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Politics 364
Term Project
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"The Most Important Measure I Shall Ever Sign" L.B.J.
The Elementary and Secondary Education Act of 1965

On April 11, 1965, President Lyndon B. Johnson signed the first general aid to education law outside the former one-room schoolhouse at Stonewall, Texas, where he first attended classes. The signing of the Elementary and Secondary Education Act of 1965 (ESEA) signified the end to a legislative struggle which had a long and hard fought history.

ESEA itself was passed with relative ease. It was passed only slightly amended in the House by a 263-153 roll-call vote March 26. The Senate Labor and Public Welfare Committee reported it without amendment on April 6 and went on to pass the Senate without amendment by a 73-18 roll-call vote April 9 ("First Congress..." 275).

To understand the struggle between Congress and the presidency concerning this monumental law it is necessary to look at several factors. First, the legislative history of federal aid to school must be examined. Second, circumstances outside of legislative action must be taken into account. Finally, after reviewing the delicate and frustrating history leading up to the Act, the preparation and action of ESEA itself may be scrutinized. Only through such a complete examination can one come to an understanding of how Congress and the presidency resolved their struggle over federal aid to legislation.

Legislative History 1946 - 1964

read it again !!

Following World War II the most controversial issue of the federal education policy was general federal aid to primary and secondary schools. Legislation which concerned this volatile subject met with many pitfalls. Several bills were put forward but each one faced a myriad of questions which would stall any progress. The major issues which provided the stopping points included aid to private and parochial schools, aid to schools which involved segregation, and arguments concerning the level of federal control which would follow the legislation. Following is a chronology of significant legislative action on primary and secondary school aid which led up to ESEA.

The bulk of this information is provided in the Congressional Quarterly Almanac for the 89th Congress' 1st session. CQA's reference comes from Federal Aid to Education (1961 Almanac p. 208; Congress and the Nation p. 1195).

In 1946, Senator Robert Taft (R, Ohio) was a sponsor for a bill (S 181) which authorized a permanent program of federal grants to all but the wealthiest states to help equalize educational opportunities across the nation. Taft, who had previously been opposed to federal aid to education explained his swing saying that testimony given to the Senate committee had convinced him that in many states children were not receiving a basic education. He declared that "education is primarily a state function -- but in the field of education the Federal Government, as in the fields of health, relief, and medical care, has a secondary interest or obligation to see that there is a basic floor under those essential services for all adults and children in the United States." The bill was unanimously reported to the Senate but not acted upon. No legislative action was taken in the House ("First Congress..." 279). So began the post-war battle over federal aid to education. As will become apparent, the fate which met S 181 would be the fate that would meet several other federal aid bills, thus emphasizing the upward struggle that federal aid to education was to be up against.

In 1948 a bill, S 472, was brought before the Senate. The purpose of S 472 was to appropriate \$300 million a year for federal grants to the states for educational costs. This bill was unique in that it included funds for private and parochial schools because the bill centered on the fact that states could distribute the money in the same way they already allocated their own funds. An amendment to bar such use of federally allocated funds was soundly defeated on a 5-80 roll-call. The bill did not clear the House Education and Labor committee. The church-state issue was born in this bill and was continued in 1949 with S 246. This bill was similar to S 472. It passed Senate a roll-call 58-15 but again died in the House Education and Labor Committee. A bill (HR 4643) introduced by Chairman Graham A. Barden (D N.C.) would have restricted federal education grants to tax-supported schools. This would effectively rule out grants to religious and private schools. The church-state war of words began with this as Francis Cardinal Spellman called Barden a "new apostle of bigotry" ("First Congress..." 279). The church-state issue

would prove to be one of the largest obstructions standing in the way of general aid to education.

A breakthrough occurred in 1950 in the form Federal programs (PLs 81-815 and 874) which solidified World War II legislation that was passed to provide financial aid to school districts "impacted" by Federal defense plants and other Federal establishments. The aid provided was general aid for school construction and operating expenses, and it was for public schools only. This program enjoyed bipartisan support and became both politically powerful and for the most part untouchable (Bailey 20). The concept of "impacted" areas would resurface in future legislation.

