clearly articulated statement of need which includes: (a) a description of the community environment(s) in which the program will be based; (b) descriptions of target populations to be served; (c) the development of the priorities or needs which identifies the relative degree of urgency of the problems facing the urban area which relate directly and indirectly to education; (d) inadequacies within the presently existing educational programs in the urban area; (e) a description of how the proposed new plan will meet the priority needs of the target population and effect necessary educational system and related institutional changes; and (f) the difference between financial resources presently available at the State and local levels and those needed from the Federal level to successfully implement the plan.

3. The plans for utilizing financial resources from all available sources, including Federal, State, local and private sources. These plans should detail the sources and amounts of funds as well as their anticipated use in the program.

4. The plans for utilizing existing and heretofore largely unutilized instructional and human resources, e.g., private business and industrial facilities and services, cultural institutions, governmental agencies at various levels, (Federal, State, and local), the diverse human potential within both the city-at-large and a particular community. The use of these resources can take a wide variety of patterns ranging from voluntary contributions in the form of services, equipment, and space to subcontracting out whole aspects or levels of the educational program. The following examples are briefly illustrative.

In the voluntary area, there are such possibilities as teaching an art program in a nearby gallery with local artists doing the teaching or supplementing the school instructors; of teaching measurement in a factory making precision instruments, in a bakery, in a dress-making or interior decorating shop; teaching reading to functionally illiterate adults with qualified personnel drawn from the school system or local universities using want ads, driving manuals, bus schedules, labels on food products, and

credit contracts; etc. In the subcontracting area, there are such possibilities as computer programming and keypunching, automobile mechanics training, carpentry; and early childhood education program being operated in leased commercial space; para-professional training program; street academy for drop-outs and other young adults; work-study programs run by local universities at the secondary level to prepare teenagers for successful undergraduate performance; etc.

5. A general set of objectives or aims to be pursued to solve those problems which have direct bearing on the process of education, e.g., housing, employment, health, integration, etc. Such objectives should strive to be met by phases of the funded master plan and by utilization of and coordination with other Federal, State, and local authorities. The local educational agency will need to develop these broad objectives in conjunction with these other agencies as well as within whatever legal constraints are involved. A consolidated set of general objectives with a timetable and a commitment for mutually accomplishing them should hopefully afford a coordinated approach to these education-related problems.

6. A specific set of educational objectives to be met by the educational program of the master plan clearly stated in terms of what the student in each educational developmental level is expected to learn, acquire, and/or manifest as a result of the comprehensive program provided. Such objectives should be oriented to student performance which can be measured in some form of overt behavior.

7. A full description of the program which will be developed and implemented to accomplish the objectives in points 4 and 5 above. The education program description should include the following components at a minimum: a) planning, b) personnel or staff development at all levels, c) curriculum, d) supportive services, e) community involvement, f) experimentation, g) assessment, and h) facilities. These components are described in detail in a subsequent section of this chapter.

8. The plan for adequately evaluating the master plan program in each community with respect to the performance of institutions in general and specific key roleholders within them in bringing about change and improvement. Such evaluation plans should include the utilization of the assessment component of the education program in relation to all other components of the education program beginning with the first stages of the planning and including estimates of student performance and the general educational performance in each community.

Levels of the Educational Program

As stated above, the Task Force recommends that the master plan be developed to encompass all educational levels from early childhood through adult. In determining priorities in terms of developmental levels, the Task Force suggests the following level designations and their definitions:

1. Early childhood—from prenatal to nine years of age (preschool through 4th grades).
2. Middle childhood—from ten to thirteen years of age (5th through 8th grades, including some "occupational readiness").
3. Secondary—from fourteen through eighteen (9th through 12th grades, and including "occupational readiness" and training).
4. Higher education—eighteen and up (while in college or other form of post-secondary education, including occupational readiness).

ondary education, including occupational readiness).

5. Adult (training taken after a lapse of time from secondary or higher education, often requiring occupational readiness and training).

The Task Force felt that a rationale could be developed to give first priority to the consideration of any one of the above-noted levels. Therefore, we recommend that through the development of a comprehensive program which if articulated at each level to the next, then all levels will be considered as having an equal priority. This position represented the sense of the Task Force members present although a considerable number of the members felt that the early childhood should receive the greatest emphasis.

The Task Force suggests that priorities can be imposed only when considered from long- or short-range perspectives. To illustrate: If viewed from the perspective of long-range results, early childhood education would receive priority emphasis in order that a child from birth could be educated to his fullest potential and in order that his education might progressively equip him to most effectively negotiate the society for which he is being prepared. This reasoning proceeds from the up-and-out in one generation perspective. If viewed from the perspective of short-term results, secondary level would receive priority in order that the current high school students of the cities emerge motivated and prepared to acquire higher education or vocational training to become sorely needed educated members of society. We can afford no gap of educated inner city students in leadership positions while we await the emergence into society of those students now in early childhood phases. Also, higher education is an important immediate priority since program modifications and/or new programs must have appropriately trained personnel to operate them.

Educational Program Components

As mentioned above in the section, *The Scope of the Master Plan*, the Task Force recommends that the educational program of the master plan should include at a minimum the following program and program-related components defined below. The order of listing does not imply a statement of priority, except with regard to planning.

Planning

Crucial to the successful implementation of any educational program component is a deliberate and comprehensive plan which has been developed with sufficient lead time and which at various stages in its development has involved appropriate persons representing the community, the public and private educational agencies at State and local levels. USOE, private industry within the urban area and the State and local governments. The planning component itself should not phase out as the program components become operational. Rather this component, in conjunction with that of assessment, should become the cutting edge of the master program, i.e., it should be out "in front" of program in anticipating its needs, personnel, training, and the like. Its operations should specifically include continuous planning, modifications, and/or redesign as feedback becomes available from the operating components. Hence, the planning component

should have phases to it (e.g., initial design, preliminary implementation, feedback, modification, and the like), but the phases will as the program becomes fully operational take on a cyclical character.

During the initial design phases, the development of framework for the master program becomes critical, and should include such aspects as: the setting of priorities based on a wide range of inputs from such sources as parents, community leaders, teachers, administrators, etc.; a clear set of performance objectives stated in terms of overt student behaviors; funding requirements and anticipated costs; preparation of a plan for in-service training in critical areas; designation of schools to be involved; joint planning with other social agencies; etc. While we feel that the specific objectives should be defined locally, we recommend that specific objectives be conceived within a framework that considers the following concerns.

Integration

The planning framework should assume integration as a vital aspect of and means to a full education. The Task Force agrees with and fully endorses Commissioner Allen's goal "to provide an equal educational opportunity for all in a racially and socially integrated society." (To achieve this equal educational opportunity, urban education financially and programmatically must be superior.) We further recommend that systematic integration plans must be a part of the master plan. Studies have shown that when children from low-income minority families are integrated with middle or upper class white children, achievement does improve. Even more important is the finding that when children of different backgrounds with different values associate with one another attitudes and outlooks are bound to modify and broaden.

However, for significant integration to occur there must be a substantial, genuine voluntary mix of students and staff. Unfortunately, this prerequisite makes it impossible for integration to work on a large scale in most urban areas. There are simply not enough whites in the inner city to go around. Nor have whites been particularly willing to give up their advantages to do something about inner city education. We recognize the seeming paradox of attempting to achieve integration with the current thrust of decentralization and community control which in some instances seem to perpetuate existing patterns of racial isolation.

However, this thrust by no means precludes integration. Integration is, in fact, a natural byproduct of many smaller experiments in community control of schools. Washington's Adams-Morgan Community School, for example, began as an effort to bring an economically and racially diverse neighborhood together so that programs could be developed to meet the root causes of its social problems. Its students, faculty, and governing board are integrated. At Ocean Hill-Brownsville over 70% of the teaching staff happens to be white. The Store Front Learning Center, also located in the heart of Roxbury, reflects the surrounding community and is primarily a mix of Spanish-speaking black and white children and teachers.

The emerging interdependency thrust has the potential for developing new patterns of integration. For example, the Anacostia Community School Project is making efforts to draw in the larger community as well as the resource of the Public Schools of D.C.

The new Federal City College, also located in D.C., manifests the same thrust although reflected in somewhat different ways.

Integration is feasible through other approaches as well. Schools in smaller cities which have a majority white population should be reorganized along racial lines. All schools in the district may be used and qualified educational personnel redistributed among the schools. In recent years several cities with population ranging from 100,000 to 300,000 have desegregated their school systems. Examples of desegregation efforts in such cities as Berkeley, with 125,000 people with a school population 41 percent black, and Evanston, with a total population of 88,000 of which 22 percent is black, should be studied by cities of like size and composition. Educational parks, great high schools, which involve the concept of metropolitan planning in education are a logical next step for those areas which have successfully tried an integrated approach on a small scale.

In short, we recommend that: 1) In addition to holding the objective of integration in the long run, any immediate steps toward this goal which are feasible should be taken; 2) regardless of what form integration in the inner city takes—and it may not be immediately feasible—we must provide for the disadvantaged urban student an education which is dramatically superior to that in the suburbs in order to recompense that student for an education which to date has failed him. We must provide an education which will prepare him to negotiate the mainstream, and which will in time attract all races and all social strata to share in a process superior to the one they are currently experiencing.

Institutional Change

Also, within the planning component, specific program and student performance-oriented objectives should be conceived within a framework that assumes *institutional change* as an urgent necessity—not change for the sake of change—but the implementation of new educational structures, roles, materials, training programs, and the like, which have been proven more effective toward the successful education of students than those currently in practice or use. Plans should indicate what conditions or areas call for institutional changes, what kinds of institutional changes are anticipated, how they will be achieved, the nature of opposition to and/or support for these changes, the schedule by which they will be accomplished, and the criteria for measuring the extent and magnitude of the anticipated changes.

Gains for total community through wide use of resources.—The framework should take into account not only educational gains for the student but also for the community as a whole. A set of performance objectives for students if well conceived and successfully met will yield byproducts for the entire urban community in such areas as employment, cultural enrichment, and dollar impact. The planning framework itself must be a dynamic and expanding one. In order to meet student performance objectives, new authorities must be developed and new resources tapped which will contribute to future planning and implementation of programs.

Pre-grant performance.—Plans should include a report of those components which have been developed, implemented and tested

since they are the ones on which the success of the master plan is predicated. Without prohibiting newly created organizations from receiving funds under an urban education act, planners should generally be required to use existing funds to demonstrate performance prior to receiving developmental and operational funds.

Personnel Development

One of the most crucial elements of any comprehensive plan to make the schools in our cities more responsive to their students and to better prepare them to deal with our complex society is a basic and far-reaching reform in the approach to educational personnel development. By *personnel* is meant administrators, teachers, paraprofessionals, non-professionals and community volunteers. By *development* is meant continuous preservice and inservice programs at the local, city, State and Federal levels for all persons involved in educational activities. Specifically, these programs should be designed for and carried out in inner-city educational settings. Included in such programs should be:

1. The acquisition of appropriate attitudes and strategies for working with inner-city students.
2. Preparation for process-centered learning rather than textbook-centered learning.
3. The full utilization of the life experiences of the students as significant content for process learning.
4. The techniques for involving community residents and other resources in the educative process.
5. Cooperative work with supportive services staffing, e.g., nutritionist, psychologist.
6. The flexible and maximal use of educational settings—both traditional (e.g., the regular school) and a traditional (e.g., streets, businesses) within the community for the educative process.

A good teacher is usually the major key to a successful educational program. Yet in our inner-city schools we all too often find new and inexperienced teachers, or substitute teachers. We also find teachers who have received their teacher training in middle-class oriented institutions and who, as a result, have developed negative attitudes toward the potential of the disadvantaged child of the urban ghetto. When we do find dedicated teachers, they are often hampered by inadequate educational material, by an inflexible curriculum, by inappropriate preservice education, or by a lack of any salary incentive to remain in an urban school rather than move to the suburbs or drop out of teaching altogether. Actually, if we take into account all of these factors—low salaries, inadequate preparation, low status, inappropriate curriculum, and the inadequate tools given to teachers to accomplish the monumental task expected of them by society—educational personnel are probably performing better than the society has a right to expect.

Yet this is small consolation in the face of the urgent demand for more effective schools and for a more effective educative process which is linked to the real lives of students. A basic reform is required. Students in our cities have a right to: (1) expect teachers who understand and appreciate their cultural heritage, their socio-economic problems, and their individual life styles; (2) expect teach-

ers who possess a positive attitude toward their learning ability, who are able to make use of the students' varying values, even though they differ from the teachers' values; (3) be taught by teachers who can function as team leaders and who can draw experiences into the learning situations that will make it community-centered learning; (4) find in their teachers a sensitivity to individuals which is reflected when they encourage each student according to his ability and interest; and (5) have teachers competently knowledgeable in their respective subject-matter areas.

We see this basic reform occurring in three major areas: (1) recruitment; (2) training programs; and (3) staff development. The main responsibility for beginning to develop new approaches to recruitment and staff development rests with the school systems. These new approaches should be spelled out in the plan. Renewal of teacher training programs must be a cooperative venture between colleges and the schools.

Recruitment.—School systems should initiate programs which will provide incentives and inducements for attracting capable and competent persons to enter urban school systems, especially those from poor and ethnic minority backgrounds.

One type of program would be an arrangement whereby the school system would hire a beginning teacher and in cooperation with a college or university develop a special graduate training program tailored to his needs, and would also pay for the teacher's graduate training. Another program would be the recruitment of returned Peace Corps and VISTA workers, accompanied by special orientation and training programs. There could be programs established which focus on hiring and preparing persons who have college degrees and have been employed in other fields but who now want to enter the teaching profession. Another obvious approach would be to send young, attractive articulate teachers from the school system to recruit additional staff members from colleges and universities.

Another essential part of the recruitment program should be the effort to attract residents of the communities served by the schools, especially the poor, into new careers in the education profession. The involvement of community residents in school programs has already been shown to have a positive effect on the learning of the students and has assisted, in many instances, in overcoming the students' alienation from teachers and administrators. In addition these new career opportunities will help to meet the manpower crisis in the teaching profession and will allow for greater flexibility and differentiation in staff organization.

The new career opportunities offered to community residents should be more than simply secretarial or clerical. There should be an adequate orientation program to enable these paraprofessionals to function effectively in the classroom as part of the instructional team. In addition, training and education should be built into their work situation to enable them to advance into a permanent position in the professional teaching ranks.

Training programs.—If a comprehensive education plan directed to the needs of the disadvantaged child is to be effective, teacher training programs must concentrate on

changing the attitudes of teachers and preparing them to effectively employ new ideas and educational materials quite different from those methods and materials which might be employed in a typical suburban school.

We recommend, therefore, that a separate title of the Urban Education Act be written which would fund specific types of teacher training programs to accomplish the above objectives. These programs would have to be operated in colleges or universities located in or adjacent to the urban areas which receive funds under the terms of the Urban Education Act.

The programs approved for funding by the Assistant Secretary/Commissioner of Education would have to be based on a reconnection between the teacher training institutions and the communities which the teachers will serve. The institutions will need to ask the urban communities what their goals are in terms of the kinds of teachers they feel are needed in their schools. And they will need to design special student teaching experiences approved by the community and which take place in the city. In addition, university professors must come to understand, experientially, the actual problems that school teachers face daily in the classroom in order to help them arrive at better approaches to teaching.

Necessary elements of any program must be courses such as urban sociology, cultural anthropology, and the psychology of the disadvantaged, experience in working with highly aggressive students, and a working knowledge of behavior therapy in preparation for conflict situations likely to occur between the values of staff personnel and students from urban areas. In addition, pertinent faculties outside the school or department of education must also contribute to the work of effectively preparing teachers for our urban schools.

Finally, this teacher training title of the Act should provide funds for experimental approaches in the area of teacher preparation apart from colleges and universities. These approaches could take the form of new training centers either publicly operated by a school system, or privately operated by a profit or nonprofit organization. The centers would be located in the ghetto as autonomous units and should be accredited by the State.

Such experimental approaches should be operated on two basic premises: (1) that training should take place in the local community rather than on college campuses; and (2) that the community (including community service agencies and other local groups) should have a major part in the planning and implementation of the training programs and in the policy decisions.

Staff development.—Urban school systems have a prime responsibility for constantly improving the quality of teaching in their system through staff development programs which aim at increasing the subject matter competence of teachers and their skill in teaching children. Such programs must be an integral component of any comprehensive plan to meet the educational needs of the cities.

We believe that if this in-service phase of teacher training is to have a significant impact on the urban school system, then programs must be implemented which orient themselves to the individual schools within that school system. In-service training which attempts to reorganize the teaching methods

of the entire school system can become either quite overwhelming or just procrustean.

We, therefore, recommend a staff development approach (similar to that proposed by the Training Task Force) which takes place at the local school level and involves the whole staff of the school. In this approach the principal of the individual school would play a special role in his ability to coordinate and relate new educational methods and materials in a curriculum design appropriate for particular character of the students and teachers of his school.

More importantly, teachers themselves would be involved and would share a major responsibility for the process of school's development. Obviously, adequate time would have to be provided in the school day for the teachers to carry out this in-service program; it is not an extra to be tacked on at the end of the day in the classroom. This approach to staff development would be seen as a part of their professional life on the job.

Teachers and the para professionals in the schools would carry out an analysis and evaluation of the unique characteristics and strengths of their students, as well as the learning problems peculiar to these students. Then they would decide on the types of teaching approaches, sequences of learning tasks, and instructional materials that would most effectively meet these learning needs. In this process, they would be actively aided by their own students, as well as by parents, citizens, university specialists, central staff personnel and other community resources.

We believe that by decentralizing in-service teacher development, new approaches to education can more effectively and more rapidly reach the classrooms of the urban schools and begin positively to influence the learning process of the impoverished urban student.

Also, any adequate staff development program for an entire school system must be aimed at administrators and school board members as well. Principals and other administrative officers in the school systems who often were promoted to these positions because they were good teachers, should receive training in efficient management techniques. Present and potential school board members, at both the city and the community levels, should also be given the kind of orientation which will enable them to function in their role as educational decision-makers.

Curriculum

Curriculum is defined here as a clearly articulated master plan for the educative process which includes student-oriented performance objectives; sequenced sets of experiences organized from task analyses; basic strategies for acquiring the knowledge, skills, and attitudes in these sequences; and evaluation based on the objectives. Thus, we are concerned with creating curricular designs for living, learning, and working which will result in superior urban education.

These designs must successfully combine the life experiences, needs, and environment of the particular inner-city students in relation to the demands and needs of an increasingly technological and value-conflicted society—and one which is only reluctantly facing up to its racism. The traditional content—or textbook—centered curricular designs on which tweeking and tinkering has been done (e.g., broad fields) will no longer suffice. Rather, we must have curricular designs which are centered on the acquisition of real-

istic problem-solving processes, the steady development of stable and constructive self-images, and the merit of diversity within the mainstream. Such designs must also reach up into the higher education level and encompass all its fields and aspects.

For example, any curricular design would need to be concerned with key communication processes (i.e., listening, speaking, reading, and writing) utilizing students' life experiences and relevant subject-matter contributions which will be applicable to a career ladder for occupations and professions. Moreover, within the communication processes there must be a strong emphasis on reading. Reading is the major gateway not only to school achievement at all levels but also to acquiring the competencies necessary for employment in the skilled and professional occupations and for an enlightened citizenry.

Improved approaches to developing readiness for reading at all educational levels and the teaching of reading itself, must be rapidly identified and implemented. These approaches must also be sharply anchored to the lives of the students involved and the other communication processes (i.e., listening, speaking, and writing)—and, at the same time, they must truly prepare students for the subject-matter demands of the curriculum, e.g., reading an equation. A general performance objective in reading would be: Each student should read at a level commensurate with an accurate estimate of his learning potential.

In addition to curriculum containing the more traditional academic areas, there must also be the inclusion of areas designed to teach the urban child how to deal with such specific urban problems as health—both mental and physical, and including sex education; combating noise and congestion; controlling the environment in order to maintain clean air and water supplies, etc.; understanding and helping to fight the problems of crime, alcoholism, drug addiction, and child abuse. Universities and social agencies must be involved in the development of the curriculum as well as parents, teachers, and students. All have contributions to make to it which are valid and needed.

Supportive Services

Included in this component are all those services—adequately staffed—which make effective learning possible, namely, medical and dental assistance, nutritional services, adequate clothing and shelter provisions, social and psychological assistance, counseling and guidance, occupational and educational placement, drop-out prevention, and recruitment of new personnel. If the students and their families cannot afford such services, then these must be provided. Ill, malnourished, inadequately clothed and sheltered, and/or emotionally upset students—regardless of either their potential learning capacities or age levels—do not function as effectively as students who are comparatively free of such problems and stresses. No matter how effective the curriculum is or how dedicated the staff in its implementation, these components can never effect the superior learning program desired if adequate supportive services are not available. Such services are costly but they must receive a high priority in the overall program since they are foundational to it. It is here that cooperative planning with State and local government officials, local social

agencies, and Federal programs will become particularly critical in order to maximize the use of existing resources and gain commitments for new ones.

Specifically, these services should encompass the following areas:

1. To provide parents and young adults (e.g., teenagers) with additional information about the various aspects of growth and development of children, e.g., nutrition, the role and significance of language development and ways of enhancing it, constructive ways of dealing with young children's emotions, techniques for problem-solving and the like.
2. To provide parents and young adults with volunteer or special or special paraprofessional training if desired in the various growth and development aspects of children.
3. To insure that services are made available to potential vocational education students and families.
4. To provide at least the minimum daily nutritional requirements of children.
5. To provide adequate health services to children, including examination and follow-up treatments as needed, as well as health education—both mental and physical including sex education.
6. To provide adequate recreational services for children at various age and interest levels.
7. To insure maximum health for infants and expectant mothers.

Community Determination

Although community determination is discussed in detail in Chapter IX, The Authority Structure, it is mentioned here as one of the vital components of a successful urban education program.

Community, in this connection, is broadly defined to include its human and institutional components, all of which can profit and be profited by education locally. In order for that education to be effective, and truly relevant to the child's own frame of reference and environment, all components of the community need to be meaningfully involved in the educational process. Specifically those components are: the inner-city residents themselves; the colleges, junior colleges, universities, vocational and technical training institutions in the area; and local private industries and foundations.

Inner-city residents.—The inner-city residents must be actively involved in all aspects and at each developmental level of the urban educational program. This involvement could take one of several patterns: (1) *control* (i.e., full fiscal, programmatic, and hiring authority); (2) *partnership* (i.e., division of authority with representation from other groups within the urban area); or (3) *participation* (i.e., a combination of advisory and policy-making functions with preferential hiring of community residents). Whatever community involvement pattern is decided upon by the planners, it must have the sanction of the inner-city residents affected as being the most workable pattern for them. Contingent upon the particular pattern chosen would be the degree to which decentralization would come into being. With full community control comes the requirement for full decentralization. With community participation—as defined here, a very limited administrative decentralization might be the only requirement. Whichever pattern is

chosen, parents and other inner-city residents should have ready access to the educational staff on a daily basis to enable the staff and the community to solve problems of mutual concern so as to permit continuous feedback, evaluation and rapid modification of the ongoing educational program as well as to train parents as effective educational interventionists. Programs should be developed which would facilitate teachers visiting the homes of all students. Such components have been highly successful in existing vocational programs and might be utilized wisely at all educational levels, greatly enhancing communication and cooperation between staff and community—and, also, help assure final accountability. Where community and school share responsibility, the patterns of shared accountability must be developed.

Institutions of higher education.—Although colleges have tended to relate to local needs and clientele, other private and public institutions of post secondary and higher education have all too often functioned independent of and segregated from the local community. We have recently witnessed many outbursts directed at the symptoms of such segregation. The times are dictating a radical shift in the colleges' and universities' institutional images, from the mediocrity-originated concept of the secluded scholarly retreat to that of an active and responsible community member. Many students and some faculty members and administrators, sensitive and receptive to the university's emerging role as community citizen, are already engaged in active participation and partnership with the community. It is necessary that these efforts be expanded so that the expertise of the university is combined with that of the neighborhood communities in preparing children and youth to be members of the society at large. Colleges and universities must alter their all-too-prevalent attitudes that they are functioning responsibly in "maintaining standards" by shutting their doors to those students of disadvantaged backgrounds who do not score comparably to their middle class counterparts for whose culture the measurement tests have been designed. If colleges find that the preparations in skills of the few disadvantaged students currently admitted are obstacles to the full learning potential of these students, they must not merely condemn that preparation. Such colleges owe it not only to those students but also to their own validity as institutions, to involve themselves in the improvement of that preparation during the early years of education. They must realize the importance of expanding their roles and attitudes to include: (1) early involvement with and recruitment of the inner-city student; (2) motivational and skill-oriented pre-college programs; (3) development of curriculum designs appropriate to inner-city students and the education of those who will work with and teach them; (4) re-examination of faculty attitudes toward inner city students whose backgrounds and values are divergent from their own and from a majority of their student peers; and (5) redesigning of teacher training programs and patterns of certification.

Private industries.—Local private industries and foundations, both profit and non-profit, should also be actively engaged in the education of their communities. Such agencies constitute a major resource for needed professional and vocational skills. Moreover,

their participation in the educational programs should be mutually beneficial in terms of immediate service to and subsequent employment of community residents.

Experimentation

At all educational developmental levels, the urban education program with its various interlocking components is to be viewed as experimental. Experimentation is therefore to be viewed as an integral part of the general operating program. The dichotomy which has grown between costly research-experimental programs involving small numbers of children and operating programs with large numbers of children (e.g., Title I) must be avoided. Experimentation as conceived here, is for trying out new concepts, techniques, personnel training, staffing patterns, class organizations and the like, within the realities of the operating program. This type of experimentation precludes neat independent-dependent variable designs, but, at the same time, permits new approaches to be tried out with immediate feedback results in a realistic way.

Related to this experimental component, are those alternative education programs and approaches which many be piloted or demonstrated as "sub-programs" in the overall master education plan. Such alternatives sponsored within one grantee's master plan are to be distinguished from alternative programs which may be funded and operated outside of or in competition with that particular grantee. Alternatives outside a master plan are discussed in a later section. In this part, we are concerned with alternative programs conducted as experiments within a master plan of a local educational agency. Such experiments can presumably accelerate the rate of effecting institutional change within a system and may take one of the following forms:

Community Schools.—Community schools offer service and leadership in response to joint planning by the school and the community to improve communication and to better meet the community's needs. To truly serve its community, the school should be placed where all members of the community, old and young would have the opportunity to learn. It may also function as a community center where health and legal services, counseling and employment are offered. A successful example of this type of school is the Mott Program in Dearborn, Michigan.

Model subsystems.—Model subsystems such as those now operating in the District of Columbia, New York and Boston are used as testing-and-demonstration-grounds for new programs. Governed by a community board they have the freedom to experiment widely in curriculum and other recruitment and utilization of teachers and the management of the system itself. Basic to the subsystem approach is the premise that model schools have a close and direct tie to the rest of the school system in order to influence that system's practices.

Street academies.—Street academies may operate either as an experiment or a demonstration within a master plan, or as an alternative to a master plan. An example of this genre is the system of Street Academies sponsored by the Urban League in Harlem which caters to students who have dropped out of the public schools. The Academies, usually abandoned storefronts, are manned by teachers and streetworkers, often alumni

of an Academy who live in the area where they work and are therefore more able to communicate with prospective students. The educational process is three-tiered. First, a student attends the Street Academy, then the Academy of Transition. After he has achieved 8th or 9th grade levels of performance, he goes to one of the college preparatory schools, either Newark or Harlem Prep (so far 90 percent of Academy students have gone on.) The success of the academies is due primarily to the fact that they are truly decentralized units. They work from the street up and adapt the institution to fit the relationship between streetworkers and teachers and students. Recently the entire Academy program has been moving towards greater involvement with the public schools. For example Benjamin Franklin High School in Harlem farms out truant and dropouts to the Street Academies.

Experimental classrooms.—Such examples would include the Duhi School which proposes a new K-4 school for lower-class communities. It assumes that what are needed are four years of preliminary work to get the underprivileged child ready to meet the demands of school. In each urban neighborhood, a classroom would be built in the community, in the living environment of the child utilizing especially built rooms in new housing or space modified for classroom use in older housing. A collection of these rooms joined by electronic devices would comprise a school. The parents and community would be part of the classroom—the “urban agents” which tie the child to the community.

Assessment

As with experimentation, assessment is to be considered as an integral part of the general operating educational program. Assessment is defined here as the extent to which the students in the educational program are manifesting those behaviors stated in its objectives at various educational levels. Implicit in this definition is the requirement that the educational objectives are synonymous with the assessment objectives and that they are measurable in the form of overt behaviors of some sort. Moreover, an assessment design for the type of master plan proposed would encompass far more than the mere use of standardized academic achievement measures. Rather, it would involve a multi-faceted approach to the educative process (e.g. the physical, social, emotional, and academic performances of students at various levels.) Results obtained from the assessment component should be fed into the planning and other components so that necessary modifications and adjustments can be made as rapidly as possible. These results should also yield information—albeit indirectly—on the effectiveness of institutional change as reflected in teaching style(s) in the classroom, in middle- and upper-level administration, utilization of resources, and ultimately the impact of the program. The main focus of these designs must be upon the behaviors of students—and not upon such issues as management efficiency and cost effectiveness. When these kinds of issues become the focus, the learning of students becomes either subordinated or completely lost. Finally, the assessment should have a national thrust so that information on target groups can be secured, analyzed, summarized, and disseminated in comparable ways.

Facilities

The need for additional school facilities is critical in most urban areas. Urban school populations continue to mushroom while available space and monies for construction grow increasingly scarce. The master need for and possible use of new school facilities and an account of the ways in which the community intends to obtain maximum use of existing facilities. Specifically, plans should include the below-noted considerations.

The creation of new ways to use space and facilities more effectively and creatively.

This might include extensive use of the natural and physical resources of the city including museums, art galleries, aquariums, parks, newspaper and government offices and so on as an integral part of the educational program. Classes may also be located in libraries, department stores, college labs, abandoned storefronts. If a different or unusual kind of environment improves student performance it should be utilized.

A premium should be placed on the construction of new educational facilities within all low and middle income housing constructed with the assistance of public funds.

Likewise, educational facilities should be included in public assisted commercial construction, shopping centers, etc. and other office space. Such facilities may provide a significant avenue for racially integrated early school programs. These last two suggestions could also provide a major financial saving if planned at the time original architectural designs are drawn up.

Integration of facilities with the local educational program.—For example, if early childhood education is to be a goal, the possibility of constructing facilities in schools for demonstration centers should be considered. Such centers could act as models for teacher training, and materials research and development. Day care/educational centers could also be established in vocational and high schools for the benefit of children, students, and teachers. Additional programs could be developed to provide high school students and other members of the community with special training in child care, family planning, home economics, etc. Hospitals and other health facilities built with public funds, are also a prime target place. Early childhood programs should be open to all hospital personnel including health manpower trainees who are among the most marginally employed of all institutional employees at the present time.

Multipurpose use.—Where possible, facilities should be designed for recreational, vocational, research and demonstration, and administrative uses. Facilities should be geared to meeting the needs of the entire community; infants; youth out of school; adults; the elderly; as well as those of the children in school.

Impact.—Facilities and programs should be analyzed in terms of cost, design, site location, future use, etc., to determine potentially favorable impacts upon the local economy and community use.

In summary, the large majority of the Task Force feels that major institutional changes are needed in urban education, and that the Federal government should play an active role in recommending the components and processes of programs which will bring about desired change. A minority view held by a few members was that the Federal

Government should not be involved with the setting of criteria and the recommending of program components. Instead, these members suggested that the only proper functions of the Federal level were funding and subsequently, the auditing and monitoring of these funds.

The Need for Alternatives to the Master Plan

The large majority of the Task Force recommends that the existing educational institutions and/or new combinations of existing institutions constitute the best initial mechanisms for developing the master urban education plan. It is to be stressed again that only the educational system is large enough to make the major changes for the improvement of the education of urban students. However, this majority recommends the funding of alternative programs outside of or in competition with the master plan to meet specific needs and problems not taken into account by the more comprehensive master plan. Such alternatives might fall into the following categories.

Educational parks.—Such parks offer more than just a parallel public school system. They could, hopefully, in the not-too-distant future supplant the entire concept of the traditional public school system because they would be of sufficient size and comprehensive enough in nature. Parks are in various stages of planning in Syracuse, East Orange, Boston, Rochester, Philadelphia and Washington, D.C. The parks represent a totally planned system, an all-encompassing social community plaza with education and participation of the total community as its focal point. Not only education but related services, such as public health and counseling services would be offered with a constant interplay between service institutions and the educational area. Its participants would be racially economically and ethnically integrated. The major problem seems to be the one of finances. The park concept would involve a large commitment from the total resources of the region to be served in addition to a substantial commitment of State and Federal resources.

Publicly-funded private schools for children of the inner city.—The Highland Park Free School, is by far the most ambitious and most comprehensive project of this type. These schools, free from the bureaucratic inertia and rigid architectural structures of the public schools, can provide a setting responsive to the kind of experiment and innovation needed in urban education, and provides some healthy competition for the public schools. Also, they can demonstrate their program with high visibility.

City-as-classroom structures.—This school-without-walls in Philadelphia, the Parkway Project, is one of the more unusual experiments in education. There is no single school building as such. Non-graded classes take place in two dozen different places such as the zoo, art museum, YMCA. The lack of physical and instructional structure give the students the opportunity to study independently or in small groups and to design their own curricula. Students, black and white, are chosen at random from 2000 applications from public and parochial schools.

Regional State schools.—These schools would be financed by the States and would cut across urban-suburban lines.

Federal regional schools.—Such schools would be financed by the Federal Government

out of present State aid funds or with additional Federal funds. These schools would be able to cut through State boundaries and could make provisions for residential students.