Somewhat creative legislative techniques concerning federal school aid became the rule from 1951 to 1953. These came in the form of so-called oil-for-education provisions. Most notable was Senator Lister Hill's (D Ala.) attempt in 1952 to earmark for education the royalties from off-shore oil. It specified that federal income from offshore lands would be used for national defense or public schools (Bailey 21 and "First Congress..." 279). These amendments and proposals met disapproval in the form of being ruled out on a point of order, being deleted in conference, or in the case of Hill's amendment, tabled by a 47-36 roll-call vote ("First Congress..." 279).

In 1954 the Eisenhower Administration opposed legislation for aid to states for school construction (S 2601) on the basis that such legislation was not conducive to a balanced budget and that it would impede the maintenance of state and local control of public education. This stood as an example of the president blocking legislation for school aid, the opposite of ESEA. As a result, no action was taken on S 2601 ("First Congress..." 280). Prior to his presidency, Eisenhower had gone on record as opposing "...any grant by the federal government to all states in the Union for educational purposes" (Bailey 21).

Even with Eisenhower's apparent hostility towards federal aid to education the Cooperative Research Act of 1954 did pass. This Act worked to funnel modest grants to educational research (Bailey 20).

Legislation works in mysterious ways and the National Defense Education Act of 1958 (NDEA) was passed in such a way. This Act was passed in direct response to the Russian space program and the success of Sputnik. Secondary and higher education enjoyed substantial Federal support for programs "to increase the quantity and quality of scientists, engineers, and foreign language specialists throughout the American educational system"

(Bailey 20). Although the NDEA was criticized for directing the educational curriculum away from the humanities and the social studies, it did prove to be a substantial step forward in the direction of general federal aid to education albeit a far cry from elementary and secondary education. The Act served two major purposes: it proclaimed education a matter of national concern and its titles included religious affiliated institutions among its beneficiaries. The latter providing a crucial opening in the church-state debate (Bailey 20).

The specter of segregation raised its head in 1956 when Rep. Adam Clayton Powell (D N.Y.) offered an amendment to HR 7535 which barred federal aid to states operating segregated schools. The amendment was added to HR 7535 by a roll-call vote of 225-192 but the bill was killed on the House floor by a 194-224 roll-call. Partisan trickery became part of the legislative game where the Powell Amendment was concerned. It was often supported by conservative opponents of social legislation who knew that attaching the amendment to a bill would result in the defeat of such a bill by those same conservatives and solid opposition from the southern bloc.

One might think that the recent Supreme Court decision in *Brown v. Board of Education of Topeka* (347 U.S. 483, 1954) would compel Congress to deal with segregation. The Court held that "...in the field of public education the doctrine of 'separate but equal' has no place. Separated educational facilities are inherently unequal." In a second *Brown* (349 U.S. 294, 1955) decision the Court ordered a "prompt and reasonable start toward full compliance." The Legislative and Executive branches' overtly passive compliance with the decision demonstrates a dominate check they have over the Judiciary. One may very well hearken back to Andrew Jackson's feisty retort towards a Court decision when he stated, "John Marshall has made his decision, now let him enforce it" (Ducat 110). The Court and the *Brown* decision would later be redeemed.

The only success in the 1950's with respect to federal aid to education came from the Cooperative Research Act and the NDEA. All other proposed aid met with disappointment. Proposals either had to deal with the threat of presidential veto, cut and paste tactics in the Congress, or the ever present church-state and segregation conflicts. The 1950's and the Eisenhower Administration stand as solid examples of a president's ability to block and stifle growth in a particular policy.

1960 was a year characterized by both defeats and advances in the drive towards federal aid for school. A general aid-to-education bill was close to passage but was stopped by the House Rules Committee. The committee refused to authorize a conference which would have provided an opportunity for the House and Senate to seek a compromise. An amended bill was also close to passage until meeting with a 44-44 roll-call vote. A motion to table a move to reconsider the vote carried 45-44. Richard Nixon, Eisenhower's Vice-President cast the deciding vote ("First Congress..." 280).

The successful venture of 1960 came with the passage of a bill (HR 10128) which provided grants for school construction only. The success was heightened with the inclusion of the Powell Amendment which had so often stymied school aid legislation. This was the first time a general school construction proposal had made it through Congress ("First Congress..." 280).

The half-decade, 1960-64, can be described as a period which saw both major breakthroughs and frustration. 1961 saw the introduction of what President Kennedy called "probably the most important piece of domestic legislation of the year." The legislation he spoke of was a highly comprehensive elementary, secondary, and higher education bill (S 1021, HR 4970). It dealt with construction, teacher's salaries, aid to higher education facilities, construction loans and student scholarships to both public and private colleges. It also sought to extend aid to the "impacted" areas which were spoken of earlier. The Kennedy proposal did not, however, provide aid to private elementary and secondary schools, "...in accordance with the clear prohibition of the Constitution" ("First Congress..." 280).

The Administration attempted to temper the church-state issue by sending a bill which would extend aid to private schools under the NDEA. Thus some aid to private schools would be provided. Under NDEA this aid would be provided for the construction of classrooms which provided a curriculum related to subjects important to the national defense ("First Congress..." 280).

The church-state issue would not be left alone. The Catholic hierarchy stated that unless the school aid bill included private schools they would recommend its defeat. With respect to the alternate NDEA bill they demanded that both bills be brought to the floor in tandem for fear of the school aid bill passing and the NDEA amendments being killed. This tactic resulted in both bills being tabled by the Rules Committee, effectively killing them both ("First Congress..." 281).

Several other education proposals were attempted by Kennedy but the cloud which hung over the 1961 bill kept these attempts from receiving any major push. The private school issue would not go away and resulted in the death of a 1962 college aid proposal. The House without debate refused the measure by a 170-242 roll-call ("First Congress..." 281).

The issue concerning federal aid to elementary and secondary education in 1962 to 1964 became concentrated in two specific areas which both would be incorporated into ESEA. The first concerned improving the quality of education. Two types of pilot programs were suggested in regards to this issue which provided separate provisions that would eventually be found in Title I of ESEA:

- (vi) programs or services for adapting curriculums to the needs of deprived or disadvantaged pupils;
- (vii) programs for coordinating the school system planning and programming...with that of other public and private non-profit agencies dealing with problems related to the alleviation of deteriorated or depressed communities...and of the families and children residing therein. (Bailey 25)

Provisions such as these which ended up as part of ESEA proved to be a strong influence on subsequent legislation. Proponents of federal aid to schools were working on a trial and error basis. What worked was kept, what did not work was either dumped or revised. Looking back, ESEA can be viewed as a work in progress.

In addition to the important quality of education provisions, a bill was submitted by Rep. Carl Perkins as the Elementary and Secondary Education Improvement Act of 1964 which mentioned low-status children for the purpose of developing an equalizing allocation formula. The Perkins bill never got off the ground, but the poverty formula which was developed was another crucial step towards ESEA (Bailey 26).

The second major issue dealt with the Administration's concentration on educationally disadvantaged children. Out of this concentration and the bills which encompassed the idea came the Higher Education Facilities Act. This Act is especially important because it represented the melding of interest-group opinion before Congress. The interest groups included the National Education Association (NEA) and two Catholic groups, the National Catholic Welfare Conference (NCWC) and the National Catholic Education Association (NCEA). These groups represented where the line had been drawn concerning the church-state issue. Up to this point their views were unwavering. The

successful merger of these distinct groups was perhaps the most pivotal part in the development of ESEA.

The other major issue to be dealt with was segregation. This was done with one sweeping piece of legislation, the Civil Rights Act of 1964. At the heart of this Act was the requirement of administrators to cut off Federal grants-in-aid for any State programs administered discriminatorily. The educational consequences of this Act were immediately apparent. By barring discrimination in all federally-aided programs, "the Civil Rights Act of 1964 added full presidential and congressional authority to the Supreme Court's school desegregation mandate of 1954" (Bailey 30-31). Looking back to Andrew Jackson's challenge to the Court, one can see that Congress and the presidency were now acting with the Court to enforce its decision.

Senator Wayne Morse (D Ore.), Senate sponsor of ESEA may have summarized the chronology which has been provided best when he stated, "unless you understand this bill and its history, you can't possibly understand Title I of the Perkins-Morse bill (Public Law 89-10)" (Bailey 27). Public Law 89-10 is the Elementary and Secondary Education Act of 1965. The chronology serves to show not only the growth of an idea into a law through legislation but also the growth of the nation around that law. It is the nation's specific growth outside the arena of legislation which will be examined next.