College- and university-related open schools.—These schools, financed by colleges and universities would be part of their laboratories in education. They would be open to the public and not restricted to professors' children. Parents, students, and community leaders ought to be given significant representation in the policy-making process so that the university does not play an exclusive role.

Industrial demonstration schools.—These schools, financed by industrial business and commercial firms in the same way churches support parochial schools, would serve their employees and selected members of the public. They would not be vocational schools but standard elementary and high schools.

Labor union sponsored schools.—These schools would be largely but not exclusively for children of union members.

Army schools.—The Defense Department has been effectively educating the casualties of our present public schools. It is hereby suggested that they greatly expand their program. Schools for dropouts and educational rejects could be set up adjacent to camps, but not necessarily as an integral part of the military.

Learning center projects and advancement schools.—The Philadelphia School Board project consists of discovery oriented classrooms, located in nine schools which comprise a network of innovative classroom structures. In the fall of 1968, a group of teachers opened a separate laboratory school for further experimentation. The Pennsylvania Advancement School (formerly the North Carolina Advancement School) is a semi-autonomous corporation with its own board. It has complete freedom to try new ideas and methods. It draws from the city's public and parochial schools and offers staff development programs for teachers during the summer.

Voucher system.—The voucher system is one of the more controversial alternatives which has been proposed to the present system of public education. A voucher, valued at the national average of public expenditures per pupil would be given to students whose family income lies below the middle income level so that he could choose the school, public or private, he wished to attend. The value of this system is that it would introduce the element of competition which could provide the external stimulus to reform within the public schools. Competition makes for a strong incentive to incorporate new programs in order to provide what their customers, the students and their parents, want.

The Task Force, as a whole, favored considering the voucher system as one of the alternatives as a means of both accelerating institutional change and providing an appropriate education for urban students. However, it was the sense of the Task Force generally that it did not favor the voucher system as the only educational alternative to the master plan since there are a number of other alternatives which are worthy of being tried out as well. Some of these other alternatives have been briefly described in this section.

Chapter IX. An Urban Education Act—the Authority Structure

The Task Force recommends that the Office of Education, in its development of an Urban Education Act, give careful consideration to the question of the need for restructuring of authority on all levels, Federal, State, municipal and community—both for the grantor and grantee of funds. The Task Force therefore presents its rationale for new roles at each level and defines the general dimensions of each of these roles.

Accordingly, this chapter is presented in four major sections: 1) A Rationale for an Expanded Community Role; 2) Relationships among Communities in Urban Areas; 3) The Role of the State; and 4) The Need for Federal Reorganization and the Establishment of an OE Bureau of Urban Education.

A Rationale for an Expanded Community Role

The Task Force supports the principle that no significant or effective changes in urban education can be achieved without the involvement and support of those parents and local community residents who have heretofore been excluded from the process of decision-making concerning the goals and priorities of the schools. To this end, we recommend that an Urban Education Act:

1. Require a mechanism for community determination that provides for substantive community impact on policy development and implementation. Such a mechanism should be designed at the local level.

2. Make provisions for the training of school administrators and school board members in accommodating themselves to the above mechanism.

3. Provide funds to a planning group for staff which must create the mechanism for community determination.

4. Provide for evaluation by the Federal government to obtain information to analyze the process of change in the educational system in order to insure that there is substantive decision-making by the community.

5. Provide for evaluation at the local level to insure that the mechanism achieves its objective in making the system more accountable to its clients.

The Problems With Present Local Agents of Authority

In Chapter IV of this report, several aspects of the problem with the urban school system were documented. In that chapter, we stated that the authority figures, the policy-makers and administrators, are often "either too remote from or too indifferent to all of the constituencies they are supposed to serve." In this section, the failure of these current local agents of authority is discussed as one aspect of the rationale for increased community determination. The three agents which currently have a role in the governance of urban school systems are: (1) school boards; (2) school administrators; and (3) teacher organizations. None of these groups have succeeded in bringing about the necessary changes in the school system—although by vestiture of authority, all have had the potential. The reasons for these failures are myriad.

School boards.—School boards in our urban centers are not representative of the people

they serve. Members are generally of upper and middle class cultures with attitudes that reflect such cultures. In many cities where a large majority of the school children are Negro or Spanish-speaking, the boards are composed of nearly all whites or Anglos. Where school boards do have minority group members, the latter are generally middle class men and women who have escaped from the slums and often have as little in common with the ghetto dweller as the rest of the board. As a result, the boards are infrequently responsive to the needs of the ghetto schools.

Not only are the boards unrepresentative of the people in terms of socioeconomic factors, but they are also unrepresentative in terms of the size of the population being represented. Table 1 illustrates the point by indicating the comparative populations and school board sizes in four urban areas and nearby suburbs.

School Administrators.—Much of what has been previously stated about the dissimilarities between the members of school boards and their constituents holds true for school administrators and those same parents, community residents and students. Few school administrators are truly representative of the community being served.

Further, these same administrators are separated from that community even more by the insularity imposed on them by the nature of their function within a large bureaucracy.

Generally, involved with problems of budget and administrative detail, even those administrators—few in numbers—who are program-trained and -oriented, have little direct contact with those they serve. As an all too frequent result, the administrator comes to hold the attitude that his service to his school board holds a prior commitment to that of service to the child. Also the administrator's inevitable bureaucracy creates a hierarchy, somewhere at the bottom of which is the child. Too often the bureaucracy serves its needs—not the child's.

The factors of the size and complexity of many school bureaucracies limits the facilitation of change. There are always rules to be quoted to prevent action—and often little incentive to create it.

Insulated from their students, senior administrators are at the same time insulated from the very human resources who might make them more effective in their roles. Few administrators take advantage of the trained personnel of their own staff or those of local colleges and universities, or of businesses and private industries nearby. As potential liaisons to many varied community echelons for mutually beneficial services, school administrators have generally overlooked this vital function.

The very autonomy of the local school systems serves to insulate administrators yet a step further. Systems free of the forces of change from without perpetuate unresponsiveness within.

A hopeful sign in the generally bleak scene of top city school administration is the emergence of a "new breed" of superintendent—one who perceives of his role, and functions in it, as an agent of change in the relations between the school and the community, e.g. the establishment of community schools in Philadelphia and other places.

TABLE 1.—RELATION OF SIZE OF SCHOOL BOARD TO POPULATION IN EIGHT SELECTED CITIES

	Population (1960)	Current size of school board
City:		
Los Angeles.....	2,479,015	7
Santa Monica.....	83,249	7
Baltimore.....	939,024	9
Hagerstown, Md.....	36,660	6
Detroit.....	1,670,144	7
Ann Arbor.....	67,340	9
New York City.....	7,781,984	9
Mount Vernon, N.Y.....	76,010	9

Source: (Statistical Abstract of the U.S., U.S. Bureau of Census, 1969, pp. 21-22; County and City Data Book, U.S. Bureau of Census, 1967, pp. 464-573). Survey of public education in the member cities of the council of big city boards of education, National Schools Boards Association, Washington, D.C., 1968 pp. 9-14.

Failure of the Teachers' Organizations

Neither the large teachers unions nor groups of non-union teachers have been effective in catalyzing the kinds of institutional changes needed to provide a successful education for inner-city students.

The teachers individually.—Although as we saw in Chapter IV, teachers in isolated instances have been highly critical of the role they have been assigned and of the system which perpetuates such roles, many teachers are generally resistant to change. They are, after all, a part of the system which employs them and over a period of time develop loyalties which may tend to cloud objectivity.

Concurrently, over the years, teachers in a sense "invest themselves" in a classroom, developing their own personal concept of themselves as teachers. Such a concept involves acquiring attitudes toward the students and formulating their personal teaching methods, techniques, and materials. Understandably, they react defensively when this concept is challenged as irrelevant, inappropriate, and/or discriminatory. Whether the challenge is valid or not for a particular teacher, it reflects a change on the part of the students. What was once accepted is no longer. Teachers individually are facing a re-examination of their attitudes, roles and methods. The need for flexibility and continuous self-assessment is one of their greatest challenges, if they as individuals are to be responsive to current needs and problems.

The teacher unions and organizations.—Instead of serving as a strong advocate for changes in urban education programs or in the role of the teacher in urban schools, teacher organizations generally have been reluctant to depart from their traditional concerns over the status of the teacher.

These organizations have been and still are important crusaders for teachers' rights and privileges, and have led a crucial battle to raise the status of the teachers in their own perceptions as well as in the perceptions of their administrations and community. Unions have led the fight for contracts which reflect the impact of such criteria as length of time in service, level of education, working conditions, and grievance procedures. Such unions performed a vital function historically and continue to provide teachers with valuable protection.

However, the times are demanding more of the teachers and accordingly more of their unions and organizations. If contracts should in fact reflect the criterion of effective performance of teachers in the classroom

with their students, then the unions have not as yet prepared themselves to negotiate on such terms.

With the unions' past and present primary thrust on salary, tenure and related administrative concerns, little attempt has been made to examine the teacher in terms of his effectiveness with his students. The unions would need to alter those thrusts in order to deal with this need and to accomplish significant change in current urban education.

Legitimacy of the Community's Role in Education

The educator, Goodwin Watson, provides a succinct analysis of why change cannot be brought about by those who currently operate the urban education system:

"[The school system] is managed by a school board drawn largely from upper-class circles; it is taught by teachers who came largely from middle-class backgrounds; and it is attended by children from working-class homes. These three groups do not talk the same language. They differ in their manners, power and values." (Keach, Fulton and Gardner, 1967, pp. 6-7).

Watson points out that no meaningful change can occur without the support of the inner-city parents and community. It is this group which can provide the greatest stake in bringing about change; it is this group which neither has a voice nor has it been mobilized in support of the schools.

Why the community should have an active role.—The education system owes accountability to the parents of the children whom it purports to be educating, and rightly so. For it is the parents who have a deeply personal concern in what the long-term outcomes will be for their children when their children are not learning to read or are unable to find jobs. Giving parents and local community residents legitimate responsibility and thus decision-making power for effectively modifying the urban schools would allow them to make their contributions in the form of a more highly constructive and sensitive input than is currently possible. The inner-city community has potential power, energy, and enthusiasm for effecting positive and needed changes which have never really been tapped.

It is traditional in American society for the people to have the major voice in the decisions that govern our society and to demand that its institutions be responsive to and representative of the will of the people. If school boards as presently constituted in our urban areas do not achieve such responsiveness and representativeness, they should not—and they cannot—stand as viable and legitimate democratic institutions.

What the community can contribute.—Only members of the alienated and disaffected minority groups can accurately represent the deep-seated frustration, anger, and hostility directed toward the school system. That input simply cannot emanate from the white middle-class school board member, administrator, or teacher, or even from a black in one of those roles. Without an understanding of the causes and extent of this disaffection, changes in urban school systems will fall short of what is needed.

The parents and community can provide a reality base for the educators. It is the parents who can best articulate the goals and values of the inner-city population. It is they

who can suggest techniques or approaches to make the program of the schools personally valid and economically useful to the student from the ghetto.

Parents can provide the system with a new link to the child. Academic and social outcomes of the schools are often related to the degree to which parents understand and re-enforce the goals of the schools. The parents can provide an atmosphere in the home which either thwarts or fosters learning. Such parental positivism is in direct proportion to the opportunity those parents have to participate in the schools.

Models for Community Responsibility for Change

It is not the role of the Federal government to prescribe the kinds of or degree of changes which ought to take place at the local level. It is possible, however, to describe some of the efforts of urban systems which have linked decision-making authority to the community.

Most of these efforts for effecting change manifest two major features in some form. One is decentralization; the other, community involvement in the schools. While there are many variations in and degrees of decentralization and community involvement in the schools in such efforts, some general patterns for both can be identified.

Decentralization.—The term, in education, generally refers to a delegation of certain kinds of authority and responsibility by a duly constituted legal school board to a subdivision or unit within its purview. As we have analyzed the situation, there seem to be four basic variations of decentralization currently in existence, which can be distinguished from one another in terms of the degree of authority and responsibility which are delegated. They are, as follows:

1. Decentralization which assigns certain types of administrative matters (e.g., placement of teachers, use of specially trained personnel, processing of requests for materials and equipments) to a geographical subdivision of the school district. In this variation, all of the major policy- and decision-making power resides in the central board and administration.

2. Decentralization in which the geographical subdivisions have area or district superintendents who handle all of the above types of matters and also have major authority and responsibility for programmatic and personnel affairs. In this variation, the area superintendent usually has very considerable decision-making power and can deploy the personnel or alter the program as he deems necessary under the authority of the school board and the superintendent. In both of these variations, the shifting of authority is within the educational system.

3. Decentralization which permits a *de facto* community involvement in the decision-making process in the form of an advisory board or a planning council for a school or subsystem. Such an arrangement is usually a somewhat informal one in that there is no formal legal contract and the delegation of authority and responsibility are informally worked out between the educational system and the community groups in terms of the scope. Such an arrangement may vary in its scope from decision-making on program, priority-setting for expenditure of monies, and hiring practices to merely a glorified complaint department. In this form, the final

authority and responsibility are still retained by the central school board and administration—although, in point of fact, the local council or "board" may have considerable policy-making authority.

4. Decentralization which involves full delegation of authority and responsibility, including the financial area, to a duly constituted legal entity, such as a non-profit corporation or another school board within the geographical limits of a school district. In this variation, the State authority and/or local central board and the other legal entity enter into a contract in which the authority and responsibility are specifically designated for a particular period of time or until otherwise rescinded by a still higher authority, e.g., State educational agency or the State legislature.

Community involvement in the schools.—Although difficult to characterize in a general way, the phrase, community involvement in the schools, generally means a higher degree of participation by neighborhood residents in the operations of a school or a subsystem than is typically accorded to neighborhood parents and leaders. As was previously noted in Chapter VIII, we have identified three basic patterns within the many variations which currently exist: *participation* in the system; *partnership* with the system; and *control* over some school or subsystem within the system. In this chapter, we consider each one of them in relation to the degree and extent of decision-making authority it would be likely to have in effecting changes in the urban education system. The analyses of the three patterns of involvement in terms of authority are below-noted.

1. As participation is conceived here, with its possible combination of advisory and policy-making functions, there is no guarantee that community parents and residents would really have an effective role in the governance of or programs in their local schools. Where a particular school or an area administrator was genuinely concerned with the contribution which the community could make in terms of needed changes or modifications in curriculum, supportive services, and staff, this pattern might be effective. We say might be effective advisedly because there would be no assurance that the central administration or the school board would be willing to go along with the changes which the local community and a particular school administrator wished to make. The history of local advisory boards with ESEA, Title I and parent advisory committees with Head Start and Follow Through has been quite uneven. Policy level decision-making is not often realized; and the advisory capacity can often be ignored. The opportunities for major institutional change being effected through this pattern on a scale required by the magnitude of the urban education problem seem very unlikely.

2. With partnership, described here as a division of authority, there is a sharing of the decision-making power—either in an informal arrangement (e.g., a set of understandings worked out with the local school board and administration) or a formal agreement, e.g., a legal contract stipulating the precise division of authority and responsibility. The opportunities for major institutional change occurring through this pattern on either an informal or a formal basis are very considerable. An advantage of

this pattern is that the technical assistance which a large school system has can be deployed to facilitate the "partnership" school or subsystem unit in planning and making necessary changes since support for these changes has already been secured. Moreover, the continuing financial and material resources of the larger unit are still available to the partnership unit in addition to securing resources from other agencies. However, the division of *de facto* authority is very critical here. That is, how are the partners in actuality? If the community's role is very junior, then this pattern cannot be effective. If its role is at least equal or perhaps, senior in the key decision-making areas, this pattern has real potential for effecting institutional change at a reasonably rapid pace.

3. With control, conceived here as full authority in fiscal, programmatic, and hiring matters the community board or authority legally replaces the central school board. Within the limits of State laws and municipal regulations including any other agencies with which it must deal (e.g. the teachers' union) the community can operate its school or subsystem making such changes as it deems necessary and can afford. Four factors are critical here: (a) assuring and maintaining adequate monies to operate the educational unit; (b) training of community members in the operation of the unit; (c) securing the appropriate personnel for the key positions; and (d) utilizing appropriate technical assistance. The opportunity for creating institutional changes rapidly is undoubtedly the greatest with this pattern. However the effectiveness of this institutional change will be contingent on how well the community in this situation can deal with the above-noted factors.

The large majority of the Task Force recommends that decentralization and community involvement must be considered as major avenues to institutional change. And we further recommend that the third and fourth patterns described for decentralization and the second and third patterns described for community involvement are the ones most likely to effect the institutional changes so badly needed in urban education from the standpoint of authority. A minority viewpoint within the Task Force maintains that local needs and conditions are too diverse to permit making recommendations in the areas of decentralization and community control.

Relationships Among Communities in Urban Areas

While the main thrust of an Urban Education Act will be directed at the inner-city with authority for such programs vested in school districts and local communities the Task Force majority recommends an alternative thrust which will involve the larger metropolitan population as participants in an urban education program.

For reasons that are stated in following paragraphs of this chapter, the Task Force recommends that comprehensive metropolitan planning be encouraged where it will result in:

1. A realignment of present school systems.
2. Mutual benefit among all education agencies and related resource agencies.

3. An effort to capitalize on the strengths of the entire metropolitan area in order to meet its needs.

4. A trend toward decentralization of many educational matters of program and administration to individual schools.

Rationale for Alternative Metropolitan Thrust

The above recommendations were developed for the following reasons.

The existence of non-localized educational problems.—The problems which confront urban educational institutions are not contained within particular political, geographical boundaries. Cities as well as their suburbs face educational problems, the roots of which spread across city lines.

The existence of non-localized problems related to education.—The problems which confront urban educational institutions are by no means exclusively educational by nature. They may be related to corollary problems of housing, employment, racial isolation, nutrition, health, all of which hold implications for city and suburb alike.

The presence of disadvantaged populations outside the central city.—That minority portion of the suburban population with poverty level incomes and greatest education needs should not be overlooked.

Availability of financial and human resources.—Those problems common to city and suburban systems could draw solutions from a wider pool of financial and human resources.

Advantages for students through enriched programs.—Continuing planning and development of programs and special projects could take place which would involve city and suburban students, staffs, communities of all racial, cultural and socioeconomic backgrounds. Such programs might serve to:

1. Expand the students' concept of himself and his role in the larger community.
2. Allow both students and staff to become aware of different and similar aspects of cultures and values beyond one's immediate background and/or neighborhood.
3. Allow suburban students to benefit from the physical, cultural, educational, human resources of the inner-city and vice-versa.
4. Encourage and build in mechanisms for racial and ethnic interdependence and integration.
5. Allow a cross-fertilization of experimental program findings which could be replicated.

6. Generally make available the resources of the larger community to a small community or to a particular school or student whose needs may not be met within the immediate area.

The need for comprehensive planning in education.—There is need for comprehensive planning in education. Not until relatively recent years have metropolitan agencies joined together to consider mutual areas of interest such as transportation and land use. Education has rarely been on such agendas.

Existence of scattered successful examples of metropolitan planning.—There are indications that planning on a metropolitan scale is a growing, albeit a currently scattered, concern. No significant models of total metropolitan planning have been developed to date, yet on limited bases, sev-

eral projects are making inroads to comprehensive planning and cooperation between districts within cities and between city and suburban areas.

For example, the Educational Research and Development Council of the Twin Cities Metropolitan Areas, Inc.—an organization of superintendents and university professors—has produced basic research on school organization, school output measures, and surveys on financing and taxation programs for its 35 member districts (Havighurst, 1967, pp. 393-409).

Dade County, Florida, is an example of a larger area which has assumed responsibility for transportation, schools, fires and police protection, housing and urban renewal, and zoning. Under this arrangement, functions which are not specifically designated to the County remain with the local municipalities.

The Nashville-Davidson County consolidation is another good example of the union of several local governments into a single metropolitan form of government and the simultaneous union of school districts into a single metropolitan school authority which has the responsibility of taxing the entire area and distributing tax money equitably. The new school authority has other responsibilities including the choice of sites for new school buildings. The separate school districts retain their authority for the administration of their local school systems.

The compatibility of metropolitanism and decentralization.—It is possible to centralize some functions while decentralizing others. Any plan for the broadening of school boundaries should be accompanied by a plan to decentralize many purely local educational decisions and to involve the community which is directly served.

Theodore Sizer in *Schools in the City*, writes:

"Thus we need to move in two different directions at once: to centralize some functions and to decentralize others. The former alone will lead to a deadening bureaucracy, as many of our present large systems already demonstrate. The latter alone will lead to missed opportunities and parochialism.

"Metropolitan allocation of children is a necessity if we are to have in communities any sort of racial or socio-economic balance: this is obvious. But there are other virtues, ones of possibly even greater long-term importance. New kinds of programs for children and adults may be possible. Certain economies may result from the elimination of small, duplicated offices. The wide area could easily support strong schools for special purposes. . . . The region might also be able to support, perhaps in conjunction with the state, systems of collegiate and technical education which could be functionally related to lower schools. Of great importance is the possibility of far more diverse sources of local tax revenues, sufficient, perhaps, in many areas to maintain an independence of overwhelming state and federal aid." (Sizer, 1967, pp. 293-294.)

The Task Force is cognizant of the several real and imagined reservations toward a metropolitan thrust. Some of the real obstacles that would need to be overcome if a metropolitan thrust were to be made are:

1. A potential perpetuation of the present imbalance of financial resources favoring the suburbs.

2. Lack of conviction of the part of suburbs that they can benefit from partnership with the cities.

3. Establishment on a clear authority with effective mechanisms for interagency coordination.

4. Insuring such vital resources as interest, models, time, money, staff, etc.

5. Rejection by inner city residents of individuals who live elsewhere participating in decisions concerning it.

Some of the stated reservations are the fears that metropolitanism: spells the end to local control and to schools which are responsive to people; encourages bureaucracies more vast and impersonal ones than the present ones; leads to federal control over education. Such fears are misplaced in the judgment of the Task Force majority. A minority viewpoint held that the reservations are sufficient to outweigh the potential advantages of metropolitanisms.

The Task Force majority holds that each city must weigh the obstacles of metropolitanism against the advantages as they relate to local strengths and problems, but urges that such a thrust be at least considered as an alternative.

The Role of the States

The Task Force recommends that an Urban Education Act should clearly define the role of the States, considering both their present practices which often do not favor urban education and their significance for future urban education. The Task Force also recommends that the requirements for recognition and correction of inequities in State aid formulas which discriminate against urban areas must be defined. Moreover, the Task Force recommends that the Act provide incentive grants to States which require State matching and State maintenance of effort for the new and improved education programs for the urban impoverished groups.

Present State Biases Against Urban Education

For a number of reasons, among them, inadequate staff, and a definite suburban or rural bias, States have failed to adequately respond to the complex problems of urban education. Allocation formulas of both State and Federal funds to school districts remain outmoded and continue to favor suburban and rural systems. State legislatures have done little, if anything, to deal with the racial imbalance in schools. Outmoded teacher certification requirements continue to plague the understaffed urban schools.

Need for Incentives Which Will Expand the States' Role With Regard to the Urban Disadvantaged

At least part of the problem in past efforts to aid the disadvantaged has been the poorly defined roles and expectations of Federal, State, and local education agencies. A new concept of shared responsibility for urban education, involving a Federal-State-local partnership is imperative. Above all, there is a need for new forms of communication, joint review of proposals and revenue sharing.

State legislatures and departments of education have a critical role to play in the urban education crisis. Because of their constitutional responsibility for education via their taxing and distribution powers, they have a tremendous influence on the direction urban education will take. With this in mind, the

Task Force urges that an Urban Education Act provide, on a matching basis, incentive grants to the States. Where needed, such grants should provide for a reform of State school finance programs and encourage State governments to build State aid plans which: (1) recognize the differences in relative needs and costs between urban, rural and suburban localities in given areas of school services; (2) not only measure difference in local property values per pupil, but also take into account the total fiscal effort of the locality; and (3) consider measurements reflecting differences in pupil characteristics which correlate closely with low achievement. Use of these two sets of factors by States would almost surely increase the State aid flowing to urban districts and would tend to decrease the possibility that States might balance any Federal increase in urban aid by increases in State aid to suburbs.

In addition, the Task Force recommends that incentive funds be used to promote the following types of activities:

1. The establishment of urban education units in State departments of education which would provide the following services: technical assistance for facilitating restructuring of urban districts within the State and the drafting of necessary legislation; evaluation of urban education programs, trends, benchmarks, etc., assistance in the area of development and use of new testing measures for the disadvantaged and the use of new indicators of achievement such as parental involvement, attendance, rate of vandalism, and so on.

2. The examination and revision of requirements for certification to permit new sources of personnel both for leadership and teaching purposes.

3. The examination and setting of standards for physical facilities (e.g., special needs for early childhood centers).

4. The creation of State and local units which can fulfill the role of providing information about, and advocacy of urban educational needs.

5. The creation of planning and approval mechanisms for urban education program proposals within the State.

The Need for Federal Reorganization and the Establishment of an OE Bureau of Urban Education

The Task Force majority recommends the following steps be taken in the realm of OE organization:

- (1) As an interim measure, prior to the passage of an Urban Education Act, the consolidation within OE of those special programs which serve the needs of disadvantaged children under an Associate Commissioner for Programs Serving the Disadvantaged. An appropriate bureau or office title may be designed in keeping with the current OE reorganization.

- (2) As the development of new program authorization permits, the creation of a new Bureau for Urban Education with a clear mandate to operate programs and establish Office-wide priorities for effectively and rapidly meeting urban educational needs in all OE programs.

Structure and special characteristics.—The Commissioner should afford the establishment and structure of such an office priority commensurate with the vital functions it will perform. Accordingly, he should demonstrate the priority he assigns to urban education by locating such a unit within his immediate office. As an interim

move, this office should be given immediate operating responsibility for programs which have a focus on the disadvantaged such as Title I ESEA, Follow Through, Bilingual and Dropout Prevention programs and the demonstration project in Anacostia (D.C.). The unit should be directed by an Associate Commissioner and be afforded its own program, salaries and expense budget. Its staff should be recruited from both Federal and non-Federal sources. Those with Federal experience should possess special skills and expertise in urban education and problems, in congressional liaison and in coordinating Federal programs within and between agencies and departments. Other staff should be drawn from among urban planners, community organizers, staff from mayors' and governors' offices, human resources administrators, members of health and welfare councils, as well as teachers and administrators with experience in city school systems.

Rationale for the structure and special characteristics.—The Task Force recommends the establishment of an office with the dimensions, directorship and staffing described above because of the weight and importance of its functions and because attempts to fulfill those functions through a smaller unit have been unsatisfactory in the past.

Late in 1968, the position of a Special Assistant to the Commissioner of Education for Urban Education was created. In so doing, the Commissioner did acknowledge the special nature of urban school problems by placing the Special Assistant in a significant position in the bureaucracy. The creation of this position was an attempt to focus OE attention on urban problems through an effort to affect program guidelines and sharpen their impact on urban areas. However, the impact of the position of Special Assistant has thus far been limited, primarily because the position lacks real power in dealing with the line Bureaus and Divisions within the Office. The Task Force concludes that the functions of the Special Assistant be incorporated into the expanded Office of Urban Education structure.

The history of the special staff unit created in 1965 to serve the disadvantaged (Office of Programs for the Disadvantaged) is likewise one of ineffectual policy implementation. Creation of this unit has served merely to accentuate the requirement for more forceful recognition of the program needs of disadvantaged populations. In the U.S. Office of Education, the point has been clearly established that staff units have no powers to match those units who operate programs, and typically they cease to function at all.

Finally, the Commissioner and the Secretary must recognize that a new operating environment for programs serving disadvantaged populations must be created if the Federal Office is to achieve the purpose of advocacy for educational change in favor of these groups. The existing bureau environment for such programs as Title I of ESEA strongly suggests that operating priority to special programs for the poor will not be realized within a structure that is committed to the educational status quo.

Functions.—The new office should at a minimum perform the following functions:

1. Provide the Commissioner the arm to implement the short-term recommendations in Chapter XII of this report.

2. Coordinate the efforts of the U.S. Office of Education in preparing and supplying

back-up materials for the passage of an Urban Education Act in Congress.

3. Coordinate existing OE programs to focus adequate attention on urban areas. To accomplish this, the Office should initiate action and have final authority in:

The review of existing program guidelines to assess their impact on urban areas to make necessary changes to sharpen the focus on urban programs.

The development of clear program objectives for OE programs in urban areas.

The development of review and evaluation procedures to measure the success of OE programs in urban areas against the stated objectives.

The supervision and training of the staff of those arms of the Office of Education which will perform the review and evaluations (NCES, OPPE).

The review of all research projects sponsored by OE and by OE funded programs to more sharply focus their attention on urban education problems.

4. Administer those operating programs now authorized by the ESEA (titles I, VII and section 807) which have special mandates for serving disadvantaged populations in urban and rural areas.

5. Administer demonstration programs to foster experimentation in urban schools.

Such projects might include the Anacostia School Project, the Fort Lincoln New Town Project, and a model school sponsored and administered by the USOE in Washington.

Funds for such demonstration projects could come from existing pieces of legislation (e.g., title IV, ESEA, the additional \$180 million appropriated under title I, ESEA, or the Vocational Education Amendments).

6. Direct the development and operation of an information center to:

Collect from LEAs and SEAs and other appropriate sources and disseminate basic data on urban school systems.

Collect and disseminate information on research and implementation of successful urban program designs and urban educational policies from public and private sources.

Collect data and maintain records on all OE programs on a city-to-city basis which indicate specific program allocations as well as aggregate Federal funding levels in order to better determine OE's policy on and priority for the problems of urban education.

7. Provide professional and expert assistance from the Office of Urban Education and from public and private agencies to local educational agencies from consultation services.

8. Coordinate with other Federal agencies in the development of their program in urban areas, e.g., Model Cities.

9. Act as an advocate/ombudsman for citizens groups concerned with the operation of Federal programs in cities, e.g., title I local advisory committees.

10. Sponsor retraining programs for Federal personnel to keep them abreast of issues and developments in urban education.

11. Assist the Commissioner in articulating his concerns, policies and plans for mobilizing Federal resources to meet the problem of urban schools, to the OE, HEW staffs, as well as to the public and to Congress.

Rationale for the functions.—Beyond the rationale provided throughout the report for its long- and short-term recommendations, we would like to emphasize at this point the tremendous need to learn more about and coordinate Federal programs—their levels of funding and patterns of money distribu-

tion—which affect education in urban areas.

During the course of preparing this report, we have reached three stark conclusions that more than provide a rationale for the above functions to be performed by an Office of Urban Education. These conclusions are:

1. *The plight of urban education is largely undocumented.* The country is in the midst of a revolution in education. City school systems are under attack by the consumers of education who are poor and black and who see education as the means by which they may enter the mainstream of American life. Their expectations have been raised by national movements which promised much but delivered little. Integration, educational reform movements have failed. Educators are seeking means to deal with problems in cities' schools.

The Federal Government is not isolated from these events. Its programs affect and are affected by the turmoil. *These programs cannot be responsive to the currents in American education without a means of identifying them.* Further, the Commissioner of Education serves as the spokesman in the Federal Government on issues in education. He must interpret these issues for the White House, the Congress and the Nation. He cannot operate without information. Such information is not available at the USOE. This Task Force report represents an heroic effort to collect information about the state of education in cities. This store of information will remain inadequate unless the Office begins to collect and publish such information on a regular basis.

2. *The impact of Federal dollars in cities cannot be documented—not to mention the amount.* To determine the impact of Federal efforts in urban areas, the Task Force sought data which would show the amount of money from all USOE programs being distributed to major cities. We learned that no records are maintained on this basis. The various OE programs allocate funds on a school district, county or project basis. The only common form in which the fiscal data is compiled is by congressional district. Thus OE cannot judge its policy toward urban education as reflected by the money it spends on the cities. This situation was discussed in Chapter II.

3. *The current organization of the U.S. Office of Education does not permit the function of coordinating those programs which affect urban areas at either the local or Federal levels.* An attempt was made to coordinate OE programs at the local level through the Central Cities Project. Under the auspices of title III, ESEA, the Project attempted to impact Federal programs on inner city populations. It represented the first major attempt by local school administrators to concentrate a variety of funds in specific neighborhoods. It also brought together representatives of all the power bases in the community—parents, teachers, social service agencies, business industry—to assess needs, assign priorities, develop program strategies and evaluate results. However, its impact was limited because the Federal objectives were not clear; the feedback and data flow to OE was inadequate; Federal monitoring and technical assistance were inadequate.

Transition Into a Bureau of Urban Education

With the passage of an Urban Education Act, there should be created within the Office of Education, a Bureau of Urban Educa-

tion to implement the new approach to Federal aid to urban schools embodied in the Act.

Such a Bureau should be headed by an Associate or Deputy Commissioner who reports directly to the Commissioner of Education. The budget of the Bureau of Urban Education should be submitted to the Congress as an entirely distinct line item for the scrutiny of the appropriate committees of Congress.

Functions.—The Bureau of Urban Education should perform the following functions:

Assume operating responsibility for urban-oriented programs of ESEA.

Review and determine the acceptance of State approved local plans according to specified criteria including the implementation of standards of academic performance.

Submit to Congress an annual report and recommendations on programs in effect and on functions of the Bureau.

Administer funds under the Urban Education Act. In its administration of this Act, the Bureau would be responsible for: appraising the quality and need of an urban area's education proposal for funding and assistance under priorities established either by law or administrative regulations; providing active technical assistance to the planning and implementation of urban education programs; establishing clear fiscal and programmatic review objectives and procedures of the urban education program; developing the master evaluation plan guidelines for the urban education programs and assuring that these guidelines are carried out; developing a research area within the center which develops and checks research operation within the overall planning and operation of the program; and enforcing the grant performance conditions through a successive series of actions when deficiencies are manifested.

Monitor other OE funds now directed to urban areas and assist in their phasing into the Master Plan for Urban Education provided by the new Act.

A minority viewpoint within the Task Force held that the group did not have sufficient information and insight on the affairs of the Office of Education to make recommendations affecting internal Office organization.