Post-War America

In 1946 America may have been done with World War II but as a country it had not yet seen the last of explosions. The first explosion which the U.S. had to deal with was the explosion of the learning force. In 1946 only 2,200,000 students were enrolled in the first grade of the nation's schools. This number grew to 3,700,000 by 1953. In a single decade 1954-55 to 1964-65, the number of students graduating high school increased by 1,216,000 (Bailey 4). The claim for educational assistance came hand in hand with the task of teaching millions of additional children.

Following the explosion in the learning force came an explosion of knowledge. This explosion was two-fold. First, it represented the growth in technology and intellectualism. Through this growth gave way to the knowledge that our educational system was inadequate. The nation's intelligentsia began pressing questions such as why are our teachers mired in mediocrity; why does this country continue to use out of date teaching

techniques; why does a child's class and location seem to determine the quality of education he or she receives; and "why can't Johnny read." Learning itself became the center of attention as both a science and a study. The several questions posed all led to one central question: Will anything short of Federal aid move nation's educational system away from mediocrity (Bailey 5)?

A final explosion which must be accounted for is the nation's economic explosion. From 1961-65 the United States economic explosion was extraordinary in terms of length, strength, and balance. Many believed that the logical conclusion to such growth would be to tap the Federal treasury for the benefit of the educational system among other things (Bailey 6).

All these post-war explosions seemingly put pressure on administrations and legislators to commit some sort of federal aid to the waning educational systems. These systems needed help, and the government had the ways and the means to provide such help.

The issues in post-war America which pertained to federal aid to education were already touched on in the legislative chronology. These included segregation, poverty, and private and parochial schools. A brief description of their relationship to education outside of the legislative arena must be examined.

Besides its over-ruling of the "separate but equal" standard set forward in *Plessy v. Ferguson* (163 U.S. 537, 1896) *Brown v. Board of Education* had a number of other consequences. The largest being the bringing to the foreground the plight of the American Negro. Stephen Kemp Bailey points out that his served to highlight "the social and economic costs and consequences of prejudice, cultural deprivation, and poverty" (8). What was learned by these new revelations to American society was that "Negroes constituted the most intractable element in hard-core poverty across the land" (Bailey 8).

The relationship of education to the nation's economic health was closely tied to the segregation issue. Two issues concerning poverty are necessarily prominent. First, even with the economic explosion pointed out earlier, "marked disparities in income and employment opportunities persisted" (Bailey 8). The second issue related particularly to young people. Again the explosion of the learning force demonstrates their growth in proportion to the total population. Young people were a disproportionately large part of those who were unemployed. A correlation between their

unemployment and their low educational achievement can invariably be drawn (Bailey 8).

Ambiguities in the Constitution were a large cause for the highly volatile church-state issue. Specifically, two interrelated phrases in the First Amendment: (1) "Congress shall make no law respecting the establishment of religion"; (2) "or prohibiting the free exercise thereof..." Those who wish to prevent aid to parochial schools have relied on the first phrase. Those who defend the existence of parochial schools and the public support of their secular and auxiliary activities have been served by the second phrase. The explosion of the learning force had a large effect on the financial abilities of parochial schools to support themselves and well as public schools. The argument was that public funds appropriated to parochial schools would serve a child's educational needs but not involve religious instruction. The Supreme Court upheld this position in *Everson v. Board of Education* (330 U.S. 1, 1947). The key issue brought out in the *Everson* case was: "when does a public grant under the child-benefit doctrine actually support a religious institution?" (Bailey 10).

Two other Supreme Court cases, *McCullum v. Board of Education* (33 U.S. 203, 1948) and *Zorach v. Clauson* (343 U.S. 306, 1952), dealt with the church-state issue. In *McCullum* the Court ruled that religious instruction could not be received in public school facilities when children were released for 30 minutes a week for such instruction. *Zorach* held that "released-time" was permissible if religious instruction took place on private property. The effect of these Court decisions was the increase of parochial school demands upon public funds (Bailey 10).