Chapter X—An Urban Education Act—The funding process

The Task Force recommends the following principles as guidelines for establishing priorities, eligibility and facilitating mechanisms for the funding process related to an Urban Education Act. These principles, just as all of the Task Force's recommendations stem from the basic premise that we attempt to provide for the inner-city student a more than equal educational opportunity. These principles are designed to focus Federal effort on a priority basis to those places where equal educational opportunity is farthest from reality. This chapter summarizes these principles below and follows with a section containing explanation and discussion of each.

Summary of Principles

1. Education districts representing the largest eligible urban areas should receive priority in Federal funding.

2. Determination of eligibility of urban areas should be based on economic and performance criteria.

3. Each qualifying area should receive full-funds for its program and where sufficient funds are unavailable for full funding of

every qualifying urban area in its particular size group, a system of competition for a fully funded grant should be developed.

4. Federal aid should be awarded on a basis that enables maximum feasible eligibility for participation among groups, agencies and institutions within designated urban areas.

5. Funding procedures should include a system of regulating recurrent eligibility, with grants renewed on the basis of evidence of quality student performance.

6. The legislation should permit a by-pass of State educational agencies where necessary to achieve urban priority.

7. The legislation should permit the participation of nonpublic school children in the program in ways to introduce a new child services concept for the disadvantaged.

8. Advance funding should be provided for the urban education grants.

9. There should be provision for the phasing in of existing categorical grant programs.

Explanation and Discussion of Principles

Principle: Education Districts Representing the Largest Eligible Urban Areas Should Receive Priority in Federal Funding

Consistent with its charge, the Task Force believes that the largest urban areas as a group should receive the most immediate attention and that the crisis in their schools should be attacked before we expand the Federal program to smaller, although burdened, areas.

There are a number of important reasons for this conclusion:

1. The crisis in education must not be separated from the crisis of our cities generally, and as suggested in Chapter VIII, the master plan must consider education along with those circumstances which affect education. What exists through education is an opportunity to break the cycle of poverty and separation now overcoming our major metropolitan areas. The problems of crime, welfare, unemployment and underemployment, shrinking city tax base and mass violence will not be overcome through the improvement of urban education alone, but neither will they be overcome without that improvement. If we are to work toward settling the urban crisis, we must begin to settle the urban education crisis.

2. The education systems of the cities of our nation are not now getting the attention they deserve from their respective States. As described in the chapter on the financial crisis, States are systematically favoring suburbs and rural areas over urban school systems. Federal assistance should require States to amend this practice, and should, on its own, begin to compensate the over-strained cities.

3. The entire thrust of Part One of this paper, particularly Chapter II on the Financial Crisis, demonstrated conclusively that it costs more to educate a child in the city. If we are to aim toward real equal educational opportunity, we must begin to redress the inequities of the major cities receiving not only less than their neighbors, but much less than they need to educate their children properly.

4. Nowhere is it more true than in the cities that we are becoming a nation of "two societies—one black, one white." The continuing debate of compensatory education versus integration has simmered, but not died. But as a matter of real fact, if present migration trends continue and if the practice of majority black and majority white schools continues, aggravated by the

fact that white city parents are continuing to place their children in private schools, integration will not be possible in the city. Projections by anyone's count are dismal. For instance, the study done by the National Center for Educational Statistics shows that by 1975, 31 of the 48 largest cities will have black school populations of over 33 percent, and 19 will have more blacks than whites in the schools. Integration in terms of racial balance within schools of the cities is probably not achievable in the context of these figures. Consequently, educational excellence within the cities must receive an immediate priority over integration with suburbia. To the degree that such excellence stops the flow of white school children into private schools or into the suburbs, something has been gained. To the degree that it reverses the trend (and scattered instances have succeeded in some areas of the country), much has been done toward integrating the schools.

5. As demonstrated elsewhere in this paper, the relationship of education to unemployment and underemployment is clear. To repeat briefly, an employer in the city need not even resort to discrimination to refuse to hire the blacks of our major cities, for in too many instances, the black is so ill prepared, he cannot qualify for our jobs—jobs becoming more white collar every day. And nowhere is unemployment higher but in the central cities. It is here where training is particularly important: it is here where a basic skill education must be effectively learned and learned fast if we are to reduce unemployment, reduce underemployment, reduce the welfare rolls, and the need for massive job training programs. It is here where all these are the most numerous, the most concentrated, the most costly.

6. The city in contrast to the smaller rural or suburban area has been the first to feel the pains of having alienated the parents, of having lost the confidence of the citizens and of having been helpless with the growing fear of the teachers. Federal attention must do more than bolster education programs; it must be the prod for change in a system which needs change and it must be the impetus in seeing that the big city school systems regain their lost responsiveness.

7. In Southern school districts, it has in the past been the policy to distribute funds within the system on an unequal basis—more to white schools than to the black schools. In other rural and suburban districts, this practice is minor, if it appears at all. But in the major cities, for whatever reasons—deliberate unequal distribution, or the inevitable practice of permitting teachers to teach where they wish, the cities suffer from poor internal distribution formulae. Dramatic cases have been published in Washington, D.C. and Boston. Conveniently, most school systems will not permit an intensive analysis of their internal distribution policies. But let us not delude ourselves—it exists and will persist unless direct action is taken against the practice.

8. Finally, although negative in its demeanor, one cannot ignore the argument that it is the major cities where the future of our education system is most in question. Chapters III and IV portray a dismal picture of alienation of parents, students, and teachers, as well as a frightening picture of increasing violence in our schools. Society is fearful of rewarding riots. We should be at least as fearful of allowing the causes of rioting to persist.

Some have criticized the major city ap-

proach because of the difficulties in co-terminality of school district and city lines. However, this problem does not gainsay our basic principle which states that it is the school district serving the major city which should receive priority in Federal funding.²¹

10. Some have criticized the major city approach because of their confusion with the decentralization issue. Decentralized districts under the major city approach qualify, where they might not if student enrollment is used as a measure. In fact, this approach not only insures that decentralized major city school systems qualify, but promotes such a concept.

The Task Force recommends that the following plan be used to determine initial eligibility by size:

Cities with a population of over 100,000 people will be eligible to begin the program the first year (FY 71) if they meet defined criteria of educational need (as discussed in the next section). If insufficient funds are available for the entire group of qualifying cities, programs will be full funded on a competitive basis (as discussed in a subsequent section).

As the first group of qualifying cities is fully funded, the second group of cities can enter the process of qualifying for funds. This second group would include all cities with a population of over 50,000 people. The desired schedule is one which would allow this second group to enter the process the second year of the program.

As the earlier groups have been full funded, subsequent groups become eligible to qualify, by lowering the population levels, first to 25,000 and then as funds become available, by strata to be determined.

This schedule does not insist on funds for only the major cities. It does insist on funds for the major cities first.

A strongly held minority viewpoint within the Task Force is that the formula for eligibility should not identify cities *per se* for participation but rather employ school population of local districts and numbers of poor children within them as the eligibility factor—a procedure which would include a large number of rural Southern counties.

Principle: Determination of eligibility of urban areas should be based on economic and performance criteria

Careful understanding of this principle is essential. As recommended here, economic criteria (i.e., the evidence of poverty) is the primary qualifying factor for a city of sufficient size to qualify under the above-mentioned principle. The addition of performance criteria is designed to include those possible instances where a city does not suffer from an overburden of poverty individuals, but for some reason whose students are performing significantly lower than the norm. Such a system does not exclude those few urban areas whose educators are doing comparatively well in their efforts to learn how to teach.

Although there is a high correlation between family income and school achievement ($r = .57$ to $.85$ level), including performance criteria is also advantageous in that it provides the mechanism whereby success with the goal which all of our recommendations embody—student performance—can be measured and the needed tool to implement the fifth principle.

Other suggested criteria that contain ambiguities or tend to disable the efforts of Federal program administrators to identify program results:

1. *Concentrations of unemployed and underemployed youths and adults including dropouts.*—This standard varies greatly in accord with changes in the national and regional economies. It reflects effectiveness in employment, especially recruitment and placement practices more than it informs us of anything about educational needs. Dropouts statistics are as unreliable as reported crime statistics. In addition, non white urban dropout rates are negatively correlated with certain aspects of employment opportunity.

2. *Concentrations of AFDC mothers.*—This criterion would entail the use of an unrealistically variable indicator of one type of household poverty. State and local laws—and local interpretations of eligibility apart from what laws say—affect this index substantially, as do temporary shifts in employment and definitions of time periods. The index would add nothing of value to a household poverty criterion.

3. *Narcotics addiction rate.*—This rate is a function of the distributional economics of the drug trade. Transport practices, wholesale networks, and local police practices, all affect one's ability to infer anything of interest to a Federal administrator of educational aid to urban areas from this rate.

4. *Educational attainment of adults.*—This criterion is a statistical artifact of the occupational mix and level of economic growth of regional and local economies.

5. *Volatility, e.g., disturbances, number of minor and major arrests.*—The Kerner Commission report, the report of the National Commission on Violence, studies of student unrest, and studies of arrest rates, all indicate how unreliable and invalid are any assertions of prediction based upon these events.

6. *Evidence of efforts within the target area to begin construction problem-solving.*—Such evidence would be important only to decisions affecting continuation of Federal aid. As a basis for judging eligibility, it would invoke case-making, special pleading, and lobbying.

Principle: Each Qualifying Area Should Receive Full-Funds for its Program and Where Funds are Unavailable for Full-Fundings of Every Qualifying Urban Area in its Particular Size Group a System of Competition for a Full Funded Grant Should be Developed

This concept has political hazards but nevertheless is essential to achieving effective results.

1. The lessons described in Chapters VI and VII on the precedents for Federal involvement are clear. The money has done little but stimulate some "laboratory" research. Money spread too thin has little or no effect. The question simply comes down to this: If we want to solve the crisis of education in our cities we must commit to that endeavor enough funds in those chosen areas to do so. To spread even an enormous amount of funds to all the education agencies in the country will do little to solve the problem anywhere. It is futile to only reduce class size or to only increase lunch programs or to only build more buildings or to

provide enough books and tools. It is a waste to do any one of these. What must be done is all of these and more as this report amply points out—and that costs money. The price tag cannot be eliminated if comprehensive planning is to be effective. For every time we don't provide enough funds everyone will suffer. And if cities begin with a "revised" system in one part of town and not another the trouble asked for is well deserved.

2. The Federal effort, as has been pointed out, is roughly 7 percent of the total budget of a school system. Even if we were to double that percent overnight, 86 percent of the funds would still be State and local. The significance of that percentage lies in the role of the Federal funds—impetus for change; not change itself. This paper outlines the need for major overhaul of current educational structures. The Federal government cannot do it alone, but by full funding, offering the local government a chance to succeed in its efforts of change, the Federal government can bring about the changes desired. Less than full funding will do little to shake the fortress.

3. Surprisingly to some, this concept is not without Federal precedent. The Consumer Credit Corporation insures price stability for farmers at a full funding vessel. What is necessary to insure stable prices is available and without annual national debts. The mechanism is technical; the result is not.

The defense budget is fully funded. It was not until this year, after a long historical draught, that Congress thought to question the requests of the military. And even if Congress refuses to appropriate funds for certain programs, they will not be refusing to provide the full amounts of funds necessary to keep our military manpower strength and its strategic forces up to the level necessary for a secure nation. The proposal made in this chapter provides such a mechanism for refusing a "program" while fully funding the effort. Recurrent eligibility based on student performance will provide a mechanism to prevent waste and misuse of funds in one place or another, while not in any way jeopardizing the full funding of programs elsewhere.

The highway program has been fully funded.

Principle: Federal Aid Should be Awarded on a Basis That Enables Maximum Feasible Eligibility for Participation Among Groups, Agencies, and Institutions Within Designated Urban Areas

While the local agencies will be thoroughly involved in the process of experimenting with new educational systems and learning techniques, it would be a mistake to shift all the initiative for designing research and experimental projects to the traditional local educational agencies. A national research effort in urban education is desperately needed and centrally-stimulated initiative is vital to this process.

The Task Force therefore recommends that a percentage (5-5%) of the funds under the new urban education act be set aside for use

by the Commissioner to fund groups other than the regular school authorities which design viable specific experiments for use in the inner city or other depressed areas in the metropolitan area.

In particular, urban education funds for design and experimentation should aim at having at least one major project in each city. This could include the use of "vouchers" in low income areas for parental choices of public or other schools; experiments for "parallel or alternative" schools run by non-public agencies, university run demonstration schools, regional schools, and the like. Urban education funds should also be used to develop models based on successful projects like the Parkway School in Philadelphia or New York's Street Academies for possible adaptation in other cities.

Principle: Funding Procedures Should Include a System of Regulating Recurrent Eligibility With Grants Renewed on the Basis of Evidence of Quality Student Performance

By way of illustrations, Title I of ESEA operates on the condition of closed eligibility. Only local education agencies (and State education agencies as the mediating bodies) may apply for Title I funds and, in turn, agree to performance evaluation, but these do not affect Federal decisions about subsequent funding. Title I establishes the essential precedent for performance evaluation. The addition of the feature of open eligibility would require the establishment of decision review.

A grant recipient should demonstrate quality performance in affecting positively the academic achievement of urban students; or the affective, health, or social development of urban students; or one of all of those areas identified as a special need of urban minority children and youth. Lack of evidence of impact, evidence of poor impact, or evidence of performance failure, should result in elimination from the roster of eligible agencies and groups or provide guarantee of intended change in procedures for the purposes of obtaining the above.

Where support is aimed at the strengthening of staff or facilities, the same performance criterion should pertain. Grant recipients should be obligated to demonstrate how the use of Federal funds for institutional purposes had positive effects upon one of the priority areas.

Indirect approaches may be more strategic than direct approaches. Therefore, evaluation should not be limited to twelve month periods. Instead, even the most indirect approach—e.g., the capitalization of new plant or equipment—must be linked systematically with the programmatic objective of the applicant, and this objective should fall within the broad areas of priority.

For example, three years of evaluation research on the More Effective Schools Program in New York City have indicated, not that MES is a failure but that it constitutes an incomplete program. It helps create working conditions that facilitate good teaching and helps to improve school-community relations, for instance, but it does not add its resources directly at the modification of teacher behavior and the strengthening of student learning.

The regulatory principle embodies the concept of accountability for outcomes. It must not be applied rigidly, in the language

of legislation or in the process of administration, however. When the cost-benefit model is applied too narrowly to educational programming, a sensible sequence of operations is undermined; a system already fraught with uncertainties is damaged further. A mechanical approach to insuring accountability; within local education agencies often generates bad teaching practices in an emphasis upon mean reading scores, cramming for test-taking, and rituals of drill toward rote learning.

In spite of this grave danger, continuing eligibility should rest on evidence of performance in the areas cited and not on evidence of efforts at "institutional" change where unrelated to increased performance. The discontinuity between teacher preparation and learning outcomes is firmly enough documented to confirm this point.

The agencies and groups that remain eligible for Federal support under an urban aid act should be those that provide independently assessed, objective evidence of incremental gains in pupil achievement, social growth, or the enhancement of pupil interests and aspirations. This "hard line" regulatory criterion should be applied on a patient, long-term basis in order to prevent shallow programming.

Principle: The legislation should permit a by-pass of State educational agencies, where necessary

Because of the urgency of meeting critical educational needs in urban areas it is essential that the legislation contain provisions that will permit the Federal Government to deal directly with major urban areas, in the event State educational agencies are unable to provide sufficient guarantees to the Federal Government that they will perform effectively in this role. Such a provision in the law in all probability would be sufficient in itself to compel State educational agencies to meet such tests as might be established by the Federal office in requiring adequate priorities to urban educational needs and full cooperation of State educational agencies in the process of approving applications and funding projects. Therefore, in order to give the U.S. Commissioner of Education maximum negotiating powers with State educational agencies, it is recommended that the legislation permit the Commissioner to by-pass State educational agencies which fail to provide sufficient guarantees of their efficiency and willingness to perform in the capacity of advocates for renewal of urban education programs. States which have both strong departments of education, and large urban populations, should be capable of giving final approval to the content of local plans (e.g. the treatment of priorities, the quality of program, the standards of performance) as meeting Federal program and fiscal requirements. However, the Commissioner of Education should have the discretion of deciding when States have provided and demonstrated guarantees of conformance with these requirements.

Principle: The Legislation Should Permit the Participation of Non-Public School Children in the Program Designed in Ways To Introduce a New Child Services Concept for the Disadvantaged

Non-public school participation should be designed to permit benefits to children in terms of direct services, programs, equip-

ment, and necessary staff increments to such schools. It should be possible to directly fund non-public school agencies for carrying out educational services which do not infringe on the church-State prohibitions of the first amendment. Such agencies could be made eligible for participation in the program on the basis of their guarantees to represent in their student body the ethnic and socio-economic composition of the inner-city population.

Principle: Advance Funding Should Be Provided for the Urban Education Grants

By far the most negative provision in current education funding legislation is that of current fiscal year funding arrangements which deny adequate time to plan and implement programs. Advance funding authority for the education grants is imperative and, if possible, the appropriation authority should include provision for two-year availability for the education grants as opposed to the traditional one-year availability of other educational grant funds.

Principle: There Should Be Provision for the Phasing In of Existing Categorical Grant Programs

As a funding principle the Task Force recommends that the existing programs (ESEA, VE, NDEA, EPDA) be phased into the new existing urban educational grants on a planned basis. Initially, these should be regarded as integral components of the basic urban educational master plan. After a transition period (of perhaps two years) these categorical grant programs should be phased out of the urban educational plan as specific and legal categorical components and their funds and authority merged into the new urban concept. This will permit flexibility in the administration of funds and avoid other administrative trivia in the process of adequately funding urban educational needs. It should also facilitate stronger programming and evaluation and permit new concepts to take hold more rapidly. The phasing out period could cover a one- or two-year period depending on the acceleration of urban education funding provisions.

Chapter XI—An Urban Education Act— The cost

As Chapter II of this report demonstrated, the large cities of the nation are in desperate need of financial help to compensate for the special educational problems and the heavy non-educational costs they must bear. They are unable to meet these costs as well as unable to provide a quality education to urban youngsters with the resources currently available.

The Task Force has developed a suggested financial mechanism through which to channel increased educational resources into the cities, utilizing criteria that are described in this chapter. To explain this mechanism, the chapter is presented in the following sections: 1) the mechanism for providing aid; 2) the criteria utilized in developing the mechanism; 3) rationale for massive funding to the cities; 4) the need for guidelines; 5) summary of recommendations.

The Mechanism for Providing Aid

The Task Force submits that the mechanism that best meets urban educational needs is a formula that will provide an addition of at least a third in educational resources: equipment, teachers, counselors, curriculum planning, etc. We estimate that

in terms of an increment to current local educational expenditures, a one-third addition to resources will require at least a fifty percent addition to current local educational expenditures due to the operation of supply and demand. We believe that such an increment in city school resources would make possible an educational program approaching that available in the best of the surrounding suburban districts. Such a program will not be cheap. We estimate that for the 10,500 school children in cities over 100,000 population the operational cost alone would fall between \$5-6 billion.

The Criteria Utilized in Developing the Mechanism

In developing the financial mechanism to channel more educational resources into the cities stated above, the following criteria were utilized:

1. Urban educational aid must be additive. It should not permit reduction of state-local effort nor should it simply function to bid up educational costs.

2. Urban education aid should reflect the degree of state-local effort.

It must recognize communities that are taxing themselves the most.

3. Urban education aid systems should provide opportunity for local innovation. Imaginative and varied approaches to education should be encouraged.

4. Urban education aid should be designed to improve total city school systems. Emphasis should be placed on the special educational problem of the city: the education of the socially, economically, and educationally disadvantaged; but this emphasis should not exclude improvements in education for the entire range of students represented in large city school districts.

Rationale for Massive Funding to the Cities

It is our view, that expenditures of at least the above-described magnitude are essential if significant improvements are to be made in urban education. Marginal changes are not enough as one noted study recently concluded.

"An incremental reduction in class size from 32 to 30 does not produce measurably significant gains in output, even as an increase in materials and supplies per pupil from \$7.00 to \$9.00 will produce no measurably significant gains in output. But these findings tell us nothing about outcomes over a larger range of variation. A reduction in class size from 30 to 10 may produce extremely significant gains. We will never know until we try." (Burkhead, et al., 1967.)

A look at the disparity between selected central cities and their most favored suburbs gives an indication of the current range of disparity (See Table 1). The new urban education aid program we are proposing would permit, we believe, a reduction in class size by an average of 4 to 10 students per class, a number equal to the difference in most metropolitan areas between the best suburban systems and their central cities.

While reduction of class size across a whole system is a useful measure of comparative educational resources, the aid system is not intended to bring about that reduction as an end in itself. Because the system must provide full scope for the operation of educational innovation, school systems would be permitted to use the funds to provide for concentrated remedial work in small groups of perhaps only three or four students where that seemed most ap-

propriate, and to provide television or other technologically advanced instructional mechanisms to groups of 150 or 200 students where they were educationally more appropriate. But the use of class size as an overall measure provides a criterion that is readily available, responsive to change, and indicative of a wide range of educational benefits.

TABLE 1.—COMPARISON OF SELECTED CENTRAL CITIES AND SUBURBS, 1967

City and suburb	Fall 1967 enrollment	Pupil-teacher ratio	Per pupil (ADM) expenditures
Los Angeles	645,059	27	\$601
Beverly Hills		17	\$1,19
San Francisco	95,014	26	693
Palo Alto		21	984
Chicago	572,026	28	571
Evanston		18	757
Detroit	296,089	31	530
Grosse Pointe		22	713
St. Louis City	116,789	33	525
University City		22	747
New York City	1,106,664	20	854
Great Neck		16	1,391
Cleveland	153,350	28	559
Cleveland Heights		22	703
Philadelphia	288,055	27	617
Lower Merion		20	733

Source: Kahn, Gerald and Hughes, Warren A., Statistics of Local Public School Systems, 1967, National Center for Educational Statistics, USOE.

The Need for Guidelines

In order to assure that the new aid system accomplishes better education and not simply more expensive education, guidelines must be developed and enforced to assure that improvements take place. The use of the criteria already mentioned, a reduction in overall class size, is one available measure. Others may be developed in terms of (1) new equipment that the system has acquired, (2) the provision of remedial or specialized personnel in greater numbers than were previously available in the schools, and (3) by measure of student academic and social performance. But the guidelines that are developed, while assuring that aid results in improved educational resources, must avoid the pitfalls of overall rigid categories which stifle experimentation and change. Particularly in the areas of urban education, new and imaginative approaches to education are essential. The proposed urban aid system would also reflect state-local effort in supporting education by being calculated as a proportion of current educational expenditures, less current Federal aid. Thus the more a school district raises through local taxation and state aid, the higher is its Federal allocation. This is an important aspect of the proposed system, because it assures that new Federal funds cannot become an excuse for lessened state-local efforts.

The purposes for which the new urban aid can be used should impact upon the total city educational system. Emphasis should be placed on the education of the disadvantaged, but that emphasis should not be made to the exclusion of the full range of city educational efforts. If cities are to stem the movement to the suburbs and the flight to private education of middle income residents urban education must do more than equal education in the suburbs.

Summary of Recommendations

We are proposing, then, that a new aid to urban education program be developed to increase urban educational resources by approximately one third. To offset higher costs that would accrue through the bidding up of scarce resources, the formula for aid distribution would provide cities with an amount equal to one half of their total instructional costs, less the amount of their current Federal aid from existing programs. The decision to focus on cities is not meant to suggest that certain relatively poor and urbanized suburbs do not need similar assistance. Our recommendation is, however, that at a time when funds for domestic programs are limited, first priority be given to central cities, the areas where the needs are most pressing.

Costs of the program would depend upon the number of cities included in the program, and the scope of the assistance (e.g., whether facilities and training costs would be added to operational costs). The following summary of first year (1971-72) and full year (1974-75) costs is presented in the following

(In millions of dollars)

	Fiscal years 1971-72	Fiscal year 1975
Group I, 100,000 +:		
(a) Planning grants	62.8	
(b) Development grants	407.4	
(c) Operational grants		5,820.0
(d) Facilities (25 percent of (c))		1,455.0
(e) Training (5 percent of (c))		291.0
Total	470.2	7,566.0
Group II, 50,000 +:		
(a) Planning grants	16.7	
(b) Development grants	165.4	
(c) Operational grants		2,790.0
(d) Facilities		697.5
(e) Training		139.5
Total	182.1	3,627.0
Group III, 25,000 +:		
(a) Planning grants	18.2	
(b) Development grants	36.4	36.4
(c) Operational grants		2,548.0
(d) Facilities		637.0
(e) Training		127.4
Total	54.6	3,348.8
Grand total	706.9	14,541.8

PROJECTION OF APPROPRIATION REQUIREMENTS UNDER PROPOSED URBAN EDUCATION ACT (OPERATIONAL GRANTS BASED ON \$500 AND \$300 PER CHILD)

[Dollar amounts in millions]

	Medium		High		High 20 percent		Task force	
	Amount	Number of cities	Amount	Number of cities	Amount	Number of cities	Amount	Number of cities
1971-72								
Group I, cities over 100,000:								
Planning grants	\$48.9		\$62.8		\$62.8		\$62.8	
Development grants	311.1		407.4		407.4		407.4	
Operational grants								
Facilities at 25 percent								
Educational training at 5 percent								
Total	360.0	98	470.2	129	470.2	129	470.2	129
Group II, cities 50,000 to 100,000:								
Planning grants	0		2.9		11.7		16.7	
Development grants	0		26.9		118.1		163.4	
Operational grants	0							
Facilities	0							
Educational training	0							
Total			29.8	30	129.8	133	182.1	186
Group III, cities 25,000 to 50,000:								
Planning grants	0		0		0		18.2	
Development grants	0		0		0		36.4	
Operational grants	0		0		0			
Facilities	0		0		0			
Educational training	0		0		0			
Total							54.6	354
Total	360.0		500.0		600.0		706.9	
1975								
							At \$500	At \$300
Group I, cities over 100,000:								
Planning grants								
Development grants								
Operational grants	1,164.6		1,764.0		2,123.0		5,820.0	3,492.0
Facilities at 25 percent	285.0		444.0		533.0		1,455.0	873.0
Educational training at 5 percent	50.4		92.0		104.0		291.0	174.6
Total	1,500.0	26	2,300.0	39	2,760.0	47	7,566.0	4,539.6

PROJECTION OF APPROPRIATION REQUIREMENTS UNDER PROPOSED URBAN EDUCATION ACT (OPERATIONAL GRANTS BASED ON \$500 AND \$300 PER CHILD)—Continued

(Dollar amounts in millions)

	Medium		High		High 20 percent		Task force	
	Amount	Number of cities	Amount	Number of cities	Amount	Number of cities	Amount	Number of cities
							AT \$500	AT \$300
Group II, cities 50,000 to 100,000:								
Planning grants.....	0		0		0			
Development grants.....	0		0		0			
Operational grants.....	0		0		0		\$2,790.0	\$1,674.0
Facilities.....	0		0		0		637.5	418.5
Educational training.....	0		0		0		139.5	83.7
Total.....							3,627.0	2,176.2
Group III, cities 25,000 to 50,000:								
Planning grants.....	0		0		0			
Development grants.....	0		0		0		36.4	
Operational grants.....	0		0		0		2,548.0	1,528.8
Facilities.....	0		0		0		637.0	382.2
Educational training.....	0		0		0		127.4	76.4
Total.....							3,348.8	1,987.4
Total.....	\$1,500.0		\$2,300.0		\$2,760.0		14,511.8	8,703.2

The Task Force recognizes that the proposed program must be implemented in stages. Therefore, it is recommended that eligible areas receive first, planning grants to formulate specific program proposals and components and second development grants with which to initiate the program on a limited scale (e.g., a sub-system as a demonstration project) prior to full implementation of the program.

Also, in recognition of the additional and special costs of facilities needed to carry on expanded activity, the Task Force proposes an add-on cost estimated at 20 percent of operational costs as the sum needed to cover the acquisition of space. Likewise, the additional cost of training professional and non-professional staff in new roles is acknowledged with a 5 percent increment to the operational cost estimate. These incremental cost factors may be regarded as optional costs to be included or excluded based on the fiscal resources which may be assigned to the priority of urban education.

There is an irony in expressing educational improvement in dollar terms alone. Surely no product could be more intangible, more a matter of the mind and the spirit, qualities not easily translated into money values. Yet as one distinguished educator has said:

"It may be argued that simply more resources will not solve the education problems. . . . There is much uncertainty about how educational disadvantage can be overcome. One thing, however, is clear. It cannot be done cheaply. . . . To substitute educational experimentation and innovation for increased resources is to sentence those experiments and innovations to failure" (Campbell, 1968, p. 13).

The proposed program for urban education aid is designed to provide the resources to make education in the cities of the nation at least equal and hopefully, superior to education anywhere in the land.

Minority Viewpoint

A minority viewpoint presented by one member of the Task Force recommends that supplemental Federal funding of all elementary and secondary education, in all classes of school districts at the annual level of \$30 billion on a formula basis which recognizes a new Federal obligation to serve the general needs of the schools to improve education for all children.

Backup Statement to the Budget Plans

1. The schedule for budget outlays follows the concept: That funds for planning and development be allocated for a two year period to implement a phasing-in of the developmental stage as soon as possible without the necessity of an additional Congressional appropriation. The two-year figure shown does not include funds to be allocated for operation of the programs for those LEAs ready to implement the program in the second year.

2. The column entitled Task Force figures represents those current estimates of the Task Force of what is needed to attack the urban education program in a way which promises some level of success. The Task Force felt that any less than the demonstrated figures would be wasteful and ineffectual.

3. In the column to the right of the amounts shown on the budget chart is a figure for the number of cities which should be able to qualify as we move from one level

to the next. The point simply: The more money; the more cities. (A mathematical average was used for the number of cities within each size group which would receive funds, although in reality, different size cities will be receiving different amounts of money. The number of cities in each group, therefore, represents an estimate.)

4. Operational grants have been computed on both a \$300 and a \$500 per child basis. The \$300 figure is modeled on the California standard and represents our estimation of the absolute minimum allotment for an adequate program. The Task Force recommends \$500 as the figure which will begin to make a major impact on meeting the needs of the impoverished urban student.

Chapter XII. Short term recommendations for urban education

Our major recommendations are long term in nature which, if adopted, will entail the drafting of new legislation and the setting up of new administrative structures. It is expected that the recommendations will call for a several-year period of planning and development if they are to be effectively implemented.

However, we believe that there is a need for immediate action in the field of urban education. Therefore, we recommend that the following short term measures, based on existing legislation and programs, be implemented during the next fiscal year or two to help resolve the crisis in urban education. Many of the short term recommendations do not require Congressional action, but rather, could be initiated immediately through administrative decisions.

ESEA, Title I

1. We stand firmly behind ESEA Title I as the only Federal aid program currently providing any sizeable number of dollars for the education of disadvantaged children. We believe that ESEA, Title I must be funded at or near full authorization before any reasonable test can be made of the efficacy of compensatory education.

2. In addition to increased funding, we offer the following proposals for the improvement of ESEA, Title I:

(a) Provide states with more flexibility in making allocations within states and counties in order to concentrate Title I funds in areas with high proportions of seriously disadvantaged pupils. OE should support the Murphy amendment of S. 2218 which provides extra funds for districts, both urban and rural, with large numbers of poor children. Other steps should be taken to concentrate Title I funds, more effectively, such as, (1) increase the minimum number and percent of disadvantaged children required for LEA eligibility; (2) propose an amendment (or a change in regulation) which gives fund priority to schools based on proportion of low income population; (3) strengthen Federal guidelines requiring concentration of funds within local school districts (based on subsystems, etc.) and monitor their administration by the states. In addition, states, could use various indices for the disadvantaged population—poverty level, density, etc.—as the basis for special concentrated programs in central cities, allowing State governments the power to withhold some of their Title I funds for this purpose might encourage some states to act in this way.

(b) We note the persistent complaints of local and State officials about the uncertainties of Federal program funding and the loss in program quality that arises from "stop and go" programming signals. Localities object to required annual proposals and evaluations which are unrealistic in time horizon and ritualistic process. Multi-year objectives, proposals, grants and evaluations within categorical aid programs might make more sense. Advance appropriations are a prerequisite for intelligent use of the money.

(c) The legislation (ESEA, Title I) should be altered to include a by-pass for the Federal government to directly aid non-public schools should States fail to meet their responsibility in this area, and to make non-LEA's eligible for funds where districts fail to accept Federal requirements for racial desegregation.

(d) The HEW Audit Agency conducts regular assessments on a sampling basis of local and State administration of ESEA, Title I. These audits should be placed on a current basis and should become public documents for local consumption as a means of policing the integrity of local officials.

Vocational Education

1. The administration and the Congress should adequately fund all parts of P.L. 90-576, "The Vocational Education Amendments of 1968," to increase opportunities for occupational training in urban areas.

2. The Commissioner should use his discretionary powers under Part C—Research and Training, Part D—Exemplary Programs, and Part I—Curriculum Development to concentrate funds on programs to aid the urban disadvantaged. The Task Force recommends that such programs try new approaches to vocational and technical training such as "new careers," which train people who do not necessarily have a high school diploma for human service and public services occupations; open admissions policy at post secondary schools which would allow young people without a high school diploma to begin vocational training; imaginative programs for the disadvantaged run cooperatively by industry and the public schools; strengthened vocational guidance and placement; and the articulation of vocational and technical education into the general curriculum.

Expanded Research and Demonstration

1. We support the recommendation of the HEW Research Subcommittee that top priority be given to educational needs of disadvantaged elementary and secondary students, particularly in the areas of reading and math. We would expand this by recommending that Congress set aside additional funds for basic educational research, laboratory testing, and controlled experiments in the field of the disadvantaged. We also recommend that the Office of Planning and Evaluation and the Bureau of Research adopt as their chief responsibility the development of more effective research, experimentation, and program evaluation in the field of education of the disadvantaged. This would include the testing of such new approaches and decentralization and community control; new careers at the high school level, whereby youngsters of high school age are employed as teacher aides, welfare aides, police assistants, etc.; and the effect of ethnic studies on student performance.

2. The results of research must be developed and disseminated in a useful way;

for example, in the form of models which might be tried in classrooms across the nation. We urge that the new R&D office in OE disseminate more information on research and evaluation of programs for the disadvantaged and that other services and models for disseminating information about the disadvantaged be developed and tried.

3. The regional education laboratories and the research and development centers should be given a much clearer mandate to serve the needs of disadvantaged students in their areas of program or geographic concern. Where possible, the labs should be linked to supplementary education centers under ESEA, Title III, to programs under Title I, and most importantly to teacher training institutes and local training programs.

4. There should be more of an effort to involve a wider range of people and abilities in the entire research program including particularly school administrators, principals, teachers, parents and specialists in the field of education of the disadvantaged. A new participating role for the consumer of educational services should be a special concern of research administrators.

Training Opportunities

1. There should be more of an effort to bring new people into the field of education including low-income persons from ethnic minorities, returning veterans, and young people from ghetto neighborhoods. In order to promote this concept, institutes for national leadership development related to the education of the disadvantaged should be established and given wide visibility. These institutes would train low-income people and veterans who have shown evidence of leadership for positions such as community liaison workers in the school system. The Head Start Supplementary Training Programs might serve as models for the leadership institutes.

2. The Teacher Corps currently enrolls approximately 2200 interns and 453 team leaders in an effort to recruit new personnel in poverty area schools and institutions.

Two-thirds of Corps members are participating to increase the number of interns in inner city schools in urban poverty programs. The Task Force urges that the Teacher Corps and its newest model—the Urban Teacher Corps—be expanded. The Urban Teacher Corps is currently operating in several large cities including Washington, Chicago, and Pittsburgh. Under the Urban Program, the LEA assumes more of the cost of training new interns, thereby increasing their numbers and the number of schools which have interns. The Urban Teacher Corps could have a real impact on schools in large city school districts.

3. The Commissioner should use all the power at his discretion to urge States to change their certification and civil service standards to help facilitate the above proposals.

Higher Education

1. The Task Force supports fuller funding and expansion of current programs which provide assistance to qualified but needy young people who want to pursue a college education. These include Upward Bound, Special Services, Talent Search, and the financial aid programs—Equal Opportunity grants, work-study, NDEA loans, all of which are presently funded far below present level of need.

2. We support the recommendations of the National Advisory Commission on Civil Disorders that, in order to compensate for the poor level of secondary education received by ghetto youth, funds be made available for a one-year college preparatory programs for disadvantaged youth. Such programs would be operated by community colleges or LEAs.

Discretionary Funds

The Commissioner should use his discretionary powers under the various Office of Education programs to aid the disadvantaged in urban areas. Programs such as Impacted Aid and others (higher education construction, libraries, and traditional vocational programs) should be reoriented to more directly affect the lives of the disadvantaged. New monies which may be allocated for these programs should be set aside for seed capital for planning and instituting urban education programs. New programs such as the Bilingual and Dropout Prevention titles should be assigned specific mandates for program quality development.

Financial Aid to Urban Districts

One of the key statistics upon which Federal policy is built is the aggregate Federal aid to each local educational agency. To date, there is no one source which could tell us the total amount and the breakdown of Federal funds going to urban school districts. We therefore urge that the Secretary of Health, Education, and Welfare and the Commissioner of Education annually collect, prepare, and publish data on the flow of Federal funds to the central city school districts in each of the Standard Metropolitan Statistical Areas.

National Commission

We firmly recommend that the administration propose that the Congress establish a "National Commission on the Future Financing of American Education," which would have a broad charter to look at every conceivable type of revenue-producing device from traditional Treasury grants-in-aid to the exotic and the visionary. For example, the Commission and its professional staff should look at the experience of other countries and some of our States which have obtained educational funds through lotteries and other types of voluntary public service contributions. Such a Commission should also have a charter broad enough to study and recommend changes in State and local taxation policy.

National Advisory Council

In appointing the new members of the National Advisory Council on the Education of Disadvantaged Children we strongly recommend that the administration give greater weight to the inclusion of poor people directly on the Council and that the Council be given a clear mandate to look at all Federal programs in this area . . . not Title I alone.

Rural Areas

The Task Force assignment was to examine the needs and recommend programs designed to serve the priority of urban areas. We believe those needs to be different from and to deserve consideration over the needs of rural areas in view of population migration and other pressures affecting urban areas. However, it is abundantly clear that rural poverty is a significant problem which deserves comparable examination to urban areas. It is also our conclusion that the needs of the two areas contain important differences that deserve distinctive treatment.

¹ National Education Association, Research Division, *Estimates of School Statistics, 1968-69*. Research Report 1968-R16. Washington, D.C. The Association, 1968.

² Note on Terminology: The terms *Standard Metropolitan Statistical Areas*, *Metropolitan Areas*, and *MSMA's* are used interchangeably to refer to areas defined by the Census Bureau as having (1) at least one city of 50,000 inhabitants and (2) the contiguous counties that are socially and economically integrated with the central cities. *Central cities* refers, of course, to the core cities of MSMA's. The *OCG*, *outlying areas*, and *suburbs* are used to refer to the areas outside the central cities but within MSMA's. For a more precise and detailed explanation, see 1960 Census of Population definitions.

³ See Alan K. Campbell "Socioeconomic and Governmental Characteristics related to Education." In R. J. Havighurst-*Metropolitanism: Its Challenge to Education*. 67th Yearbook of the NSSE. Chicago: University of Chicago Press 1968 pp. 25-27. See also *Current Population Reports, Population Characteristics Series* p. 20, No. 181 April 21, 1969, Bureau of the Census USGPO. A recent projection of the racial composition of central cities and their suburban rings anticipates that non-white population will reach 30.7% in central cities and 6.1% in the suburbs by 1985. See *The Challenge of America's Metropolitan Population Outlook—1960 to 1985*. Prepared for the National Commission on Urban Problems by P. L. Hodge and P. M. Hauser, Washington: USGPO, 1968 pp. 25-31, esp. Table III-7 p. 31. Despite these figures, the increase in absolute numbers of non-whites in OCG areas will probably bring about a greater concern with the relationship of race and disadvantage to education there, particularly in those suburbs which are having a much higher black growth rate than the national norm.

⁴ Bureau of the Census, *Trends in Social and Economic Conditions in Metropolitan Areas*, p. 23, No. 27, Feb 7, 1969, p. 39.

⁵ *Ibid.* p. 42.

⁶ U.S. Department of Commerce, *1967 Census of Governments*, Vol. 4. *Finances of School Districts*, Table I, p. 9.

⁷ OE staff telephoned superintendents' offices of ten large city school systems and those of outlying suburbs and requested approximate per pupil expenditures. Figures for six were conveyed by telephone.

⁸ See Sacks, *Educational Finance in Large Cities*, forthcoming from Syracuse University Press, 1970, volume in the *Education in Large Cities*.

⁹ For full dress discussions of the economic and legal aspects of inequity in State and local expenditure for education, see, for the former Charles S. Benson, *The Cheerful Prospect: A Statement on the Future of American Education*, Boston, Houghton & Mifflin, 1965; and for the legal questions, see Arthur Wise, *Rich Schools, Poor Schools*.

¹⁰ Title I—ESEA: A Review and A Forward Look—1969. Fourth Annual Report. The National Advisory Council on the Education of Disadvantaged Children, Washington, D.C., 1969, p. 12.

¹¹ For a full discussion of many of these problems, see Stephen K. Bailey and Edith K. Mosher *ESEA: The Office of Education Administrators' Law*, Syracuse: Syracuse University Press, 1978, Chapters IV and V.

"A standard definition of poverty is given in conjunction with the data presented in Table 5.

"Chapter IV considers the problems of in- and out-migration in detail.

"SMSA refers to Standard Metropolitan Statistical Area which is defined as a county or group of contiguous counties which include one central city or more, or "twin cities" with a combined population of at least 50,000. The title of a SMSA identifies the central city; outside central city is the balance of the SMSA. In New England, SMSA's consist of towns and cities instead of counties. *Central cities* refers, of course, to the core cities of SMSA's. The term *OCO*, *outlying areas*, and *suburbs* are used to refer to the areas outside the central cities but within SMSA's. For a more precise and detailed explanation, see 1960 Census of Population definitions.

"An unemployment rate of 6 percent for the nation is considered to be at the recession level, according to the Department of Labor.

"Discrepancies among figures are undoubtedly due to differences in sampling procedures, e.g., One Year Later (1969) is concerned primarily with inner city youth in the cities. These figures are concerned with the labor force in general.

"Material concerning the black woman's employment in relation to that of the black male was provided by the Center for Urban Education in New York City.

"The Department of Housing and Urban Development classifies substandard housing as that housing reported by the U.S. Bureau of Census: (1) sound but lacking full plumbing; (2) deteriorating and lacking full plumbing; or (3) dilapidated.

"Moderate" incomes are above "low" incomes but are lower than "middle" incomes; as of this time, moderate incomes would be considered as ranging between \$4,000 and \$8,000.

"This table also clearly shows a point previously made concerning the numbers and percents of white and non-white women who are heads of poverty households.

"The extended family is one which usually includes three generations living together or it can also include aunts and uncles. Thus, the children may have more "parents" than their middle class counterparts have.

"Supporting data in this chapter are selective, due largely to limited preparation time. Because of such selectivity, some of the studies reported undoubtedly can be contradicted by others. Several composite studies in chart or tabular form are included which were prepared by the Center for Urban Education in New York.

"Data and projections in this paragraph were provided by the Center for Urban Education.

"These figures do not necessarily contradict those on Table 10 in Chapter 3. The latter dealt with a more specific age group and may have employed different sampling procedures, probably drawing its sample from the labor force and not from a population continuing significant numbers of dropouts.

"All data in the following section on personnel were provided by the Center for Urban Education unless otherwise noted.

"Robert Rosenthal and Lenore Jacobson, *Pygmalion in the Classroom, Teacher Expectations and Pupil Intellectual Development* (New York: Holt Rinehart & Winston, 1968);

Joe Louis Rempson, *An Exploratory Study to Help Increase the Number of Parents Who Make In-School Contacts in Low-Urban Area Public Elementary Schools*, Doctor's, Teacher's College, Columbia University, 1969; Charles Edward Flowers, *Effects of Arbitrary Accelerated Group Placement on the Tested Academic Achievement of Educationally Disadvantaged Students*, Doctor's Columbia University, 1966.

"Data supplied by Executive Director of Pupil Personnel, Milwaukee School System.

"Figures supplied over the telephone by personnel from the National Center for Social Studies, Social and Rehabilitation Service, Department of Health, Education, and Welfare.

"Figures supplied over the telephone by personnel from the Bureau of Prisons, U.S. Department of Justice and the District of Columbia Department of Corrections.

"Figures based on Individual Tax Returns for 1967, Internal Revenue Service, U.S. Treasury Department.

"In 40 of the 100 largest cities, the school district and the city are exactly coterminous. In the remaining cases, there is deviation from coterminality. Often the boundary differences are small, but sometimes they are sizeable. However, problems from these differences are those of management not of principle. As such they can be handled by administrative policy.

APPENDIX I. MEMBERSHIP OF THE URBAN EDUCATION TASK FORCE OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Chairman: Wilson O. Riles, Director, Division of Compensatory Education, State of California.

Cochairman: John F. Hughes, Director, Division of Compensatory Education, U.S. Office of Education.

COMMITTEE

I. Organization and Authority; Parent-Community Involvement: Chairman, Mr. David Seeley, Director, Public Education Association, New York, New York; Cochairman, Mrs. Elinor Wolf, Coordinator for Citizen Participation, U.S. Office of Education.

II. Education Program Components; National Assessment: Chairman, Mrs. Josie Bain, Area Superintendent, Los Angeles Public Schools; Cochairman, Dr. Anne O. Hughes, Education Program Specialist, U.S. Office of Education.

III. Financial Resources, Governmental Relations: Chairman, Mr. James A. Kelly, Executive Associate, National Urban Coalition, Washington, D.C.; Cochairman, Jerome T. Murphy, Formerly Associate Director, National Advisory Council on the Education of Disadvantaged Children, Washington, D.C.

IV. Racial and Ethnic Isolation, Facilities, Metropolitan Planning: Chairman, Mr. Harland Randolph, Vice President for Planning and Development, Federal City College, Washington, D.C.; Cochairman, Mr. Oscar Mims, Chief Education Advisor, Model Cities Administration, Department of Housing and Urban Development, Washington, D.C.

V. Educational Alternatives: Chairman, Mrs. Gwyn Jones-Davis, The Way School, Minneapolis; Cochairman, Mr. Richard Carlson, Budget Examiner, Bureau of the Budget.

MEMBERS OF THE URBAN EDUCATION TASK FORCE

Milton E. Akers, Executive Director, National Association for the Education of Young Children.

Robert Aptekar, Assistant Director, Program Development Division, Community Action Program, Office of Economic Opportunity, Washington, D.C.

Edward A. Bantel, Professor of Education and Psychology, Oakland University, Rochester, Michigan.

Thomas J. Burns, Assistant to the Deputy, Office of the Associate Commissioner for Elementary and Secondary Education, Office of Education.

Alan K. Campbell, Dean, Maxwell Graduate School, Syracuse University, Syracuse, New York.

John Cantwell, Program Coordinator, Bureau of Research, Division of Educational Laboratories, Office of Education.

John Cheston, Deputy Assistant Secretary for Program Planning and Evaluation, Department of Labor.

John Cicco, Deputy Superintendent, Diocese of Pittsburgh, Pittsburgh, Pennsylvania.

Ronald Cox, Staff Assistant to the State Senate, State Capitol, Sacramento, California.

George Dawson, Special Assistant to the Associate Commissioner for Higher Education, Bureau of Higher Education, Office of Education.

Robert A. Dentler, Director, Center for Urban Education, New York, New York.

Alva R. Dittick, Executive Vice President, Research Council of the Great Cities Program for School Improvement, Washington, D.C.

Anthony Downs, Senior Vice President, Real Estate Research Corporation, Chicago, Illinois.

Norman Drachler, Superintendent, Detroit Public Schools, Detroit, Michigan.

Bessie Draper, Parent Program Specialist, Office of Economic Opportunity—Head Start, Washington, D.C.

Mr. Chester Pinn, Staff Assistant, The White House, Washington, D.C.

Dorothy Gilford, Assistant Commissioner, National Center for Education Statistics, Office of Education.

Herman R. Goldberg, Superintendent of Schools, Board of Education, Rochester, New York.

Martin Gula, Specialist on Group Care, Children's Bureau, Department of Health, Education, and Welfare.

Samuel Halperin, Director, Educational Staff Seminar, Washington, D.C.

Kenneth Haskins, Principal, Morgan Community School, Washington, D.C.

Richard Hays, Program Analyst, Office of the Secretary, Department of Health, Education, and Welfare.

Ermon O. Hogan, Education Specialist, National Urban League, Inc., New York, New York.

H. T. James, Dean, School of Education, Stanford University, Stanford, California.

Christopher S. Jencks, Co-Director, Cambridge Institute, Cambridge, Massachusetts.

George W. Jones, Director, Task Force on Urban Education, NEA, Washington, D.C.

Bernard Kaplan, Director, Office of Planning, State Department of Education, Trenton, New Jersey.

Otto P. Legg, Senior Program Officer, Program, Planning and Evaluation Staff, Division of Vocational Education, Office of Education.

John P. Mallan, Senior Staff Member, The Urban Institute, Washington, D.C.

Carl L. Marburger, Commissioner of Education, State Department of Education, Trenton, New Jersey.

James Mauch, Director, Office of Research and Field Services, University of Pittsburgh, School of Education, Pittsburgh, Pennsylvania.

Richard McCann, Division of Educational Laboratories, Bureau of Research, Office of Education.

Francis Murnaghan, President, Baltimore School Board, Baltimore, Maryland.

Joseph C. Paige, Director, Urban Adult Education Institute, Detroit, Michigan.

Suzanne Price, Division of Equal Educational Opportunities, Bureau of Elementary and Secondary Education, Office of Education.

Malcolm Provus, Director of Research, Board of Public Education, Pittsburgh, Pennsylvania.

Irving Ratchick, Coordinator of Title I, ESEA, State Education Department, Albany, New York.

J. William Rioux, President, Merrill-Palmer Institute, Detroit, Michigan.

Armando Rodriguez, Mexican-American Affairs Unit, Office of Education.

Michael Russo, Chief, Planning and Evaluation, Division of Vocational Education, U.S. Office of Education.

Flora B. Seefeldt, Milwaukee, Wisconsin.

David Selden, President, American Federation of Teachers, Washington, D.C.

Charles H. Smith, Associate Director, Rockefeller Foundation, New York, New York.

Howard Vincent, Office of Program Planning and Evaluation, Office of Education.

Carol T. Hobson, Chief, Elementary-Secondary Survey Branch, National Center for Educational Statistics, U.S. Office of Education.

Bernard C. Watson, Deputy Superintendent, Philadelphia Public Schools, Philadelphia, Pennsylvania.

Patricia Worlock, Special Assistant for Program Development, New Jersey Department of Community Affairs, Trenton, New Jersey.

STAFF

Barbara H. Deind, Education Program Specialist, Bureau of Elementary and Secondary Education, Division of Compensatory Education.

Stephen E. Herbits, Formerly Consultant on Research Activities, Campaign Systems, Inc., Washington, D.C.

John J. McGarraghy, Formerly Education Program Specialist, Bureau of Elementary and Secondary Education, Division of Compensatory Education.

Shella Platoff, Education Program Assistant, Bureau of Elementary and Secondary Education, Division of Compensatory Education.

Corinne Slattery, Education Program Assistant, Bureau of Elementary and Secondary Education, Division of Compensatory Education.

APPENDIX II. URBAN EDUCATION TASK FORCE, HISTORY AND ORGANIZATION

On March 11, 1969, Robert H. Finch, Secretary of the Department of Health, Education, and Welfare, announced the formation of a number of task forces to assist him in the Department's long-range planning, budgeting and legislative process. Eleven of these new task forces were in the field of education.

The Urban Education Task Force was a part of this newly-initiated planning process within the Department. Dr. Wilson O. Riles, Director of the Division of Compensatory Education, was the first chairperson.

satory Education for the California State Department of Education, agreed to serve as Chairman of the Task Force. His Co-chairman was designated as John P. Hughes, Director of the Division of Compensatory Education, Bureau of Elementary and Secondary Education, in the Office of Education.

This particular Task Force took on special importance because of the high priority assigned by Dr. James E. Allen, Jr., then Assistant Secretary/Commissioner of Education-designate, to finding solutions for the educational crisis in the urban areas of our Nation. By September, 1969, the Task Force was to formulate recommendations for steps that could be taken by the Administration to deal effectively with this crisis. The recommendations were to be supported by a detailed program memorandum or report, detailed budget plans, and any policy studies which the Task Force felt necessary.

To accomplish this mission, the Chairman and Co-chairman issued a call to educational leaders across the country—parents, public and private school administrators, university professors, representatives of the Federal Government, school board members and officials of concerned private organizations—to serve on the Task Force in this major undertaking. There was a very generous response from these people, as is evidenced by the membership list of the Task Force and their contributions to the work of the Task Force. At the same time, a small supportive staff of staff members from the Division of Compensatory Education and private consultants was assembled.

April 29, 1969, marked the first meeting of the Task Force membership. Held in Washington, its major initial concern was an identification of the critical problems confronting urban education and an exploration of possible solutions. The Task Force was divided into five separate committees in order to more easily deal with certain aspects of the total urban education problem. These committees and their respective chairmen were as follows:

1. Organization and Authority, Parent-Community Involvement: David Seeley, Chairman; Elinor Wolf, Co-Chairman.
2. Educational Program Components, National Assessment: Josie Bain, Chairman; Anne O. Stemmler, Co-Chairman.
3. Financial Resources; Government Relations: James A. Kelly, Chairman; Jerome T. Murphy, Co-Chairman.
4. Racial and Ethnic Isolation, Facilities, Metropolitan Planning: Harland Randolph, Chairman; Oscar Mims, Co-Chairman.
5. Educational Alternatives: Gwyn Jones-Davis, Chairman; Richard Carlson, Co-Chairman.

As a result of this April Meeting, each of the above chairman drafted a report which was circulated within the membership of the separate committees. At the same time, the Task Force staff was developing a Legislative Proposal for Urban Education Programs in response to certain legislative demands on the Secretary and Commissioner Allen which necessitated the immediate development of some tentative recommendations concerning urban education.

The five individual committee reports and the legislative proposal were the subject of discussion at the next Task Force Meeting in Washington on June 6-7. Out of this meeting, there developed five short-term legisla-

tive recommendations concerning full-funding of Title I and additions to the Title I guidelines. These were submitted to Commissioner Allen on June 9. In addition the Task Force indicated at the meeting certain directions which an urban education legislative proposal should follow. These directions are reflected in the final Task Force report.

Subsequent to the June meeting, the staff was involved in preparing the first draft of the Report. This draft was submitted as part of a July 15 interim report to the over-all Education Task Force. It was also sent to the members of the Urban Education Task Force for preliminary review prior to the last full meeting of the group which was held on July 25.

The focus of this meeting was a somewhat detailed discussion of needed additions to and revisions of the first draft. The staff was given more specific directions about some of the issues which had not as yet been settled, including the funding of educational alternatives, the involvement of nonpublic schools and the most effective role for the States to play in assisting the city schools.

A revised draft was mailed to Task Force members in September, 1969. Comments on this draft were in turn incorporated into a third draft which was then sent out for review in October, 1969. Following a survey to determine reactions of Task Force members to the report, Dr. Riles and Mr. Hughes called a meeting of Task Force Chairmen on November 21, 1969, for the purpose of discussing minority viewpoints, suggested modifications and incorporating them into the final Report. The past weeks have been spent in the final editing of the Report. Through the cooperative efforts of many people, the completed report of the Urban Education Task Force is now ready for submission to Secretary Finch and Commissioner Allen for their consideration and future action.

APPENDIX III. NOTE ON METHODOLOGY FOR CHAPTER II¹

The methodology used in this study follows the techniques developed by Brazer² and Campbell and Sacks³ in making central city/outside central city comparisons. Where cities are coterminous with county boundaries or they have no overlying governments the allocation is purely mechanical; the central city and outside central city are handled as independent units. This procedure applies where the central city provides all or nearly all—local government services (e.g., New York City, Baltimore, Boston, and Washington, D.C.), and also where there are overlying, but exactly coterminous, governments (e.g., San Francisco, Philadelphia, Denver, New Orleans and St. Louis).

Except for San Francisco, the fiscal data for the cities noted above and for their outlying areas are based entirely on published data in the *Local Government Finances in Selected Metropolitan Areas* volume and in *City Government Finances in 1964-65*, and on the comparable data for 1957.

Where there is more than one central city in a SMSA they are considered as a single unit in the central city comparisons. Thus, San Francisco is consolidated with Oakland. Oakland is not a city-county and hence calls for an allocation of county fiscal data between Oakland and the remainder of Alameda County.

REFERENCES

- In order to attribute to each central city the relevant financial items of the county in which it is located and of any other overlying local governments (mainly school districts and special districts) it was necessary to secure underlying Census survey forms and worksheet data for 1964-65. These were made available to the Commission by the Governments Division, Bureau of the Census. For 1957, such information was published in the *1957 Census of Governments*.
- For those jurisdictions that are coterminous with the central city, the full financial amounts were attributed to the central city area. In the case of an overlying, but non-coterminous jurisdiction (e.g., a county) its fiscal behavior was allocated on the basis of the fraction of the total population of the overlying population residing in the central city or central cities. The residual amount was allocated to the outside central city areas. As a result the weighted averages of the central city and outside central areas are equal to the SMSA per capita figures as published for 1964-65 and as directly implied by the county area aggregates for 1957.
- Generally, but not always, the allocation of fiscal responsibility involves noneducational expenditures. Occasionally there are noncoterminous school districts and/or districts providing higher education. The principal problems involve the allocation of county activities between the central city and outside central city areas. A comparison of tax behavior derived indirectly by this population allocation method, and directly from an analysis of tax rates indicates that our procedure does not introduce any systematic distortion into the data.
- The allocation procedure may be illustrated by an example, that of San Diego. Based on published reports, the city of San Diego had general expenditures of \$59,033,000 in 1964-65. It reported no expenditures for education and a nominal amount for public welfare. Education is provided by the San Diego Unified School District which reported expenditures of \$70,449,000 for fiscal 1965. This amount was credited entirely to the central city area of San Diego. It was estimated that the city comprised 56.2 percent of San Diego County population; the central city area was therefore credited with \$67,442,000 of the \$120,003,000 of the county's general expenditure. This added up to \$194,943,000, or \$307 (as reported in Table A-10) for each of the 636,000 persons estimated as residing in the city of San Diego in 1964. The remaining \$170,001,000 was allocated to the outside central city area of the San Diego SMSA. With an estimated population of 495,000 this equalled \$343 per capita.
- This was the general approach followed in the case not only of total direct general expenditures, but of educational expenditures, non-educational expenditures, taxes, and the sum of State and Federal aid.
- ¹ Excerpt from Appendix B, Statistical Methodology, Advisory Commission on Intergovernmental Relations, *Fiscal Balance in the American Federal System*, Vol. 2, Metropolitan Fiscal Disparities, Washington, D.C., October 1967, Pages 111-112.
- ² Harvey F. Brazer, *City Expenditures in the United States* (New York: National Bureau of Economic Research, Inc., 1959).
- ³ Alan K. Campbell and Seymour Sacks, *Metropolitan America: Fiscal Patterns and Governmental Systems* (New York: The Free Press, 1967).
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APPENDIX C

TITLE IV OF THE 1964 CIVIL RIGHTS ACT: A PROGRAM IN SEARCH OF A POLICY

(By John Egerton, Race Relations Information Center)

This report on title IV of the Civil Rights Act of 1964 was commissioned by the Southern Education Foundation, 811 Cypress St., N.E., Atlanta, Georgia 30308, which devotes its resources to the improvement of educational opportunities for Negroes in the South. The Race Relations Information Center made the study independently, and is solely responsible for its contents. Copies of the report may be ordered from RRIC for 50 cents each.

In the Civil Rights Act of 1964, Congress approached the issue of school desegregation in two different ways. Under title IV, it set up a program to provide assistance in a variety of forms to school systems seeking Federal help, "in the preparation, adoption, and implementation of plans for the desegregation of public schools." Under title VI, it outlawed discrimination in any program using federal funds. The enforcement of title VI in the field of education fell to the U.S. Office of Education, which developed desegregation guidelines for school districts and made noncompliance punishable by a cutoff of federal funds.

Title IV was the carrot, the gentle persuader, the sugar pill; it was intended to be a contract between willing parties, an agreement whereby school districts willing to use Federal funds and expertise to smooth the desegregation process could find such help available in the U.S. Office of Education, in certain State departments of education, or in a select few Southern universities, title VI, on the other hand, was the stick, the tough enforcer, the strong medicine; it was essentially a coercive force, focusing on reluctant and recalcitrant school systems and bringing them involuntarily into compliance with the law.

During the last four and a half years of President Lyndon B. Johnson's administration, title VI was the bogey man of segregationists, an object of scorn and defiance. It was often caught between court rulings and congressional intent, between the law and the will of the white majority, and even when President Johnson moved it from its base in the U.S. Office of Education to the loftier and more remote confines of the Department of Health, Education and Welfare (HEW) in 1967, controversy never ceased to swirl around Title VI.

In the 14 months since President Richard M. Nixon came to power, Title VI has faded fast. The guidelines under which it operated were substantially changed by HEW Secretary Finch and Attorney General John Mitchell last July. The office which administers Title VI has continued to issue citations to school districts which have not desegregated, but the citations now are virtually meaningless; not a single district has had its funds terminated since early last summer, in part because of a Federal court ruling in Florida requiring proof of discrimination in every program using Federal funds within each district before the funds can be terminated. (Secretary Finch at first said the decision would be appealed, but it was not.) And on Feb. 17, the director of the title VI program, Leon Panetta, resigned under pressure from the White House after less than a year on the job, and several members of his staff also quit to protest his departure. Before he left the office 10 days later, Panetta said there was a general lack of commitment to civil rights within the White House, and he singled out four top aides to Nixon—Bryce N. Harlow, H. R. Haldeman, John D. Ehrlichman, and Harry C. Dent—as the men who had led the President to accept a more conservative position on school desegregation.

THE RISE OF TITLE IV

With the decline of title VI has come a parallel rise in the visibility and importance of title IV, which is administered in the U.S. Office of Education's Division of Equal Educational Opportunity (DEEO). The tasks which DEEO once concentrated upon (and which it still carries out)—in-service training of teachers, human relations workshops, desegregation institutes—are vastly important and necessary functions, but they are also quiet and unspectacular activities in contrast to the bombast of defiance or the trauma of court action. Now, DEEO has been thrust into the spotlight because it has been drawn into the role of negotiating with school officials, drawing up desegregation plans and testifying about such plans in court, and these new functions place title IV for the first time in the center of the 16-year-old school desegregation controversy.

Having become a principal instrument of the Nixon Administration's school desegregation policy, the DEEO represents something of a barometer of that shifting and unsettled policy. This report examines the changing fortunes of DEEO in the Nixon Administration.

From a relatively modest annual budget of \$6.5 million, DEEO has expanded in six years to its present budget of \$14 million, and \$24 million has been requested for the next fiscal year. The funds provide for a professional staff of about 50 persons in Washington and in the regional offices of HEW, and for three different kinds of field programs: direct grants to school districts seeking help on desegregation matters, grants to State departments of education to assist school districts, and grants to universities for the establishment of desegregation assistance centers. Fifteen universities in 14 Southern States (Alabama has two) now operate such centers, and 25 State departments of education receive title IV funds. During the 1969 fiscal year 79 local school districts also received grants from the program. In addition, title IV funded 11 short-term desegregation institutes last year. And in its new role—that of drawing up desegregation plans under Federal court orders—DEEO personnel have been involved with more than 300 school districts in the past year.

The charts which appear at the end of this report indicate where and how DEEO funds were apportioned in the 1969 fiscal year. No attempt has been made to assess the relative effectiveness of these distributions. For the most part, the funds have been used for the various kinds of technical assistance called for by the civil rights act. But the drafting of desegregation plans has been a major activity of title IV in recent months, and it is that function which is assessed here.

Two months after the inauguration of President Nixon, a Federal district court in South Carolina placed 21 school districts in the state under a blanket order to desegregate, and asked HEW to take part in the drafting of plans to that end. Until then, it had been legal experts in HEW's Office for Civil Rights (OCR), working under title VI, who had shouldered the main responsibility for bringing school districts into compliance with the law; in the South Carolina cases, educational experts from the title IV office of HEW (DEEO) were given a similar assignment, and they have had a hand in the preparation of desegregation plans for virtually all school districts placed under court order since then.

It is not clear exactly why the decision was made to involve the title IV at that point, or whether the decision was made by the courts or by the Administration. Some observers say this decision and others which have followed it may reflect an effort by Democratic judges to toss the hot potato of school desegregation back into the hands of the Republican Administration; others suggest that the courts simply turned to DEEO as a neutral party to break the legal logjam building up behind extended disputes between school boards and plaintiffs. It is also contended by some that HEW and Justice carefully steered the whole process away from OCR and into the hands of DEEO, while still others believe the involvement of title IV in the drawing up of desegregation plans simply reflect a desire of the Administration and the courts to give educational experts a larger share of the responsibility. Whatever the case, the change coincided with the decline of title VI, and was followed by a marked decrease in the number of desegregation suits initiated by the Justice Department.

THE ADMINISTRATION'S APPROACH TO DESEGREGATION

On July 3, HEW Secretary Finch and Attorney General Mitchell issued a joint statement which, in effect, delayed the southwide desegregation deadlines established earlier by the Johnson Administration. The statement also shifted primary responsibility for enforcement from HEW to Justice, and that had the effect of making Mitchell, instead of Finch, the Administration's top policy maker on school desegregation. (U.S. District Judge Robert W. Hemphill of South Carolina, commenting on the Mitchell-Finch statement in September, said it "does not have the weight of a court order. In fact, it has no weight at all. It is a debatable political statement which no court of reason will give credence to.")

The Civil Rights Act of 1964, under title IV, made the commissioner of education responsible for assisting school districts with desegregation problems, and for three years the commissioner (who at that time was Harold Howell) also was responsible for desegregation enforcement, as called for under title VI.

The enforcement office was shifted from the commissioner to the secretary of HEW in 1967. For all practical purposes, the Mitchell-Finch statement shifted the power again, this time from HEW to Justice.

Previously, the Kennedy and Johnson administrations appeared to speak with one voice on their commitment to bring Southern school systems into compliance with the law and the rulings of the courts on school segregation. The attorneys general, the HEW secretaries, the commissioners of education and the OCR directors in those administrations consistently applied the weight of their offices to the elimination of segregation. Under President Nixon, a different attitude is apparent, as these items indicate:

The secretary of HEW has asked the courts, on at least one occasion, to delay the implementation of desegregation plans.

The Justice Department has not initiated a school desegregation suit since last October, when it took a Connecticut school district to court.

"The NAACP Legal Defense and Educational Fund, with which the Justice Department has frequently been allied in past prosecutions of school segregation cases, has asked on one occasion that the court switch the Justice Department from plaintiff to defendant because the government 'for the first time has demonstrated that it no longer seeks to represent the rights of Negro children.'"

Desegregation plans drawn up by title IV personnel has on occasion been weakened, apparently as a result of political pressure applied to high officials in the Administration.