One other issue that deserves attention is the idea of the Balkanization of the American school system. The basic organizational unit of the educational system in the United States has been the local school district. In 1947-48, The American educational system consisted of more than 90,000 separate school districts. Most of these school districts were small in size, and the understanding was that the smaller the school district was, the more difficult it would be to provide an adequate educational program. With these small districts comprising the bulk of the educational system it was surmised that the bulk of the system was being inefficiently run with the pool of teachers being inadequate for the task of education (Bailey 12).

From the explosions to the Balkanization the cries for federal aid to education rang out. These cries were directed towards Congress and the presidency. The ability to make or break a law is where this victor of this struggle is to be found. Each era, each piece of legislation, has its own genesis, and from that genesis comes either the president's or the Congress' eventual ability to claim control over the issue. The history of the legislation leading up to ESEA has told a tale of both Congress and the presidencies' ability to block aid to education. But several small victories provided a base upon which to build a possibility for overall success for the policy. The next section illustrates how ESEA happened to be relatively easy to pass. It concerns individual drive, total organization, and a complete and utter landslide.

The Passage of ESEA

In his annual message to the Congress, President Kennedy stated that "a strong educational system is necessary for the maintenance of a free society and a growing economy. Inadequacies in our educational system present serious obstacles to the achievement of important national objectives and prevent able individuals from obtaining the high quality training to which they should have ready access." He went on to say that "in these circumstances Federal action becomes imperative" (Kennedy 38). The imperative action was federal aid to education. Kennedy never saw his dream of federal aid to education to fruition. Upon his assassination the torchbearer for the program became President Johnson. Johnson would have the benefit of an overwhelming majority to help him work towards the passage of his federal aid to elementary and secondary education policy.

The election of 1964 brought about an overwhelming Democratic majority. Eugene Eidenberg points out that "295 Democrats were elected to the House over only 140 Republicans; of the Democrats there were 69 freshmen in the House when it convened on January 3, 1965, and of those, 38 had defeated incumbent Republicans" (34). These election returns helped to build the majority that would help Johnson push his education policy.

As stated earlier, there was very little congressional consideration given to ESEA. The immediate history of ESEA is essentially noncongressional. The reason for this was the overall initiative of the Executive. Following the election, Johnson put together a task force on education. This task force, headed by John W. Gardner, then president of the Carnegie Corporation, was to

devote its efforts to creating ideas of real merit. The questions of political feasibility were to be left up to the President and the Cabinet. All workings of the task force were to be done without publicity. The reason being that the ideas generated for the Kennedy program of 1961 were thought to have been made public too early, giving ample time for opponents to organize against the recommendations created.

The task force was made up of 13 members who for the most part were not considered government insiders. The group agreed to keep its ideas and proposals within the realm of the possible, and to concentrate only on the task of elementary and secondary education. Bailey points out two criteria that were used to judge proposals: "their contribution to the equalizing of educational opportunity and their prospects for the improvement of educational quality" (40).

President Johnson was to give the final word on the task force reports. This would occur after reports had been reviewed by panels of top Federal officials in relevant government agencies. The review process for the educational program was given top priority, described by Bailey as "modified and accelerated" (40).

While the task force was at work, another cog in the educational policy machine was also hard at work. This involved the building of coalitions, and was extremely successful, thanks in large part to the work of the United States Commissioner of Education, Francis Keppel. Keppel concerned himself with avoiding the many pitfalls which previous legislation had run into over race, religion, and the fear of Federal control. He consulted with various professional groups and interest groups in an attempt to close the expansive gaps which had developed between them. Bailey brings to light the immense size of Keppel's task by pointing out that, "as an intermediary broker of ideas, he moved around the various arenas: the task force; HEW and USOE planning staffs; the White house; the Congress; the Press; professional associations, and interest groups" (41). Keppel also provided a translation of the broadly worded task force ideas into a working package of legislative proposals. In the end, Keppel "had successfully created the network of relationships within the professional education groups and church organizations that could be used to find a solution to a problem that seemed all but insoluble" (Eidenberg 82). As Eidenberg puts it, "Francis Keppel was not a politically ineffectual commissioner, and he was handling the show for the President" (88).