The commissioner of education, once the Federal government's top representative on matters of race and education, no longer has a direct role in determining government policy and practice in these matters. Rumors that the present commissioner, James E. Allen, will soon resign are categorically denied by his office, but the rumors persist.

An *ad hoc* committee made up of HEW and Justice Department officials has been reviewing all court-order plans drawn up by title IV personnel since last summer, but the existence of the committee was not known publicly until Jan. 28, when James K. Batten of the Knight newspapers reported it.

Vice President Spiro Agnew, whose pronouncements on race and education have given great encouragement to the cause of segregationists, has been made chairman of a cabinet-level committee which will undertake to mediate in the school desegregation controversy.

After Panetia was fired from his OCR post, 125 of the 325 employees of the office sent a two-page letter of protest to President Nixon, expressing "profound dismay" over the dismissal of their boss.

Unrest and dissatisfaction among attorneys in the Justice Department's Civil Rights Division flared into the open on one occasion, and a number of attorneys in the division have either quit, asked for transfers to other assignments, or been fired.

The Administration has taken a variety of conflicting and ambiguous positions while both houses of Congress have passed amendments limiting the government's enforcement powers in school desegregation.

All three of the men Nixon has nominated to the Supreme Court thus far have been identified as "strict constructionists," a term which has been generally interpreted as code for "soft on civil rights." (Ironically, subsequent rulings on school desegregation written by two of the men have not supported that interpretation.)

All of these developments, plus the softening of desegregation guidelines and the steady decline of title VI, add up to an emerging Administration policy on school desegregation that some civil rights organizations and even some Administration officials view with a concern that borders on despair.

CONFUSION IN THE SEARCH FOR A NEW POLICY

That a change in government policy is being brought about seems obvious from the facts; it is far less certain what form the new policy will take. That will depend in large measure upon many legal, educational and political judgments, some of which have not yet been made. For the present, the Nixon Administration seems caught in a thicket of inconsistencies; it is finding that a fundamental change in government policy of the magnitude it apparently contemplates can be neither quick nor easy nor certain, particularly when there is no agreement on the desired end result. The general state of confusion which now prevails is apparent in several ways:

The Justice Department remains a party (if a reluctant one) to some Southern school desegregation suits which seek what amounts to racial balance. (The Norfolk, Va., case is one example.) At the same time, it has recently helped to establish a new Administration position which calls for preservation of neighborhood schools and rejects the use of cross-town busing to achieve full desegregation.

There can be found in the South now almost every conceivable kind of racial arrangement in the schools, from total desegregation to total segregation, and some of that is a carry-over from previous administrations. Justice and HEW officials have approved such a wide array of desegregation plans—and rejected an equally diverse menagerie of others—that no consistent pattern can be said to exist.

Outside the South, Justice has chosen a few cases to demonstrate an earnest desire to eliminate segregation, whatever its cause—even though its efforts to do that in the South have faded dramatically. In Pasadena, Calif., for example, Justice attorneys asserted that the school system's reliance on a strict neighborhood school policy and its companion policy against cross-town busing amounted to a form of *de jure* segregation in violation of the 14th Amendment to the U.S. Constitution.

Court rulings on desegregation questions also reflect more confusion than clarity. Surprising as it may seem, there remains a large area of unexplored ground in civil rights law as it pertains to education, even though litigation on the subject has been continuous now for 16 years. Among the areas of legal uncertainty are questions concerning racial balance, unitary school systems, neighborhood schools, cross-town busing and *de facto* segregation. Until the Federal courts arrive at some judicial interpretation of these terms, school desegregation seems certain to remain a controversial issue before the courts.

In spite of the persistence of these important legal questions, the federal courts have continued to rule against segregation and discrimination in education. Far from following the trend of the new Administration, the courts have been, if anything, more diligent in their application of earlier court rulings and more impatient with the continued efforts of segregationists to delay desegregation. Ironically, the various attempts of the Justice Department to diminish the Administration's involvement in the politically hazardous business of civil rights enforcement have often been negated by court rulings forcing school districts to desegregate. The most visible such ruling came last fall when the Supreme Court gave some 30 Mississippi school districts a two-month deadline to achieve total desegregation. The unanimous decision, written by Chief Justice Warren Burger, Nixon's first appointee to the court, rejected the pleading of the Justice Department and HEW for more time to accomplish the job. Another noteworthy case was in the Fourth Circuit Court of Appeals, where Chief Judge Clement Haynesworth—the man the U.S. Senate spurned when Nixon nominated him to the Supreme Court—wrote an opinion which required an end to racially identifiable schools in Greenville, S.C., his home town. The Greenville system complied with the order.

Because of such highly publicized cases as these, the Administration still finds itself under attack from presidential aspirant George Wallace, Georgia Gov. Lester Maddox and other segregationists, who consider the courts to be part of the Administration and therefore reflective of President Nixon's real feelings on civil rights. Many Democrats, liberals, blacks and other civil rights advocates, on the other hand, are equally convinced that the Administration is firmly allied with those forces, in and out of the South, who oppose the advance toward equality of Negroes and other minority groups.

Where school desegregation has taken place in the South, it has more often than not occurred at the expense of Negroes; that is to say, it has usually been the black schools which have had their names changed or been closed, the black children who have been bused to white schools, and the black principals and teachers who have been transferred, demoted or fired. Desegregation, in other words, has often been one-sided, and resentment against plans requiring Negroes to make most of the sacrifices has generated some black resistance and some talk favoring the development of "separate but equal" school districts divided more or less along race lines. The most

prominent black advocate of this approach is Roy Innis, director of the Congress of Racial Equality (CORE). Innis has discussed the idea with at least four Southern governors, and all of them were "receptive" to it, according to a story by Peter Millus in the *Washington Post*. Representatives of CORE have been pushing the plan in Mobile, where controversy over school desegregation plans has been continuous for many months. An aide to Innis was heard to remark in Mobile recently that a high-ranking official in the Justice Department had suggested Mobile as a possible test city for Innis's "separate but equal" proposal. There have been at least three meetings between Innis or his representatives and high-ranking officials of the Justice Department in recent months. On at least one of those occasions, Attorney General Mitchell participated in the discussions.

It is against this background of confusion, contradiction and uncertainty that the activities of the Division of Equal Educational Opportunities can be brought into focus. As an instrument of the Nixon Administration's desegregation policy, title IV reflects the unsettled and inconsistent nature of its political context, particularly insofar as the drafting of school desegregation plans is concerned. Conversations with most of the 15 directors of title IV programs in university centers, with officials of DEEO at the regional and national level, and with a variety of interested parties both in and out of government indicate that politics, rather than law or educational concerns, is the dominant force in many of the operations of title IV. (Some of them add that this has been generally true of the Federal government's policies on race since 1954.)

Beginning with the entrance of DEEO personnel into the desegregation plan-drafting business when the 21 South Carolina districts were put under a court order last March, some of the university title IV centers have had to devote most of their attention to drawing plans. The mechanics of this process vary greatly from case to case, but in general they are as follows:

A Federal district court orders a school system to produce a plan for total desegregation. The system is given a deadline for coming up with the plan, and the school board is ordered to get assistance from HEW in preparing the plan. title IV officials then enter into discussions with officials of the school system. If agreement can be reached on a plan, it is cleared with the *ad hoc* review committee in Washington and then presented to the court. More often than not, agreement has not resulted from the discussions between the school board and the DEEO representatives. In these cases, each party usually presents its plan to the court, and the judge then bases his order on one or both of the plans.

That is how the procedure works in theory. In practice, it is often quite different. To begin with, the judge's order requiring HEW to assist in drawing the plan may end up in the hands of a Justice Department attorney, or a title IV official in Washington, or in the nearest regional office of HEW, or in the state department of education's title IV office, or in that state's university-based title IV center; it might also be taken up by the school board with the local congressman or senator, or with Attorney General Mitchell, or with HEW Secretary Finch. Occasionally, the order is ignored; there are cases now current in which school boards ordered to seek HEW help have simply refused to do so. Presumably, they can be held in contempt of court. The law governing title IV specifies that help with desegregation problems can be given to school systems only upon their request; consequently, the initiative lies with the school board, and its decision on where to turn for assistance can set the political and educational tone of the negotiations.

After it is decided precisely who in title IV will be given the job of working on a desegregation plan, more opportunity for political pressure arises. What form will the plan take? Will it require the elimination of racially identifiable schools? Will it require long-distance busing to achieve racial balance? Will it be based on the neighborhood school concept? Will it include freedom of choice, or pairing of schools, or consolidation? Will it call for implementation in stages, or require immediate change? Will it include teacher and administrator desegregation? Almost all of these features have been used and there is no indication that the Justice Department or HEW (including DEEO) has had any consistent position on them. In recent weeks, however, title IV representatives in the field have been told not to include cross-town busing in the plans they prepare—even though the Pasadena case cited earlier in this report seemed to take an opposite tack.

Often, a school system will give unofficial support to a plan drawn by title IV, but denounce the plan publicly in order to make it appear to the system's patrons that desegregation is being forced on them by federal officials. Reluctantly, DEEO officials have sometimes gone along with this ploy.

After the title IV plan is completed, the DEEO official responsible for it then takes it before the *ad hoc* committee in Washington, and once again, the opportunity for political intrusion presents itself. The five principal members of the committee have been Jerris Leonard, Attorney General Mitchell's top assistant in the area of civil rights; Robert Mardian, general counsel for HEW; Patrick Gray, one of HEW Secretary Finch's chief assistants; Jerry Brader, director of title IV; and—until his resignation—Leon Panetta of O'R. Mardian recently was made executive director of the new Agnew task force on desegregation problems. The *ad hoc* committee's balance of power apparently has favored a philosophy of desegregation which is decidedly more conservative than that reflected in previous administrations.

Several things about the *ad hoc* committee are disturbing to supporters of school desegregation. One is the fact that its existence was not generally known from the time it was created last spring until the end of January. Even some of the university center directors of title IV—those who have not been involved in drawing up desegregation plans—were unaware of the committee's existence until they were told of it by an inquiring reporter. Second, there is evidence that political pressure has influenced some of the committee's decisions; one case, involving Orange County, Fla., will be detailed later in this report. Third, the Justice Department, by way of its representation on the committee, has become influential in some decisions involving cases in which it was not a party; in other words, Justice has influenced desegregation plans even though it is not a party in the court suit. And finally, there is some concern that the powerful *ad hoc* committee has the effect of a national school board, setting desegregation policy that may or may not coincide with the best available legal and educational judgment.

Whatever the validity of these concerns, it is apparent that the *ad hoc* committee, by its very nature, makes the federal government's desegregation activities susceptible to political, as well as legal and educational, considerations.

After the committee has approved a desegregation plan drawn up by title IV representatives, the plan may be presented to the school board or to the court. If it is given to the school board, a further opportunity for political intrusion arises. When the plans do finally come before the court, the manner in which they are supported by title IV or Justice Department representatives can also have a bearing on the judge's final ruling. And after he has ruled, the handling of appeals and the enforcement of his decision are matters in which the Justice Department retains considerable influence.

POLITICAL INTRUSION IN THE PLAN-DRAFTING PROCESS

As illustration of some of the ways in which politics has intruded in the formulation of desegregation plans drawn up by Title IV personnel, these three cases are cited:

After plans for the 21 South Carolina districts under court order were completed last spring, the director of title IV's regional office in Atlanta, Ernest Bunch, testified in Federal court in one of the cases that implementation of the plan—which he himself had helped to prepare—"would be chaotic" if carried out completely the following September. On the strength of his testimony and others like it, 18 of the 21 districts were given a year's delay in implementing total desegregation. The Southern Regional Council, in a December 1969 report entitled "The Federal Retreat in School Desegregation," said of the South Carolina cases: "When most of the local districts resisted the [title IV] proposals, political pressures apparently succeeded in having the plans revised and the EEO staff overruled through intervention of top HEW and Justice officials."

When a Federal judge in Mississippi ordered some 30 districts to prepare desegregation plans with HEW help last summer, a task force of title IV personnel did the job and presented the plans in court early in August. Nine days later, Secretary Finch wrote a letter to the court requesting a three-month delay in the hearing on the plans. Their immediate implementation, he wrote, would "produce chaos, confusion and a catastrophic educa-

tional setback to the children in the school districts." A hearing was granted on Finch's request for a delay. Three days before that hearing, Gregory Anrig, who was then director of the title IV program in Washington, was called to a meeting with Finch and Jerris Leonard of the Justice Department. They asked Anrig to appear at the hearing with Leonard and testify that immediate implementation of the title IV plans in the Mississippi districts would be a serious mistake. At the time, neither Commissioner of Education Allen—Anrig's immediate superior—nor OCR Director Panetta knew of the efforts of Finch and Leonard to solicit Anrig's testimony.

Anrig would not agree to give the testimony, and the meeting ended. The next day was a Saturday and all government offices were closed, but Anrig and seven other title IV officials were called to Finch's office, and one by one they went in to meet with Finch and Leonard. Each of the officials was asked to go to Mississippi and testify with Leonard. All of them refused except two, and one of them—Jesse Jordan, a staff member in the title IV regional office in Atlanta—subsequently gave the testimony. Soon afterward, Jordan was promoted to the number two spot in the title IV national office. He is now slated for a key staff position with the new Agnew task force.

Soon after the incident, Anrig and some of the other title IV officials asked for transfers out of the division. Anrig is now Commissioner Allen's chief assistant. The judge in Mississippi granted the delay Finch wanted, but the case was appealed, and the Supreme Court subsequently ruled that no further delay should be permitted. It was in this case that Chief Justice Burger wrote his first civil rights opinion for the court.

The third example of political manipulation in the drafting of desegregation plans by DEEO personnel concerns the *ad hoc* review committee's handling of a plan for Orange County, Fla. Title IV officials presented to the committee a plan that would have left no more majority-black schools in the system, which has an 82-18 ratio of whites to Negroes. Several members of the review committee raised objections to the plan, and it was sent back for further revision. The next day, the Orange County school board, with representatives of their local congressman and one of their senators in tow, called on members of the *ad hoc* committee and complained about the proposed plan. Soon afterward, Senator Edward J. Gurney (R., Fla.) announced that the title IV plan had been withdrawn, and when the case came up for a hearing in court a few days later, the school board presented its own desegregation plan, saying it had the approval of HEW.

Other examples of political interference in the plan-drafting functions of DEEO have been cited in Georgia, Alabama and Louisiana.

DIFFERENCES AMONG THE TITLE IV CENTERS

The lack of any consistent pattern in the ways in which title IV has been involved in the desegregation plans of school districts makes detailed evaluation difficult. Of the 15 university-based title IV centers, about half have done no plan drawing at all. Some center directors have testified in court in behalf of defendant school districts, others have testified in behalf of plaintiffs, and still others have avoided testimony altogether. Some directors have testified only in states other than their own, while others have been willing to be witnesses in their home states. In one case—Norfolk, Va.—one title IV director appeared for the defendant school board and another was called as a witness by the plaintiffs. The Justice Department has been a party to some of the suits, but by no means all of them. A few center directors, in their preliminary work before drawing plans, have routinely sought information and opinions from a variety of representative but unofficial groups in the local communities, both black and white; others have carefully avoided any contact with persons other than the school board and administration.

Some university centers leave the business of plan drawing to the title IV representatives in the state department of education or to officials in the regional office of DEEO. A few centers have large and representative advisory committees; others do not. Four Southern states—Alabama, Arkansas, Louisiana and Virginia—have no title IV offices in their state education departments. The staffs of at least three of the university centers are all white, and several others have only one or two black professional employees. Some centers are heavily staffed by graduate students who work part-time. Some centers have tried to be an active force promoting desegregation, while others have carefully avoided any activity that might identify them with a pro-desegregation position.

Some of the university centers have operated with a great deal of freedom from their home institution; others have been closely controlled. On a few occasions, testimony of center directors in court has led to pressure on the universities, and in turn to administrative pressure on the directors.

From this mixed bag of procedures and people and programs has come an equally mixed bag of desegregation plans, ranging all the way from system-wide racial balance to the continuation of large numbers of uni-racial schools. Just as some plans have been weakened by the *ad hoc* review committee in Washington, others have been found by that committee or by regional officials of title IV to be inadequate to meet even the most conservative interpretations of the law and the courts. Commented one university center director: "The policy of title IV is that there is no policy, and in that respect we reflect the confused stance of the Nixon Administration and its position on racial issues in general. If you're looking for a conspiracy theory here, you won't find it. What you'll find is a lot of confused people doing a lot of very different things, without much direction from anyone. We haven't had a meeting of Title IV directors since Aurig left last summer. We're groping around in the dark."

COMMENTS FROM THE TITLE IV CENTER DIRECTORS

Almost without exception, the university center directors of title IV who were interviewed for this report requested that they not be quoted directly on part or all of their remarks. These conversations yielded a variety of attitudes and opinions.

One director said his orders were to work only with school officials, "because the law specifies that. As a matter of survival, though, we would do that even if we weren't required to. If we went to the blacks in this state, we'd be dead. The superintendents and school boards would not let us in the door." The director also said he and his staff are sometimes called out of the state by the Justice Department to testify in desegregation cases, "but we do everything in our power to keep from going into court here."

Talks with two members of that title IV center's advisory committee and with a superintendent who has used the center's services indicated a general agreement that the center was doing, in the words of one of them, "a pretty good job." All of them emphasized the technical assistance aspects of the program.

An official of another center said he thought his State "would have been a lot worse off without title IV. At least it has brought some people physically together to sit down at the same table. Some counties still haven't had integrated faculty meetings, but they will send black and white representatives to our institutes and workshops. That's a mighty little thing, I guess, but it's something." He added that the dean who is administratively responsible for the center "keeps very close tabs on what we do, even though we have no muscle, no latitude, and we're very vulnerable."

A university center director in a border State said he had been called on different occasions to testify by both school boards and plaintiffs in his state, and had been asked by Justice to give testimony in other states. He asserted that no bureaucratic or political pressure had ever been brought to bear on his center. "My only criticism of title IV," he said, "is that there is no communication. We don't know what anybody else is doing. All we know is what we read in the papers." He said he had never heard of the *ad hoc* review committee. His center, he stated, has helped a few school systems draw up desegregation plans, "but we have never drawn up a separate set of plans ourselves. That's the school board's responsibility."

A director in another State said his staff "hasn't drawn up any plans, hasn't been ordered to by the courts, and hasn't been called to testify. We've been fortunate so far. The state department of education's title IV office has done a good bit of that. Their staff is larger than ours, and they can carry more of a punch than we can—they have the power in this state."

Another director said the closest his center had come to being involved in a desegregation plan "was when some people from the regional office and an out-of-state center came in here and used our facilities. We were their errand boys." He said the business of plan drawing "is just about over, because there aren't many districts that haven't been ordered to do it. I'll be glad when it's over so we can get back to the original purpose—giving technical assistance to schools having trouble coping with desegregation."

That feeling was also expressed by another director, who called the next three or four years "exceedingly crucial to public education." Plan drawing should be a thing of the past in another six months or so, he said. The director said he and his staff, working closely with the regional office, had drawn up more than two dozen desegregation plans, "and only once were we able to reach an agreement with the school board on what should be offered to the court. These boards and superintendents often can't put into the plans what they know should be there, so we do it and take the rap for them. We haven't testified, though, and I think we're much more effective because we haven't." The *ad hoc* committee, he said, had made few changes in the plans submitted to it by his center. "Frankly, I think there would be more political finagling if there wasn't such a committee. This way, Justice and HEW have a chance to make the plans uniform; without the committee, all of the centers would be under terrific pressures, and some of us would surely be vulnerable to it."

A director in a university center in a State on the Eastern seaboard said he hadn't heard of the *ad hoc* committee and appeared very upset to learn of its existence. He also said he had not met Jerry Brader, who had been the director of title IV since last September. (Center directors who report to the Dallas regional office of title IV, where Brader formerly worked, all know him, and most of them speak highly of him. Most of the directors outside that region know little about him.)

Another center director said there had been numerous instances where direct grants of title IV funds to local school districts "have been used to forestall desegregation. As in other federal programs, the people who learn how to negotiate the system, the sharp proposal writers, are the ones who get the grants—and they may not necessarily be the ones who can or will do the best job of desegregating." He asserted that the plan-drafting role title IV now finds itself in "has put the entire program in jeopardy. We're supposed to be giving assistance to school systems, but as soon as we appear on a witness stand as their adversary, we've lost any chance we might have had to influence them. We've gone from helping the guys who are trying to pushing the ones who aren't. And on the other side of the coin, the plaintiffs and the civil rights outfits we have tried to work with now see us dealing only with school officials, and they interpret this new role as siding with the law breakers—and sometimes they're right. title IV had never had a clear mission. It's always been under-financed, it's been reorganized constantly, in a way it's seen a joke. It has been oversupplied with hacks in the regional offices, and in some of the centers, too—well-meaning people, for the most part, but not up to date on educational and social matters. title IV lends itself to the kind of operation President Nixon apparently wants: disorganized, nuclear, contradictory."

The director of one university center lamented the fact that so much DEEO effort in recent months has been spent in the development of desegregation plans. "The end of dual schools is not the end of prejudice," he said. "Just getting black and white kids together doesn't end the problems—in fact, it often marks the real beginning of problems. That is where title IV should be working, where it is supposed to be. But while it costs relatively little to desegregate a school system, it costs a great deal to make one work properly after it has desegregated, and I'm afraid Congress and the Administration are looking the other way when we tell them that."

Another center director, noting the Justice Department's general withdrawal from active prosecution of segregated districts, said flatly: "The decisions in those cases now are basically political. We've been told to ease, off, to honor the neighborhood school principle. Busing is a no-no. If I were asked to go into a county and draw up a desegregation plan now, I wouldn't know what to do. Our latest instructions from Washington are to call a meeting of representatives from all districts in the state which are under court orders to produce desegregation. Then somebody from the Agnew task force is going to come down to talk with them. It's going to be damned interesting to see what they have to say."

The Agnew group, which includes Mitchell, Finch and five other cabinet-level officials, apparently will assume some of the responsibilities now held by title IV. In announcing the formation of the task force Feb. 16, President Nixon said its purpose would be to "respond affirmatively to requests for drafting and submitting to the court desegregation plans designed to comply with the law."

If this means the title IV officials will be relieved of that task, the comments of the university center directors who have been engaged in plan-drafting so intensively for the past year clearly indicate that they will welcome the relief, whether or not they approve of having the job assumed by Vice President Agnew and his task force.

OUTSIDE ASSESSMENTS OF TITLE IV

Interviews were conducted for this report with about a dozen people who have a special interest in the operations of Title IV but no direct involvement in it. These included attorneys for the Legal Defense and Educational Fund and the Lawyers Constitutional Defense Committee, officials of the U.S. Commission on Civil Rights and the HEW Office for Civil Rights, representatives of the American Friends Service Committee and the Southern Regional Council, university administrators and State department of education officials both in and out of the South. Among their comments were these:

One attorney filed a formal protest with the director of title IV, charging that the university center in his State had deliberately concealed from him its involvement in a case in which he was the attorney of record for the plaintiffs. He also charged that the title IV center had recommended a desegregation plan that ignored the most recent decisions of the courts. "I know that respect for the judicial process is not great in the South today," the lawyer wrote, "but one does not expect an organization funded by the government to aid in the desegregation process, to flout the authority of the courts in this manner. I do not know whether the Center's actions in this case result from a sincere belief that the recent decisions are wrong and should be ignored or from the inability of the Center's employees to withstand the persuasions of a school board which they know only represents one segment of the community."

Several attorneys have complained that title IV personnel refuse to cooperate with attorneys for the plaintiffs, or with the black communities of the districts. "They are usually like part of the school board's team, their counsel," said one. "We've come to expect little cooperation from them." Another attorney added: "It's amazing how there has developed a sort of pattern to title IV's involvement. At first, they come on strong, with maps and charts and a lot of experts. Then the politicians and the board get a look at the plans, and there's a lot of discussion, and then title IV people make modifications, and finally there's the alternative plan."

The title IV offices in the State departments of education, with a handful of exceptions, are generally dismissed as "hand-holding operations," or worse. A state official in Illinois said the Title IV office there "is not offering any kind of positive program to school districts having desegregation problems. South Holland, the first Northern district to be sued by the Justice Department, got a \$15,000 direct grant from Title IV last year, with the help and approval of the State department office, but the money was poorly used. Title IV in Illinois is trying to maintain the status quo until it is forced to do otherwise, and then to do as little as possible. There has been constant criticism of the program from many school systems." Such charges frequently have been made against state department programs in some Southern states. On the other hand, a few of these offices are credited with providing the leadership for desegregation in their states.

One Federal official who has followed the operations of title IV closely is critical of the program's technical assistance efforts. "They're running adjuncts to schools of education," he says, "with desegregation issues of secondary or incidental importance. It should be the other way around. They've got their priorities misplaced. They're supposed to be concentrating on desegregation problems, but they're emphasizing team teaching and nongraded instruction instead." Others have suggested that the technical assistance functions of title IV should be incorporated into other Federal programs, such as some of those under the Elementary and Secondary Education Act and the Education Professions Development Act.

Frequent criticism is made of the direct grants made by title IV to local school districts, but one superintendent, a former HEW official, complained of a grant that *wasn't* made. He was disturbed because "we were encouraged by officials in both the regional and the national offices to apply, and we got help from the state university center in preparing the application, but then we were told we didn't meet the guidelines. We were as close to the guidelines as you could get, but we didn't get the grant. I guess that's politics for you."

Not all of the criticism of the Title IV program comes from integrationists. Gov. Claude Kirk of Florida, who has threatened to cut off State funds to school systems complying with Federal court orders to achieve racial balance by cross-town busing, now includes the title IV center at the University of Miami in his scathing condemnations of the federal government and the courts. Like the Nixon Administration as a whole, the title IV division appears to be squeezed tightly between those who insist that federal law and court rulings be obeyed and those who seek further avoidance of such compliance.

Gregory Anrig, who was director of the title IV program before he asked to be transferred last summer, still maintains contact with the program from his position as executive assistant to Commissioner of Education Allen Jerry Brader. Anrig's replacement, reportedly was Anrig's first choice for the job, and the two men are frequently in touch. Anrig will not discuss the circumstances which led to his request for a transfer from the DEEO, but if he is disturbed about developments in the program since he left, he gives no indication of it in conversation.

Anrig discounts criticism of the *ad hoc* review committee. "I don't think the review procedures have changed anything," he says. "They've been a positive influence on the quality of desegregation plans. I inaugurated the review procedure myself, when the press of large numbers of court orders made previous review procedures inadequate. I don't see much difference in the possibility of political intrusion now, compared to that possibility before. The title IV director is still in charge, and title VI is still involved in the review process, and so is Justice. So, too, is the commissioner of education, through the Title IV director, who reports to him. Personally, I think the review committee is working well. The plans being approved are the ones I'd approve if it were my choice to make."

Opinions in the offices of title VI tend to contradict Anrig's. The views of one high-ranking title VI staff member appear to be typical:

"The *ad hoc* committee is making political decisions, not educational or legal ones. Not everything they do is necessary antithetical to desegregation, but they've made enough concessions to political pressure to let every school system in the South know they can be had. And the plans being drawn by title IV people are more conservative, anyway, than the plans we used to draw. As for our involvement now, all I can say is that until last summer, title VI routinely reviewed all of the plans drawn up by title IV. Now we don't. Panetta or his representative have been in on the review committee's deliberations, but they're outnumbered there—and now Panetta is gone. Our people in the field have nothing more to do with the plans drawn up by title IV."

THE INCONSISTENCIES OF POLICY

Brader, the new title IV director, formerly was in charge of the DEEO program in the Dallas regional office of HEW. Before joining USOE three years ago, he spent 15 years as a school teacher and administrator in east Texas. Since becoming the national director of title IV, he had had the unenviable task of heading a program in which actual control is divided among several government officials, administering a policy that lacks clarity and consistency. Not only has politics complicated the job, but the courts have not spoken in unison on what is required of school systems which are still segregated, and neither has the Administration.

On the first of March, HEW Secretary Finch said in a television interview that "a very confused set of decisions . . . that go to both ends of the spectrum with regard to the question of busing, for example" have been issued by the federal courts and that the Administration "is confused by what the courts have said." He added, "I feel very strongly that these decisions are moving in the wrong direction." Finch did not say that the Justice Department, by calling for busing in places like Pasadena and opposing it in most Southern Cases, has added to the confusion, and so, too, has title IV through the variety of desegregation plans its representatives have proposed.

In spite of all the inconsistencies, there is some basis for agreeing that title IV, through its several forms of technical assistance to desegregating school districts, has at least provided some opportunities for people to work for a better understanding of one another, across race lines. Last fiscal year, more than 40,000 teachers and administrators in 1,465 school districts participated in the various institutes, workshops and training programs sponsored through title IV, and that—on paper, at least—seems a fair return on the \$9.2 million investment.

But the newer and more controversial role of title IV—that of drawing up desegregation plans, seeking accommodations with the school districts those plans affect, and testifying in court in support of the plans—has caught the title IV staff at the national, regional, university center and state department of education levels in a political crossfire. By and large, the technical assistance activities of DEEO, when they have functioned as contracts between willing parties, have enjoyed a considerable measure of success. But the more coercive role of drawing plans under court orders, and even some of the technical assistance activities, have often been more political than educational.

"What it come down to is a matter of will," says Brader. "Where there is not a fundamental willingness to comply with the law, we can't do much." In recent months, examples of a changing interpretation of the law and a changing attitude about that "fundamental willingness" to comply with it have been evident in many quarters—in Southern school districts, in Northern and Western cities, in state and local governments, in the Nixon Administration, and in the Federal courts.

SUMMARY

For almost five years after the passage of the Civil Rights Act of 1964, the Division of Equal Educational Opportunities worked in relative obscurity with school systems seeking help in the transition from segregation to equality. In the spring of 1969, the Federal courts began to call on DEEO experts to prepare desegregation plans for school districts under court orders. Since then, the technical assistance aspects of the title IV program have been overshadowed—and in some cases stymied—by the political atmosphere surrounding the desegregation issue and by the ambivalence of the Nixon Administration in its policies on race and education.

In recent months, the actions of the Justice Department, the Department of Health, Education, and Welfare, the White House, the Congress and the Federal courts have been marked by confusion and contradiction on the issue of school desegregation. Whether the confusion is attributed to a retreat by the Nixon Administration from the goal of total desegregation, as some critics charge, or to a combination of circumstances more coincidental than deliberate, the net effect is that no clear federal policy is discernible.

In short, school desegregation has become an explosive national issue once again, and the fallout from it is pervasive. Nowhere is this more evident than in the DEEO. It has become an academic question whether title IV of the 1964 Civil Rights Act can be a resourceful instrument for the firm establishment of equal educational opportunity in the nation's public schools; right now, it is simply an instrument of the Nixon Administration's evolving policy on school desegregation. How effective title IV may eventually be in giving assistance to desegregating school districts apparently will depend on what the Administration's policy turns out to be. For the present, title IV is a reflection of the Administration itself, a measure of where the federal government is at this stage of the school desegregation issue. One director of a title IV university center provided this summation:

"School districts which really want help with desegregation issues can find it in some of the centers. But the ones which are still trying to evade the issue, the ones which have no real desire to eliminate racial discrimination, aren't going to be affected by title IV very much, and some of them are actually using title IV as a means of evading desegregation, as one more way of stalling for more time. Title IV can't deal with that attitude; it can't move farther than the Administration is willing to move. It is the Administration—nothing more, nothing less—and that means it is confused and uncertain and preoccupied with the political consequences of its every move. Until the Administration gets itself together on this whole question of race, it's useless to expect any more of title IV than it is doing now."

TITLE IV DESEGREGATION CONSULTING CENTERS AT COLLEGES AND UNIVERSITIES

Location of center	Director of center	Fiscal year 1969 budget
University of South Alabama, Mobile, Ala.	David Bjork	\$123,962
Auburn University, Auburn, Ala.	Stafford Clark	192,627
Ouachita Baptist University, Arkadelphia, Ark.	A. B. Weatherington	247,305
University of Delaware, Newark, Del.	Ralph Duke	137,618
University of Miami, Coral Gables, Fla.	Gordon Foster	375,325
University of Georgia, Athens, Ga.	Morrill M. Hall	296,398
Western Kentucky University, ¹ Bowling Green, Ky.	Norman Deeb	23,912
Tulane University, New Orleans, La.	Glenn Hontz	225,295
University of Southern Mississippi, ² Hattiesburg, Miss.	John McPhail	209,633
University of New Mexico, Albuquerque, N. Mex.	John Aragon	190,000
St. Augustine's College, Raleigh, N.C.	William A. Gaines	247,239
University of Oklahoma, Norman, Okla.	Joe Garrison	323,224
University of South Carolina, Columbia, S.C.	Larry Winecoff	239,096
University of Tennessee, Knoxville, Tenn.	Frederick P. Venditti	200,087
University of Texas, Austin, Tex.	Robert Reynolds	349,999
University of Virginia, Charlottesville, Va.	James H. Bash	138,128

¹ Western Kentucky University center was phased out in February 1970.

² University of Southern Mississippi center is being phased out; a new center was opened at Mississippi State University in Starkville in December 1969, under the direction of Homer Coskrey, dean of the university's general extension division.

TITLE IV STATE DEPARTMENT OF EDUCATION TECHNICAL ASSISTANCE UNITS

State	Director	Fiscal year 1969 budget	State	Director	Fiscal year 1969 budget
California	Ples Griffin	141,475	New Jersey	Nida Thomas	\$82,997
Colorado	Earl W. Phillips	(1)	New York	Wibur R. Nords	89,533
Florida	Dan Cunningham	98,823	North Carolina	Robert Strother	94,890
Georgia	John Mize	45,639	Ohio	Robert Greer	86,630
Illinois	Robert Lyons	83,270	Oklahoma	Charles W. Sandman	44,263
Indiana	Louise Ridley	65,184	Oregon	Jerry Fuller	65,672
Iowa	Jesse L. High	(1)	Rhode Island	Louis F. Simonini	30,960
Kentucky	W. C. Shattles	67,995	South Carolina	Joe Durham	71,285
Maryland	Paul Tonetti	58,917	Tennessee	Robert Sharp	46,250
Massachusetts	Theodore Parker	91,670	Texas	Gilbert Conoley	43,933
Michigan	Marvin Tableman	94,338	Washington	Warren H. Burton	60,729
Minnesota	Archie Holmes	78,967	Wisconsin	William W. Colby	(1)
Mississippi	John O. Ethridge	26,105			

¹ Opened fiscal year 1970.

TITLE IV DIRECT GRANTS TO INDIVIDUAL SCHOOL SYSTEMS

<i>School system</i>	<i>Fiscal year 1969 grant</i>	<i>School system</i>	<i>Fiscal year 1969 grant</i>
Tusculum, Ala.....	\$73, 118	Clark County, Nev.....	\$62, 931
Tuscaloosa, Ala.....	49, 449	Alamance County, N.C.....	21, 397
Andalusia, Ala.....	22, 532	Wake County, N.C.....	60, 736
Mesa, Ariz.....	40, 000	Orange County, N.C.....	31, 825
Conway, Ark.....	31, 000	Burke County, N.C.....	37, 006
Magnolia, Ark., District 14.....	42, 400	Chapel Hill, N.C. (2 grants).....	89, 812
Lake Village, Ark.....	39, 781	Chatham County, N.C.....	5, 737
Little Rock, Ark.....	20, 152	Moore County, N.C.....	31, 990
Great Cities Consortium, San Francisco, Calif.....	88, 339	Jones County, N.C.....	23, 986
Richmond, Calif. (2 grants).....	79, 566	Asheville, N.C.....	14, 487
Berkeley, Calif.....	80, 069	Dayton, Ohio.....	70, 000
San Mateo, Calif.....	59, 619	Oklahoma City, Okla.....	90, 000
Pittsburg, Calif.....	56, 004	Fox, Okla.....	33, 504
Redlands, Calif.....	51, 376	Enid, Okla.....	31, 703
Los Angeles County, Calif.....	23, 000	Muskogee, Okla., District 20.....	28, 000
Washington, D.C.....	152, 065	Bristol, Pa.....	39, 538
St. Lucie County, Fla.....	30, 557	Providence, R.I.....	41, 113
Brevard County, Fla.....	13, 845	Kershaw County, S.C.....	0, 100
Rockdale County, Ga.....	71, 669	Union County, S.C.....	47, 465
Twiggs County, Ga.....	24, 898	Chattanooga, Tenn.....	65, 869
Stephens County, Ga.....	43, 040	Shelby County, Tenn.....	64, 500
Carbondale, Ill.....	17, 610	Houston, Tex.....	82, 950
South Holland, Ill., District 1.....	44, 959	Hutchins, Tex.....	47, 626
Peoria, Ill.....	16, 490	Corsicana, Tex.....	126, 400
Gary, Ind.....	53, 331	Groveton, Tex.....	41, 000
Terrebonne Parish, La.....	27, 998	Charlottesville, Va.....	20, 795
Lafourche Parish, La.....	28, 500	Fluvanna County, Va.....	22, 389
Charles County, Md.....	46, 638	Nansemond County, Va.....	28, 440
Kent County, Md.....	29, 499	Hampton, Va.....	32, 658
Anne Arundel County, Md.....	30, 475	Lexington, Va.....	7, 764
Baltimore, Md.....	60, 000	Williamsburg, Va.....	14, 400
Grand Rapids, Mich.....	69, 231	Lynchburg, Va.....	29, 259
McComb, Miss.....	53, 866	New Kent County, Va.....	17, 525
Charleston, Mo.....	59, 910	Amelia County, Va.....	16, 625
Neptune, N.J.....	9, 325	Pittsylvania County, Va.....	49, 730
Las Vegas, N. Mex.....	41, 286	Portsmouth, Va.....	47, 580
Silver City, N. Mex.....	39, 660	Chesapeake, Va.....	37, 283
Los Lunas, N. Mex.....	46, 900	Norfolk, Va.....	45, 000
Bernalillo, N. Mex.....	49, 890	Seattle, Wash., District 1.....	22, 191
		Tacoma, Wash., District 10.....	59, 090

APPENDIX D

STATE OF NORTH CAROLINA,
SUPERINTENDENT OF PUBLIC INSTRUCTION,
Raleigh, June 10, 1970.

HON. CHARLES JONAS,
House of Representatives,
Washington, D.C.

DEAR MR. JONAS: Members of the staff of the State Department of Public Instruction have been reading with intense interest the publicity about the President's proposal that the Congress appropriate funds for the "Emergency School Aid Act of 1970" to give schools assistance in accomplishing desegregation. While our staff is in favor of providing funds to aid the school administrative units in desegregating the schools in fiscal 1972, we are concerned about the fact that the monies will be approved by HEW for local school districts bypassing the State Department of Public Instruction. In the North Carolina State Department of Public Instruction, a special assistant for Human Relations with a staff of two professional persons has been coordinating activities in the local school administrative units for the purpose of helping them in orderly desegregation of the public schools, staffs, and students. Since this office has been

coordinating desegregation activities among the school districts, the Human Relations staff could contribute a great deal toward effective use of these funds by coordinating activities among the school districts which will submit projects to be approved and funded by HEW.

According to information available to the State Department of Public Instruction, activities which will qualify for funding are: special administrative activities incident to implementing a plan for desegregation or reduction of racial isolation; renovation of facilities; inservice education for teachers; guidance programs; remedial programs; curriculum materials; etc.

We believe that the State Department of Public Instruction under the State Board of Education should not be bypassed in planning these very important activities for school desegregation purposes. Your help in bringing this need to the attention of the Congress of the United States will be appreciated.

Sincerely,

R. MAX ABRETT,
Assistant Superintendent.

STATEMENT OF WALTER G. DAVIS, DIRECTOR, DEPARTMENT OF EDUCATION, AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

Mr. Chairman, we are pleased to have the opportunity to share our views with this Subcommittee concerning the Emergency School Aid Act of 1970, H.R. 17846. This bill deals with matters of long and deep concern to the AFL-CIO.

The bill addresses itself to three types of situations. Regarding each of these situations, the AFL-CIO has forthrightly committed itself.

First, H.R. 17846 would provide financial assistance "to aid local educational agencies throughout the Nation to meet the special needs incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools."

The AFL-CIO was founded by the merging of the American Federation of Labor and the Congress of Industrial Organizations in 1955, the year after the Supreme Court declared that schools segregated on the basis of race are unconstitutional. That founding convention was very busy establishing the structure and principles of the new organization. Yet it took out the time to adopt a resolution which declared:

"The AFL-CIO is committed to the basic principle of affording the educational opportunities to all persons regardless of race, creed or status. It is, therefore, strongly committed to help assure the fullest possible support for the implementation of the Supreme Court decision in outlawing segregation in the nation's schools."

We therefore firmly endorse the first declared objective of the bill.

Secondly, H.R. 17846 would provide financial assistance "to encourage the voluntary elimination, reduction, or prevention of racial isolation in schools with substantial proportions of minority group students . . ."

Again, this is a goal with which the AFL-CIO has long been in record. In its convention of 1963, the AFL-CIO declared flatly, "*De facto* segregation is no more morally defensible than segregation arising out of the law." The next convention of the AFL-CIO, meeting in 1965, stated:

"*De facto* segregation arising from neighborhood housing patterns and from the location of schools remains a serious problem . . . [We urge] positive efforts to ensure that the schools will be meeting places for children of different races, different nationality backgrounds, and different levels of family income."

Finally, the bill would provide financial assistance "to aid children in elementary and secondary schools to overcome the educational disadvantages of racial isolation . . ."

Here too the AFL-CIO has declared itself, this time in its convention of 1967 which stated:

"Where ghetto schools are an inevitable consequence of urban housing patterns, then massive resources must be poured into those schools to compensate for the educational handicap which stems from the very fact that they are ghetto schools."

With the stated purposes of the Emergency School Aid Act then the AFL-CIO is thoroughly in accord.

We are nevertheless apprehensive that H.R. 17846 in its present form could very well result in delaying rather than speeding school integration. We are convinced that the bill requires drastic revisions. Unless such changes are made, we would be constrained to oppose it.

We are particularly concerned about Section 4-c of the bill which provides, in the allocation of funds, for a school district to double count its minority children if it is carrying out a plan of desegregation pursuant to a final order of a United States court issued within a period less than two years prior to the year in which the allotment is to be made or if it is desegregating under a plan meeting the requirement of title VI of the Civil Rights Act of 1964.

This provision would reward recalcitrance. States with school systems which had defied the Supreme Court decision of 1954 until forced to desegregate by Federal courts or the Department of Health, Education, and Welfare under title VI would qualify for more assistance under H.R. 17846 than they would if such districts had voluntarily obeyed the law. Surely it is a novel concept to provide greater Federal assistance to those who have violated the law than to those who have lived up to the law.

By limiting the double count to school districts which are under Federal court orders or title VI plans, Section 4-c makes an arbitrary and pointless distinction between school districts such as Charlotte, North Carolina, which is under the Federal court order to desegregate and Los Angeles which is under a state court order. The section would penalize states with school systems which have demonstrated their initiative by integrating their schools voluntarily and states with racial balancing laws or policies.

Section 4-c amounts to a bonus from the Federal government to those who stubbornly defied the Supreme Court for over 16 years. The double count provision should be eliminated if this bill is truly to serve equitably the purpose of school integration.

We are concerned also about Section 5-a(3) which provides for "Interracial educational programs or projects involving the joint participation of minority group and nonminority group children attending different schools." Now we thoroughly agree that in a situation such as that here in Washington, D.C., where meaningful racial integration may be difficult at this time, there is a need for special efforts to compensate for racial isolation. What we find wrong in this section is not its intent but the terms under which a school district may qualify. To qualify, the racially isolated schools must be in a district in which "the number of minority group children in average daily membership in the public schools . . . is (A) at least ten thousand or (B) more than 50 per centum of such average daily membership of all children in such schools."

If 10,000 minority children are sufficient for a school district to qualify, then there must be a few large cities in America which could not argue that racially isolated schools were inevitable and that they should use their Emergency School Aid funds not to establish integrated schools but instead to develop projects attempting to overcome the educational disadvantages of keeping them segregated.

This provision of the bill, like Section 4-c, could have the effect of frustrating efforts at integration rather than encouraging them. We are concerned that applications from school districts would be received with great tolerance where they proposed to use funds to compensate for racially isolated schools.

When the Charlotte-Mecklenburg school board appealed the decree of Federal District Judge James B. McMillan, the Justice Department entered into the appeal as a "friend of the court," arguing that all schools in a unitary district need not be integrated. There are thus reasons to suspect that proposals to use these Federal funds not on integration plans but on "projects to overcome the adverse educational effects of racial isolation" might receive favorable consideration from those administering the Act. We therefore believe that Section 5-a(3) should be amended to change the eligibility criteria.

We urge that the legislation make more positive efforts to encourage school systems to seek ways of overcoming racial isolation. In its 1967 convention, the AFL-CIO stated:

"School systems need to experiment with new patterns of organization which hold the promise in breaking down *de facto* school segregation. Educational parks, supplemental learning centers, and magnet schools are among the proposals which have been advanced to bring about maximum racial and economic integration and at the same time facilitate quality education by permitting the fullest use of educational technology.

We suggest that a section be included in the Elementary School Aid Act earmarking funds for demonstration projects of this sort, particularly funding for an educational park or two. The experience gained through this type of project might well be applied throughout the nation and lead to the solution of longstanding problems of racial isolation plaguing many of our urban areas.

Mr. Chairman, we assume good faith on the part of all officials—Federal, State and local—involved in the desegregation process. Unfortunately, experience has taught us that good intentions—however deeply held—often are not enough. And, sometimes, well-intentioned local officials are subjected to unbearable political pressures in the absence of clear federal mandates. For these reasons, we believe this Subcommittee should be careful to outline as specifically as possible the purposes for which funds authorized under the bill may be spent. We are disturbed, for example, about the broad grant of discretionary authority placed in the hands of the Secretary of Health, Education and Welfare in Section 4(a). One-third of the funds authorized may be expended—in the words of the bill—"as he may find necessary or appropriate for grants or contracts to carry out the purposes of this Act." We submit, Mr. Chairman, that this language should be tightened up.

Just as H.R. 17840 would place what we believe would be too much discretion in the hands of the Secretary of HEW, its language would leave too much to the discretion of local school officials who, in some cases, have been in violation of the law and who reportedly have seriously misused ESEA title I funds. We do not believe that the bill makes sufficiently clear the procedures which will be followed in assessing compliance by a school system with the terms of its desegregation project once it has been approved by the Secretary.

In light of our concerns about the implicit discretion envisioned in the Administration bill, Mr. Chairman, we should like to make a couple of suggestions. We believe that the bill should require the Department to spell out some standard of progress against which to measure the implementation of a school system's integration plan. Interested persons outside of government should be aware of the criteria which will be used in judging a proposal and how it will be monitored and reviewed. Similarly, local school officials should know the criteria by which the Department will measure applications for assistance and how they will be reviewed for compliance with the provisions of the applications.

These concerns lead us to the conclusion that the Office for Civil Rights, the title VI compliance agency for HEW, should be intimately involved in the compliance review process and in approving applications for aid. H.R. 17840 would place the administration of the program it authorizes in the Office of the Secretary. The involvement of the Office for Civil Rights would not be inconsistent with this since that agency is located in the Office of the Secretary. The Office for Civil Rights is more familiar with school desegregation compliance than any agency in the federal government. We believe strongly that the Secretary of HEW should draw extensively upon this resource in administering the new law. Compliance under H.R. 17840 will be of prime importance if the purposes of the Act are to be served. We believe this subcommittee should consider legislative language or a strong recommendation in its report to the effect that the Office for Civil Rights should be responsible wholly or in part for the administration of the program authorized by H.R. 17840.

We are concerned about the absence of any provision in the bill requiring public disclosure or the formation of local multiracial community advisory committees to consult on the types of programs to be funded, developed and implemented. Nothing in the Act requires a school board to reveal to the community the uses to which it is putting its funds. Only in the case of projects designed to compensate for racial isolation is a school system even required to show that funds under the Act are resulting in an increased per pupil expenditure.

Experience teaches us that if a program of this sort is to work, it must be closely monitored, both by the Federal government and by the community in which it takes place. This bill does not adequately provide for either.

We recommend, Mr. Chairman, that the Subcommittee consider inclusion of a requirement for community participation—on a multiracial basis—in the development and implementation of projects funded under this Act. Since the purpose of the Act is to promote school integration, we believe it is altogether appropriate to suggest that there also be multiracial involvement of students either on the community committees or on separate committees to be consulted in planning for school desegregation. Without their involvement, integration can be needlessly impeded by oversights and insensitive decisions.

Mr. Chairman, we have no intention of submitting to this subcommittee a "laundry list" of the types of activities which we believe could be eligible for assistance under legislation such as that which you are considering. The fact is that we are really groping for answers in school integration. The answer in one community is not necessarily the answer in another. What works here will not always work there. For that reason, flexibility is essential. We believe Congress should enact a bill containing as many of the various tools as possible needed to bring about school integration—not just desegregation, in the sense that that term may meet minimum legal requirements—but true integrated quality education.

The bill should, as we suggested, authorize a demonstration section on educational parks. It should also assist other integration tools, some of which are mentioned in the bill—reduction of teacher-pupil ratios, training and retraining of teachers, development of new teaching techniques and teaching materials reflecting more accurately the great contributions of minorities to our history and culture, hiring of community aides and teacher aides, assistance for transportation costs, expert consultation on reorganizations of grade structures of schools or school pairings to facilitate desegregation and the many other, diverse activities which can be used to promote integration and in so doing help to bring about a better quality of education.

The provisos, which the Senate added to the school desegregation assistance item in the fiscal 1971 education appropriations measure (H.R. 16910) represent examples of the kind of safeguards needed to assure that funds authorized by legislation such as H.R. 17846 would be expended for the purposes intended. But more is needed in the way of safeguards spelled out in Departmental regulations and perhaps enumerated in the committee report. Experience under the title VI school desegregation program as well as the title I ESEA program has shown that regulations must be specific and explicit or they will not be effective. Unless such regulations are promulgated and strictly enforced by the Administration, we are fearful funds authorized by this Act may be spent for purposes which might have the effect of retarding rather than promoting school integration.

We believe the experience gained in allocating, spending and monitoring the \$75 million appropriated as part of the fiscal 1971 education appropriations bill will provide an opportunity to ascertain more definitely the kind of safeguards which will be needed to assure the funds authorized by H.R. 17846 are properly spent.

We have one additional concern about this bill, Mr. Chairman. Where does the Administration plan to obtain the \$1.5 billion it has pledged for this program? The members of this committee are well aware of the gap between authorizations and appropriations for education programs. You are, likewise, aware of the President's veto of one appropriation bill because of the education funding levels and the threatened veto of this year's education appropriation bill.

The AFL-CIO would hope that this \$1.5 billion would be "new" money—not funds diverted from other social programs. Further, we do not want to see a new program enacted that will end up competing with other under-funded—and equally needed—education legislation.

Mr. Chairman, as we stated at the outset of this testimony, the AFL-CIO has long been deeply concerned about the segregation, discrimination and racial isolation which exist in the school systems of America. Such conditions are depriving American youngsters of the right to an equal educational opportunity, and they cannot be tolerated. The nation has moved a long way since the Supreme Court held that separate schools are inherently unequal; we have a long way to go. We see this bill—if properly amended to assure that its objectives will be achieved—as a vehicle for accelerating our progress along the road leading toward true equal educational opportunity, a goal which still eludes us some 16 years after the Supreme Court pointed the way in 1954. Mr. Chairman, just this week, the Executive Council of the AFL-CIO, meeting in Chicago, adopted a statement on the proposed Emergency School Aid Act. We would appreciate the inclusion of the resolution along with our testimony as part of your hearing record.

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL

Nowhere has the Nixon Administration's equivocal attitude toward education been more nakedly revealed than in the Emergency School Aid Act which it has submitted to Congress ostensibly to facilitate the process of school desegregation.

The AFL-CIO has never wavered in its support for school desegregation. The founding convention of the AFL-CIO expressed its support for the Supreme Court decision of 1954 which outlawed segregation in the nation's schools. In 1963, the AFL-CIO extended its concern to declare that "*de facto* segregation is no more morally defensible than segregation arising out of the law."

With the stated purposes of the Emergency School Aid Act then the AFL-CIO is thoroughly in accord. We are nevertheless convinced that in its present form the bill could very well result in delaying, rather than speeding, school integration.

We are particularly concerned that the bill provides, in the allocation of funds, for a school district to double count its minority children and thereby presumably qualify for additional funds if it is carrying out a plan of desegregation pursuant to a final order of a United States court or if it is desegregating under requirements of title VI of the Civil Rights Act.

This provision rewards lawlessness and recalcitrance. States with school systems which continue their defiance of the Supreme Court decision of 1954 until they are forced by Federal court order or the Department of Health, Education, and Welfare to desegregate, would receive a disproportionate share of the funds.

The Administration bill further compounds the injustice by making the double count provision retroactive for two years. If there were any justification for bonus funding, it would be in the case of those school districts which began early with the process of desegregation, either as a result of court action or as a voluntary matter. However, we would urge the elimination of the double count altogether.

We are further concerned about that portion of the bill which provides for "inter-racial educational programs or projects involving the joint participation of minority group and non-minority group children attending different schools." We thoroughly agree that in a situation where meaningful integration is altogether impractical, there is a need for special efforts to compensate for the racial isolation. What we find wrong with this section of the Administration's bill is not its intent, but the terms under which a school district may qualify. Under the present language of the bill, any school district having as few as 10,000 children could argue that racially isolated schools were unavoidable and that they should use their Emergency School Aid funds not to establish integrated schools but instead to develop projects to overcome the educational disadvantages of their being segregated. Few cities in America would be unable to qualify under this criterion.

This provision of the bill, like the double count provision, appears to be designed to frustrate efforts at desegregation rather than to encourage them.

In general, the bill leaves far too much in the hands of local school officials who, in many cases, have defied the law and who reportedly have already seriously misused funds appropriated under the Elementary and Secondary Education Act. The bill also gives far too much discretion to the Secretary of Health, Education and Welfare, leaving one-third of the funds to be distributed as he sees fit. Experience teaches us that if a program of this sort is to work, it must be closely monitored, both by the federal government and by the community in which it takes place. This bill does not adequately provide for either of these.

We urge the Congress to make the substantial changes in the Emergency School Aid Act which would fulfill the bill's stated purposes. Those purposes we fully support and we urge positive action by Congress to bring them about.

AMERICAN LIBRARY ASSOCIATION,
Washington, D.C., June 25, 1970.

HON. ROMAN PUCINSKI,
Chairman, General Education Subcommittee of the House Committee on Education and Labor, Washington, D.C.

DEAR MR. PUCINSKI: In connection with your Committee's hearings on the desegregation provisions of the Emergency School Aid Act of 1970, you may be interested in the enclosed resolution adopted by the ALA Council at our 1970 Midwinter meeting. This resolution is addressed only to those institutions which are organized to circumvent the Law. It was transmitted to the Governors of the fifty States, to the Secretary of the Department of HEW, and to the Commissioner of Education.

We would appreciate it if you could make this statement a part of the official hearing record.

Sincerely,

GERMAINE KRETTEK, *Director.*

RESOLUTION—LIBRARY SERVICE TO EDUCATIONAL INSTITUTIONS ESTABLISHED TO CIRCUMVENT DESEGREGATION LAWS

Whereas the United States Supreme Court of this land has called for the desegregation of public schools by February 1, 1970, and

Whereas public, academic, and school libraries in areas where desegregation has been ordered are in some cases lending and in other cases planning to lend materials to racist institutions conceived for the purpose of circumventing the law of the land, and

Whereas such school administrators and many civil leaders in such areas have in fact asked for active support from libraries because funding for their schools and institutions is inadequate to provide for libraries and textbooks, and

Whereas the American Library Association is cognizant of the social responsibilities of libraries serving the people of the United States and is on record as being opposed to racism in any and all of its forms: Therefore, be it

Resolved, That the libraries and/or librarians who do in fact through either services or materials support any such racist institutions be censured by the American Library Association.

The above resolution was adopted by the Black Caucus at its meeting on Wednesday evening, January 21, 1970, and prepared for presentation to and adoption by the third session of the Council of the American Library Association, January 23, 1970.

A PRESENTATION BY WARREN H. BURTON, OFFICE OF STATE SUPERINTENDENT OF PUBLIC INSTRUCTION, OLYMPIA, WASH.

(The following was presented to the State Board of Education and the State Board Against Discrimination, April 23, 1970)

Claims and counterclaims continue to swirl like clouds around the jagged peak of an issue called school desegregation. Some contend that we are now on a course of action that will lead to the ultimate educational solution, while others decry these efforts or that the present administration is using delaying tactics at best or a sellout at the other extreme. It might be emphasized that no one appears to be satisfied with the present situation.

Few individuals could deny that there has been more discussion of school desegregation than of any other issue at every level of American life within the home, the neighborhood, and within local, state and national educational and governmental agencies.

Until several years ago, the protagonists and antagonists had little basic research upon which to base their arguments for or against desegregation; the primary sources of support appeared to be the same for either group, for example: legal, moral or philosophical. However, during the period 1958-68, a number of researchers designed experimental studies to test the myriads of hypotheses attendant to school desegregation while public and private debates raged throughout the nation.

The research of educational consequences of school desegregation indicate overwhelmingly positive gains for all participating children. It is helpful to define several terms at this time.

Segregation may be defined as a socially-patterned separation of people, with or without specific sanction. The legal distinction between *de facto* and *de jure* segregation has not been found to be of any consequence in researching the impact of segregation upon children. The essential characteristic of a segregated school is not the presence and pressure of a certain ethnic mixture, but rather the feelings of rejection or security that racial isolation generates. Further, this is compounded by the stigma imposed upon the school by the community, for example, a school is segregated when it is known as a "Negro", or "Indian", or "Mexican" school. Such a school is considered by the community to be adequate for minority children, but not for majority children.

Desegregation may be defined as the implementation of innovative and corrective procedures for the abolition of social practices that bar equal access to opportunity or that bar equal access to the "mainstream" of American life.

Integration may be defined as the realization of equal opportunity by explicit cooperation and without regard to racial or any other social barriers.

Desegregation and integration cannot be represented as depending upon a mere statistical distribution of children.

Deprivation may be defined as the withholding of educational opportunity from selected groups of individuals.

Desegregation concerns ethnic minorities other than Negroes. Samplings of Mexican-American and Indian-American children indicate commonalities to Negro children, particularly in the environments of white middle class culture, poverty and powerlessness.

Since these groups are relatively powerless politically and economically, their cultural distinctiveness has suffered as a result of both unawareness and deliberate suppression. Indian-Americans suffer the most from school segregation, racial isolation, cultural segregation and poverty.

There are distinct parallels of self-concept, response to desegregation and rising aspirations in research studies. It is one of our responsibilities as educators to see that the plight of the ghettoized Negro child is *not* re-enacted in the reservation or in the "barrios". It is another of our responsibilities to utilize the "foreign" language of Spanish as a link to rather than a barrier against equal educational opportunity.

The school is the most powerful, formal institution of socialization in our society; it *must* serve as a positive force to counterbalance any negative influences which children receive from other environments. The role of instructional materials depicting the richness of American culture within the school framework is most important in advancing the cause of democratic human relations, and is dependent upon the diversity of peoples contributing to the total American culture.

The new evolving role of the teacher tends to reflect five types of services within diagnostic, prescriptive, evaluative, communicative and counseling realms.

Each individual has his own needs, motivations, desires, expectations, satisfactions and, yes, frustrations. We must have effective teachers who are personally committed to and are able to educate children to respect individual differences such as age, sex, race, knowledge, wealth, ability to express feelings, talents and skills.

We need teachers who have:

1. A sensitive ability to perceive human material in the class with all of its fears, hopes, timidities, hostilities, sense of degradation, pride and capacities.
2. An overriding concern that the child, with his or her special qualities, shall be made free to learn and desirous to learn to the maximum available at that moment of readiness.
3. A capacity to adopt curriculum materials to the particular quality and level of readiness the child exhibits at the given moment.

We need teachers who have the potential:

1. *To advance* the child's positive self-concept.
2. *To help* the child to reduce stereotypic and prejudicial thinking and overt discrimination with respect to all kinds of groupings of human beings.
3. *To assist* the child in realizing that there are many differences of many people within groupings or categories of people based on sex, age, race, ethnic characteristics, national origin, profession or employment, region and level of education.
4. *To give* the child a realistic and accurate understanding of the past and the present, including the many contributions to the development of America by people from a wide variety of groupings and nations.
5. *To encourage* the child to be an active participant in the teaching-learning process in the school.
6. *To suggest* ways by which all individuals may contribute toward bringing the realities of a democratic society closer to its ideals.

We need teachers who are as skilled in the affective domain (attitudes and values) as well as in the cognitive domain (knowledge) and psychomotor domain (physical skills).

Studies which indicate that a teacher's ability, as rated by intelligence tests and by institutions of higher education, has nearly no correlation with his success may be one of the key indictments of the present role of the teacher. If a teacher's ability does not make a significant difference in his capacity to achieve success, then either the position is not challenging or the conception of ability is not relevant.

If we are to make professional education (teaching) a more cosmopolitan and humane profession, more teachers must be recruited from outside the ranks of the American middle class. We must not continue to permit the indices of poverty such as low educational and income levels, lifelong confinement to a single geographic area and low vocabulary test scores based on the majority group which tend to hamper a teacher's capacity to increase his students' achievement level, to continue as insurmountable obstacles.

For the benefit of all, the potential achievement of people who emerge from the "non-world" of poverty needs to be evaluated increasingly less upon the terms (schools and tests) of the "insiders". The various EPDA statewide projects within the framework of the 4th draft through the leadership of the Teacher Education and Certification Division are moving towards these goals.

The following statements are concerned with the suggested posture of the Office of the State Superintendent of Public Instruction with respect to the elimination of de facto segregation in the public school systems of the state:

1. It is the responsibility of the State Superintendent of Public Instruction to see that every child has an equal opportunity for a quality education regardless of his race, creed, color, place of residence, social or economic background.

Many conditions limit the attainment of this objective. One of these conditions is the existence of racially-segregated schools.

2. It is the position of the Office of the State Superintendent of Public Instruction that racially-segregated schools are a handicap to the achievement of equality of educational opportunity and must, therefore, be eliminated in the State of Washington.

Experience has shown that when the proportion of Negroes in a particular school reaches a critical point, white parents tend to seek other schools for their children; teachers seek assignment in what they consider more desirable schools; and there tends to be a lowering of general morale, pupil motivation and achievement. These, among other factors, make the problem of de facto segregation, or racial imbalance, relevant to the problem of providing equality of educational opportunity in our public schools.

3. The elimination of de facto segregated schools is to be sought as an important means to good education, not as an end in itself.

Our primary concern is for the improvement of educational opportunity for all children. Children must be properly housed in a good school and well-educated no matter where they happen to live. Desegregation and subsequent integration are important means of improving educational opportunity for all children.

4. When application of the neighborhood school policy creates or perpetuates inequities of educational opportunity, a change in the application of that policy is required.

A "neighborhood school" offers important educational values which should not be overlooked. The relation between a school and a definite community with which it is identified can, in many cases, lead to more effective participation by parents and other citizens in the support and guidance of the school. It can stimulate sound concern for the welfare of the school and its pupils and can lead to beneficial communication between the school staff and the community that staff serves. When a "neighborhood school" becomes improperly exclusive in fact or in spirit, when it is viewed as being reserved for certain community groups, or when its effect is to create or continue a ghetto-type situation, it does not serve the purpose of democratic education. When the application of the neighborhood school principle in a particular location fails to produce good schools, its application in that location should be reviewed and revised.

5. In keeping with the principle of local control, it is the responsibility of the local school authorities to develop and implement the necessary plans to eliminate de facto segregated schools.

It is recognized that in some communities residential patterns and other factors may present serious obstacles to the attainment of racially-balanced schools. This does not, however, relieve the school authorities of their responsibility for doing everything within their power, consistent with sound educational principles, to achieve equitable racial balance.

The Washington Education Association, in its Representative Assembly last weekend, updated its policy on de facto segregation by approving several recommendations concerned with eliminating de facto segregation, mandating statewide intercultural education, and implementing statewide teacher in-service education in interpersonal skills.

Washington's Constitution and laws guarantee every citizen the right to equal educational opportunities without discrimination because of race, religion, color or national origin. Two departments of state government share responsibility for upholding this guarantee. The State Board of Education has a constitutional charge to provide leadership and general supervision over all public education, while the State Board Against Discrimination is charged with securing and protecting the civil right to education.

In addition to the declaration of public policy at the State level, the United States Supreme Court, in the case of *Brown vs. Board of Education*, ruled: "that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal".

The State Board of Education and the State Board Against Discrimination may wish to submit that segregation of students in educational programs interferes seriously with the achievement of the equal opportunity guarantees of this state and that segregated schools fail to provide maximum opportunity for the full development of human resources in a democratic society.

The State Board of Education and the State Board Against Discrimination jointly may wish to pledge themselves to the full use of their powers in working for the complete elimination of existing racial segregation and discrimination in the State of Washington's public schools. It should be the declared policy of the State Board of Education that in programs administered, supervised, or controlled by the Office of the Superintendent of Public Instruction, every effort shall be made to eliminate and to prevent segregation of children and staff because of race or color.

While recognizing that racial imbalance in Washington schools is closely related to residential segregation patterns, the State Board of Education and State Board Against Discrimination may wish to propose that creative efforts by local school districts are essential and can do much to reduce or eliminate segregation. Local school boards must consider the factor of racial balance along with other educational considerations in making decisions about selection of new school sites, expansion of present facilities, reorganization of school attendance districts, and the transfer of pupils from overcrowded facilities. Each of these situations presents an opportunity for desegregation and integration.

The State Board of Education and the State Board Against Discrimination may wish to emphasize the importance of democratic personnel practices in achieving integration. This requires making positive efforts to attract members of minority groups. Staff integration is a necessary objective to be considered by administrators in recruiting, assigning and promoting personnel. Fair employment practices are not only required by law; they are educationally sound.

Further, the State Board of Education and the State Board Against Discrimination may wish to urge local school districts to select instructional materials which encourage respect for diversity of social experience through text and illustrations and accurately reflect the contributions of minority group members to our history and culture. A number of criteria are enumerated in *Suggested Guidelines for the Production and Selection of Curriculum Materials* published by the Office of the State Superintendent of Public Instruction in 1969.

The State Board of Education and the State Board Against Discrimination believe that data must be collected to show the racial composition of student enrollments and personnel in all public schools as a base line against which future progress can be measured.

The state, of course, has broad responsibility for education. For practical considerations and as a matter of principle, the state delegates to local authorities the power for administering local affairs in education. There are a variety of ways of dealing with the elimination of de facto segregation. With their intimate knowledge of all the factors of the local situation, local authorities are best-equipped to devise solutions adapted to local needs. In some communities the bussing of children may be necessary to bring about equality of educational opportunity for all children. What is feasible and practical will have to be considered. The Office of the State Superintendent of Public In-

struction has not proposed state-mandated bussing to eliminate imbalance, believing as we do that the most effective means of dealing with this problem can best be determined at the local level. *However, the leadership must originate at the state level as stated policy.* The Office of the State Superintendent of Public Instruction, of course, stands ready at all times to assist local authorities in their planning.

While the public school authorities have a special responsibility for leadership in the elimination of de facto segregation, the problem is also the responsibility of every citizen—of government officials, civic leaders, and leaders of ethnic and racial groups. The existence of segregation, *de jure* or *de facto*, not only creates individual and group injustice, abhorrent to all who believe in the dignity of man and the equality of opportunity implicit in a democracy, but it also poses a *threat* to the economic, social and cultural health of the community, state and nation. It is, therefore, of utmost importance, both as a practical matter and as a moral obligation, that prompt action be taken to correct the situation wherever it exists.