The issues which were of grave concern for the Administration had become much less volatile over the course of prior legislation. One issue, segregation, was virtually swept away in the passage of the Civil Rights Act of 1964. Successful passage of ESEA would be the dangling carrot for those school systems that wished to hold onto the fossil of segregation. The funds would be available, but not for any system engaging in active discriminatory practices.

The issue that posed the most immediate concern was the ever-present church-state issue. In order to be successful, the education bill would have to avoid a church-state fight. The landslide victory in the 1964 election happened to be exactly what was needed to get the religious issue finally resolved. What had once been an issue mired in battle and rigidity was now characterized by compromise. Catholics now feared the possibility of a Kennedy-type bill which would allow no funds to private schools to get through with the new numbers in Congress. The NEA might have been able to react as a shark to blood in the new situation, but seeking future political leverage during the bill's eventual implementation the group did not dare oppose the administration's efforts. The election itself had changed the political conditions under which educational policy would be made in 1965. Eidenberg describes that "it changed this environment sufficiently to move the two principle groups to positions of tolerance and flexibility on a legislative program which they both would have opposed under different conditions" (86). Testimony from both NEA officials and Catholic leadership were in favor of the bill. Francis Keppel put it this way, "In a nice way, the administration in effect said, Do you dare oppose this one? In fact the parties did not, and actually they gave favorable testimony when asked their views by the Committees of Congress" (Jeffrey 74).

The religious issue became resolved mostly due to the coalitions built by Keppel, and the poverty formula that had been developed by Perkins. By focusing on the needs of impoverished children, Title I established that parochial school children must be included by local school districts in their special services and arrangements for deprived children.

With the overall success of getting the various sides in the church-state issue to comply with the administration's bill came rhetoric that Congress had never heard before. For the first time an administration was able to tell Congress that they have a general aid to education bill which includes the blessing of both sides of the once volatile issue. This of course was added to the

fact that segregation was no longer an issue for Congress to concern itself with either.

One other point that should be made about the election concerns the effect it had on the legislative process, specifically the Rules Committee. Two and a half months prior to ESEA's introduction, new rules that the House adopted assured that the bill would not be pigeonholed in the Rules Committee. In the past the Rules Committee had been a virtual graveyard for federal aid to education. Alleviating the fear of this happening again was an important step towards safeguarding the eventual coming of ESEA. These rules were able to be adopted because of the majority gained in the election.

On January 4, 1965, for the first time, the State of the Union address was delivered to Congress at a prime time television hour. In this address President Johnson laid out the terms of the entire Great Society in a series of one sentence proposals. The education message was the second in a series of messages. Eight days later, Johnson sent his much anticipated and more detailed education message to Congress. In it he outlined four major tasks that confronted the nation:

- to bring better education to millions of disadvantaged youth who need it most;
- to put the best educational equipment and ideas and innovations within reach of all students;
- to advance the technology of teaching and the training of teachers;
- to provide incentives for those who wish to learn at every stage along the road to learning (Johnson 26).

President Johnson went on to recommend that "enactment of these proposals for elementary and secondary education is of utmost urgency. I urge early and favorable consideration by the Congress" (Johnson 30).

At the same time the message was being delivered, Rep. Perkins and Senator Morse introduced identical bills in the House and Senate. The formal legislative process had begun on "a bill to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools" (United States Cong. 27).

The bills were to move swiftly and without amendment. These rules were made because of two potential threats to the eventual passage of ESEA: (1) extended time in Congress would allow for the bill's opponents to organize; and (2) differing versions from the House and Senate would necessitate a conference committee risking unwanted compromise, further delay, and possible defeat. The administration strategy ran the risk of being deemed

disrespectful towards Congress and its traditions which might cause some opposition (Bailey 60-61).

The respective bills did move with practically unheard of speed through Congress. As Rules Committee Chairman Howard Smith observed, "this bill has been treated like it was just dropped from heaven, that it is sacred and must not be touched" (Jeffrey 88). This was one of the larger complaints to be found in the minority views. In the opinion of disgruntled Republicans, ESEA was better referred to as the "Railroad Act of 1965" (Eidenberg 95).