The writer is assured that the Washington State Board Against Discrimination also stands ready to assist local school boards in defining problem areas and in moving affirmatively to achieve quality integrated education.

Both State Boards have a choice of whether the society they serve will be racially separate or together.

The members of the State Board of Education may wish to approve the joint policy statement in their session tomorrow.

Thank you.

WASHINGTON, D.C., June 17, 1970.

HON. CARL D. PERKINS,
Chairman, House Committee on Education and Labor,
Washington, D.C.

DEAR MR. CHAIRMAN: In 1954 this nation started to desegregate its schools. After sixteen years there has been no noticeable improvement in the scholastic performance of pupils from the ghettos and other poverty areas. Hundreds of millions of dollars have been spent on corrective or booster programs which have had little or no effect educationally.

Having done many years of research in human behavior, aptitudes and capabilities in many different countries over the world (including the problems of educating children of minority groups and other "deprived" children), I am convinced that the above programs have been established in accordance with certain basic assumptions that are completely false. I believe that the professional educators involved have confined their studies to a narrow field that includes mainly sociology, classroom procedure and educational statistics. All over the world I have observed human behavior, and I have compared my observations with those of hundreds of other observers as recorded by them in books and periodicals. I have also taught in high school.

For me human behavior, aptitudes and capabilities have been made much more comprehensible and predictable as a result of my studies in comparative anatomy, the evolution of the human brain, embryology, the ontogenetic development of the brain and the localization of function therein, the process of abstraction, linguistics, the learning process, genetic and educational psychology, and related disciplines. I have information which I am sure would be of great value to your Committee on Education and Labor when considering educational programs for pupils from minority and other "deprived" groups, whether on pre-school, elementary, secondary, or college level.

I hope the next time members of your Committee prepare to consider pertinent educational programs—or any time you so desire—you will notify me and allow me to testify before the Committee or appropriate subcommittee. In such case I shall be happy to come to Washington and remain as long as the Committee can use my services, with no expense to the Government involved. Unless the Committee desired otherwise, I would expect to testify, not on highly technical or recondite subjects, but on the "nuts and bolts" of educational problems.

I am a retired naval officer. My home is in Rhode Island, but I maintain an apartment in Washington, D.C., where I often sojourn. I hope I shall hear from you soon.

Very sincerely,

P. CARD.

COUNCIL OF CHIEF STATE SCHOOL OFFICERS,
Washington, D.C., June 25, 1970.

Hon. ROMAN PUCINSKI,
*Chairman, General Subcommittee on Education,
House of Representatives, Washington, D.C.*

DEAR MR. PUCINSKI: The Council of Chief State School Officers meeting in Washington last week discussed the Emergency School Aid Act of 1970 (H.R. 17846). We wish to call to your attention several provisions of the bill on which we have questions in the hope that our point of view may be reflected in Committee action.

Section 5 of the Act designates those agencies that are to be eligible for financial assistance. The various sections of this Act, particularly Section (a) (3), indicate that this financial assistance will go directly from the U.S. Office of Education to the local school districts and may also go to private agencies. Since the State Educational Agencies are already guiding our local school boards in the proper utilization of federal funds for education, we feel that this Act would be improved by channeling the funds through the State Education Agency rather than direct negotiation between the Office of Education and the local district. Unwarranted and unnecessary duplication of services could easily result from applications going to two sources. We are also particularly concerned over grants to private agencies as will be evidenced in later comments in this letter.

Section 5(c) apparently limits the utilization of these funds to agencies in which the use of these funds would result in a net increase of the aggregate operating expenditures. In the case of public local school districts, it is possible that legislative mandates for millage limitation, other budgetary problems, or combination or reorganization of schools could result in a net decrease of per pupil expenditures. This would not be the case for a private agency, particularly if the agency was recently incorporated. The combination of provisions could easily result in local public school districts being ineligible for badly needed assistance, while a new non-profit corporation that did not have the experience or the expertise to handle a project of this nature might be completely eligible from the standpoint of their financial expenditures per pupil.

Section 7 of the proposed legislation makes provision for a State Education Agency to be given a reasonable opportunity to offer recommendations to the applicant and to submit comments to the Secretary concerning any application for assistance under this Act. We believe that it is a mistake to channel resources of this nature directly to the local educational agencies. The opportunity to make comments and suggestions has been tried in connection with the ESEA Title III projects, and has now been superseded by channelling assistance through the State Education Agency. We would hope that we could profit from this past experience and avoid the same error in connection with this proposed Act.

We know that you recognize that each categorical aid program requires administrative time on the part of both the local agency or the state agency for the preparation of reporting techniques, supervision, and handling the multitude of administrative details connected with the expenditure of any sums of money. While this legislation does contain provision for certain special administrative activities (See Section 6(1)), it completely overlooks the burden of general administrative needs which all school districts and state education agencies are increasingly hard pressed to meet. If Congress feels that it is unable to provide that a portion of the funds made available under this Act may be used for general administration at the state or local agency, then it should at least provide that the general administrative activities required by this Act may be included as legitimate costs in any of the other federal aid to education acts in which funds have been made available to cover administrative costs.

In general the Council members support the concepts and the purposes to be served as expressed in this legislation. We are concerned, however, that the legislation and subsequent guidelines and regulations be sufficiently flexible to permit dovetailing these programs with existing programs to maximize benefits.

Yours sincerely,

DON M. DAFOE,
Executive Secretary.

STATE OF FLORIDA,
DEPARTMENT OF EDUCATION,
Tallahassee, June 3, 1970.

HON. BILL CHAPPELL, JR.,
Longworth Building,
Washington, D.C.

DEAR BILL: I have been furnished a copy of a bill recently introduced in Congress entitled, "Emergency Educational Assistance Act of 1970." I am wholeheartedly in sympathy with the purposes to be served by this legislation; but, I have a concern on some of the provisions which I feel would be detrimental to our efforts in Florida unless the bill can be amended prior to passage.

Section 5 of the Act designates those agencies that are to be eligible for financial assistance. The various sections of this Act, particularly Section (a)(3), indicate that this financial assistance will go directly from the U.S. Office of Education to the local school districts and also to private non-profit corporations. Since the State Educational Agencies are already guiding our local school boards in the proper utilization of federal funds for education, I feel that this Act would be improved by channeling the funds through the State Education Agency rather than direct negotiation between the Office of Education and the local district. Unwarranted and unnecessary duplication of services could easily result from applications going to two sources. I am also particularly concerned over grants to private non-profit corporations as will be evidenced in later comments in this letter.

Section 5(c) apparently limits the utilization of these funds to agencies in which the use of these funds would result in a net increase of the aggregate operating expenditures. In the case of public local school districts, it is possible that legislative mandates for millage limitation could result in the decrease of per pupil expenditures. This would not be the case for a private agency, particularly if the agency was recently incorporated. The per pupil cost appears in a later section of this bill. The combination of provisions could easily result in local public school districts being ineligible for badly needed assistance, while a new non-profit corporation that did not have the experience or the expertise to handle a project of this nature be completely eligible from the standpoint of their financial expenditures per pupil.

Section 7 of the proposed legislation makes provision for a State Education Agency to be given a reasonable opportunity to offer recommendations to the applicant and to submit comments to the Secretary concerning any application for assistance under this Act. As I stated earlier, I feel that it is a mistake to channel resources of this nature directly to the local educational agencies. The opportunity to make comments and suggestions has been tried in connection with the ESEA Title III projects, and has now been superseded by channeling assistance through the State Education Agency. I would hope that we could profit from this past experience and avoid the same error in connection with this proposed Act.

Congress should understand, and I am sure that you do, that each categorical aid program requires administrative time on the part of both the local agency or the state agency for the preparation of reporting techniques, supervision, and handling the multitude of administrative details connected with the expenditure of any sums of money. While this legislation does contain provision for certain special administrative activities (See Section 6(1)), it completely overlooks the burden of general administrative needs which all school districts and state education agencies are increasingly hard pressed to meet. If Congress feels that it is unable to provide that a portion of the funds made available under this Act may be used for general administration at the state or local agency, then it should at least provide that the general administration activities required by this Act may be included as legitimate costs in any of the other federal aid to education acts in which funds have been made available to cover administrative costs.

I appreciate the opportunity to present my feelings on this legislation and again let me urge my wholehearted support for the purposes to be served but also my concern that we be permitted to dovetail it into existing programs in order to maximize the benefits to the disadvantaged pupils we are trying to reach.

Sincerely,

FLOYD T. CHRISTIAN, *Commissioner.*

INKSTER PUBLIC SCHOOLS,
Inkster, Mich., July 2, 1970.

Representative ROMAN PUCINSKI,
*Chairman, General Education Subcommittee,
 Education and Labor Committee,
 Washington, D.C.*

DEAR REPRESENTATIVE PUCINSKI: It has become increasingly apparent that the \$1.5 million allocation which was mandated by President Nixon as a part of his March 24, 1970 Desegregation speech has become a political football as far as the South is concerned. As you are fully aware, Nixon indicated the fact that initially \$500 million of that total would be available for use during the summer of 1970 for public school districts undergoing the throes of racial desegregation.

It would appear, based upon one's analysis of the kinds of procedures which are currently being used by those who are involved in the "Southern strategy" that, in fact, this money is to be available for purposes of use in the public districts of this country, two things are going to be demanded: (1) the money be available *only* to those in the Southern states and (2) that there be no strings attached with respect to the guidelines mandated under which the money will be made available. Picture if you will, Southern Superintendents, and County Boards of Education making the trip to Washington and returning with caches of money for purposes of continuing programs under the guise of racial desegregation in those public schools. As far as I am concerned, I fully support the contention recently articulated by Representative William Ford who indicated, in no uncertain terms, that this bill is nothing more than "colossal fraud", designed for purposes of "paying off" the South in terms of reparations for their unwilling compliance with federal desegregation court mandates. There is no way that this kind of action can be rationalized or supported in the United States House of Representatives or the Senate. I do not see how the United States Congress can support a procedure wherein those public school systems which are mandated by the Federal Courts to desegregate are provided with the possibility of securing double membership payments for purposes of facilitating this desegregation, on the one hand, whereas other school districts such as the City of Los Angeles, which are under State mandated orders for desegregation receive only single membership payment. If this, in fact, is the *modus operandi* to be followed, then it would appear that the City of Los Angeles would have more of an advantage by just simply ignoring the State mandate, and, instead, carrying its case all the way to the United States Supreme Court, waiting for the Supreme Court mandate to desegregate, and then taking advantage of the double membership count to implement desegregation at the local level at a cost of approximately \$40 million for that school district.

As far as I am concerned, there are facets of this current bill which do nothing more than a smack of the old Foundation Amendment which provided Southern school districts with an opportunity to flout the law. There is no possible way that we, as concerned and committed public school superintendents, particularly in the urban areas, can rationalize a procedure designed to disavow the absolute necessity of having built in guidelines which mandate those who receive monies under the President's emergency bill do so in such a way that they are in complete compliance with the United States Civil Rights Act. Additionally, guidelines must be stringently devised so that they do not result in a situation wherein Southern states are able to receive "pay offs" for services rendered under the so-called Nixon Southern Strategy.

I am addressing this letter to you because of the position which you hold with respect to the chairmanship of the general education sub-committee. I fully support the position which was articulated more than adequately by Dr. Norman Drachler, Superintendent of Schools, Detroit, Michigan, who indicated the concerns which he has with respect to the potential use of this money. If, in fact, these funds are to be made available, they must be useable in the area of bussing as a *discernible* means of achieving racial desegregation in public school districts. If this money, for example, cannot be used, particularly in Northern states, for purposes of achieving bussing as a means of gaining desegregation positions, then the funds are obviously worthless.

I would urge in view of the aforementioned, that you give all due consideration to the remarks which are contained herein, because they are crucial to the kinds of strategy which must be developed by the Congress as a means of seeing to it that we get on with the business of educating children. If, indeed, monies are to be made available for purposes of assisting public school districts in the achieving of multi-racial education, then it is the responsibility of the Congress to see to

It that this money is allocated on the basis of compliance with federally defined guidelines. It is further mandatory that these guidelines be inclusive of the possibilities of securing funds for purposes of effecting the transportation of children from one spot of geography to another within the confines of a school district.

I would urge that you indicate, by return correspondence, precisely and specifically what your position is with respect to the controversy which has arisen as pertains to the use of the initial \$500 million proposed by President Nixon.

Sincerely,

EDWARD B. FORT,
Superintendent of Schools.

STATEMENT OF EWALD B. NYQUIST, PRESIDENT, THE UNIVERSITY OF THE
STATE OF NEW YORK AND COMMISSIONER OF EDUCATION

I am submitting this statement as President of the University of the State of New York and Commissioner of Education. I thank you for the opportunity to express my convictions about the Emergency School Aid Act of 1970.

At the outset let me say I applaud the principle of H.R. 17846. It represents an ambitious commitment to attain equality of educational opportunity for every child in the United States and is backed by a substantial financial investment. Such changes as I recommend are based on experience and are proposed to open positive avenues to attain the purposes of the Act.

I.

My comments on this Bill should be considered against the backdrop of a lengthy history of commitment in New York to equal opportunity in education and to the achievement of quality in education. Let me share some milestones in that history.

In 1807 the Legislature established a system of free public schools which eliminated separate schools for certain poor families known as "pauper schools."

In 1900, recognizing the inherent inequity of separate educational facilities based on race, the New York State Legislature prohibited discrimination in education because of race, color or creed (Section 3201, New York State Education Law).

In 1948 the Board of Regents of the State Education Department established an office to administer the Fair Education Practices Act, to insure equality of opportunity in higher education.

In 1956 the Division of Intercultural Relations was created in the State Education Department to assist schools in the development of programs designed to achieve integrated education.

In 1960 the Board of Regents stated that the maintenance of segregated schools is contrary to Regents Policy and detrimental to children, whether that segregation grew from residence patterns or from positive action by local school authorities.

In 1966 the judicial authority of the N.Y. State Commissioner of Education to order a school district to implement a desegregation plan was upheld by the United States Supreme Court (Matter of Vetere v. Allen, 382 U.S. 825).

In 1960 the New York State Legislature appropriated \$1 million to assist schools in implementing desegregation plans.

In 1967 the judicial authority of the Commissioner of Education to order a school district to implement a plan to alleviate racial imbalance was upheld by the U.S. Court of Appeals, Second Circuit (Offerman v. Nitkowski, 378 F. 2nd 22).

In 1967 the New York State Legislature continued its encouragement for equal opportunity by the appropriation of \$3 million to assist schools to improve the quality of education through integrated schools. This appropriation level has continued to the present.

In 1968 the Board of Regents published the position paper "Integration and the Schools" reaffirming and elaborating on the 1960 statement of policy.

In 1969 a study by the State Education Department, *Racial and Social Class Isolation in the Schools*, was completed and, as a consequence of its findings, the Regents reaffirmed their 1968 position in another position paper.

It is clear from the foregoing that we consider the proposed Emergency School Aid Act of 1970 with a background of many years committed to achieving its objectives.

II.

We approach consideration of this Bill with strong conviction. It is incumbent upon us to create conditions under which each individual may grow in self-respect, respect for others and the attainment of his full potential. This means creating positive conditions to enable each individual to choose alternative avenues for access to the mainstream of American life. This means eliminating those negative conditions which perpetuate separation from the mainstream of American life.

Education is but one avenue toward the good life. In the early years it is the major avenue beyond the home. It is significant because it helps create the image a child has of himself and, in the last analysis, prepares him for the roles he will adopt in adult life. It is significant because within the micro-society of a school, a future society is constructed by the daily experience of each child.

Alexis de Tocqueville spoke prophetically in *Democracy in America* of the tendency of American society to separate each man from the other. He spoke of American society's tendency to insist upon conformity and its haste to define a man solely by the function he performs or the occupation he chooses. Democracy values open expression, free communication and interaction with others on the basis of respect for the full personhood of each individual. Its ideal and its recommended structure for governance is premised on the participation of all persons in the community. In a very real sense, then, in considering this Bill, we address the fundamental characteristics of contemporary American society and the values of democracy.

III.

RECOMMENDATIONS

From the perspective, then, of experience with the creation of equal educational opportunity and from this brief appraisal of its meaning to society, we commend H.R. 17846. I would suggest, however, that the Bill before you may be improved substantively in these respects:

A. The distinction between *de jure* and *de facto* segregation should be eliminated because the basic question is racial and cultural isolation.

B. Incentives for integrated or cultural education should be provided by:

1. redefinition of eligibility criteria to permit financial assistance for racially or culturally isolated schools;

2. eliminating express conferral of authority on Secretary of Health, Education and Welfare when discretion already is being exercised;

3. establishing the equality of local educational agencies through elimination of the double-counting provision or, alternatively, its extension to act as a positive reward for voluntary action; and

4. the inclusion of national origin minority children.

C. Investment in educational structures should be reviewed to:

1. build upon the experience-base acquired by state educational agencies; and

2. accord greater latitude in the transportation provision.

A. *The distinction between de jure and de facto segregation*

The maintenance of the distinction between *de jure* and *de facto* segregation is grounded in the reasoning in the *Brown* Case in which the criteria of equality of educational opportunity were related to the effect upon schooling of social inequality, and equality was made conditional upon scientific proof or judged reasonable because of scientific evidence. Better grounds, hindsight suggests, would have been that the opportunity for access to the mainstream of society can not be denied a citizen on the basis of arbitrary classification by a physical or cultural attribute. Beyond the sociological and psychological arguments ground the *Brown* reasoning lies the educational soundness of cultural education in an American society, traditionally a "salad bowl" of diverse cultural strains.

The arguments advanced in support of public education for over a century are persuasive. 1. Fully participation in the life of the community is a right conferred by citizenship. In order to participate intelligently in the decisions of a democracy, free men are entitled to a system of publicly supported schools available equally to all. 2. It is the right of a citizen to have full access to the community. The right of citizenship confers the right of movement and of communication. It is intended to create an open society in which all men are respected and have the opportunity for full development and pursuit of their talents.

3. Classification on the basis of a physical or cultural attribute which operates to exclude a person from a particular area of the public realm means that a person's choice of action may be limited to assigned functions in the community. The function of education, however, is to enable individual choice so that no human being, and no class of human beings, need to be in practical subjection to any other. 4. The contact between human beings made possible by access to life in the community, because of the right of citizenship, would have the following advantages:

(a) All the children of all classes could benefit by learning to know each other in the common experiences of schooling;

(b) Children of the poor could benefit by the "more careful superintendence" given the education of the children of parents better situated;

(c) No child would, because of the system of schooling, be confirmed in a debased image of himself.

To perpetuate the distinction between *de facto* and *de jure* segregation is an effective denial of equal protection of the laws to millions of children. The effect of unequal opportunity upon children, as evidenced by their educational and personal attainment, is the same, irrespective of the cause of the social or cultural isolation of a school. The impact upon children by uneven distribution of federal resources will be such as to favor one group over another, and one area of the country over another, without reasonable cause and because of arbitrary classification.

I urge Congress to take the affirmative duty to resolve inconclusive judicial opinion by eliminating the distinction between *de facto* and *de jure* segregation. To continue the distinction is to risk ineffective response in our school systems.

B. Incentive for integrated or cultural education

1. Redefinition of eligibility criteria for financial assistance

We believe that *de facto* segregation should be defined or understood in such a way as to allow for preventive action. To wait until a school has become 50% minority, when this could have been prevented by earlier action, is unwise. There are districts in New York State in which each school now approximates the district wide composition, even though the ratio of minority group students is well below 50%. Such districts, by acting early we believe, have prevented accelerated concentrations of minority children in a few schools. Interestingly enough, such districts have succeeded in re-establishing the common-school concept, a concept widely held to be our country's major contribution to educational practice. I recommend therefore that Section 5: Eligibility for Financial Assistance and Section 9(g): Definitions, be amended to reflect this situation.

State education agencies should be made eligible for financial assistance under approved State plans if their previous performance effectiveness can be established. State agencies, in turn, would act on local applications. In the alternative, it is suggested State agencies be delegated the responsibility to approve and recommend to HEW local agency applications for funding.

2. Elimination of Express Conferral of Authority upon Secretary of Health, Education, and Welfare for Set Aside

To confer authority upon the Secretary of Health, Education, and Welfare, when this discretion is at present being exercised, would appear unnecessary and redundant. The President's request for \$150 million for "start up" funding was based upon existing authority of the Secretary.

3. Establish Equality of Local Education Agencies through Elimination of the Double-Counting Provision or, Alternatively, Its Extension to Act as a Positive Reward for Voluntary Action

Under the proposed legislation, only those local education agencies implementing desegregation plans, pursuant to a final federal court order, or plans approved by the Office of Civil Rights of the Department of Health, Education and Welfare, are eligible for augmented federal funding.

This means that the following kinds of school action are excluded:

(a) where a *de facto* rather than a *de jure* desegregation plan is being implemented; or

(b) where a state commissioner's order has the effect and validity of a federal judicial order; or

(c) where a local education agency, without federal or state compulsory action, implements a plan at the request of state education agency staff; or

(d) where a local education agency voluntarily initiates a plan.

To eliminate these local agencies from qualifying for financial support or, in effect, to penalize them for positive action, and to support local agencies that desegregated only under the negative requirement of federal court order or HEW direction is unfair and mitigates against the "multiplying effect" sought by the Department of HEW through federal financial assistance.

This inequity is compounded by the double-counting provisions which doubly reward a local agency for token desegregation efforts only after negative or legal compulsion.

In view of these inequities and at a minimum, because the purpose of this legislation is to hasten the realization of equal opportunity in education, it is recommended that no local agency secure funding for "racially isolated" programs until the infeasibility of a full desegregation plan is effectively demonstrated.

In the alternative, it is recommended that, if it is felt that double-counting provisions should remain for local agencies desegregating under federal legal compulsion, a comparable provision be inserted to act as an incentive for those agencies which take the initiative for positive action and voluntarily demonstrate effective or innovative ways of desegregating.

4. Definition of Minority Group Children

H.R. 17816 is to be commended for its inclusion of national origin minority children. All too frequently children, temporarily handicapped by cultural differences, find themselves "typed" as mentally or emotionally handicapped. It is indeed shocking that the norm is more important than an individual child and that nonconformity to the norm has effectively resulted in the inhumane repression of diversity and personality.

A sound educational experience presupposes the presence of ethnic diversity in classrooms. Without the experience of an interplay of cultures, pupils are as effectively deprived of a sound education as are those termed racially isolated.

Our allegiance to our society and Nation is accorded not because this Nation exists as a fact but because it embodies a set of shared beliefs. We pragmatically judge the activities of society by the degree to which they affect the freedom, equality, and independence of the individual person.

Education bears major responsibility for seeing to it that children learn the meaning of this fundamental purpose.

Our imperfect educational system makes difficult for some children the realization and understanding of this basic ethical belief. The measure before the Congress, H.R. 17816, is therefore of the utmost significance.

HOUSTON, TEX., June 25, 1970.

HON. CARL D. PERKINS,

Chairman of Education and Labor Committee, House of Representatives, Washington, D.C.

DEAR MR. PERKINS: Our Federal Courts are trying to solve our racial problems in the wrong way. Instead of promoting racial compatibility the courts are polarizing a hatred that is keeping racial tensions on edge.

If the Supreme Court and the lower Federal Courts had deliberately tried to promote ill-feeling, hatred, racism, violence and the seething desire among many blacks and whites to kill each other out of existence, they could not have done a better job than has been and is being done by the courts by FORCING SCHOOL INTEGRATION. Obviously, these results were not intended by the courts, but *they are the results*.

No intelligent person wants to see anyone white or black deprived of their just rights. We should strive to overcome social injustice. BUT, please, won't someone, somewhere in authority admit that the way the Federal Courts have decreed is NOT WORKING and do something to reverse the trend of this "judicial legislation" which is forcing our citizenry into two growing seething militant groups?

I am frightened. I fear for the safety of my children. I fear that the United States of America is about to explode into a terrible holocaust.

There is nothing wrong with the aims of our courts, our idealistic sociologists, our clergy, or our young college intellectuals, who hope to overcome social injustice. BUT, it is folly to continue on a course that is NOT WORKING. Rather, let us try another route.

There are many reasons why FORCED SCHOOL INTEGRATION (as distinguished from desegregation) is not working. Perhaps one of the main causes of resentment among Middle America is the disruption of the neighborhood

community and the attempt to meld all classes of society into one. To Middle America this means to lower the standards to the lowest culture. This, to the hard working, ambitious family who have arrived in status to the point where they can afford a nice home in a nice neighborhood among others of similar background and ideals, is an infringement on their *CIVIL RIGHTS*. They are now paying more taxes, more for their home and land, and it is their tax dollars that are paying a great portion of the costs of ALL public education. They do not wish to deny those less fortunate an opportunity to learn, but neither do they want to lower their standards to those of the deprived. They would like their tax dollars spent to upgrade the quality of the poorer schools rather than to reduce the best schools to the level of the poorest.

All methods of FORCED SCHOOL INTEGRATION have divided neighborhoods. Equidistant zoning is sanctioned by the Federal Courts only when it splits the neighborhoods sufficiently so that there exists more than one cultural representation of peoples. This method is accompanied by a teacher crossover plan. This adds even more resentment. "How", says Middle America, "can a culturally deprived teacher know and understand the problems of our children and how can a teacher of our culture understand and relate properly to the culturally deprived child?" Many of the crossover teachers, because they must travel long distances to their schools, are worn out before they start to teach. In addition, there is a substantial communication gap between teacher and child.

Other integration plans include busing thousands of children into alien neighborhoods. This is expensive, dangerous (any time a child is on the highway his life is in jeopardy) and has a definite TOTALITARIAN aroma, denying the parents the right to bring up their children in the manner and among the people of their choice.

What can and will you do to alter this trend of "judicial legislation" that is polarizing hatred and dividing our nation?

Sincerely yours,

NANCY LITTLE PERRY.

STATEMENT OF JAMES F. REDMOND, GENERAL SUPERINTENDENT, CHICAGO PUBLIC SCHOOLS

Mr. Chairman and members of the General Subcommittee on Education, I am James F. Redmond, General Superintendent of the Chicago Public Schools, and I appreciate this opportunity to present a statement on HR 17846, the Emergency School Aid Act of 1970, since we feel that this legislation could be extremely helpful in solving many of the educational problems created by racial isolation.

The Chicago public school system is considered racially impacted, since the most recent racial survey (September 1969) shows that 59% of the pupils are minority group children. If the definition of "minority group children" stated in HR 17846 were used, this percentage would be somewhat higher since many of the pupils from environments where the dominant language is other than English are not normally classified as belonging to the minority group for purposes of the survey.

On an individual school basis, 330 of our 622 schools and branches have over 50% minority children and are "racially isolated" according to the definition provided in HR 17846. At least 27 of these schools are in this status because over one-half of the pupils are in the non-English speaking category. In Chicago there are some 38,000 such pupils which constitute approximately 7% of the total enrollment. Since this racial isolation is chiefly due to housing patterns, the segregation is de facto and, in the absence of court orders requiring desegregation, is likely to persist for some time.

Based on these facts, it would appear that the Chicago public schools would be eligible under the provisions of H.R. 17846 for financial assistance "to aid children in elementary and secondary schools to overcome the educational disadvantages of racial isolation by assisting, in a concentrated manner, school districts with high proportions of minority group students to carry out interracial educational programs and other programs to improve the quality of their educational services."

Definite progress in improving the quality of educational programs in many racially impacted areas in Chicago has been made with the assistance of ESEA title I funds, but unfortunately the low-income requirement written into that

legislation has prevented the upgrading of the educational services in a large number of other racially isolated schools which do not meet the low-income criteria. We appreciate the Federal assistance which has helped significantly in a limited number of educationally deprived areas and welcome the possibility of expanding the benefits to additional racially isolated areas under the provisions of the Emergency School Aid Act of 1970.

At present there are several noteworthy projects designed to overcome the adverse educational effects of racial isolation now underway in the Chicago public schools which are not assisted by title I of ESEA. One of these which has proven very successful is known as Project Wingspread (Education for Metropolitan Living) currently financed under title III of ESEA.

Project Wingspread is a voluntary exchange program involving minority pupils from central city and near-central city schools with white pupils from suburban school districts.

Project Wingspread includes programs at the elementary, junior and senior high levels for both public and private schools. Volunteering students and teachers of a Chicago and suburban school are paired at the same grade level for a mutually agreed time period. One half of the time period may be spent using the Chicago school as an educational base; the other half of the time period the students are stationed at the suburban school. A special urban studies core curriculum has been developed and is utilized as a part of Project Wingspread.

To date, some 3,000 pupils (approximately 1,500 minority students from the city and 1,500 white students from the suburbs) have participated in the Wingspread Intercultural program. The general consensus among other school personnel, parents, and the community of the schools involved is that the program has been quite successful. An objective evaluation of the activities of the Wingspread program for the 1968-69 school year directed by an evaluation specialist of the University of Illinois Circle Campus, concludes: "Reviewing the overall objectives of Project Wingspread related to breaking down stereotypes, learning to feel comfortable with ethnic and socio-economic differences, identifying with the problems of the metropolitan community, and experiencing new forms of instruction, Project Wingspread should be encouraged to continue its efforts. . . . Substantiated by statistical evidence, one can conclude that the objectives of Project Wingspread are being met."

Project Wingspread has demonstrated that it is possible to overcome to a considerable extent the disadvantages of racial isolation through an inter-racial and inter-ethnic program designed to improve the quality of educational services. However, the ESEA title III funding will cease at the end of the 1970-71 school year and there is little or no possibility of continuing the program under local funding in our present critical financial situation. Actually, Project Wingspread should be greatly expanded to include many more racially isolated pupils and, hopefully, funds for this purpose will be provided through the Emergency School Aid Act of 1970.

Another innovative program of instruction, known as Reading Environment and Development (READ), for the children of three pilot inner-city elementary schools in Chicago, was initiated in the 1969-70 school year. The program was the result of cooperative planning efforts of the Chicago Board of Education and the Chicago Teachers Union and is financed with local school funds.

As needs common to children in all three schools were identified, the development of reading competency emerged as the most crucial need of all pupils. Thus, the major objective of the program in the READ schools became the improvement of the reading skills, interests, and habits of pupils.

In brief, the total plans have resulted in a saturation of services to these schools. Additional professional staff and paraprofessional staff have been assigned to each school. Supportive services are being strengthened through additional personnel in the areas of: library and audiovisual media services; psychological, health, attendance, and clerical services; school-community relations; and staff for the diagnosis of pupil needs and evaluation of pupil achievement. Guidance counselors are an integral part of the program in all three schools. Other improvements, such as qualitative and quantitative changes in instructional equipment and supplies, have been implemented.

Project READ is based on and committed to the philosophy that all but a few children can learn to read and to read very well. It is anticipated that the findings of the READ project, with minor modifications, will be applicable to the many other schools with children with similar needs. However, expansion of the pro-

gram to additional racially impacted schools, or even continuation of the present program beyond the coming school year, will require funds which are simply not available from local sources. The stated purpose of H.R. 17486 "to aid children in elementary and secondary schools to overcome the educational disadvantages of racial isolation . . ." would seem to indicate that funds could be made available under this act to continue and expand the very promising experimental READ program.

For several years the Chicago public schools have been attempting to desegregate the teaching staff, but limited progress has been made due to a lack of funds required to implement the various plans.

Currently, the Chicago public schools are under a mandate from the Justice Department to desegregate the teaching staff or face a court suit. The order involves not only desegregation of the faculty but also distributing more equitably among the schools the experienced teaching personnel. If the plan is to accomplish its objective of integration and equalization of faculty competencies, extensive inservice training must be provided before and after the changes are made to assure acceptance by and of the faculty members involved. Funds for an extensive inservice training program are definitely not available from local funds, and financial assistance under the provisions of H.R. 17846 are essential to the success of the desegregation plan.

Another possible way in which the integration and equalization of faculty could be encouraged and facilitated would be through the use of incentives for teachers successful in difficult schools. Hopefully, funds for this purpose will be available under the Emergency School Aid Act of 1970.

A project to provide, among other things, an integrated student body in ten schools through the use of non-contiguous attendance areas was undertaken two years ago and is continuing. This involves busing approximately 500 black students from two overcrowded schools to eight underutilized white schools. It is financed with local funds. While this project has been successful in reducing segregation in a limited number of schools, it almost certainly would be more successful in providing meaningful integration if funds were available to provide additional guidance counselors, human relations coordinators, and staff to conduct intensive inservice training of the teachers and administrators involved. H.R. 17846 appears to provide the possibility of such funding and could do much to alleviate some of the human relations problems encountered in this project. If funds become available under the Emergency School Aid Act of 1970, this promising program of voluntary desegregation could be expanded to include a number of additional schools.

There are a number of schools in Chicago with a high percentage of non-English speaking pupils in which little is being done to overcome the language handicap because these schools do not meet the low-income criteria for Title I ESEA funds and local funds cannot be stretched to cover the cost of all of the additional special teachers required. Unquestionably, there is isolation due to the language barrier, and this reduces the possibility of the affected pupils receiving the quality education to which they are entitled. As we read the provisions of the Emergency School Aid Act of 1970, additional professional staff for such schools could be financed under this legislation. If so, it would be a great boon for these educationally handicapped children.

Establishing and maintaining integrated schools in an integrated society is undoubtedly the ultimate goal of H.R. 17846. However, the development of a stable integrated community is fraught with growing pains which often are so severe that they eventually destroy the possibility of achieving this goal.