The other criticisms by the GOP minority were: that the Title I poverty formula was more suited to benefit wealthy areas more than poorer ones; that money was not concentrated to the best advantage; and that the authority of the Federal government had been wrongfully extended into local school district affairs (Bailey 62)

The "no-amendments" ultimatum was challenged in both the House and Senate, and a few amendments managed to get through at the House committee level. These amendments were either deemed inconsequential or praised for making the bill stronger. As outlined by Bailey, "the principle amendments served: to require evaluation of the effectiveness of Title I projects; to strengthen the provisions of Titles II and III on the authority of public agencies over parochial school benefits; to count, in the Title I formula, children from families that received more, as well as less, than \$2,000 in welfare payments; and to increase the authorization of Title V from \$10 million to \$25 million annually" (62). The "no-amendments" rule pertained more to the Senate than the House because it would be a difference between House and Senate bills that would cause the need for a conference committee. In fact, Senator Morse closed his introductory statement to the Senate by saying that he had been "authorized by the President to ask that the bill pass unamended" (Eidenberg 163). The Senate passed the bill with no amendments. Some were offered but pulled back with the warning that they would endanger the bill, and a promise that they would be given consideration later. The minority did make grand attempts at attaching amendments to the bill, but they were in vain when considering the numbers they were up against.

There were several occasions where amendments were offered which offered on any other bill might have caused a closer vote because of constituencies. For example, amendments were introduced that would increase aid to the more impoverished areas of the country. Voting on the basis of state

interest the vote on these amendments might very well have carried. As it was both amendments were soundly defeated. No one wanted to risk "opening up the flood gates" and threaten the defeat of the entire measure. This is a grand testament to the importance given to this bill (Eidenberg 158).

The Senate eventually passed ESEA by a vote of 73-18. The 18 opposing votes came from 14 Republicans and 4 southern Democrats.

ESEA was passed through Congress for a number of reasons. The election of 1964 created an overwhelming majority for President Johnson to work with. Johnson himself was extremely careful in the "pre-forming" of the legislation. The efforts of men like Francis Keppel, Rep. Carl Perkins, and Senator Wayne Morse were pivotal in the events prior to, and during ESEA's passage. In the House, the passage was accomplished by an open exercise of organized majority party power used to override a helpless minority. The Senate demonstrated a typical degree of bipartisan support for Federal school aid. Johnson succeeded, to a great degree, in his goal of speedy enactment, having pushed the bill through Congress within three months. He also saw acceptable success in his "no amendments" rule in that the original bill came out of the legislative game virtually unchanged.

ESEA and the Struggle Between Congress and the President

When one only considers ESEA from its introduction to its passage it can be concluded that very little if any struggle took place between Congress and the presidency. That is the reason for looking back into the history of aid to education bills before ESEA. The struggle was forced upon the government because of the many explosions in the nation which occurred after World War II. The struggle existed because the existing conditions of the educational systems and poverty were too grave to be ignored. When the struggle started out in post-World War II legislation, a myriad of questions were created, but few answers were offered. As time went on, so did the struggle. Congress offered legislation, and a president who did not stand for such aid was able to block it. Legislation which was deemed acceptable by that president fell into the many pitfalls and pigeonholes of Congress. It seems that every available way to suppress a bill was enlisted at one time or another to block the passage of federal aid to education. Little by little the many questions were beginning to have answers attached to them. Small pieces of legislation were getting

through, and each small victory opened the door of opportunity for an additional and possibly larger victory.

ESEA was shaped and constructed over a trial and error period of over 20 years. Other factors which shaped the act were: the strength and total commitment displayed by President Johnson, the election of 1964 which created a sizable Democratic majority, and effective collaboration among officials in the Executive and Legislative branches. One can conclude that the legislative portion of the bill had been pre-formed at the White House level prior to introduction. Nothing was being left to chance, and the traditional patterns of intergovernmental relations were altered to meet the prerogatives of the Executive (Bailey 70).

Again a conclusion can be drawn when taking only ESEA into consideration that a determined president with the backing of a overwhelming majority can get any legislation pushed through. The history of the epic struggle that came prior to ESEA demonstrates that no policy, no matter how imperative its passage, has an smooth road to travel on its way to becoming law in the United States.

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