Integration of a community is normally accomplished by minority families moving into an all-white neighborhood. Our experience in Chicago has indicated that these minority group families generally have more children than the white families which they replace and one of the first difficulties to arise in the changing neighborhood is an overcrowding of the schools. Lack of space, shortage of teachers, textbooks and supplies eventually become critical and the quality of the educational program suffers. White residents of the community with children in school note the change of the educational program with alarm and are likely to decide that for the good of their children a move to a suburban area with better schools is indicated. As these families move away and are replaced by larger minority families, the school congestion rapidly worsens and eventually the movement from the neighborhood becomes a flight and all hope of maintaining an integrated school is lost. The stability of the local school is probably the most important factor in maintaining an integrated community.

There appears to be a critical point beyond which integrated schools become unstable and nothing much can be done to prevent them from becoming re-segregated. This "tipping" point seems to be reached when the minority group population in the school approaches 25%. Since 10% of minority pupils is generally considered the minimum for a school to be classed as integrated, the viable range for a stable integrated school appears to be from 10 to 25% minority children.

If prompt action is taken to assure a high quality educational program while the minority pupil population is in the critical range of 10 to 25%, there appears to be an excellent possibility that the school and the community can be stabilized. However, the immediate action needed to provide adequate classroom facilities, additional teachers, counselors and educational equipment in a rapidly growing school requires the infusion of large sums of money which schools normally do not have available.

The Chicago public school system has had a number of schools reach this critical stage when it was generally realized that unless immediate effective steps were taken to remedy the deteriorating educational situation, the effect on the integrating community would be disastrous. Most recently this has occurred in the Austin and the South Shore areas, and because funds were not available for the essential improvements in the schools when they were needed, the "tipping" point was overrun and the schools and the communities have become re-segregated.

If the language of the Emergency School Aid Act of 1970 was modified to provide readily available funds to stabilize integrated schools, the cause of integration would be advanced immeasurably.

To summarize, over half of the Chicago public schools are racially isolated and financial assistance is desperately needed to continue and expand educational programs designed to overcome the educational disadvantages of this isolation. In addition, there are a limited number of schools in changing neighborhoods which must be stabilized if they are to remain integrated. An essential element in such expansion and stabilization is the construction of additional school facilities. As HIR 17846 is now worded, there is no provision for funding of additional classrooms except by the lease or purchase of mobile educational facilities. It is recommended that the language of the bill be modified to include a reasonable amount of construction when such construction is vital to the improvement of the educational program in racially isolated areas or to the continuance of integrated schools.

One aspect of the formula in HIR 17846 which is considered unwise is the provision for double counting of pupils in school districts under Federal court order or under a title VI compliance order. This would seem to reward those districts which have resisted desegregation and penalize those which are voluntarily desegregating or are attempting to overcome the educational disadvantages of racially isolated schools. It is recommended that the double counting part of the formula be eliminated from the final bill.

The authority granted in HIR 17846 to the Secretary of HEW to contract with profit-making agencies, institutions, and organizations to carry out programs or projects is also considered to be unwise. Contracts to non-profit private organizations might be very helpful in certain cases, but there is no logical reason why any person or corporation should profit from the desegregation of schools. We recommend that Section 5(b) be reworded to eliminate profit-making organizations.

Large cities are vitally concerned with the desegregation of schools and the overcoming of the adverse educational effects of racial isolation but, if real progress is to be made in overcoming these problems, the large cities must be assured a fair share of the funds provided for this purpose in HIR 17846. Guidelines for the distribution of such funds must be specific on this point.

In conclusion, we support the basic purpose of the Emergency School Aid Act of 1970 to provide much-needed financial assistance to school districts which are desegregating or attempting to improve the quality of educational programs in racially isolated schools, but recommend that the changes suggested above be seriously considered when preparing the final version of HIR 17846.

Thank you, Mr. Chairman, for the opportunity to present this statement.

SCHOOL DISTRICT 151,
Cook County, South Holland, Ill., June 12, 1970.

Representative ROMAN PUCINSKI,
Chicago, Ill.

DEAR SIR: As you know, School District 151 was court ordered to desegregate in July, 1968 grades 3-8, and after an extensive hearing in the spring of 1969, the district was completely desegregated by Court Order, grades K-8. Upon appeal, the Appellate Court in a hearing in April ordered the Board of School District 151 and the Federal attorneys to work out an acceptable desegregation plan within 30 days that would be acceptable to the community and financially feasible. As of this time, the Board has submitted a plan through its attorneys to the court outlining the construction of a new upper grade center and a 3-6 grade majority minority transfer plan of black students to schools in the white community based on class size. The Federal attorneys are rejecting the majority minority transfer plan and are pushing for mandatory busing of black students grades 3-6 to white schools but do support the construction of a new upper grade center.

Throughout the court hearing, based on findings of the State superintendent's evaluation team and a previous university study, inadequateness of the present Coolidge upper grade center building was a focal point against the creation of the upper grade center by Court Order. In court, Thereon Johnson, Chief, Division of Equal Educational Opportunities, testified that he would not want his own child attending the Coolidge upper grade center because of the lack of facilities, the age of the building (1933) and its run down condition. This did not deter Judge Hoffman from court ordering the creation of first an upper grade center and later a middle school in this building and ordering the busing of children to the site.

The Court Order has created enough community hostility that the possibility of a referendum and/or bond issue being passed is in doubt and consequently, as part of the attempt to arrive at a plan acceptable and financially feasible to the community, it is essential that funds for a new building be provided by the Federal Government. This is the first Northern district that has had to desegregate under Court Order. The financial crisis created in the district makes it mandatory that funds be provided for the construction of a school building that will house the school program created by the Court Order.

The district has had eight hundred students transfer out to private and parochial schools at the execution of the Court Order. A new upper grade center out of the Phoenix area in the central part of the district will do much to attract back students and through this state aid regained do much to put this district back on a financially firm basis.

Sincerely yours,

THOMAS E. VAN DAM,
Superintendent.

STATEMENT OF UNITED STATES CATHOLIC CONFERENCE

Our Catholic school system shares in the national commitment to integrate education. As Director of the Division of Elementary and Secondary Education of the United States Catholic Conference, I would like to endorse the purposes of the Emergency School Aid Act of 1970 as set forth by President Nixon in his message to Congress on May 21 of this year.

In requesting enactment of this legislation, President Nixon said that the purpose of the legislation would be to assist local school authorities in meeting four special categories of need as recited in his statement of school desegregation of March 24:

The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

The special needs of racially-impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness.

The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

The financing of innovative techniques for providing educationally sound inter-racial experiences for children in racially isolated schools.

To achieve these purposes, the President has proposed the Emergency School Aid Act of 1970 (H.R. 17846 and S. 3883). The Act contemplates three categories of federal aid to elementary and secondary schools which are faced with problems of eliminating *de jure* segregation and overcoming racial isolation. The three categories of aid are:

"1. To assist any local educational agency which is implementing a plan of desegregation to meet the additional costs of implementing such plan or of carrying out special programs or projects designed to enhance the possibilities of successful desegregation;

2. To assist any local educational agency to meet the additional costs of carrying out a plan to eliminate or reduce racial isolation in one or more of the racially isolated schools.

3. To assist a local educational agency or other public or private agency, institution, or organization to carry out interracial educational programs or projects involving the joint participation of minority group and nonminority group children attending different schools."

The main thrust of the Emergency School Aid Act, necessarily, is to assist public school agencies that are in the process of eliminating *de jure* segregation pursuant to federal court orders or plans approved by the Secretary of Health, Education and Welfare, and to offer financial assistance to those school districts which are willing to undertake voluntary efforts to eliminate *de facto* segregation and racial isolation.

Under the various court decisions in the area of school desegregation, private nonprofit schools do not fit within the definition of *de jure* segregated schools. It is an historical fact, however much we might deplore it, that private schools have suffered from *de facto* segregation situations arising from complex social, economic and local legal requirements in years prior to the Supreme Court decision of 1954. It is no less a proper concern of the federal government that such situations be eliminated in the private schools as in the public schools.

Hopefully, the nation can look to the private education sector to provide some measure of leadership for the nation in eliminating the evil effects of segregated schools as well as racial isolation arising from causes outside the educational system. If the private schools of this nation are to perform this leadership role they will need every possible assistance from the federal government, both financial and otherwise. Such assistance should be given to private schools because of the public service which they can perform, and which I am convinced the vast majority are anxious to undertake.

It is the policy of the Catholic bishops of the United States, through the United States Catholic Conference, to conduct a school system which makes available quality education without discrimination on the basis of race. I believe this policy is shared by other private school systems long established in this nation.

In addition to the responsibility which Catholic education has to provide an example for the nation in this regard, the United States Catholic Conference strongly supports the decisions of the United States Supreme Court and the implementation of those decisions as evidenced by the Emergency School Aid Act. We believe that the needs of the nation's schools, both public and private, in carrying out the national policy of non-discrimination, warrants special financial assistance from the federal government. For this reason, we support the central purposes of the Emergency School Aid Act and urge Congress to enact such legislation.

I want to commend the sponsors of the Emergency School Aid Act for their recognition of the role of private schools in our national education system by the inclusion of Sec. 7(a) (4). This section requires that an application from a local education agency for assistance may be approved by the Secretary of HEW only if he determines that such agency has made provision for special educational services and arrangements which are designed to overcome the effects of racial isolation of children enrolled in private as well as public elementary and secondary schools. The requirement would apply "to the extent consistent with the number of children in the school district of such agency enrolled in private elementary and secondary schools which are racially isolated." I believe the wording of this section can be improved to facilitate the desired goal of assisting private as well as public schools and to better utilize the private sector in achieving the overall purpose of the legislation which is "to reduce racial isolation and increase integration in all schools.

The wording should not be limited to requiring participation of "children." It should also require the participation of "teachers and other educational per-

sonnel" in the private schools. Experience in the area of school desegregation and racial integration has shown that special training is needed by administrators and teachers. Indeed, the Secretary of HEW has stated that the administration expects to fund teacher training programs under this legislation. Private school teachers and administrators could take part in the same programs as public school teachers and administrators, or the local school district might wish to establish special programs for private school personnel.

I am concerned that Section 7(a) (4) might be interpreted to *limit* participation of private school children and teachers rather than encourage it. The term "racially isolated" is defined in the bill as a school in which minority group children constitute more than 50 percentum of the average daily membership. Thus it might be argued that only children in private schools with 50% or more minority group enrollment would be permitted to participate in a program or project. Also, the language might be interpreted as limiting participation only in those public school districts which qualify under categories (2) and (3) of Section 5(a). Such limitations are not placed on the participation of children in the public schools and should not apply in the case of private schools.

If a local educational agency is eligible for financial assistance under any one of the three categories in Section 5(a) then the Secretary should require that applications make provision for participation of children attending private schools in those districts so long as that participation is directed toward achieving the purpose of the act set forth in Section 2. It is possible that some private schools will not want to participate in any effort directed toward racial integration or assisting minority group children to overcome the effects of racial isolation. I know of no way to compel such schools to participate. But their attitude should not be allowed to obscure the fact that such private schools are in a decided minority. The vast majority of private schools in this country will want assistance in overcoming racial segregation in the private sector and will be eager to assist in eliminating segregation in both the public and private schools of their community.

Experience with other federal programs has shown that in some instances the public schools will refuse to apply for federal funds and thus deny the opportunity for private schools in their district to participate in the federal program. In other instances, the local educational agency will be unable or unwilling, due to local attitudes or legal restrictions, to cooperate with the private schools. To cope with both situations, the bill should contain specific authority for the Secretary of HEW to provide financial assistance directly to private schools upon a determination by him that: (1) such assistance would carry out the purposes of the Act; (2) the local educational agency is unable or unwilling to provide for *effective participation* of student and faculty in private schools *on an equitable basis*. Similar authority was added to Title III of the Elementary and Secondary Education Act by Congress in 1969 and is in the process of being implemented.

It is my understanding that the original draft of this legislation prepared by HEW omitted any requirement for the participation of children in private schools and that the Department of HEW has recommended that Section 7(a) (4) is not needed. The position of the department is that there is already sufficient discretion in the bill to include private school children in programs wherever local education agencies wish to do so. I strongly disagree with this viewpoint and urge that Congress include a positive requirement for participation of private school children and faculty. Experience under other federal programs has shown that more often than not private schools are allowed to participate only when the law requires the opportunity for such participation as a condition of eligibility for the local public school agency.

The provisions of this bill seek to recognize that in the case of some racially isolated children the desired goal of education in an integrated school cannot practically be provided. Authority is contained in the bill to fund projects to overcome the adverse educational effect of racial isolation upon such children. I would like to point out that in some such cases there exist private school systems that have the facilities, the faculty and the desire to provide an integrated educational setting for such children. What is missing in most such cases is financial ability on the part of both the private schools and the racially isolated children. The Act should recognize this fact and permit the use of such private school systems to achieve the goal of integrated education.

I want to call attention to the wording of Section 6(g) which authorizes financial assistance for the provision of transportation services for "public school children." The word "public" should be stricken in order that private school chil-

children participating in programs under the Act would also be able to receive transportation services. As the bill stands, this section would result in discrimination against private school children in the area of transportation services which is not present in any other federal education program.

Section 8 of the bill permits the Secretary to establish an order of priority to be followed in approving applications and requires that in determining whether to make any grant the Secretary shall take into account such criteria as he deems pertinent, including four listed criteria. Consideration should be given to the addition of a fifth criteria which would include the degree to which the program or project makes use of the total educational resources of the community, both public and private.

In his testimony in support of this legislation before the House General Subcommittee on Education, Dr. James S. Coleman of Johns' Hopkins University, who acted as a consultant to the Cabinet Committee on School Desegregation, stressed the importance of the provision for funds to be given to private agencies, in addition to local educational agencies, both in Sections 5(a) (3) and Section 5(b). Dr. Coleman stated: "I think this is very important, and I think it is important that the funds be administered in such a way that this kind of use is encouraged, since there will be strong pressures against it from public school forces. For two reasons, this avenue is important. First, in those areas, whether in Mississippi or in Chicago, where the public school system does not provide the possibility for an integrated education, it is important that such opportunity exist outside the public school system. This opportunity should range from integrated supplements to regular school activities in full-time integrated schools which the child attends instead of his public school—with most expenditures being for the latter. As an incidental benefit, this can provide a leverage to induce integration in the public school system by providing a competitive alternative outside it.

"A second reason that this type of funding is important is because it can provide the opportunity for innovative approaches to integration which may be foreclosed to public school systems. These innovations can provide the experience that will allow the adoption of those that work best by public school systems."

I would like to endorse Dr. Coleman's comment and urge the committee to make clear that this kind of use of private schools should be encouraged in the administration of funds under the Act by the Secretary of HEW. It is the duty of private schools to provide an alternative for children and parents and to provide competition to the public schools. I know of no area in which private schools could provide a better service to American education than to make available the opportunity for integrated education to those children who do not now have an opportunity. Congress should insure that there is no failure on the part of the Federal government to make use of the total educational resources of the nation in achieving the goal of this legislation as stated by President Nixon in his Message to Congress on May 21, of this year: "... a system in which education throughout the nation is both equal and excellent and in which racial barriers cease to exist."

STATEMENT BY REVEREND JOHN MCCARTHY, ADMINISTRATOR, ST. THERESA
CATHOLIC SCHOOL

I am happy to have the opportunity to testify on behalf of this important and urgently needed legislation. I have read the statement made on June 9th by the Honorable Robert H. Finch, then Secretary of Health, Education, and Welfare and I find myself in agreement with it.

The committee has heard others who have endorsed this bill. I wish to add my voice to theirs and suggest that as the administrator of a well integrated private grammar school, as one vitally interested in problems of Mexican Americans, that I might have some views that the committee needs to take into consideration.

I feel strongly that private schools and more particularly, religious schools, could greatly assist in accomplishing desegregation which is, as President Nixon pointed out, "vital to quality education not only from the standpoint of raising the achievement levels of the disadvantages, but also from the standpoint of helping all children achieve the broad based human understanding that increasingly is essential in today's world."

For the past 125 years Catholic schools have consistently been among the most diversified in the country. Our schools have reflected the diversity of our people in a way that public schools have not been free to do. Czech, Germans, and Poles had "bilingual" schools over a hundred years before the term became a battle cry for the Spanish speaking of the Southwest. "Neighborhood schools" is what Catholic schools have been from the time of their inception, a factor that now causes many black leaders to suggest their imitation in the black community.

Catholic experience with ethnic minorities is extensive. Catholic education has served as a social, economic, and intellectual ladder for Polish, Irish, German, Italian, Czech and many other ethnic groups. At present the most destitute ethnic group with whom the Catholic Church is working is the Mexican-American. These years of experience in helping new immigrants or cultural groups adapt to the urban realities can be put to good usage if provided with financial support.

The Catholic Church's presence among the white ethnic minorities gives it a tremendous access to leaders of those groups which are most often "threatened" by Negro or Mexican-American neighborhood encroachment. These white ethnic minorities still attend Catholic parochial schools throughout the country. We are great moral and social issues of the time. Many of the children of these ethnic minorities still attend Catholic parochial schools throughout the country. We are trying now to reach the minds and hearts of the parents of these children and of the children themselves, to assist them in lowering the barriers of racism. If we could be aided in accomplishing this our schools would be aiding the United States immensely in solving its inter-racial conflicts.

The boundaries which are set for parochial attendance zones are not as restricted by artificial geographic limitations as are those set by the public schools. Because the Catholic schools have a broader area from which to draw students they are thereby able to more easily bring in minority group students than are the public schools which must cope with segregated residential housing patterns. Furthermore our flexibility in determining latitude of the attendance zones enables them to be a positive factor in integration.

I feel that my own parish school is a good example of this. Our students are black, chicano and white anglo—they come from poverty families to from the very affluent. St. Theresa's school is Houston, in microscopic form, and that's one of the best advantages we offer our students.

I am glad to see that this bill in Sec. 5, 3(b) gives the Secretary freedom to make grants to non-profit agencies and organizations. When the advantages of the private school system can be combined with the financial capabilities of the public school system we are likely to have a better chance of achieving the desegregation of our schools than when they work in a separate fashion.

Many federal programs in the past have had the effect of freezing or locating minority people into racially identifiable neighborhoods. The Concentrated Employment Program, the ESEA monies, the bilingual education monies under Title 7, and numerous other programs all limit eligibility to people who live in a definitely defined geographic area. This limitation, when rigidly applied, forces people to "stay with their own kind" if they are to receive any federal assistance at all. One result of this has been an intensification of segregated residential patterns rather than a movement towards a truly interracial or open society. Thus in the past some programs have had the exact opposite effect than that toward which we were actually striving.

In the Southwest ethnic and racial isolation is in some respects worse than in the rest of the country. In Texas and in other parts of the Southwest we have seen the maintenance of not two but of three separate school systems: one for Negroes, one for Mexican-Americans, and one for Anglos. Only by extensive reorganization of financial and political components can inroads be made to change this to a unitary school system.

Private schools are now subsidized to a very limited degree by public monies. Their survival will depend a great deal on increased support from governmental bodies. Their abilities to integrate will likewise depend as much on the financial support of governmental bodies as on the moral leadership of their official spokesman.

Our cities enjoy and suffer from their extensive inter-relatedness. To use one of Mr. Moynihan's apt phrases, "everything is connected to everything." A massive flow of federal funds to assist the public schools, which does not at the same time consider the impact on private education will have very adverse effects.

It is my suggestion that major metropolitan areas throughout the country would be best served by the creation of area-wide desegregation counselors funded by the monies provided under this Bill. These desegregation centers would invite the participants of public and private educational agencies and institutions at all levels of our operation. Such an agency would help to bring some coherence into the overall problems of desegregating the American society.

There is no current federal program which developed an effective tri-ethnic desegregation plan. This Bill should give more emphasis to the immediate implementation of such a plan.

It saddens me to admit that in recent years large numbers of our schools have had to close in precisely those areas where they were most needed and had the most to offer. In those areas in the United States where Catholic schools have been forced to close because of lack of financial support and/or a movement of parishioners to the suburbs, there now exists excellent educational facilities which could be cheaply converted to usage by the public school system. These facilities could, because of their strategic location in and near the ghetto areas of the United States, serve as excellent schools with ethnically balanced student population. This provision could be met under those activities authorized in Section 6F of the Bill.

We must face the fact that the residential patterns now existing in most of the United States are such that unless a certain degree of busing is carried out, very little can be done to achieve ethnic balance. The usage of Catholic institutions strategically located would not necessitate any busing other than that which is normally used.

In closing, I cannot too strongly urge the Committee to consider the possible impact of this Bill on the educational opportunities available to the Spanish-speaking in the United States. It should also investigate the relative impact of the *Cisneros* Decision which, while now being appealed to the Fifth Circuit Court, has ruled that the Mexican-American is a distinct ethnic group which must be included in any desegregation plan.

Evidence to date suggests that the quality of education provided Mexican-Americans might be inferior even to that which is provided for black children. When this is considered in the light of the fact that 90% of all Mexican-Americans are Catholic, the possible impact of the decision to desegregate with federal assistance is obvious.

STATEMENT OF THE REVEREND JOHN M. BOND, SUPERINTENDENT, DIOCESE OF CHARLESTON, S.C.

1. Since the spring of 1967, the diocesan system of education began its administrative relationship with the Office of Civil Rights, H.E.W. At that time data and related problems were presented to the Civil Rights' Office. Reflections were made by the Civil Rights' officials with recommendations for furthering desegregation. It should be noted that prior to this time several strong moves had been made by way of pastoral policy to implement social teachings of the Church. Realizing that the law called for more than intent, the Most Reverend Bishop of the diocese responded to the Civil Rights' Office that stringent efforts would be made to achieve de facto results. In the school year 1967-68, procedures were set up to achieve two primary purposes:

(a) To eliminate de facto dualism in seven situations through plans designed by committees at the local level.

(b) To bring about further integration both in terms of faculty and student body in these places, as well as in the other schools in the diocese.

In the course of these procedures, two personal contacts were made with the Civil Rights' Office by the Superintendent: The first to inform them of the procedures; and the second to indicate the initial results. (Plans submitted by the local committees and approved by the Bishop.) In the fall of the school year 1968-69, the Superintendent related to the Office of Civil Rights the de facto results of the plans devised for the previous spring.

Since that time, the Department of Education for the diocese of Charleston has related on a volunteer basis at least twice a year, by way of personal contact, with officials at the Civil Rights' Office in order to:

(a) Relate to them data pertaining to faculty-student black and white ratio.

(b) In relating this information to the Civil Rights' officials, the intention of the Most Reverend Bishop has been conveyed; namely, an openness to suggestions for effectively furthering the process of integration within the school system.

2. As a school system which is a non-public, private school system, not explicitly obligated by legal pressure, but respectful of the law of the land and committed to social justice, the Diocese of Charleston has both, at the policy level and at the practical level, shown its purpose in a fairly dramatic way. This could be pointed up by what follows:

(a) The policies of the diocese:

"In keeping with the spirit of our Christian commitment, pastors, principals, and rectors shall endeavor, not only to insure the complete and equitable integration of their faculty and student body, but also promote by positive direction the spirit of Christian brotherhood."

"No registrant may be accepted as a transfer student from the public school system where there is a verifiable attempt on the part of the student or the parents of the student to use the Catholic school at the elementary or secondary level as a haven to resist the policies of the public school system relative to desegregation."

"Again I would like to reiterate the hope that Christian initiative will bring our Catholic people a realization of living in full Christian brotherhood with all the citizens of the community. Interracial justice requires our complete acceptance of black persons as equal before God. In Catholic schools we make no distinction."

(b) Factually, the data on student enrollment would indicate that as a private non-public school system intentions would indicate more than a passive positive relation to integration.

Enrollment—school year 1968-69: 6,349 Whites, 79% White; 1,739 Negroes, 22% Negro.

Enrollment—school year 1968-69: 6,349 Whites, 79% White; 1,738 Negroes, 21% Negro.

A drop in enrollment both white and black in part has resulted from the stringent move to desegregate in the school year 1967-68, at which time we lost at least 450 students for the following year. The losses, from our field experience, were more related to transportation, tuition rates, etc., rather than overt reaction to integration per se.

3. In an attitudinal survey study done during the course of this past school year, the whole area of integration was studied by way of 16,000 questionnaires given out to all people involved in the diocesan system of elementary education. In the 65% return, two positive points were quite apparent:

(a) A significant high majority responded positively to the question: "Do you feel that integration is necessary in your school?"

(b) A further positive point was the indication that through student experiences in an integrated school emotional, unhealthy attitudes would be avoided and positive training would be provided. This point is backed up by the value system training offered in our schools and is evident in the almost complete absence of problems in our schools where integration has been increased.

It should be noted here that one very positive value we feel we have to offer is introduction in our schools to both black and white students which provides an attitude in which a socially oriented value system can be effectively communicated to the child both at the academic and experimental level. The whole atmosphere of a Catholic school provides a Christian context in which both students and parents can be attitudinally changed so that proper social behavior patterns will result.

4. The recent efforts by the Diocese of Charleston in regard to integration relate to the establishment of the Diocesan Interracial Commission. One of the charges of this Commission is to re-evaluate the efforts that have been made in the past for policies applicable in the present, the situation as it exists today, with the purpose in mind of effecting integration in the parishes as well as in the schools.

STATEMENT OF CLARENCE MITCHELL, DIRECTOR, WASHINGTON BUREAU OF THE
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. Chairman and members of the subcommittee, thank you for this opportunity to present testimony on H.R. 17846. This legislation would authorize one billion five hundred million dollars to provide financial assistance to improve education in racially impacted areas and to assist school districts to meet special problems incident to desegregation in elementary and secondary schools.

When the President announced his intention to seek passage of this type of legislation, Mr. Roy Wilkins, executive director of the NAACP immediately expressed support of the objectives of the legislation. Since that time, our national convention has met in the city of Cincinnati, Ohio. The delegates to that convention expressed support for the principle of giving aid for desegregation of public schools, but suggested that it would be improper to neglect the schools which have voluntarily desegregated while aiding those which have held out to the bitter end and are now acting only because of final court orders. The delegates also expressed great concern about the burden which is imposed upon private citizens during the extensive period of litigation which is often necessary to achieve school desegregation. They pointed out that the perpetrators of racial segregation have access to the legal resources and finances of the State as well as local governments in maintaining segregation through obstructive and dilatory court tactics. Plaintiffs, on the other hand, must rely on private funds to protect their constitutional rights. To remedy this, the delegates strongly recommended that H.R. 17846 include a provision permitting the use of Federal funds "to defray the cost of litigation to the plaintiff including counsel fee, plaintiff's experts and out of pocket expenses."

The importance of this last mentioned feature of taking care of the plaintiff's expenses is graphically illustrated by the attached statement which was distributed by members of the Erie, Pennsylvania, NAACP on Sunday, August 9 at a meeting of the Executive Board of the Pennsylvania State Conference of NAACP branches in Harrisburg, Pennsylvania. It is significant that the statement deals with a school in the far north of our country in a rich and enlightened State. As a last resort, the branch has instituted court action but now it is confronted with the difficult task of financing the handling of the case. It is interesting to note that at the close of the board meeting of our State conference of branches, several representatives of local branches told me that the Erie story could be repeated in their localities. They mentioned specifically the cities of Johnstown and Allquippa, Pennsylvania.

In order to accomplish the objective of complete desegregation of the public schools in our country we recommend the following:

1. The funds made available must be used to assist in those school districts which are desegregated (a) voluntarily (b) because of Federal or State court orders (c) because of legislative directives of a State, county, municipal or other law making body.

2. School districts which are desegregating in compliance with programs approved by the Department of HEW must be assisted.

3. Schools which are in so-called tipping categories where funds are needed to increase attendance of minority group students or to prevent such schools from becoming wholly resegregated must receive aid.

4. Schools racially isolated because of residential patterns must also become eligible for aid. However, in such schools, assistance should be given only when there is definite assurance that the school authorities are making a continuing effort to end the racial isolation of such schools and to achieve total desegregation.

5. Congress must face up to the need for repealing the contemptible additions to the law which have created confusion in the desegregation programs of this country. The so-called anti-busing provision contained in title VI of the 1964 Civil Rights Act, the Fountain Amendments and the Whitten Amendments have all created mountains of mischief that bar the way to reaching the promised land of school desegregation in the United States.

Items 1, 2, and 4 are clear and do not require any explanation in this statement. Items 3 and 5 do require additional comment.

With respect to item 3, we have had extensive discussions with Members of the House and education experts on how to accomplish orderly desegregation of schools which are affected by so-called de facto segregation. The suggestion

has been made that the Secretary of HEW could give assistance to public schools where more than 15 per cent of the student population is made up of a minority group or groups but not more than 50 per cent. In discussions on this suggestion, some educational experts have indicated that the 50 per cent ceiling is too low. Others have suggested that the percentages should be omitted altogether and the decision to aid schools in this category should be left to the discretion of HEW. The education department of the NAACP has suggested that it is better to rely upon the discretion of the executive branch of Government in this kind of situation, but if percentages should be written into the law the floor should be 15 per cent and the ceiling should be 70 per cent.

With respect to item No. 5, I wish to point out that Congress has been a bulwark of protection for civil rights since the passage of the 1964 Civil Rights Law. From 1932 to 1957 the minority groups of this country had to look to the executive branch and the Supreme Court for help in protecting their constitutional rights, with the enactment of the 1957 Civil Rights Law and continuing through the Kennedy and Johnson administrations, all three branches of Government were instrumental in protecting the constitutional rights of minorities. We are now in a period when Congress has become the major battleground in which the hard won gains in the fight for civil rights are to be protected. On the whole, the Congress has an excellent record in attempts to hold the line against those who would destroy programs of protecting the right to vote and dilute the effectiveness of Federal courts with appointment of judges who are hostile to civil rights and who are advocates of racial segregation.

However, it should be noted that the segregation advocates of this country and allies in Congress who come from Northern States have used the appropriations bills to water down the effect of the 1954 school desegregation decision and the clear objectives of the 1964 Civil Rights Act. The plain fact of life is that the appropriation committees are dominated by members who are not sympathetic to minority groups. In the secrecy of the committee room these Members of the Senate and House concoct the kind of language that may seem reasonable on its face, but which in fact, is designed to nullify the 1954 school desegregation decision. For example, by using some deceptive semantic alchemy they have made the ordinary word "busing" take on the connotation of a precious luxury which must not be paid for with tax funds. But when we remove the verbiage and get at the facts we discover that what is really meant is a restriction on the use of Federal funds for school desegregation. When these amendments come to the floor of the House and Senate, they place the rights of minority groups in competition with the millions or billions that are being appropriated to perform the necessary functions of the Government of the United States. In this kind of contest, it has been my experience that very few Members of Congress want to take the side of the minority groups.

Usually, the solution is found in substituting language which is said to be innocuous and may in fact be meaningless. But these revisions, whether meaningful or superfluous, have the effect of placing the Government of the United States in the shameful position of appearing to sanction second class citizenship for the black children of this Nation.

This legislation is before a committee which is made up of some of the most sympathetic and high minded Members of Congress. This committee should face up to its responsibility to initiate repeal of all of the offending vulgarities and obscenities that have been written into the law by the contemptible efforts of those who must keep on trying to divide the children of our country into separate and unjust categories simply because of their skin color or the texture of their hair. It should also be noted that the framers of this legislation should reject the pusillanimous soft shoe approaches that are being advocated by those who are following the advice of Professor Alexander Bickel of Yale University. Mr. Bickel is exhibit A of why there is a growing distrust of some white people who purport to be friends of minority groups. This is no time to cover up attempts to maintain racial segregation with complicated legal stratagems and compromises. I am sure that I speak for thousands of colored citizens when I say that we wish Mr. Bickel would keep his nose out of this particular part of the Nation's business, but, since he does not seem to want to do that, we certainly hope that the Members of the House and Senate will not follow his advice.

In conclusion, I wish again to thank the members of the subcommittee and also to express the hope that you will speedily authorize funds with the provisions that I have mentioned.

NAACP FOCUS NEEDED ON NORTHERN SCHOOLS NOW

THE ERIE STORY

If you still doubt the extent of discriminatory practices in Northern School Systems and the ensuing damages committed against black students, take this minute to read of the happenings and conditions in the Erie, Pennsylvania School System.

For more than five years, the Erie NAACP branch has made the city schools its target issue. Findings by the branch included such facts as:

As few as 5 or 6 Black teachers among a staff of over 800 (more have since been hired);

No black non-professionals such as janitors, cafeteria workers, bus drivers, clerical staff;

No Black administrators, counselors, nurses;

Old outmoded buildings some dating back to the later 1800's; and

Four de facto segregated schools, other borderline. The least experienced teachers often using discarded texts and supplies, placed in these schools.

Using these outward manifestations of racial bias as a measure, imagine if you can, the day to day acts of discrimination that are part of the educational process! The drop out rate is exceedingly high. Hundreds of students are pushed out or indefinitely suspended—the method adopted by the schools to rid themselves of "troublemakers"! No where is the black student part of the mainstream of school life, rather he is alienated, disturbed and angry and above all so poorly educated that he is more often than not, totally unprepared to take his place in society.

Student protest bring wholesale suspensions, expulsions, arrests

Such are the conditions which have led to numerous disturbances in the Erie Schools during the past three years—both at the high school and junior high levels. Failure by the schools to act on student petitions and peaceful demonstrations brought on disorderly disturbances. Use of the police, canine corps, the courts—jails, suspensions and expulsions have done nothing but postpone solutions and heighten tensions. The most recent disturbances are now termed racial in character as white students have joined together in such groups as SPONGE (Students for the Prevention of Niggers Getting Everything).

Teachers in a special meeting, drew up and submitted a hard-line discipline code to the Board of School Directors, which was adopted. They threaten to "withhold services" if not given support in discipline methods which includes corporal punishment.

NAACP turns to courts as last resort

Every conceivable method has been utilized by the Erie branch to win the needed changes in the Erie Schools. Endless negotiations, mass meetings, public demonstrations—a Black Monday have been held. Investigations and hearings by the local and State Human Relations Commissions, the Department of Public Instruction—state and federal agencies have brought about more unfilled promises than changes.

